



Atglen Borough
Chester County, Pennsylvania

Zoning Ordinance

Adopted December 2014

**BOROUGH OF ATGLEN
ORDINANCE # 513-14**

**AN ORDINANCE OF THE BOROUGH OF ATGLEN, CHESTER
COUNTY, PENNSYLVANIA, ADOPTING A COMPREHENSIVE
AMENDMENT TO THE ATGLEN BOROUGH ZONING ORDINANCE,
ENACTED AUGUST 28, 1995, AS AMENDED, AND FURTHER
AMENDS THE ATGLEN BOROUGH SUBDIVISION AND LAND
DEVELOPMENT ORDINANCE OF 1993, AS AMENDED.**

WHEREAS, the Borough Council (the "Borough Council") of the Borough of Atglen (the "Borough") has empowered a Borough Zoning Update Task Force to, together with the assistance of the Chester County Planning Commission, undertake a thorough review of the existing Atglen Borough Zoning Ordinance (the "Existing Ordinance"); and

WHEREAS, the purpose of the review has been to determine appropriate amendments to the Existing Ordinance in light of current conditions in the Borough and to be consistent with the Chester County Comprehensive Plan Landscapes² as well as in the best interests of the public health, safety and welfare of the Borough; and

WHEREAS, as a result of the review, the Borough Zoning Update Task Force has recommended a comprehensive amendment, including amendments to the Borough Zoning Map, to the Existing Ordinance (the "Amended Zoning Ordinance"); and

WHEREAS, to arrive at the Amended Zoning Ordinance set forth below the Borough Council has considered the work and recommendations from the Borough Zoning Update Task Force, the Borough Planning Commission and a Public Information Meeting held by the Borough; and

WHEREAS, pursuant to Pennsylvania Act 247, the Municipalities Planning Code, a review by the Chester County Planning Commission has been conducted and a public hearing has been held pursuant to public notice, at which all members of the public have had an opportunity to comment on the comprehensive amendment to the Existing Ordinance (the "Amended Zoning Ordinance"); and

WHEREAS, in order to be consistent with the Amended Zoning Ordinance, it is necessary to also amend certain provisions of the Borough Subdivision and Land Development Ordinance.

Now, Therefore, Be it Ordained by the Borough Council of the Borough of Atglen:

SECTION ONE: that the Existing Ordinance and the Subdivision and Land Development Ordinance are amended to provide the Amended Zoning Ordinance and amendments to the Subdivision and Land Development Ordinance as set forth on pages which follow.

SECTION TWO: Severability

The provisions of this Ordinance are severable, and if any clause, sentence, subsection, section, Article or part thereof shall be adjudged by any court of competent jurisdiction to be illegal, invalid, or unconstitutional, such judgment or decision shall not affect, impair, or invalidate the remainder of this Ordinance, but shall be confined in its operation and application to the clause, sentence, subsection, section, Article, or part thereof so rendered. It is hereby declared to be the intent of the Borough Council that this Ordinance would have been adopted if such illegal, invalid or unconstitutional clause, sentence, subsection, section, Article, or part of thereof had not been included therein.

SECTION THREE: Repealer

Any ordinance or part of an ordinance conflicting with this Ordinance shall be and the same is hereby repealed insofar as the same affects or is inconsistent with this Ordinance.

SECTION FOUR: Effective Date

This Ordinance shall become effective ten days after its adoption by Borough Council or as otherwise provided for by law.

ENACTED AND ORDAINED this 1st day of December, 2014 by the Borough Council of the Borough of Atglen.

BOROUGH OF ATGLEN

By: 

Dirk W. Hagen, President



Brian Wenzka, Mayor

ATTEST:



Caren Andrews, Manager/Secretary

Atglen Borough
Chester County, Pennsylvania

ATGLEN BOROUGH ZONING ORDINANCE, 2014

Adopted December 1, 2014

Atglen Borough Council

Dirk Hagen – President
Charles Palmer, Jr. – Vice President
Carol Moyer McGrath
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Borough Mayor

Brian Wenzka

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Carol Moyer McGrath – Secretary
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Borough Zoning Update Task Force

Dirk Hagen
Larry Lavenberg (prior member)
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Caren Andrews
P. Gail Murphy* (project inception to 3/2014)

Borough Zoning/Code Officer

William Beers

Borough Solicitor

Conrad O'Brien, PC

Technical Assistance and Funding

This Zoning Ordinance was prepared by Atglen Borough with the technical assistance provided by the Chester County Planning Commission. Funding was provided, in part, through a grant from the Vision Partnership Program sponsored by the Chester County Board of Commissioners. The Ordinance has been prepared in conjunction with the principles of the County's policy plan, Landscapes, as a means of achieving greater consistency between local and county planning programs.

Atglen Borough Zoning Ordinance
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ARTICLE 1

PREAMBLE

SECTION 101 TITLE

This Ordinance shall be known and may be cited as "The Atglen Borough Zoning Ordinance, 2014.

SECTION 102 PURPOSE

This Ordinance is enacted under and pursuant to the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247, as amended for the following reasons and purposes:

- A. To promote, protect and facilitate any or all of the following: the public health, safety, morals, and the general welfare; coordinated and practical community development and proper density of population; emergency management preparedness and operations, airports, and national defense facilities, the provisions of adequate light and air, access to incident solar energy, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, recreational facilities, public grounds, the provision of a safe, reliable and adequate water supply for domestic, commercial, agricultural and industrial use, and other public requirements; as well as preservation of the natural, scenic, and historic values in the environment and preservation of forests, wetlands, aquifers and floodplains.
- B. To prevent one or more of the following: overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers.
- C. To preserve prime agriculture and farmland considering topography, soil type and classification, and present use.
- D. To provide for the use of land within the municipality for residential housing of various dwelling types encompassing all basic forms of housing, including single-family and two-family dwellings, and a reasonable range of multifamily dwellings in various arrangements, mobile homes and mobile home parks, provided, however, that no zoning ordinance shall be deemed invalid for the failure to provide for any other specific dwelling type.
- E. To accommodate reasonable overall community growth, including population and employment growth, and opportunities for development of a variety of residential dwelling types and nonresidential uses.

SECTION 103 COMMUNITY DEVELOPMENT OBJECTIVES

It is recognized that circumstances can necessitate the adoption and timely pursuit of new goals and the enactment of new zoning ordinances which may neither require nor allow for the completion of a new comprehensive plan and approval of new community development objectives. This Ordinance is enacted to implement the spirit and intent of the *Atglen Borough Comprehensive Plan (2000)*, as amended, and other applicable codes, ordinances, or studies, as amended, according to the following community development objectives:

- A. Promote a mixed-use economic base in core areas and other designated growth areas to meet development objectives while maintaining historical character by limiting the size, scale, intensity, and location of new development.
- B. Provide, maintain, and enhance a balance of effective community facilities, commercial activity, employment opportunities, institutions, parks, and diverse residential opportunities.

- C. Support development and maintenance of safe, well maintained, and affordable housing to meet the needs of all residents by providing for a mix of housing types including the opportunity for senior housing.
- D. Provide a safe, interconnected, managed grid street network that ensures mobility and accessibility for all transportation modes and meets the functional, social, and transportation needs of the Borough.
- E. Promote and enhance alternative transportation modes and pedestrian linkages within and between the core commercial areas, neighborhoods, parks, and other destinations to provide better local and regional mobility.
- F. Provide appropriate, well designed and landscaped parking facilities in the core area and commerce centers that incorporate flexibility and innovation to meet parking needs in a constrained urban area.
- G. Provide for adequate signs that are of the appropriate size, scale, intensity, and location to complement the historical character of Atglen Borough.
- H. Preserve, conserve, and enhance the valuable natural resources of Atglen by directing growth and development to areas with adequate infrastructure while protecting open space, forest lands, steep slopes, water resources, and environmentally sensitive areas.

SECTION 104 AUTHORITY

This Ordinance has been drafted and adopted in accordance with the provisions of Article 6, "Zoning" of the Municipalities Planning Code.

SECTION 105 INTERPRETATION AND APPLICATION

In the interpretation of the provisions of this Ordinance, the said provisions shall be held to be the minimum requirements for the promotion of the health, safety, and general welfare of the Borough for the promotion of the purposes of this Ordinance. From and after the effective date of this Ordinance, the use, construction, and development of all land, buildings, structures, signs or portions thereof, shall be subject to and in conformance with the regulations herein. Any existing buildings, structures, land, uses, or signs not in conformity with the regulations herein shall be considered nonconforming, but may be continued or changed subject to the regulations herein regarding nonconformities.

SECTION 106 CONFLICT

It is not the intention of this Ordinance to interfere with, abrogate, annul, or cancel any other rules, regulations, ordinances, statutes, permits, covenants or restrictions. When the provisions of this Ordinance impose greater restrictions than those of any other rules, regulations, ordinances, statutes, permits, covenants or restrictions, the provisions of this Ordinance shall prevail. Where the provisions of any other rules, regulations, ordinances, statutes, permits, covenants or restrictions impose greater restrictions than this Ordinance, the provisions of such shall prevail.

SECTION 107 VALIDITY AND SEVERABILITY

Should any word, term, phrase, clause, sentence, paragraph, subsection, section, or article of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole, or any other part thereof.

SECTION 108 REPEALER

All existing ordinances or parts thereof which are contrary to provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

SECTION 109 EFFECTIVE DATE

This Ordinance shall be known and may be cited as the "Atglen Borough Zoning Ordinance of 2014." This Ordinance shall take effect and be in force ten (10) days after its adoption this 1st day of December 2014.

ARTICLE 2

DEFINITIONS

SECTION 201 DEFINITIONS AND WORD INTERPRETATION

Unless otherwise expressly stated, the following words shall be construed throughout this Ordinance to have the meaning set forth in this Article.

- A. Words used in the present tense include the future.
- B. The singular includes the plural and the plural the singular.
- C. The masculine gender includes the feminine and the neuter.
- D. The words "shall" and "must" are mandatory.
- E. The word "may" is optional.
- F. The words "district" and "zone" shall be synonymous.
- G. The word "used" shall include the words "arranged", "designed", or "intended to be used".
- H. The word "person" includes an individual, corporation, partnership, public or private association or corporation, firm, trust, estate, governmental unit, or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties.
- I. Where terms, phrases, or words are not defined, they shall have their ordinarily accepted meaning or such as the context may imply.

SECTION 202 DEFINITIONS

For the purposes of this Ordinance, the following words and phrases shall have the meanings given to them in this Article:

Abandonment. An intentional relinquishment of a use or structure for a continuous period of one (1) year regardless of interest. Commercial or industrial abandonment shall be measured from the date of the last record of sale or regular and permanent occupancy, whichever occurs first. Residential abandonment shall be measured from the last date of regular and permanent occupancy. (See regular and permanent occupancy.)

Accessory Apartment. See Dwelling Unit.

Adult. An individual considered in the law to be an adult, that is, a person of at least eighteen (18) years of age.

Adult Use. A business establishment where the principal use is to offer its patrons the sale of services, entertainment or retail goods, characterized in substantial or significant part by the display of obscene or sexual conduct or distribution of explicit sexual materials, which, if knowingly displayed or distributed to a person under eighteen (18) years of age, would violate the criminal laws of the Commonwealth of Pennsylvania. Adult use shall include, but not be limited to:

- A. **Adult Book Store.** An establishment having as a substantial or significant portion of its stock in trade explicit sexual materials.
- B. **Adult Entertainment Center.** An enclosed building used as a business, club, cabaret, nightclub, movie theater, bar or similar establishment, which offers its patrons a motion picture show or other dissemination, presentation or performance which, in whole or in part, depicts nudity, sexual conduct or sadomasochistic abuse.
- C. All terms used in connection with "Adult Use", "Adult Book Store" or "Adult Entertainment Center" shall have the meanings attributed to them in 18 Pa.C.S.A. 5903.

Agricultural Animal. Animals raised as a part of an agricultural operation for sale, the production of other products, work animals, or for recreation, including but not limited to horses, mules, cattle, oxen, sheep, goats, pigs, and poultry.

Agricultural Building. Buildings such as those for agricultural uses including but not limited to barns, poultry houses, corncribs, and other similar farm structures.

Agriculture Use/Operation. An enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock and livestock products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry.

Alley. A minor right-of-way which is publicly owned and used primarily for secondary vehicular access to the rear or side of properties otherwise abutting a public street.

Alluvial Soils. Soils consisting of alluvium deposits by floods, as defined by the US Department of Agriculture, Natural Resource Conservation Service, Soil Survey.

Alteration. Any change, or modification in construction or type of occupancy or any change in structural members of a building, such as bearing walls or interior partitions, columns, beams, joists, girders or rafters, not including normal repairs or replacement of elements of a building or an addition thereto.

Amendment. Any change which includes revisions to the zoning text and/or the official zoning map. The authority for any amendment lies solely with the Borough Council.

Antenna. Any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves, which is external to or attached to the exterior of any building.

Antenna, Satellite Dish. A device incorporating a reflective surface that is solid, open mesh or bar configured and is in the shape of a shallow dish, cone, horn or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally-based uses. This definition is meant to include, but not be limited to, what are commonly referred to as satellite earth stations, TVs and satellite microwave antennas.

Applicant. A landowner(s) or developer(s), their heirs, successors or assigns, who has submitted an application for development.

Application for Development. Every application, whether preliminary, tentative or final, required to be filed and approved prior to start of construction or development including, but not limited to, an application for a zoning permit or building permit, for the approval of a subdivision plat or plan or for the approval of a development plan.

Area and Bulk Regulations. Provisions which regulate individual lot sizes and the spatial arrangement of structures within individual lot boundaries including but not limited to required minimum yards and building height restrictions.

Area. See Lot Area, Floor Area or Building Area.

Area, Building. See Building Area.

Awning. An architectural projection that provides weather protection, identification or decoration and is wholly supported by the building to which it is attached. An awning is comprised of a lightweight, rigid skeleton structure over which a covering is attached.

Bank or Financial Institution. Any building wherein the primary occupation or use is concerned with such businesses as banking, savings and loan associations, credit unions, loan companies, mortgage companies, or investment companies.

Basement. Any area of the building having its floor subgrade below ground level on all sides.

Bed and Breakfast Establishment. An accessory use to a dwelling unit in which temporary lodging accommodations are provided to transient persons for compensation, including the serving of morning breakfast and/or afternoon refreshments .

Belt Course. A decorative horizontal band projecting from exterior building walls usually composed of projecting and/or contrasting stone or brick typically defining interior floor levels. See Figure 2-1.

Figure 2-1: Belt Course



Best Management Practices (BMP). Activities, facilities, designs, measures, or procedures used to manage stormwater impacts from regulated activities, to provide water quality treatment, infiltration, volume reduction, and/or peak rate control, to promote groundwater recharge, and to otherwise meet the purposes of this Ordinance and the Borough Stormwater Ordinance. BMP's shall otherwise be in accordance with the Borough Stormwater Ordinance.

Block. An area of land bounded by streets.

Boarding/Rooming House. A use of a single family detached dwelling unit, or part thereof, arranged or used for lodging within individual bedrooms, with or without meals, for compensation, but in which no provision is made for cooking in any individual room or suite

Borough Council. The Borough Council of Atglen Borough, Chester County, Pennsylvania.

Buffer (Buffer Yard). An area to be used and maintained as a horizontal physical barrier between uses and/or where otherwise specified consisting of a strip of land maintained to separate parcels or uses of land in conjunction with associated landscaping and screening, where required, that may include, but not be limited to, a berm, fence, wall, or vegetative plantings.

Build-to Line. A line which dictates the placement of a building or structure from the street right-of-way on which the building or structure fronts.

Building. A combination of materials to form a permanent structure having walls and a roof. Included shall be all manufactured homes and trailers to be used for human habitation.

Building Area/Footprint. The square footage that a building occupies on a lot. Building area shall be measured from outside wall to outside wall and shall not include the dimensions of cornices, eaves and gutters. Building area shall include uncovered and covered porches and all roofed portions of a building.

Building Coverage. The Building Area of all principal and accessory structures that exist or are proposed upon at lot, expressed as a percent of the total area of a lot or tract. See Figure 2-28 on page 2-35.

Building Entrances.

- A. **Recessed.** A building entrance where the entrance door is recessed from the building façade providing cover for patrons from the elements and visual interest. See Figure 2-2.

Figure 2-2: Recessed Building Opening



- B. **Protruding/Portico.** A building entrance where the entrance door protrudes from the building façade providing visual interest and a clear individualized delineation for the buildings entrance. See Figure 2-3

Figure 2-3: Protruding/Portico Building Opening



- C. **Canopy/Awning.** A building entrance where there is an awning or canopy over the entrance door providing cover for patrons from the elements and visual interest. See Figure 2-4.

Figure 2-4: Canopy/Awning over Building Opening

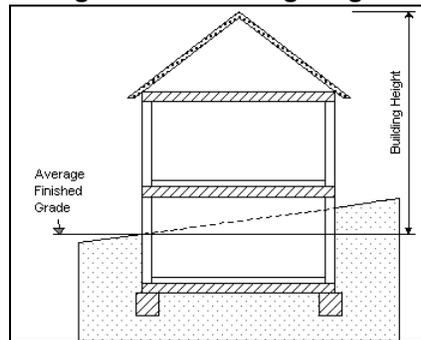


- E. **Pent Roof/Roofed Cover.** A building entrance where there is a permanent pent roof or supported roof over the entrance door and sidewalk (where applicable) providing cover for patrons from the elements and visual interest. See Figure 2-5.

Figure 2-5: Pent Roof/Roof Cover over Building Opening

Building Envelope. The remaining area within a lot, outside of the minimum required yards, where a principal structure may be built, in compliance with maximum building coverage and building height requirements in the zoning districts of this Chapter. See Figure 2-28 on page 2-35.

Building Height. The vertical distance measured from the mean level of the average finished grade surrounding the building foundation to the peak of the highest point of the roof, excluding chimneys, spires or antennas. See Figure 2-6.

Figure 2-6: Building Height

Building Length. The horizontal measurement of any continuous building wall.

Building Line. A line that extends the full width of a lot, and parallel to the front lot line located at the closest point of the principal structure to the front lot line. The building line shall be no closer to the front lot line than the minimum required front yard in the applicable zoning district, but may be a greater distance depending on the particulars of the lot and building size. See Figure 2-28 on page 2-35.

Building Code Official. An official appointed and authorized by the Atglen Borough Council to undertake official Borough actions including but not limited to the receipt, approval, and serving of Borough permits and other business, including but not limited to the Borough Zoning Officer, Building Code Official, Code Officer, and other officials as appointed by Borough Council.

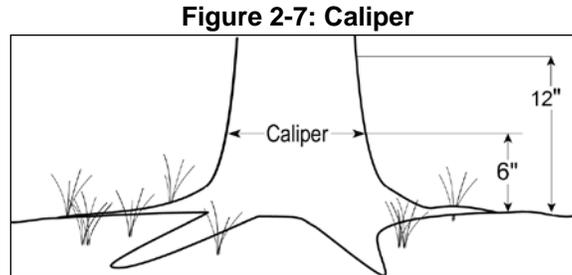
Building Permit. A statement issued and signed by the Building Code Official, or other duly authorized agent of the Borough of Atglen, which authorizes the erection, construction, alteration, conversion, replacement, diminution or enlargement of a building or structure. The statement should indicate that the proposed activity complies with the applicable Borough Codes and Ordinances.

Building, Principal. A building or, where the context so indicates, a group of buildings, in or on which is conducted the principal use of the lot on which such building is located.

Building Setback Line. A line parallel to, and set back from the front lot line at a distance equal to the depth of the minimum required front yard for the district in which the lot is located.

Bulk. A term used to describe the size of buildings and their relationship to each other, to open areas such as yards and to lot lines, and includes the size, height, and floor area of buildings.

Caliper. The diameter of a tree trunk measured six (6) inches above the ground for trees up to and including four (4) inch caliper and measured twelve (12) inches above the ground for trees larger than four (4) inch caliper. See Figure 2-7.



Carpport. A roofed structure, open on a minimum of two (2) sides and used in conjunction with a dwelling for the storage of private motor vehicles.

Cartway. The paved surface of a street or alley available for vehicular traffic or use including on-street parking spaces but excluding shoulders, berms, drainage swales, and other portions of the road right-of-way.

Cemetery. Land used or intended to be used for the burial of the deceased, including, but not limited to, columbarium, mausoleums, and mortuaries when operated in conjunction with the cemetery and within its boundaries.

Centerline. The center of a surveyed street, road, lane, alley, or alley right-of-way, or where not surveyed, the center of the cartway.

Certificate of Use and Occupancy. A statement signed, issued, and administered by the Building Code Official, or other duly authorized agent of the Borough of Atglen, upon completion of construction of a new building or upon change or conversion of a structure or use of a building, which establishes that a building or use complies with all requirements and regulations as provided in this Ordinance and other applicable codes, and that the same may be occupied or used for the intended use.

Change of Use. An alteration of a building, structure, or land by changing a use theretofore existing to a new use which imposes different provisions of law governing building construction, equipment, exits, or zoning regulations.

Child. An individual considered in the law to be a minor, that is, a person under the age of eighteen (18) years.

Civic Spaces. Civic spaces are primarily informal public open spaces spatially defined in part by landscaping and by buildings, either public or privately owned but open to the public. Civic spaces typically provide a means of seating whether through tables and chairs, benches, or low seating walls typically serving as enclosures for landscaping or water features. A majority of the surface of civic spaces is paved using concrete, in some cases decorative either through color, texture, or pattern, or by brick pavers, flagstone or some other material. Civic spaces may include grassed areas, particularly for larger plazas in addition to water features and informational kiosks. Landscaping and trees should be scattered throughout civic spaces in addition to landscaped planters or beds containing flowers, shrubs, or other vegetation, particularly along the periphery of the space. Civic spaces may take the following forms:

- A. **Courtyard.** Smaller open spaces typically providing seating and landscaping where the public may use as a waiting area, eating lunch, having meetings, or enjoying the outdoors. See Figure 2-8.

Figure 2-8: Courtyard



- B. **Plaza.** Larger open spaces serving the same function as a Courtyard but may include larger grassed areas, more substantial landscaping, and areas for community gatherings, concerts, or performances. See Figure 2-9.

Figure 2-9: Plaza



Clearcutting. The act of uniformly felling or cutting down all trees within a contiguous section of forest or woodlands, in contrast to selective cutting of trees for approved timber harvesting operations or to allow development of approved plans.

Clear Sight Triangle. An area of unobstructed vision at a street intersection defined by lines of sight between points a given distance from the intersection of street center lines.

Coffee Shop. A retail business selling limited ready-to-eat food and/or beverages where customers are served from an ordering counter for either on or off-premise consumption (“counter service”). Typical food provided includes bakery items, candy, nut, and confections, ice cream and frozen dessert, and pre-made sandwiches. Coffee shops may also provide limited outdoor seating. This use does not include a mobile food vendor.

Commercial Parking Facility. Parking facilities created for the purpose of generating income from paid parking, but not including commuter parking lots owned by a transit operator.

Commercial Telecommunications Facility (Telecommunications Facility). A structure(s) that includes a transmitting, receiving, or relay tower/antennae support structure, communications equipment, and accessory related buildings or structures that is licensed by the Federal Communications Commission for the specified purpose of transmitting or receiving signals or frequencies for television, radio, or telephone communications or other communications beyond that which would be used for normal personal or residential use. Such uses shall include a cellular, television, radio, or microwave tower. Such a facility includes antennas and towers, either individually or together. (Ordinance Amendment 464-2011)

Commercial Use. A use of land or improvements thereto for the purpose of engaging in retail, wholesale, or service activities for profit.

Community Center. A building used for recreational, social, educational, and cultural activity, open to the public, typically owned and operated by a municipality, other governmental agency, or a nonprofit group.

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

Completely Dry Space. A space which will remain totally dry during flooding, the structure is designed and constructed to prevent the passage of water and water vapor. (Ordinance Amendment 386-06)

Comprehensive Plan. The Comprehensive Plan of the Borough of Atglen, Chester County, Pennsylvania, as adopted and amended from time to time.

Connectivity (Connections). The measurement of a system of streets or pedestrian amenities (sidewalks, trails) ability to provide multiple routes and connections serving the same origins and destinations. Simply stated, a high degree of connectivity means there are many ways to get from Point A to Point B. (based on PennDOT 2012 PUB 731)

Continuing Care Retirement Center. A facility designed and operated for mature adults, which meets the definition of “housing for older persons” as set forth in the Fair Housing Amendments Act of 1988, as amended, that may offer one or more levels of assistance, including but not limited to independent living, assisted living, and skilled nursing and may offer a continuum of housing, services and health care systems, all in one building, campus, or site. Such facilities are operated for adults, generally fifty-five (55) years old or older, that may include one or any combination of the following:

- A. **Independent Living.** This type of facility provides attentiveness for seniors who can essentially take care of themselves but need someone to sporadically check on them or be on call for certain needs. Independent living may take place in a congregate care center (communal setting), apartments, or facility where there are independent living units which may be rental assisted or market rate housing.
- B. **Assisted Living.** Assisted living facilities typically involve a congregate care (communal) or apartment style facility designed to focus on providing assistance with daily living activities. Assisted living provides a higher level of service which may include preparing meals, housekeeping, dressing, bathing, medication assistance, laundry, and regular check-ins on the residents. Assisted living is designed to bridge the gap between independent living and skilled nursing home facilities.
- C. **Skilled Nursing (Nursing Home).** Skilled nursing homes are traditional nursing facilities. They provide medical nursing service for residents with serious illnesses or disabilities twenty-four (24) hours a day where patients generally rely on assistance for most or all daily living activities. These facilities require state and federal licenses in order for them to provide care by registered nurses, licensed practical nurses, and certified nurse aids.

Construction. The construction, reconstruction, renovation, repair, extension, expansion, alteration, or relocation of a building or structure, including the placement of mobile homes.

Convenience Store. A small (typically less than five thousand (5,000) square feet in size) retail store or shop designed and intended to serve local residents that sells limited items such as candy, ice-cream, soft drinks, lottery tickets, cigarettes and other tobacco products, newspapers and magazines, hygiene products, a limited selection of food, some groceries, and potentially auto related products such as motor oil, windshield washer fluid, radiator fluid, and maps within a building designed similar to the surrounding structures in the traditional neighborhood development.

Conversion. An alteration of a building, structure, or land, or change of an existing use, to a new use.

Conversion, Residential. See Dwelling Unit.

Curblin. The outer edge of a cartway.

Curb Cut. A gap in a curb to enable vehicular access to a driveway or alley or for a pedestrian ramp, sidewalk, walkway or other similar feature.

Day Care. A facility which, on a daily basis, exclusively provides supplemental care and supervision and/or instruction to children or adults who are not all related to the care giver or operator, where tuition, fees or other forms of compensation are charged, whether governmentally subsidized or not, and which is licensed or approved to dispense such care by the Commonwealth of Pennsylvania, and whether operated for profit or not-for-profit. The following definitions are included herein but, where applicable, are subject to change by the PA Department of Public Welfare, which shall prevail in the case there is a conflict:

A. Day Care operated as a home occupation:

1. **Family child day care home.** A home other than the child's own home, operated for profit or not-for-profit, in which child day care is provided at any one time to four, five or six children unrelated to the operator. A family child day care home shall have a certificate of registration from the PA Department of Public Welfare in order to legally operate. This use is typically a home occupation.
2. **Group child day care home.** The premises in which care is provided at one time for more than six but fewer than 16 older school-age level children or more than six but fewer than 13 children of another age level who are unrelated to the operator. The term includes a facility located in a residence or another premises. A group child day care home shall have a certificate of compliance ("license") from the PA Department of Public Welfare in order to legally operate. This use is typically a home occupation.
3. **Home Child Day Care.** This is non-intensive home occupation serving less than four (4) children unrelated to the homeowner, falling below the number of children requiring a license or registration required by the PA Department of Public Welfare.

B. Commercial Day Care (Child day care center). The premises in which care is provided at any one time for seven or more children unrelated to the operator. A child day care center shall have a certificate of compliance ("license") from the PA Department of Public Welfare in order to legally operate. This use is typically a non-residential use.

Deck. A unroofed structure that is an unroofed platform supported by pillars or posts, either freestanding or attached to the principal structure, that shall meet all applicable setbacks for the zoning district in which the structure is located and shall be considered as a permeable surface so long as the deck surface is open (allowing for water to pass between gaps in the deck surface) and the ground surface below the deck allows for the infiltration of water.

Density. A measure of the number of units per unit of area. It shall be expressed in dwelling units per gross acreage for the parcel or tract on which the development is located.

Developer. Any landowner, agent of such landowner, or tenant with the permission of such landowner, who makes or causes to be made, a subdivision of land or a land development.

Development. Any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures; the placement of manufactured homes; streets, and other paving utilities, filling, grading and excavation; mining; dredging; drilling operations; storage of equipment or materials; and the subdivision of land.

Development Plan. The provisions for development, including a planned residential development, a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase 'provisions of the development plan" when used in this Ordinance, shall mean the written and graphic materials referred to in this definition.

Diameter at Breast Height (DBH). The outside bark diameter of a tree at breast height which is defined as four and one half (4.5) feet (one and thirty-seven one-hundredths of a meter (1.37 m)) above the forest floor on the uphill side of the tree.

District, Base. A zoning district designated by this Ordinance and whose boundaries are depicted on the Zoning Map for the Borough of Atglen.

District, Overlay. A zoning district designated by this Ordinance and whose boundaries are depicted on Zoning Map for the Borough of Atglen, apply only to specific designated areas, or for certain features as determined by the text of this Ordinance and delineated in Article 3, Establishment of Districts.

Domesticated Animals. Any of various non-farm (agricultural) animals, typically kept for personal enjoyment or companionship, that have been tamed and made fit for a human environment, and are generally kept inside the primary residence. Domestic animals are generally considered "pets", and are generally smaller animals including, but not limited to dogs, cats, hamsters, rabbits, turtles, birds, and fish.

Double Frontage Lot. A lot extending between and having frontage on two (2) generally parallel streets or alleys.

Driveway. A vehicular access from a street or right-of-way to no more than two (2) dwelling units.

Driveway, Access (Accessway). A private drive providing a defined safe and orderly point of access across sidewalks, curbs, and buffer areas between a public or private street and off-street parking or loading areas within a land development and/or drive servicing more than two units of occupancy (multi-family developments).

Drive-Through. An accessory use to an establishment which by design, physical facilities, service or by packaging procedures, encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their motor vehicles.

Dwelling, Principal. The primary use of a parcel in a residential zoning district. Except as otherwise permitted by this Ordinance, there shall be only one principal dwelling (building) on each lot.

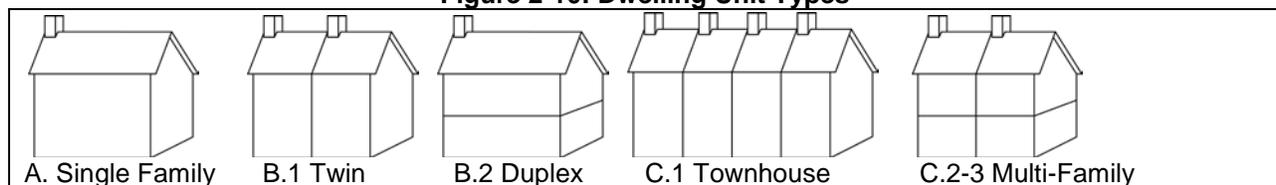
Dwelling Unit. A single unit providing complete independent living facilities for one (1) or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

Dwelling Unit Types. Dwelling units may be arranged in the following manner (See Figure 2-10):

- A. **Single Family Detached.** A building providing one (1) dwelling unit used exclusively for occupancy by one (1) family with building having independent access, two (2) side yards, one (1) front yard, and one (1) rear yard.
- B. **Two-Family Dwelling (semi-detached).** A building designed for and containing two (2) independent dwelling units, each with separate access and separated by a party wall. Two-family Dwellings may be referred to in one (1) of the following two (2) configurations or some other similar arrangement:
 1. **Twin.** A building consisting of two (2) attached buildings each containing one (1) independent dwelling unit separated by a vertical party wall and each dwelling unit existing on a separate lot. Each dwelling unit has one (1) side yard opposite the side with the party wall, one (1) front yard, and one (1) rear yard. Dwelling units could be considered "side by side."

2. **Duplex.** One (1) building consisting of two (2) dwelling units separated by a horizontal party wall on the same lot. Dwelling units could be considered “over-under.”
- C. **Multi-Family.** A building containing three (3) or more dwelling units. Multi-family units may be arranged in the following configurations: townhouses, apartment building, mixed use.
1. **Townhouse.** A single-family attached dwelling unit in a row of at least three (3) such units in which each dwelling unit has independent access to the outside, there is only one (1) dwelling unit from ground to roof, and each dwelling unit is separated from any other dwelling unit by one (1) or two (2) vertical fire-resistant party wall(s). Dwelling units with two (2) party walls have no side yards and end units have one (1) side yard opposite the side with the party wall. Townhouses may or may not exist on independent lots.
 2. **Apartment Building.** A building or part of a building containing three (3) or more independent dwelling units for rent, separated by party walls, regardless of configuration. Each dwelling unit has independent access, however, in some cases access to the outside may be accomplished by a common hallway in accordance with building codes and fire regulations.
- D. **Mixed Use.** Dwelling unit(s) above or behind a non-residential use within the same building, physically separated from any other dwelling unit or non-residential use. Each dwelling unit has independent access to the outside, however, in some cases access may be accomplished by a common hallway for dwelling units in accordance with building codes and fire regulations. The outside access shall be separate from the access for the associated non-residential use. Mixed use may qualify as multi-family where there are three (3) or more dwelling units.
- E. **Accessory Apartment.** An accessory dwelling unit created within a single-family detached dwelling that is clearly accessory to the single family principal use and available for rent or lease by the owner occupying the principal single family dwelling where permitted by this Ordinance.
- F. **Conversion, Residential.** A change in residential use from one (1) single-family dwelling unit to two (2) dwelling units in the same building . One (1) unit shall be considered a principal use owned and occupied by the owner of the property while the second unit may be rented or leased.
- G. **Apartment.** A dwelling for a single family that may occur in one of several variations, including but not limited to apartments above or behind nonresidential uses (mixed use), accessory apartment within a principal single-family detached dwelling (accessory apartment), conversion of a single family detached dwelling to apartments (residential conversion), or an apartment building.

Figure 2-10: Dwelling Unit Types



Easement. An interest in land owned by another that entitles the holder to specific limited use or enjoyment.

Emergency Service Facility. Facilities housing public emergency service providers including but not limited to Police, Fire, and Ambulance/Emergency Management Technician.

Essentially Dry Space. A space which will remain dry during flooding, except for the passage of some water vapor or minor seepage; the structure is substantially impermeable to the passage of water.

Façade. The face of a building, typically the face containing the main entrance to the building, or any face fronting upon a public street.

Family. A family is one (1) or more individuals living together as a single nonprofit housekeeping unit, sharing kitchen and other common facilities, and meeting one (1) of the following criteria:

- A. A single person.
- B. Any number of persons related by blood, marriage or adoption, including foster children and including not more than two (2) other persons, for example, boarders, lodgers or domestic help.
- C. Not more than three (3) unrelated persons living together as a single cooperative household unit, however, excluding occupants of a rooming/boarding house or dormitory.
- D. A group of individuals with disabilities living together as the functional equivalent of a family and entitled to a reasonable accommodation to allow them adequate housing choices pursuant to the Federal Fair Housing Amendments Act of 1988 (42 U.S.C. §§ 601 et. seq.) and the Pennsylvania Human Relations Act (43 P.S. §§ 951-963).

Fence. A structure consisting of natural and/or man-made materials designed to enclose an outdoor activity or serve as a screen or barrier between uses.

Fill. Any act by which earth, sand, gravel, rock or any other material is placed, pushed, dumped, transported or moved to a new location above the natural surface of the ground or on top of the stripped surface and shall include the conditions resulting therefrom. The difference in elevation between a point on the original ground and a designated point of higher elevation on the final grade. The material used to make a fill.

Flood. A temporary inundation of normally dry land areas.

Flood Elevation, Regulatory. The one hundred (100) year flood elevation plus a freeboard safety factor of one and one-half (1 1/2) feet.

Flood, One Hundred Year. A flood that, on the average, is likely to occur once every one hundred (100) years (i.e. that has one (1) percent chance of occurring each year, although the flood may occur in any year).

Floodplain. Land areas which are subject to partial or complete flooding from an adjoining or nearby river or watercourse. For the purpose of this Ordinance, the floodplain shall include but may not be limited to the area included in the Flood Hazard Overlay.

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

Floodplain Area, Identified. The floodplain area specifically identified in this Ordinance as being inundated by the one hundred (100) year flood.

Floodproofing. Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway. The designated area of a floodplain required to carry and discharge flood water of a given magnitude. For the purposes of this ordinance, the floodway shall be capable of accommodating a flood of the one hundred (100) year magnitude.

Floor Area. The sum of the areas of all floors of a building or structure as measured from the interior faces of the walls, or from the centerline of the walls separating dwelling units or primary uses. Floor area does not include unfinished basements, unenclosed porches, or unfinished attics not intended for human habitation; or any floor space in an accessory building intended for the parking of motor vehicles; or any floor space intended and designed for accessory heating and ventilating equipment.

Floor Area, Gross. The sum of the gross horizontal areas of the several floors of a building or structure from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but excluding any space where the floor-to-ceiling height is less than six (6) feet.

Floor Area, Habitable. The aggregate of the horizontal areas of all rooms used for habitation, such as living room, dining room, kitchen, bedroom, but not including hallways, stairways, cellars, attics, service rooms or utility rooms, bathrooms, closets, nor unheated areas such as enclosed porches, nor rooms without at least one (1) window or skylight opening onto an outside yard or court. At least one-half of the floor area of every habitable room shall have a ceiling height of not less than seven (7) feet and the floor area of that part of any room where the ceiling height is less than five (5) feet shall not be considered as part of the habitable floor area.

Floor Area, Net Retail. All that space relegated to use by the customer and the retail employee to consummate retail sales, including display areas used to indicate the variety of goods available for the customer, but not to include office space, storage space and other general administrative areas.

Footpath. An unpaved, narrow, single track pedestrian walkway used in natural settings or sensitive areas to provide limited pedestrian access to or through natural features or areas.

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

- A. **Felling.** The act of cutting a standing tree so that it falls to the ground.
- B. **Landing.** A place where logs, pulpwood, or firewood are assembled for transportation to processing facilities.
- C. **Litter.** Discarded items not naturally occurring on the site such as tires, oilcans, equipment parts, and other rubbish.
- D. **Operator.** An individual, partnership, company, firm, association, or corporation engaged in timber harvesting, including the agents, subcontractors, and employees thereof.
- E. **Pre-commercial Timber Stand Improvement.** A forest practice, such as thinning or pruning, which results in better growth, structure, species composition, or health for the residual stand but which does not yield a net income to the land owner, usually because any trees cut are of poor quality, too small or otherwise of limited marketability or value.
- F. **Skidding.** Dragging trees on the ground from the stump to the landing by any means.
- G. **Slash.** Woody debris left in the woods after logging, including logs, chunks, bark, branches, uprooted stumps, and broken or uprooted trees or shrubs.
- H. **Stand.** Any area of forest vegetation whose site conditions, past history, and current species composition are sufficiently uniform to be managed as a unit.
- I. **Stream.** Any natural or artificial channel of conveyance for surface water with an annual or intermittent flow within a defined bed and bank.
- J. **Timber Harvesting, Tree Harvesting, or Logging.** The part of forestry involving cutting down trees and removing logs from the forest for the primary purpose of sale or commercial processing into wood products.
- K. **Top.** The upper portion of a felled tree that is not merchantable because of small size, taper, or defect.

Garage, Private. An accessory building or a part of a principal building comprised of enclosed space for the storage of one (1) or more vehicles or belongings of the owner, provided that no business, occupation or service, as defined herein, is conducted for profit, nor space for more than one (1) vehicle or

belongings is leased to a nonresident of the premises. Private garages are typically oriented in one of the following ways:

- A. **Garage, Front Loading.** A garage where the door is facing the street and parallel to the façade of the associated primary structure.
- B. **Garage, Side Loading.** A garage where the door is perpendicular to the street and the façade of the associated primary structure.

Garbage. All table refuse, animal and vegetable matter, offal from meat, fish and fowl, vegetables and fruits and parts thereof, and all other articles and materials ordinarily used for food, for humans or domestic animals, and which have become unfit for such use or which are discarded for any reason.

Garden Structures. Any accessory structure which may be occupied for other than sleeping or general housekeeping purposes, excluding a permitted garage, porch or carport, and shall include, but not be limited to aviaries, gazebos, pergolas, barbecue shelters, bath houses, or private greenhouses. Unscreened, unroofed, unwallled or unfenced patios, and swimming pools are not considered as garden structures but shall be considered other accessory structures as permitted by this ordinance.

Gardening. The cultivation of herbs, fruits, flowers or vegetables, excluding the keeping of livestock.

General Service Shop. Offices and service areas for contractors or craftsman including but not limited to plumbing, heating, carpentry, welding, tool, or machine shops.

Glare. Excessive brightness in the field of view that causes loss in visual performance or annoyance, so as to jeopardize health, safety or welfare. Light caused by either the direct visibility of an exposed light source or by the reflection of a light source that is sufficient to cause annoyance, discomfort, or loss in visual performance or visibility.

Glare, Direct. Illumination beyond property lines caused by direct or specularly reflected rays from incandescent, fluorescent, or arc lighting, or from such high temperature processes as welding, petroleum or metallurgical refining.

Governing Body. Shall mean the Atglen Borough Council, Chester County, Pennsylvania.

Grade, Finished. The completed surfaces of lawns, walks, and roads brought to grades as shown on official plans or designs relating thereto.

Green Area. An urban open space or paved area that includes permeable surfaces, grassed areas, groundcover, substantial landscaping, tree plantings, planters, raised gardens, hanging baskets, planted trellis, or other similar vegetated means to satisfy impervious surface, green area, or open space requirements.

Green Buildings. Applicants whose buildings and/or site development achieve certification by the U.S. Green Building Council (USGBC) at or above the "silver" level rating as defined by the Leadership in Energy and Environmental Design (LEED)

Greenhouse. A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or for personal enjoyment.

Grocery Store. A retail store having a majority of sales in food products intended for off-premise preparation and consumption, that sells a general line of food products, such as canned and frozen foods; fresh fruits and vegetables; fresh and prepared meats, fish, and poultry; and nonfood grocery products such as pharmacy, nonprescription medicines, and personal care products, combined with the larger

variety and size of a superstore format. Grocery stores are typically ten thousand (10,000) square feet or larger.

Ground Floor. The floor of a building nearest the mean grade of the front of the building.

Group Care Facility. A facility providing shelter, counseling, and other rehabilitative services in a family-like environment that may include minimum supervisory personnel, as required to meet standards of the licensing agency where applicable. A group care facility shall be licensed and/or approved if and as required by the appropriate agency. A group care facility shall be permitted within and considered a residential dwelling.

Historic Structure. Any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- C. Individually listed on a local inventory of historic places, at either the County or Borough level, that has been certified either:
 - 1. By an approved state program as determined by the Secretary of the Interior, or
 - 2. Directly by the Secretary of the Interior.
- D. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior.

Home Occupation (No Impact Home Based Business). A business or commercial activity administrated 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 the residential use. (Section 107: MPC)

Horticulture. The use of land for the growing or production for income of fruits, vegetables, flowers, nursery stock, including ornamental plants and trees, and cultured sod.

Hospital. An institution specializing in giving clinical, temporary, and emergency services of a medical or surgical nature to human patients and injured persons, and licensed by state law to provide facilities and services in surgery, obstetrics, and general medical practice. A hospital is typically capable of and permitted to provide twenty-four (24) hour emergency services or overnight lodging of patients

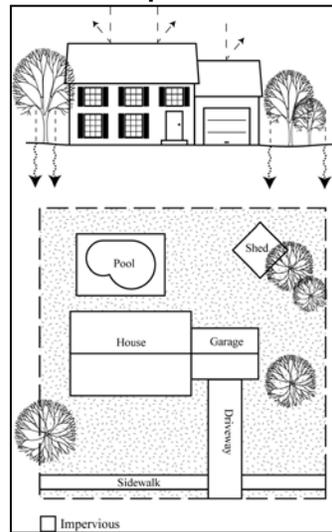
Hotel. A facility offering transient lodging accommodations to the general public and providing additional services or uses including but not limited to restaurants, meeting rooms, and recreational facilities.

Illuminance. Quantity of light, measured in footcandles.

Impervious Coverage (Surface). A surface that has been compacted or covered with a layer of material so that it prevents or is resistant to infiltration of water, including but not limited to: structures such as roofs, buildings, storage sheds; other solid, paved or concrete areas such as streets, driveways, sidewalks, parking lots, patios, decks, swimming pools, tennis or other paved courts; or athletic playfields comprised of synthetic turf materials. Compacted soils or stone surfaces used for vehicle parking and movement shall be considered impervious. Surfaces that were designed to allow infiltration (i.e. areas of

porous pavement) will be considered on a case-by-case basis by the Municipal Engineer, based on appropriate documentation and condition of the material, etc. See Figure 2-11.

Figure 2-11: Impervious Coverage



Improvements. Grading, paving, roads and streets, walkways, curbs, gutters, street lights, fire hydrants, shade trees, water mains, sanitary sewers, storm drains, storm water retention, detention basins, and other related drainage facilities, recreational facilities, open space, and public facilities as may be required by the Atglen Borough Subdivision and Land Development Ordinance, as amended.

Incentives. Additional building coverage, impervious surface coverage, or building height permitted when a developer provides certain voluntary amenities in a development including but not limited to civic spaces, green roofs, and other similar amenities.

Indoor Recreation. A commercial business or nonprofit organization where recreational facilities are provided in an entirely enclosed, indoor facility within a building or structure providing a source of amusement, entertainment, or recreation available for a fee. Indoor recreation may include but is not limited to bowling alleys, athletic courts, indoor swimming pool, gyms for weight training and similar athletic training (martial arts, yoga, spinning, etc), or other similar use.

Indoor Self Storage Facility. A structure designed and intended for lease or rent of individual storage spaces for the sole purpose of storing personal property on a self-service basis.

Indoor Laboratory for testing, research, and development. A completely indoor facility for the testing, research, or development of materials, products, and/or chemicals, but not for production or sale.

Industry. The manufacturing, compounding, processing, assembly or treatment of materials, articles, or merchandise.

Institutional Use. A building or grounds, typically open to or available to the public by a public, non-profit, or governmental agency including but not limited to, libraries, hospitals, churches, educational uses, , nursing homes, municipal uses, and similar organizations including but not limited to the YMCA, YWCA, Boy Scouts, and Girl Scouts. Not to include penal institutions and similar facilities.

Invasive Species (plant). Predominantly non-native, non-indigenous, alien tree, shrub, vine, or herbaceous species that grow or reproduce aggressively, usually because they have few or no natural predators, and which can so dominate an ecosystem that they kill off or drive out many indigenous plant species. (See Appendix A for a list of invasive species)

Junk. Used and discarded materials including but not limited to wastepaper, rags, glass, metal, machinery, equipment, building materials, house furnishings, vehicles, or parts thereof. It shall not include, however, refuse or garbage kept in a proper container for the purpose of prompt disposal.

Junk Yard. An area of land (with or without buildings) used for outside storage of used and/or discarded materials including, but not limited to: waste paper, rags, metal, building materials, house furnishings, machinery, vehicles, or parts thereof (junk), with or without the dismantling, processing, salvage, sale or other use or disposition of the same. The deposit or storage on a lot of two (2) or more unlicensed, un-inspected, wrecked or disabled vehicles, excluding usual farm equipment, or the major part thereof, shall be considered a junk yard. The storage of toxic wastes, radioactive materials, poisons, and other substances which are potentially harmful to man are excluded from this definition.

Kennel. A commercial use that is the principal use of land or a structure where animals (excluding livestock, horses, or poultry) are kept, boarded, raised, bred, treated, sold, or trained for a fee, including but not limited to dogs or cats. This use shall include but is not limited to Commercial Kennels or Boarding Kennels in accordance with applicable state laws.

Land Development. Any of the following activities:

- A. The improvement of one (1) lot or two (2) or more contiguous lots, tracts, or parcels of land for any purpose involving:
 1. A group of two (2) or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure.
 2. The division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
- B. A subdivision of land.
- C. 'Land Development' shall not include the addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building.

Landowner. The legal or beneficial owner of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other person having a propriety interest in the land.

Landscape Screen. A planted visual barrier composed of a variety of deciduous and evergreen plants, shrubs, and trees arranged to form both a low level and high-level vertical screen in accordance with this Ordinance and the Subdivision and Land Development Ordinance where applicable.

Landscaping. Landscaping includes, but is not limited to, grass and other plantings such as ground covers, trees, shrubs, and other vegetation.

Laundrette. A business premise equipped with individual clothes washing and/or drying machines for the use of retail customers, exclusive of laundry facilities provided as an accessory use.

Library. An institutional use in which literary and artistic materials, such as books, periodicals, newspapers, pamphlets, prints, records, and tapes are kept for reading, reference, or lending.

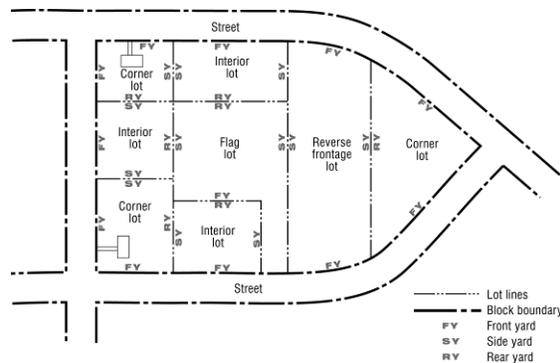
Lighting. Any method or equipment used to provide artificial illumination.

- A. **Diffused.** That form of lighting wherein the light passes from the source through a translucent cover or shade or provides backlighting for recessed faces;
- B. **Direct or Flood.** That form of lighting wherein the source is visible or the light is distributed directly from it to the object to be illuminated;
- C. **Indirect.** That form of lighting wherein the light source is entirely hidden, the light being projected to a suitable reflector from which it is reflected to the object to be illuminated.

Loading Berth/Space. An off-street area on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts a street or other appropriate means of access.

Lot. A parcel of land held in single or separate ownership and which is separately described by metes and bounds, the description of which is recorded in the office of the Recorder of Deeds of Chester County by deed description, or which is described by a duly approved and recorded subdivision plan on file in the office of the Recorder of Deeds of Chester County. The term "lot" shall include a designated parcel, plot, site, tract, area of land, or any other similar term established by a plat or otherwise as permitted by law to be used, developed, or built upon as a unit. See Figure 2-12 depicting different lot configurations.

Figure 2-12: Lot Diagram



Lot, Corner. A lot bounded on at least two (2) sides by streets.

Lot, Flag. A lot which is connected to a public street by a strip of land a minimum of fifty (50) feet in width that is part of the lot, but that is not used in determining the applicable minimum lot area requirement. Flag lots shall meet the lot width requirements specified in the applicable zoning district at the front yard building set back line.

Lot, Interior. A lot other than a corner lot.

Lot, Minimum Width. The minimum lot width at the minimum required front yard.

Lot, Nonconforming. See Nonconforming Lot.

Lot, Through (Reverse (Double) Frontage). A lot that fronts upon two (2) parallel streets or upon two (2) streets that do not intersect at the boundaries of the lot.

Lot Area. The total area of a lot as determined by the acreage or square footage within the front, side, and rear lot lines, excluding road right-of-way and the area of the stem of a flag lot.

Lot Coverage. The percentage of the lot area comprised of impervious surfaces.

Lot Line. The property lines of a lot from which building setbacks and yard areas are measured.

- A. **Front Lot Line.** The right-of-way of a street.
- B. **Rear Lot Line.** The property line in the rear yard except in the case of a double frontage lot where it shall be the right-of-way line of a street.
- C. **Side Lot Line.** The property line in the side yard, except in the case of a corner lot right-of-way line of the street.

Lot Width.

- A. In the case of an interior lot, lot width shall be the horizontal distance measured at the minimum required front yard between the side lot lines.
- B. In the case of a corner lot, lot width shall be the horizontal distance measured at the minimum required front yard from the established front lot line.

Lowest Floor. The lowest floor of the lowest fully enclosed area (including basement). An unfinished, flood resistant partially enclosed area, used solely for parking of vehicles, building access, and incidental storage, in an area other than a basement area is not considered the lowest floor of a building, provided that such space is not designed and built to that the structure is in violation of the applicable non-elevation design requirements of this ordinance.

Manufactured Home. A home built off-site from the location on which the home is to be located and lived within. A manufactured home, typically referred to as factory built or prefabricated, may be in one (1) of the following types:

- A. A structure, transportable in one or more sections, which is built on a permanent chassis, and is designed for use with or without a permanent foundation when attached to the required utilities. The term includes mobile home, park trailer, travel trailers, recreational and other similar vehicles which are placed on a site for more than one hundred eighty (180) consecutive days.
- B. A structure, transportable in one or more sections, designed for use with a permanent foundation when attached to the required utilities, including but not limited to, modular homes or double-wide homes that may be attached side-by side, stacked, or any variety of variations. This type of manufactured home does not have axels and may or may not have a frame or permanent chassis.

Manufacturing. The processing and/or converting of raw unfinished or finished materials or products, or of any combination, into an article or substance of a different character, or for use for a different purpose; industries furnishing labor in the case of manufacturing or the refinishing of manufactured articles. Manufacturing shall include but not be limited to assembly, fabrication or compounding of products from materials previously manufactured or processed; manufacturing of small items such as precision instruments, optical goods, textile, or electric appliances and components; or light metal processing such as plating, finishing, stamping, extrusion, or casting of small parts or products.

Master Plan. A document that expresses a complete vision for the future use and development of a property in the TOD Zoning District. A master plan is a required precursor to development in the TOD District that establishes the framework and key elements of a site reflecting the District's design requirements and a clear vision created and adopted in an open public process. It synthesizes civic goals and the public's aspirations for a project, gives them form and organization, and defines a realistic plan for implementation, including subsequent approvals by public agencies.

Medical Services Clinic. A building and lot for the practice of medicine or similar examination and treatment of persons as outpatients by licensed physicians or medical specialists practicing medicine as a group during normal office hours. Uses providing twenty-four (24) hour emergency services, overnight

lodging of patients, or prolonged surgical procedures shall not be considered medical clinics. Medical clinics may also include limited secondary facilities such as lab facilities and pharmacies to service patients.

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

Minor Repair. The replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exitway requirements; nor shall minor repairs include addition to, alteration of, replacement, or relocation of any standpipe, water supply, sewer drainage, drain leader, gas, oil, waste, vent, or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

Mixed Use. Development or occupancy of a building by than one (1) use or development of a single parcel or adjoining parcels or tracts that includes more than one (1) use (residential and non-residential (retail/office/etc.)) providing for a variety of activities throughout the day.

Mixed Use Building. Buildings that include more than one (1) category of principal use, that is retail or personal service and repair establishments; offices / studios; and housing within the same building.

Mobile Home. A transportable single family dwelling intended for permanent occupancy, contained in one (1) unit, or in two (2) or more units designed to be joined into one (1) integral unit, capable of again being separated for repeated towing on its own axles. A mobile home is built on its own chassis, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assemble operations, and constructed so that it may be used with or without a permanent foundation. A mobile home may be referred to as a type of manufactured home. Such designation shall in no way alter the intent of this Ordinance.

Mobile Home Lot. A parcel of land in a mobile (manufactured) home park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobile (manufactured) home.

Mobile Home Park. Any lot, parcel, contiguous parcels, or tract of land designated, maintained, improved, or intended for the purpose of supplying a location for or accommodation of two (2) or more mobile home lots or upon which more than one (1) mobile home is provided or located, whether or not a charge is made for the use of the mobile home park and its facilities, and shall include all buildings and structures used or intended for use as part of the park. A mobile home park shall not include a mobile home sales lot upon which unoccupied mobile homes are parked for the purpose of inspection or sale.

Monopole Tower: A telecommunications tower consisting of a single pole, constructed without guy wires or ground anchors. (Ordinance Amendment 464-2011)

Motor Vehicle. Any automobile, van, recreational vehicle, racing car, bus, motorcycle, or any motorized means of human transport or any part thereof, regardless of functional condition or state of repair.

Municipal Facility. Any building, structure or use of land by Atglen Borough or a municipal authority/commission created by the Atglen Borough Council.

Municipalities Planning Code. The Pennsylvania Municipalities Planning Code (MPC), Act 247 of 1968, P.L. 805, as amended, 53 P.S. §§ 10101, et seq.

Museum. A nonprofit organization displaying, preserving, and/or exhibiting objects of community and cultural interest.

Native Species. A species of plant or other organism that has traditionally inhabited or grown in, or is naturally occurring in a specified location, region or ecosystem, and which was not introduced to that location as a result of human activity, either intentional or accidental.

Nature Preserves. Areas in which human activities are very limited and where the natural environment is protected from man-made changes by a conservancy or conservation easement.

New Construction. Structures for which the start of construction commenced on or after the effective date of this Ordinance, and includes any subsequent improvements thereto.

Nonconforming Structure. A building, structure, sign or any part thereof which does not conform to one or more of the applicable regulations of this Ordinance and the district in which it is located, where such building or structure lawfully existed prior to enactment of this Ordinance or any amendment thereto.

Nonconforming Lot. A lot of which the area or dimension does not conform to the applicable regulations of the district in which it is located where such lot lawfully existed prior to enactment of this Ordinance or any amendment thereto.

Nonconforming Use. A use, whether of a structure or land, or improvements thereto, which does not comply with the applicable use provisions of the district in which it is located, where such use lawfully existed prior to the enactment of this Ordinance, or any amendment thereto.

Nonresidential Use. Any use which does not include a residential dwelling unit, including but not limited to, commercial, industrial, governmental, and institutional uses.

Obstruction. Any wall, dam, wharf, embankment, levee, dike, projection, excavation, channel, rectification culvert, building, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or flood-prone area, which may impede, retard, or change the direction of the flow of water either in itself or by catching or collecting debris carried by such water or is placed where the flow of the water might carry the same down stream to the damage of life and property.

Office Use. A use involving the carrying on of a profession including, but not limited to physicians, dentists, architects, engineers, accountants, attorneys, planners, real estate brokers, and insurance agents entitled to practice under the laws of the Commonwealth of Pennsylvania.

Oldfields. An area undergoing natural succession characterized by the presence of herbs, shrubs, and small trees (seedlings) whose branches do not form a complete or nearly complete aerial canopy.

On-Site Water Service. A potable supply of water from a private well approved by the Chester County Health Department, used for consumption by the user of the lot on which the well is located.

Open Space. An area of land and/or water open to the sky and typically including lawn, grassed, or landscaped areas substantially free of structures and paved areas, primarily for common enjoyment and recreational use of a development or the general public, but not including individually owned private yards.

Outdoor Dining. An outdoor area of an associated restaurant, used for the express purpose of providing outdoor seating for patrons where food and/or beverages from the associated use are consumed on the premises at tables, chairs, or other furnishings at the front or to the side of a use. Outdoor dining is typically located adjacent to a public street or a parking area, and is operated on the same property and adjacent to and in conjunction with the associated use. Outdoor dining does not refer to outdoor dining to the rear of a property, areas not adjacent to a street or parking area, or enclosed dining facilities with open windows.

Outdoor Display. An outdoor area of a tract utilized for purposes of displaying articles for sale as part of a retail establishment, typically on a sidewalk, front walkway, or otherwise in front of the associated business. Display areas shall not include outdoor storage as defined herein.

Outdoor Storage. The keeping of goods or materials not intended for sale, for present or future use, in an outdoor area including but not limited to building products, raw materials, parts, machinery, equipment, and storage containers. Outdoor storage shall include that which is contained within trailers or similar vehicles.

Park. A tract of land designated and used for public active or passive recreation, typically owned and operated by a municipality or nonprofit organization.

Parking.

- A. Parking Lot.** An off-street all weather paved area designed and used for the parking of vehicles that shall include but not be limited to parking spaces, aisles, maneuvering space, interior islands, buffers, and access driveways but does not include loading and unloading areas.
- B. Parking, On-Street.** Parking for motor vehicles that is typically parallel to the curb line within the road right-of-way.
- C. Parking, Off-Street.** Parking for motor vehicles outside of a road right-of-way as required for each use in accordance with the requirements of this Ordinance and the Subdivision and Land Development Ordinance.
- D. Parking, Off-Site.** Required parking for a use that is not located on the same lot as the building for which the parking is required.
- E. Parking, Public.** Parking spaces made available to the public by the municipality or a private organization or business for free or for a fee, including but not limited to parking lots or garages, or on street parking that is not required parking associated with a specific use.
- F. Parking, Shared.** Required off-street parking that is shared between more than one (1) use in accordance with the applicable regulations of this ordinance.
- G. Parking Space.** A space designed for the parking of one (1) motor vehicle.
- H. Parking Structure.** A covered structure or portion of a structure, other than a private garage, which is used for temporary parking of private vehicles. Parking structures may be permitted as an accessory use on the same lot or off-site to fulfill off-street parking requirements for an associated use, as the principal use on a lot where permitted to serve the public, or a combination thereof. See Figure 2-13

Figure 2-13: Parking Structure



Party Wall. A common shared wall between two (2) separate structures, buildings, or dwelling units such as between two-family dwellings or townhouses.

Patio. An improved or hardened (paved or permeable) outdoor surface with no structural support, typically with no roof and usually located at ground level adjacent to a primary structure for outdoor enjoyment.

Paved Area. When required herein, that amount of land required for the location of adequate parking spaces, driveways, or other access roads. In the computation of a paved area, the actual building area shall be excluded. Paved area includes areas consisting of brick, stone, concrete or asphalt.

Pedestrian-Friendly Design. The design of communities, neighborhoods, streetscapes, buildings and other uses that promotes pedestrian comfort, safety, access and visual interest.

Permeable Surface. A surface that presents an opportunity for precipitation to infiltrate into the ground, such as cobblestones, spaced pavers, tiling, and other methods of permeable paving.

Person. An individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties. (Ordinance Amendment 386-06)

Personal Service Establishment. Establishments primarily engaged in providing services involving the care of a person or his or her apparel and offers only limited, if any, products for sale, including but limited to barbershops, salons, tanning salons, tailors, optometrists, beauticians, and other similar uses.

Place of Assembly. A meeting place where persons gather together for purposes of attending civic, social, or religious functions, recreational events, or entertainment performances on a regular or recurring basis including but not limited to places of worship, private clubs and/or fraternal institutions, funeral homes, theaters, museums, public or private schools, indoor recreation centers, public community center, and municipal uses. A gathering of less than twenty five (25) persons shall not be considered a place of assembly provided the gathering is accessory and incidental to the principal use.

Place of Worship. A building or structure, or groups of buildings or structures, which by design and construction, are primarily intended for the conducting of organized religious services and accessory uses.

Planning Commission. Unless otherwise indicated the term "Planning Commission" shall mean the Planning Commission of the Borough of Atglen, Chester County, Pennsylvania.

Porch. An impervious extension from a dwelling unit in excess of four (4) feet by five (5) feet or twenty (20) square feet in area at a front, side or rear door of a structure. A porch is different than a deck in that decks are never covered and are typically not considered impervious surface. See Figure 2-14.

- A. Uncovered Porch. A porch with no roof, open to the sky.
- B. Covered Porch. A porch that has a roof and may have railings.
- B. Enclosed Porch. A porch that has a roof and is enclosed by a combination of railings, walls, and permanent or detachable glass or wire screening.

Figure 2-14: Porch



Post Office. A local office where mail is received, sorted, and delivered, and where stamps and other postal materials are sold.

Premises. Any lot, parcel, or tract of land and any building constructed thereon.

Private. Not publicly owned, operated, controlled, or available for use to the general public.

Private Club and/or Fraternal Institution. This use may include buildings and/or structures for meetings, social quarters, restaurants, recreation facilities, and other similar uses provided that all services shall be provided solely for members and their guests. Applicable groups include associations of persons for some common nonprofit activity, but not including groups organized primarily to render a service which is customarily carried on as a business, including but not limited to the Boy Scouts, Elks Club, Fraternal Order of Police, and Military Veterans Association, YMCA, and similar uses.

Processing or manufacture of food products. An establishment in which food is processed or otherwise prepared for eventual human consumption but not consumed on the premises, where permitted by the health department and/or all other applicable agencies.

Public. Owned, operated or controlled by a government agency (federal, state, or local), including a corporation and/or board created by law for the performance of certain specialized governmental functions or a use available for use by and to the general public (i.e.: not a private club, use, or organization).

Public Facilities. Water and wastewater services provided by connection to the public water system and wastewater system owned and operated by Atglen Borough and the Atglen Borough Authority.

Public Hearing. A formal meeting held pursuant to public notice by the Borough Council, Planning Commission, or Zoning Hearing Board, intended to inform and obtain public comment, prior to taking action in accordance herein.

Public Meeting. A forum held pursuant to notice under 65 Pa.C.S. Ch. 7 (relating to open meetings).

Public Notice. A notice published once (1) each week for two (2) successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing. Public Notice shall be provided in accordance with the requirements of the Municipalities Planning Code.

Public Use. Public and semi-public uses generally of a welfare and educational nature that are open and available to the general public, including, but not limited to, hospitals, schools, parks, churches, cemeteries, municipal buildings, and recreational facilities.

Public Utility Corporation. A corporation registered and regulated by the Pennsylvania Public Utility Commission which is engaged in regularly supplying the public with some commodity or service which is of public consequence and need such as electricity, gas, water, transportation, or communications.

Public Utilities Service Structure or Facility. Structures or facilities, including, but not limited to transformer stations, pumping stations, relay stations, towers, switching centers, water and wastewater treatment plants, and other similar structures or uses, exclusive of administrative and office activities necessary to the operation of a public utility corporation.

Recreational Vehicle. A vehicle which is (i) built on a single chassis; (ii) not more than four hundred (400) square feet, measured at the largest horizontal projections;(iii) designed to be self-propelled or permanently towable by a light-duty truck; (iv) not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

Recyclable. Reusable material including, but not limited to, clear glass, colored glass, aluminum, steel and bimetallic cans, high grade office paper, newsprint, corrugated paper, plastics and other materials designated as recyclable under the Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act.

Refuse. All combustible refuse and incombustible refuse, referred to collectively.

- A. **Combustible Refuse.** All paper, straw, excelsior, packaging materials, rags, rubber, shoes and such other refuse as may result from ordinary housekeeping and commercial pursuits and which may be burned by fire.
- B. **Incombustible Refuse.** All discarded articles or materials other than sewage, liquid waste, garbage and combustible refuse.

Regular and Permanent Occupancy. A furnished habitation on a continuous and daily basis, complete with the dispensation of such routine services as mail delivery or sewer, water, and electrical service.

Repetitive Loss. Flood related damages sustained by a structure on two (2) separate occasions during a ten (10) year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds twenty five (25) percent of the market value of the structure before the damage occurred.

Retail Store . An establishment wherein the primary use is the retail sale of merchandise to the general public in small quantities, in broken lots or parcels, not in bulk, for use or consumption by the immediate purchaser.

Restaurant. A commercial establishment where food and/or beverages are prepared and served to the public for sale and consumption on or off the premises, or both.

Right-of-Way. Area of land reserved or dedicated as a street, alley, railroad, trail, utility, or for any other public or private purpose.

Right-of-Way, Street. A public thoroughfare for vehicular traffic and/or pedestrian traffic, whether designated as a street, highway, thoroughfare, parkway, road, avenue, boulevard, lane, alley, or however designated.

Riparian Buffer. An area of land adjacent to a body of water and managed to maintain vegetation to protect the integrity of stream channels and shorelines, to reduce the impact of upland sources of pollution by trapping, filtering, and converting sediments, nutrients, and other chemicals, and to supply food, cover and thermal protection to fish and other aquatic species and wildlife.

Roadway Functional Classification. All streets within the Borough are designated in terms of their function from a traffic volume, design speed, and design criteria as specified within the Borough Comprehensive Plan and Subdivision and Land Development Ordinance.

Satellite Dish Antenna. A device incorporating a reflective surface that is solid, open mesh or bar configured and is in the shape of a shallow dish, cone, horn or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbital-based uses. This definition is meant to include, but not be limited to, what are commonly referred to as satellite earth stations, TVs and satellite microwave antennas.

School, Public or Private. Use of land or building(s) for the establishment and maintenance of a college, secondary, or elementary school, or other educational institution for the primary purpose of instruction and learning during daytime hours including but not limited to instruction directed toward moral, intellectual, or physical instruction, and may be either public or private in nature. A use requiring certification, licensing, or review by the Pennsylvania Department of Education. Day care facilities are not included in this definition.

Screen. The use of plant materials, fencing, walls, or berms to aid in the concealment of such features as parking areas and the vehicles within them, and to provide a vertical barrier between certain land uses which abut one another.

Screen, Architectural. A structure, the design and construction of which is compatible with that of the principal dwelling or structure on the lot, including but not limited to a fence or wall constructed to screen a use from an adjacent use or to create privacy for a designated space on a lot.

Setback. The required distance an object shall be placed from another referenced point as specified by individual requirements within this Ordinance. Certain setbacks are different from and independent of required minimum yards.

Sidewalk. A pedestrian route, typically constructed of concrete and parallel to a street that provides a means for pedestrians to travel within the public right-of-way while physically-separated from vehicular traffic. Sidewalks are designed for pedestrian use.

Sign. Any object, device, display, or structure, or part thereof, which is used to advertise, identify, display, direct, or attract attention to an institution, organization, business, product, service, event, or location by any means, including but not limited to words, letters, figures, design, symbols, fixtures, colors, or illumination. See Article 17 for definitions of individual Sign types and other sign related terms. See Appendix B for Illustrations of Sign types.

Single and Separate Ownership. The ownership of a lot and/or dwelling by one (1) or more persons which ownership is separate and distinct from that of any adjoining property.

Silviculture. The development and/or maintenance of a forest or wooded preserve.

Slope. The degree of vertical deviation of a land surface from the horizontal which is expressed as a percentage.

Slope, Steep. Anywhere on a site or property where naturally occurring slopes meet or exceed percentages as delineated by this Ordinance.

Social Service Agency. An establishment providing assistance and aid to those persons requiring counseling for issues including, but not limited to psychological problems, employment, learning disabilities, and physical disabilities.

Special Exception. Permission, approval or authorization granted by the Zoning Hearing Board for particular uses in accordance with the provisions of Article 19.

Special Permit. A special approval which is required for hospitals, nursing homes, jails, and new manufactured home parks and subdivisions and substantial improvements to such existing parks, when such development is located in all, or a designated portion of a floodplain.

Stable. A barn or shed used specifically for the boarding, grooming, raising or keeping of horses.

Stormwater Ordinance. The Stormwater Management Ordinance of the Borough of Atglen, Chester County, Pennsylvania, as amended.

Storage, Outdoor. The keeping of goods or materials for present or future use, in an unenclosed outdoor area including but not limited to building products, raw materials, parts, machinery, and storage containers kept in the same place for more than twenty-four (24) hours, excluding outdoor display areas as defined herein. Outdoor storage shall include that which is contained within trailers or similar vehicles.

Stormwater. Drainage runoff from the surface of the land resulting from precipitation or snow or ice melt.

Stormwater Management. A permanent structure, earthwork, or other approved method designed to control surface water runoff from causing erosion or flooding conditions, including but not limited to retention and detention basins.

Street. Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct or any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private but not including pedestrian trails or paths.

Street, Centerline. The center of the surveyed street right-of-way, or where not surveyed, the line which is an equal distance from the edge of the cartway on either side of the street.

Street, Cul-de-sac. A minor street intersecting another street at one end and terminating at the other in a vehicular turnaround.

Street Furniture/Furnishings. Items within the street right-of-way including but not limited to benches, lighting, bicycle racks, drinking fountains, mail-boxes, kiosks, and similar pedestrian amenities located within a street right-of-way.

Street Lighting. Lighting within the street right-of-way to provide light for motorists and pedestrians.

Street Line (Right-of-Way). The legal right-of-way line of a street dividing the legal limit of a public street from a lot. When a future right-of-way line has been established, the street line shall be the line of such future right-of-way.

Street Tree. A tree within a street or public right-of-way.

Street Wall. The continuous or semi-continuous wall of buildings adjoining a sidewalk or pathway at the edge of the street right-of-way, created by setback and yard requirements.

Street Width. The shortest distance between street lines measured at right angles to the center line of the street.

Streetscape. The space formed by buildings located close to the street, which may be embellished with sidewalks, street trees, street lights, curbs, street furniture, and/or on-street parking. The streetscape is framed by generally two-story buildings, or one-story buildings with visual presentation of a second story façade as required herein, either of which create the “walls” of an “outdoor room” that is characteristic of a traditional town center. The following associated definitions coincide with items that assist in the formation of a streetscape:

Hanging Basket. A planter hung from an awning or cantilevered from a wall or other feature to provide aesthetics to a streetscape. See Figure 2-15.

Figure 2-15: Hanging Basket



Decorative Awning/Flag. An awning or flag (not including signs) that provide decoration and visual interest. See Figure 2-16.

Figure 2-16: Decorative Awning/Flag



Window Box. A planter attached at the base of a window. See Figure 2-17.

Figure 2-17: Window Box



Street Planter. A planter placed at ground level to provide green space and decoration. See Figure 2-18

Figure 2-18: Street Planter



Decorative Lighting. Lighting in addition to necessary street lighting, required lighting for safety, or otherwise required that provides aesthetics to a streetscape at night. See Figure 2-19.

Figure 2-19: Decorative Lighting



Bench. Outdoor seating provided as part of a streetscape to the public. See Figure 2-20.

Figure 2-20: Bench



Raised Planting. A raised planting bed built either as part of a structure, a wall, or freestanding to provide green space and aesthetics as part of a streetscape. See Figure 2-21.

Figure 2-21: Raised Planting



Public Art/Mural. Art or a mural painted on a building to provide visual interest. See Figure 2-22.

Figure 2-22: Public Art/Mural



Trellis, Arbor, or Pergola. Structures placed adjacent to a building wall, surrounding an entrance, or otherwise as a decoration and to provide visual interest. Plants may or may not be included. See Figure 2-23.

Figure 2-23: Trellis, Arbor, or Pergola



Kiosk. A structure to provide information to the public including but not limited to maps, publications, notification of events, special sales, and the like. See Figure 2-24.

Figure 2-24: Kiosk



Decorative Paving. Paving in the form of colored and/or stamped concrete, colored or patterns of brick pavers, and the like to provide visual interest as opposed to standard concrete paving for example. See Figure 2-25.

Figure 2-25: Decorative Paving



Courtyard. A public space smaller than a plaza. See Civic Space.

Plaza. A public space larger than a courtyard. See Civic Space.

Roof Garden/Green Roof. A planted roof that provides some visual interest in addition to reducing stormwater runoff. See Figure 2-26.

Figure 2-26: Roof Garden/Green Roof



Clock Tower or similar. A tower or other similar feature providing visual interest that may include features helpful to the public. See Figure 2-27.

Figure 2-27: Clock Tower



Structure. Anything constructed or erected on the ground or attached to the ground including, but not limited to buildings, sheds, manufactured homes, and other similar items. This term includes any man-made object having an ascertainable stationary location on or in land or water whether or not affixed to land.

Structure, Temporary. A structure without any foundation or footings and which is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

Structure, Nonconforming. See definition Nonconforming Structure.

Studio. A building or portion of a building used as a place of private instruction where students are taught for a fee. Including but not limited to instruction for art, photography, dance, musical instruments, linguistics, athletics, martial arts, specific educational tutoring, or other similar specialized subjects but shall not include a day care facility or public or private school.

Subdivision (See Land Development). The division or re-division of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels, or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access or residential dwellings, shall be exempted.

Subdivision Ordinance. The Subdivision and Land Development Ordinance of the Borough of Atglen, Chester County, Pennsylvania, as amended.

Substantial Damage. Damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

Substantial Improvement. Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

- A. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
- B. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

Swimming Pool. A man made water-filled enclosure, excluding ponds or natural water features, permanently constructed or portable, having a depth of water of twenty four (24) inches or greater in ground, at ground level, or above ground, used and maintained for swimming and bathing.

Telecommunications Tower. A structure, such as a lattice tower, guy tower or monopole tower, constructed as a freestanding structure or in association with a building, other permanent structure or equipment, on which is located one or more antennas intended for transmitting or receiving analog, digital, microwave, cellular, telephone, personal wireless service or similar forms of electronic communication. The term includes microwave towers, common carrier towers and cellular telephone towers. (Ordinance Amendment 464-2011)

Temporary. An arrangement established with no thought of continuance or permanency, but with the idea of being changed soon.

Theater. A building or part of a building devoted to the showing of motion pictures or theatrical productions on a paid admission basis.

Traditional Neighborhood Development (TND). A development designed and developed in accordance with and consistent with Section 102 and Article 7 of the Pennsylvania Municipal Planning Code.

Trail. An improved facility generally constructed outside of a road right-of-way to facilitate pedestrian and/or bicycle transportation. Trails may include but are not limited to:

- A. **Shared-Use/Multi-Use Trails.** A facility that is physically separated from the roadway and typically accommodates bi-directional travel by both bicyclists and pedestrians. The trail can be located within a publicly owned right-of-way, an exclusive right-of-way, or an easement. Shared use trails typically have an improved surface and recommended width (per AASHTO) of ten (10) feet, although a minimum width of eight (8) feet may be used where space is constrained or in environmentally-sensitive areas.
- B. **Use-Restricted/Single Use Trails.** Trails that are primarily used for one form of travel or by one type of user such as cyclists or pedestrians. These trails are typically paved or have an improved surface.

Trail surface, Improved. A man made or placed material on the traveled part of the trail, such as asphalt, concrete, stone dust, or similar surface, but not a naturally occurring surface such as dirt or grass, or wood chips.

Transit Station. The area including the platform, ticket office, shelters, and related facilities and structures which supports transit usage and that is owned and/or operated by an official transit agency.

Transit Oriented Development (TOD). Development concentrated around and oriented to transit stations in a manner that promotes transit riding or passenger rail use. The term does not refer to a single real estate project, but represents a collection of projects, usually pedestrian friendly mixed use, at a neighborhood scale that are oriented to a transit node that connect with and fit into the context of the area in which the TOD is located. (Citation: Act 238 of 2004, the PA Transit Revitalization Investment Act (TRID Act).

Trash Receptacle. A vermin proof, air tight container utilized for temporary storage of rubbish which is disposed of on a regular basis.

Tower. Any single or multi-purpose, non-residential and uninhabitable, private or commercial structure terminating over thirty-five (35) feet from the original ground level (height to include any apparatus mounted thereon) whether secured to another structure or mounted on its own inground foundation. Towers or structures specifically designed to receive or transmit satellite television or other transmissions are included in this definition even if they do not exceed thirty-five (35) feet in height.

Tract. An area of land, parcel(s), lot(s), or property which is under single and separate ownership.

Undeveloped Land. Any lot, tract or parcel of land which has not been graded or in any other manner prepared for the construction of a building.

Uniform Construction Code (UCC). The statewide building code adopted by The Pennsylvania General Assembly in 1999 applicable to new construction in all Municipalities whether administered by the municipality, a third party or the Department of Labor and Industry. Applicable to residential and nonresidential buildings, the Code adopted The International Residential Code (IRC) and the International Building Code (IBC), by reference, as the construction standard applicable with the Commonwealth for floodplain construction. For coordination purposes, references to the above are made specifically to various sections of the IRC and the IBC.

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

Use, Accessory. A building, structure, land or the use thereof that is not a principal permitted use, but which is clearly incidental and subordinate to the associated principal permitted building, structure, or use on the same lot.

Use, By-Right. A use permitted without special considerations, conditions, or hearings, so long as it is a named use permitted by-right in the district which it is located and meets all of the applicable area and bulk requirements in addition to other applicable requirements of this ordinance.

Use, Conditional. A use which is not wholly appropriate to a zoning district, but may be suitable to a particular area within a zoning district. Conditional uses are allowed or denied by the Borough Council after considering standards and criteria set forth in this Ordinance and the Municipalities Planning Code.

Use, Nonconforming. See Nonconforming Use.

Use, Permitted. All uses allowed in accordance with the provisions of this Ordinance.

Use, Principal. The primary use of a lot. Except as specifically permitted by this Ordinance, there shall be only one principal use on each lot.

Use, Special Exception. A use which is not wholly appropriate to a zoning district, but may be suitable to a particular area within a zoning district. Special Exceptions are allowed or denied by the Zoning Hearing Board after considering standards and criteria set forth in this Ordinance and the Municipalities Planning Code.

Use, Temporary. A use established and permitted for a fixed period of time and discontinued upon the expiration of the time period specified.

Variance. Permission, approval or authorization granted by the Zoning Hearing Board, constituting a modification or deviation from the exact provisions of this Ordinance as applied to a specific property in accordance with the provisions of Article 19 and Articles 6 and 9 of the Pennsylvania Municipalities Planning Code.

Vegetation. Natural plant material, including grasses, trees, shrubs, and forest leaf litter, which is capable of preventing soil erosion, retaining precipitation and moisture, and preventing the emanation of dust during periods of dry weather. For the purposes of this Ordinance, dead, dying, diseased, or decaying plant growth, except for existing forest leaf litter, shall not be considered as vegetation and shall not be adequate for landscaping purposes.

Vehicle. Every device in or by which any person or property is or may be transported or drawn upon a highway.

Vehicle Fueling Station. A building or lot or part thereof supplying and selling gasoline, electricity, or other equivalent fuel for motor vehicles at retail cost, directly from pumps and storage tanks and which may include accessory facilities for rendering services, such as lubrication, washing, and minor repairs, or may be an accessory use itself where permitted by this ordinance.

Vehicle Repair Shop. Any land, structure, or any building or part thereof, that is primarily used for the mechanical repair or servicing of vehicles or painting of bodies, chassis, wheels, fenders, bumpers and/or accessories of automobiles and other vehicles of conveyance.

Vehicle Sales and Service. The use of any building, land area or the premise for the display, sale and leasing of new or used automobiles, trucks or vans, trailers, or recreational vehicles, including boats and motorcycles, and which may include a vehicular repair shop as an accessory use for warranty repair work and other repair service where permitted by this Ordinance..

Vehicle Washing (Car Wash). A building on a lot, designed and used primarily for the washing and polishing of vehicles and which may be an accessory use to other similar vehicular uses where permitted by this Ordinance. .

Veterinary Facility. An establishment offering on-site veterinary services.

Wall Treatment. A mural, belt course, medallion, or other similar architectural treatment that provides visual interest to otherwise blank expanses of a wall.

Warehouse or Storage Facility. A building or structure used primarily for the storage of goods and materials by the owner of the goods and materials or stored by the owner for others for a fee.

Wetlands. Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, fens, and similar areas.

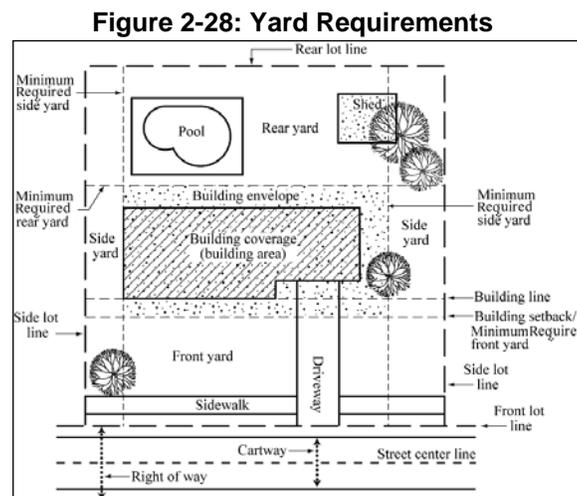
Wetland Margin. A transitional area measuring fifty (50) feet from the outer boundary of an identified wetland.

Wholesale Business. A commercial activity comprising the sale of commodities in large quantities or in bulk, rather than to consume directly, including the warehousing, loading and unloading, and shipping of such commodities.

Woodland. Any land area of at least one-quarter (0.25) acre with a natural or naturalized ground cover (excluding manicured turf grass) and that has an average density of two (2) or more viable trees per one thousand five hundred (1,500) square feet with a DBH of six (6) inches or greater and where such trees existed at any time within three (3) years of the time of land development application submission of the proposed project. The land area to be considered woodlands shall be measured from the outer drip lines of the outer trees.

Yard. An unoccupied space on the same lot with a building or structure: (See Appendix for diagram. See Figure 2-28.

- A. **Front Yard.** A yard extending the full width of the lot and located between the front lot line and the nearest wall of the principal building or structure on the lot.
- B. **Side Yard.** A yard located between the side lot line and the nearest wall of the principal building or structure on the lot and extending from the front yard to the rear yard.
- C. **Rear Yard.** A yard located between a rear lot line and the nearest wall of the principal building or structure on the lot, and extending the full width of the lot.



Yard, Required Minimum. The minimum required distance of a yard as specified in the Zoning Districts in this Ordinance. Depending on the size of a lot and the size of a desired structure, yards may be larger than the minimum required yard, but shall not smaller. The remaining portion of the lot (interior) of the required minimum yards is referred to as the building envelope where a principle building or buildings may be placed. See Figure 2-28 on page 2-35.

Zoning. The designation of specified districts within a community reserving them for certain uses together with limitations on lot size, heights of structures and other stipulated requirements.

Zoning Hearing Board. The Zoning Hearing Board of the Borough of Atglen, Chester County, Pennsylvania.

Zoning Map. The Zoning Map of the Borough of Atglen, Chester County, Pennsylvania.

Zoning Officer. The officer or other agent appointed by Borough Council and charged with the enforcement of the Borough Zoning Ordinance.

Zoning Ordinance. The Zoning Ordinance of the Borough of Atglen, Chester County, Pennsylvania, as amended.

Zoning Ordinance Amendment. An addition, revision, or deletion to the Atglen Borough Zoning Ordinance text and/or Atglen Borough Zoning Ordinance Map. The authority for any amendment lies solely with the Borough Council.

Zoning Permit. A document signed by a zoning officer as required and defined in this Ordinance.

ARTICLE 3

ESTABLISHMENT OF ZONING DISTRICTS AND MAP

SECTION 301 ZONING DISTRICTS

All land areas in the Borough of Atglen shall be classified within one of the following zoning districts.

- A. Base Districts. For the purposes of this Ordinance, Atglen Borough is hereby divided into the following zoning districts:

- Article 4: (CR) Conservation Residential District
- Article 5: (R-1) Low Density Residential District
- Article 5a: (R-1a) Cluster Residential District
- Article 6: (R-2) Medium Density Residential District
- Article 7: (R-3) Traditional Neighborhood Single-Family Residential District
- Article 8: (R-4) Traditional Neighborhood Residential District
- Article 9: (TNC) Traditional Neighborhood Core District
- Article 9a: (TNG) Traditional Neighborhood Gateway District
- Article 10: (B) Business District
- Article 11: (TND) Traditional Neighborhood Development District

- B. Overlay Districts. Article 5b, Mobile Home Park Overlay District; Article 12, Flood Hazard District; Article 13, Natural Resource Protection; and Article 14 Scenic District. For the purposes of this Ordinance, Articles 5b, 12, 14, and the sections of Article 13 shall be overlays to the underlying districts as shown on the Atglen Borough Zoning Map. In those areas of the Borough where these Articles or a section of Article 13 applies, the provisions of the section shall be imposed in addition to the requirements of the underlying zoning district(s). In the event that a conflict exists between the requirements of the overlay and the underlying district(s), the more restrictive provision shall apply.

- C. All land areas of Atglen Borough shall be deemed by this Ordinance to be within a zoning district, and every parcel and building or structure in the Borough, except as provided by this Ordinance or other applicable law, shall be subject to the provisions specified for the district in which it is located.

SECTION 302 ZONING MAP

- A. The location and boundaries of said Districts are shown on the map attached hereto and hereby designated "The Atglen Borough Zoning Map", Month____, 200_. The zoning map and all notations, references, and other data shown thereon are hereby adopted by reference and declared to be a part of this Ordinance, together with all future notations, references and amendments.

- B. Applicable Federal Emergency Management Agency (FEMA) Floodplain Maps, available at the Borough Hall Building, are herein adopted as an "overlay" to the Zoning Map and shall be as much a part of this Ordinance as if fully described herein. Further, such areas of the Borough described as being flood prone as described in Article 12 of this Ordinance shall be subject to all Floodplain controls regardless of whether shown on such Floodplain Map.

SECTION 303 DISTRICT BOUNDARIES

- A. The boundaries between districts shall be, unless otherwise indicated, either platted lot lines, or the centerline of streets, alleys, watercourses, rights-of-way, or such lines extended or parallel thereto. Where a district boundary divides a lot or runs through undivided property, the location

of such boundary, unless otherwise specified by figures on the zoning map, shall be determined by the use of the scale appearing on said map.

- B. Where a district boundary is indicated as approximately following the centerline of a street, alley, watercourse, or right-of-way, such centerline shall be construed to be such boundary.
- C. Where the boundaries of a single district are indicated as including directly opposite sides of a street, alley, watercourse, or right-of-way for any portion of its length, the district so indicated shall be construed to apply to the entire bed of such street, alley, watercourse, or right-of-way lying within such portion of its length.
- D. Where a district boundary is indicated as approximately following a lot line or other property line, such lot line or property line shall be construed to be such boundary.
- E. Where figures are shown on the zoning map between a street and a district boundary, they shall indicate that the district boundary runs parallel to the street line at a distance equivalent to the number of feet so indicated. Where scaled distances do not agree with such figures, the figures shall control.

SECTION 304 BOUNDARY TOLERANCES

Where a district boundary line divides a lot held in single and separate ownership to the effective date of this Ordinance, the use regulations applicable to the less restricted district shall extend over the portion of the lot in the more restricted district a distance of not more than fifty (50) feet beyond the district boundary line.

ARTICLE 4

(CR) CONSERVATION RESIDENTIAL

SECTION 401 PURPOSE

The (CR) Conservation Residential District is established for the following purposes:

- A. To preserve certain natural resources of the Borough vulnerable to adverse impacts that could be created if development were to occur within floodplains and areas of steep slopes.
- B. To minimize disturbance to vegetative ground cover.
- C. To minimize regrading of steep slope areas.
- D. To limit soil erosion and the resultant destruction of the land.
- E. To limit higher density development on lands currently being utilized as open space or for agricultural purposes.
- F. To promote the public health, safety, and welfare by protecting residents from siltation of watercourses, increases in surface water runoff, and damage to property and the resultant financial burden on individual property owners.
- G. To promote the development of trails within the Borough and greater Octorara Region as depicted on Map 1 "Octorara Region Recreation Network" of the Urban Revitalization Plan adopted as an amendment to the Borough Comprehensive Plan on June 7, 2010.

SECTION 402 USE REGULATIONS

The following uses shall be permitted within the (CR) Conservation Residential District:

- A. By-right uses. A building or other structure may be erected, altered, or used and a lot may be used or occupied for any one of the following purposes:
 - 1. Single family detached dwellings.
 - 2. Public parks and recreation areas.
 - 3. Nature preserves.
 - 4. Agricultural uses, in accordance with Section 1605.
 - 5. Trails.
 - 6. Forestry/Timber harvesting in accordance with Section 1611.
 - 7. Accessory uses customarily incidental to any of the uses permitted above shall be permitted on the same lot when in accordance with the applicable provisions of Section 1602.

- B. Special exception uses. A building or other structure may be erected, altered, or used and a lot may be used or occupied for any one of the following purposes when authorized as a Special Exception by the Zoning Hearing Board, Subject to Article 19 of this Ordinance:
 - 1. Kennel, in accordance with Section 1615.
 - 2. Public utility service structure or facility in accordance with Section 1626.
 - 3. Accessory uses customarily incidental to any of the uses permitted above shall be permitted on the same lot when in accordance with the applicable provisions of Section 1602.

SECTION 403 AREA AND BULK REGULATIONS

The following area and bulk regulations shall apply in the (CR) District unless stated otherwise in this Ordinance.

- A. Minimum lot area shall be based upon required building setbacks, impervious coverage, off-street parking and loading/unloading, on-lot well and septic system requirements, floodplain/wetland, and steep slope requirements, but in no case shall be less than one (1) acre.
- B. Minimum lot width at building setback line: 200 feet
- C. Minimum front yard: 50 feet
- D. Minimum side yard: 20 feet
- E. Minimum rear yard: 30 feet
- F. Maximum impervious coverage: 10 percent
- G. Maximum building height: 35 feet
- H. Area and bulk regulations for accessory uses shall be provided in accordance with Section 1602 of this Ordinance.
- I. Parcels, lots, or tracts specifically designated for trails shall be exempt from the above requirements and shall comply with the following standards:
 - 1. Minimum lot width: 10 feet
 - 2. Minimum impervious surface setback from lot line: 2 feet

SECTION 404 DESIGN STANDARDS

The following standards shall apply in the (CR) District, where applicable

- A. Flood Hazard Overlay, Article 12.
- B. Natural Resources Protection, Article 13.
- C. Scenic Overlay, Article 14.
- D. General Regulations, Article 15.
- E. Supplemental Use Regulations, Article 16.
- F. Signs, Article 17.
- G. Off-Street Parking Requirements in accordance with Section 603 of the Subdivision and Land Development Ordinance.

ARTICLE 5

(R-1) LOW DENSITY RESIDENTIAL

SECTION 501 PURPOSE

The (R-1) Single-Family Residential District is established for the following purposes:

- A. To recognize natural physical conditions which serve as a logical transition for land uses and density between the Borough and adjacent municipalities.
- B. To provide areas within the Borough, which accommodate and support low to medium density single-family development and do not overburden public water and wastewater facilities.
- C. To recognize the development patterns that have occurred since the 1980's and to provide for new and infill development consistent with these patterns.
- D. To maintain or reintroduce the traditional grid street network in areas of the Borough where reasonable connections can be made to the existing street network based on proximity and the lay of the land.
- E. To minimize regrading of steep slope areas.
- F. To limit soil erosion and the resultant destruction of the land.
- G. To limit higher density development on lands currently being utilized as open space or for agricultural purposes.

SECTION 502 USE REGULATIONS

Land and buildings in the (R-1) District shall be used for one of the following purposes only:

- A. By-right Uses. A building or other structure may be erected, altered, or used and a lot may be used or occupied for any one of the following purposes:
 - 1. Single-family detached dwellings.
 - 2. Agricultural uses, in accordance with Section 1605.
 - 3. Place of Worship in accordance with Section 1622.
 - 4. Public parks and recreation areas.
 - 5. Trails.
 - 6. Forestry/Timber harvesting in accordance with Section 1611.
 - 7. Accessory uses customarily incidental to any of the uses permitted above shall be permitted on the same lot when in accordance with the applicable provisions of Section 1602.

- B. Special Exception Uses. A building or other structure may be erected, altered, or used and a lot may be used or occupied for any one of the following purposes when authorized as a special exception by the Zoning Hearing Board, Subject to Article 19 of this Ordinance:
 - 1. Public and private schools in accordance with Section 1625.
 - 2. Public utility service structure or facility, in accordance with Section 1626.
 - 3. Accessory uses customarily incidental to any of the uses permitted above shall be permitted on the same lot when in accordance with the applicable provisions of Section 1602.

SECTION 503 AREA AND BULK REGULATIONS

The following area and bulk regulations shall apply in the (R-1) District unless stated otherwise in this Ordinance:

- A. Minimum lot area per dwelling or use: 20,000 square feet
- B. Minimum lot width at building setback line: 100 feet
- C. Minimum lot depth: 100 feet
- D. Minimum Front Yard: 25 feet
- E. Minimum side yard: 15 feet
- F. Minimum rear yard: 30 feet
- G. Maximum impervious coverage: 30 percent
- H. Maximum building height: 35 feet
- I. Area and bulk regulations for accessory uses shall be provided in accordance with Section 1602 of this Ordinance.
- J. Parcels, lots, or tracts specifically designated for trails shall be exempt from the above requirements and shall comply with the following standards:
 - 1. Minimum lot width: 10 feet
 - 2. Minimum impervious surface setback from lot line: 2 feet

SECTION 504 DESIGN STANDARDS

The following standards shall apply in the (R-1) District, where applicable:

- A. Flood Hazard Overlay, Article 12.
- B. Natural Resources Protection, Article 13.
- C. Scenic Overlay, Article 14.
- D. General Regulations, Article 15.
- E. Supplemental Use Regulations, Article 16.
- F. Signs, Article 17.
- G. Off-Street Parking Requirements in accordance with Section 603 of the Subdivision and Land Development Ordinance.

ARTICLE 5a

(R-1a) CLUSTER RESIDENTIAL

SECTION 501a PURPOSE AND DEVELOPMENT CRITERIA

- A. Purpose. The cluster development design is intended to permit flexibility in lot layout, lot size and the efficient and economical placement of dwellings on lots. Single family detached and attached cluster development is permitted by right utilizing the criteria of this Section 501a. The purpose of this District is to permit such flexibility and to apply such criteria as will result in single family detached and attached dwellings with:
1. A pattern of development that preserves trees and woodlands, outstanding natural topographic and geologic features, and scenic resources, prevents soil erosion, and buffers new development from Route 41.
 2. A creative approach to the use of land and related physical development.
 3. An environment of a similar character to adjacent and surrounding areas including connectivity of roadways and bicycle and pedestrian facilities to existing development within the Borough and potential future development in the adjacent TOD District to the west.
 4. Preservation of permanent open space and natural resources precluded from further development and utilized to retain, infiltrate, and minimize the effects of stormwater onsite within new development.
- B. Development within this zoning district shall meet the following criteria:
1. Public water and public sewer shall be provided for all dwellings.
 2. The maximum number of lots shall not exceed that which would be permissible utilizing the density calculations in Section 504a.B.
 3. For all development using the cluster development design, a minimum of forty (40) percent of the tract's gross tract area shall be permanently preserved as perpetual open space.
 4. The tract of land to be developed shall be in one ownership or, if in multiple ownership, shall be developed according to a single plan with common authority and responsibility as necessary and applicable, and such common authority and responsibility to be documented in a manner acceptable to the Borough.
 5. To the extent possible, natural, enhanced, or man-made on-site facilities should be utilized to minimize the effect of stormwater generated by new development and maximize retention of stormwater on-site including facilitating infiltration through stormwater best management practices and the use of infrastructure such as permeable pavement, rainbarrels, dry wells, and other similar techniques.

SECTION 502a USE REGULATIONS

- A. By-right Uses. Land and buildings shall be developed using the cluster development design, using the area and bulk standards in Section 503a.A and 503a.B, and number of dwelling units as determined by Section 504a.B, and used for the following purposes:
1. Single family detached dwellings.

- 2. Single family attached dwellings. Single family attached dwelling units shall comprise not more than thirty (30) percent of the total number of dwelling units permitted within the proposed development in accordance with Section 504a.B.
 - 3. Protected open space associated with a cluster development.
 - 4. Agricultural uses, in accordance with Section 1605.
 - 5. Trails.
 - 6. Forestry/Timber Harvesting in accordance with Section 1611.
 - 7. Accessory uses customarily incidental to any of the uses permitted above shall be permitted on the same lot when in accordance with the applicable provisions of Section 1602.
- B. Conditional Uses. A building or other structure may be erected, altered, or used and a lot may be used or occupied for any one of the following purposes when approved as conditional use granted by Borough Council in accordance with Section 2009 of Article 20 and the applicable provisions in the Municipalities Planning Code:
- 1. Single Family detached dwellings developed in a conventional method in accordance with area and bulk standards in Section 503a.C. with the number of dwelling units determined by Section 504a.B. Development shall be consistent with the protection of natural resources and open space goals of the District, however shall be except from the protected open space requirement in Section 501a.B.3.
 - 2. Accessory uses customarily incidental to any of the uses permitted above shall be permitted on the same lot when in accordance with the applicable provisions of Section 1602.

SECTION 503a AREA AND BULK REGULATIONS

- A. The following area and bulk restrictions shall apply to cluster development of single family detached dwellings:
- 1. Minimum lot area per dwelling or use: 7,500 square feet
 - 2. Minimum lot width at building setback line: 60 feet
 - 3. Minimum lot depth: 80 feet
 - 4. Maximum impervious coverage: 40 percent
 - 5. Minimum front yard: 20 feet
 - 6. Maximum front yard 30 feet
 - 7. Minimum side yard: 10 feet
 - 8. Minimum rear yard: 30 feet
 - 9. Maximum height: 35 feet
 - 10. Area and bulk regulations for accessory uses shall be provided in accordance with Section 1602 of this Ordinance.

B. The following area and bulk regulations shall apply to cluster development of single family attached development in addition to the requirements of Section 502a.2 and Section 1619:

- 1. Minimum lot area per dwelling or use: 2,000 square feet
- 2. Minimum lot width at building setback line: 22 feet
- 3. Minimum lot depth: 80 feet
- 4. Maximum impervious coverage: 60 percent
- 5. Minimum front yard: 20 feet
- 6. Maximum front yard: 30 feet
- 7. Minimum distance between buildings: 40 feet
- 8. Minimum rear yard: 20 feet
- 9. Maximum number of dwellings per building: 6
- 10. Maximum building width 180 feet
- 11. Maximum height: 35 feet
- 12. Area and bulk regulations for accessory uses shall be provided in accordance with Section 1602 of this Ordinance.

C. The following area and bulk regulations shall apply to conventional development of single family detached dwellings.

- 1. Minimum lot area per dwelling or use: 20,000 square feet
- 2. Minimum lot width at building setback line: 100 feet
- 3. Minimum lot depth: 100 feet
- 4. Maximum impervious coverage: 30 percent
- 5. Minimum Front Yard: 25 feet
- 6. Minimum side yard: 15 feet
- 7. Minimum rear yard: 30 feet
- 8. Maximum height: 35 feet
- 9. Area and bulk regulations for accessory uses shall be provided in accordance with Section 1602 of this Ordinance.

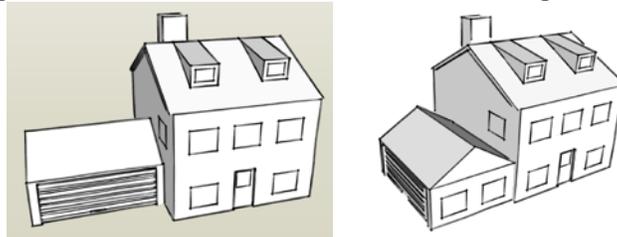
SECTION 504a DESIGN STANDARDS AND DETERMINATION FOR DEVELOPMENT CALCULATION

A. Design Standards. The following standards shall apply to development under the cluster development option:

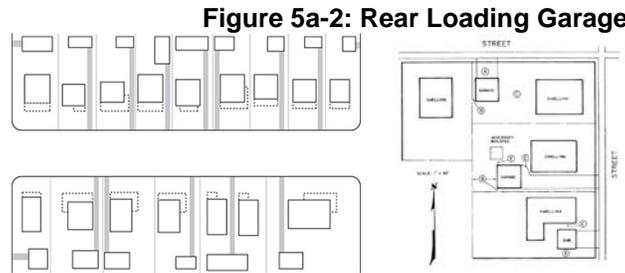
- 1. New buildings or structures shall be set back a minimum of fifty (50) feet from Zion Hill Road.

- 2. Access Management.
 - a. Access to new development shall be from Zion Hill Road. Access to Route 41 shall not be permitted.
 - b. If and when development occurs on the tract of land to the west in the TOD District, access to development within this R-1a zoning district shall be coordinated to promote connectivity of roadways and bicycle and pedestrian facilities, and limit the number of intersections along Zion Hill Road.
 - c. Sidewalks shall be required within any development and should connect to sidewalks in adjacent developments or parcels.
 - d. Trails developed within any open space shall connect to trails and sidewalks both within the development and to those located or planned within adjacent parcels or developments.
- 3. Street Cartway Widths.
 - a. Due to the flexibility necessary to accommodate for site constraints, creative design, and reduction of impervious surfaces, the cartway widths for the cluster design option may deviate from the requirements in Section 602.K of the Subdivision Ordinance to permit travel lanes to be reduced to ten (ten) feet in width. Thereby a two-lane street without on street parking would require a minimum cartway width of twenty (20) feet.
 - b. Where on street parking is required in accordance with Section 504a.A.4, below, or otherwise permitted, parking areas shall be a minimum of six (6) feet in width but not more than eight (8) feet in width. Thereby, in conjunction with 504a.A.3.a, above, the minimum cartway width for a two-way street with parking on both sides would be thirty two (32) feet consisting of two (2) travel lanes ten (10) feet wide and two (2) parking lanes a minimum of six (6) feet and maximum of eight (8) feet in width each.
- 4. On street parking. On street parking shall be required where streets abut dwelling units. In areas of development where dwelling units are not present or adjacent to required open space, off street parking is not required, subject to approval of Borough Council. Signage for parking shall be at the discretion of and approved by Borough Council.
- 5. Garages and driveway design. To reduce the impact of auto oriented building design and create a more pleasant and pedestrian oriented design, the following building design standards shall be required (See Figure 5a-1):
 - a. A minimum of thirty (30) percent of the buildings within the development shall have side or rear loading garages.
 - b. Front Loading Garages. Front loading garages shall be set back a minimum of five (5) feet from the front of the building façade or building line.
 - c. Side Loading Garages. Side loading garages may be constructed at the building line and shall not be required to be set back from the building façade in accordance with Section a, above, but shall not be located forward of the building line or façade of the dwelling unit.

Figure 5a-1: Permitted Front and Side Loading Garages



- d. Rear loading garages. Garages may be accessed from or located to the rear of the principal structure and/or as accessory structures that are accessed from the rear of the principal structure or from an alley to the rear of a property. See Figure 5a-2



6. Street lighting. Street lighting shall be required at the following locations:
- a. At the intersection of roads and at entrance roads to the development.
 - b. At defined pedestrian crossings located with the development.
 - c. At other locations as deemed necessary by the Borough.
7. Scenic Inventory and design guidelines.
- a. The applicant shall perform a scenic inventory prior to plan submission which shall establish:
 - 1) Roadway viewshed and important view sight lines from Zion Hill Road that should remain open to the scenic resources listed in Section 501a.A.1.
 - 2) Existing woodlands or mature trees that could be preserved or augmented through additional plantings to conceal new development from Route 41 and Zion Hill Road, and between future development on the site.
 - 3) The site vicinity characteristics that are desirable to simulate such as building architecture, style, variety, construction materials, color, native vegetation, topography, sight lines, and viewsheds.
 - b. From the inventory in a, above, the applicant shall determine:
 - 1) Existing and potential development abutting the proposed development, including concepts for development in the TND District, Article 11.
 - 2) Critical visual areas that will remain open to resources to be seen from as many areas within the development as possible.
 - 3) Where screening or buffering is necessary or augmentation of existing woodlands or mature trees is necessary to enhance screening and buffering from roadways and adjacent uses and between internal uses.
 - c. Improvements such as buildings, structures, parking, and roadways shall be located to minimize the impact on views and disturbance of existing natural features.
 - d. The following design guidelines shall be followed when developing the site:
 - 1) Building design, mass, and siting are to minimize the contrast with the landscape. Lower building heights and narrower widths are encouraged in addition to roof lines, building types, and building arrangements that minimize the impact of new buildings on existing scenic views and woodlands as a backdrop to new development (See Figure 5a-3).

- 2) New buildings are to use architecture, construction materials and colors consistent with the desirable characteristics of the Borough and as appropriate to the site.
- 3) Natural screening is to be used, extended, or planted to screen buildings and other improvements.
- 4) New plantings in buffers, screening, or landscaping shall primarily consist of native species and be arranged in a density and groupings that create a natural appearance, and shall comply with Section 1505.

Figure 5a-3: Building Design and Profile

Discouraged



Encouraged



8. Development shall be consistent with Figure 5a-4, the Borough's concept for development in the R-1a District.

B. Determination for Development. To determine the number of dwelling units permitted within the R-1a District, the applicant shall perform the following calculation and submit evidence in the form of plans and data to verify the accuracy of the calculation in accordance with the provisions of this Section and the Subdivision and Land Development Ordinance. All numbers shall be rounded to the nearest whole number.

1. Net Buildable Acreage. The Net Buildable Acreage is calculated by deducting natural resources and constraints, infrastructure, and required protected open space from the gross tract acreage based on the percentages specified as follows:

a. Subtract Natural Constraints and Protected Open Space.

Subtract 100% of the following:

Wetlands or Floodplain:	_____ acres
Prohibitive slopes (25%<)	_____ acres
Protected open space	_____ acres

Subtract 50% of the following:

Precautionary slopes (15-25%)	_____ acres
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b. Subtract out Infrastructure. Multiply the acreage established in a, above, by fifteen (15) percent to account for infrastructure to be developed on the site. Subtract this number from the number established in a, above, to determine the Net Buildable Acreage used to calculate the maximum number of dwelling units permitted.

- 2. Calculate maximum number of permitted dwelling units. Once the Net Buildable Acreage is established the number of dwelling units for Cluster or Conventional Development is calculated by dividing by the minimum required lot size for each development type to determine the maximum number of dwelling units permitted. Both development types shall use the same Net Buildable Acreage as a basis for calculating number of dwelling units permitted as consistent with the goals of this Zoning District for protection of natural resources and open space. See example below.

Example: An applicant owns a fifty (50) acre parcel of land. Natural resources located on the parcel include five (5) acres of prohibitive slope and four (4) acres of precautionary slope. Required protected open space is forty (40) percent or twenty (20) acres (50 acres x .40). Based on the calculation specified above, the following acreage of each resource or constraint is to be deducted:

Prohibitive slope (25%<)	100% x 5 acres	= 5 acres
Precautionary slope (15-25%)	50% x 2 acres	= 1 acre
Required Protected Open Space	100% x 20 acres	= 20 acres
Total Resource/constraint acres to be deducted:		= 26 acres

Subtract the 26 acres to be net-out from the original (gross acreage) parcel size of 50 acres and the result is 24 acres. Multiply 24 acres by 15% and subtract this number (3.6) to account for infrastructure (roads, easements, utilities). Round the result to the nearest whole number, in this case the Net Buildable Acreage is 20 acres. To calculate the maximum number of dwelling units permitted the following methods shall apply:

A. Cluster Development Option Calculation.

20 acres x 43,560 s.f. = 871,200 s.f. ÷ 7,500 s.f. minimum lot size = 116 dwelling units permitted.

Multiply 20 by 43,560 to get square feet, then divide by the minimum lot size of 7,500 square feet (minimum lot size for single family detached dwellings in the cluster development option) and the result is a maximum of 116 dwelling units permitted. Note that in the cluster development option forty (40) percent of the parcel/tract will be dedicated protected open space and a maximum of thirty (30) percent of the 76 dwelling units may be developed as single family attached dwellings.

B. Conventional Development Calculation.

20 acres x 43,560 s.f. = 871,200 s.f. ÷ 20,000 s.f. minimum lot size = 44 dwelling units permitted.

Multiply 20 by 43,560 to get square feet, then divide by the minimum lot size of 20,000 square feet (minimum lot size for single family detached dwellings) and the result is a maximum of 44 dwelling units permitted.

- C. Common Open Space Standards. See Section 505a.
- D. It is strongly recommended that an applicant for development in this zoning district submit a sketch plan and meet with the Borough in accordance with Article 3 of the Subdivision Ordinance.
- E. Design Standards Applicable to all Development within the R-1a District.
 - 1. Flood Hazard Overlay, Article 12.
 - 2. Natural Resources Protection, Article 13.
 - 3. General Regulations, Article 15.

4. Supplemental Use Regulations, Article 16.
5. Signs, Article 17.
6. Off-Street Parking Requirements, Section 603 of the Subdivision and Land Development Ordinance.
7. Street trees shall be required on all roadways in accordance with Section 609.D of the Borough Subdivision and Land Development Ordinance.
8. Utilities shall be placed underground.

SECTION 505a COMMON OPEN SPACE STANDARDS

- A. Purpose of Open Space. Areas designated for open space shall be configured to meet the following purposes:
1. Maximize the conservation of site features identified as having particular value, including woodlands, mature trees, wetlands, steep slopes, floodplain, scenic views, and open land.
 2. Buffer new development from Route 41 using existing mature woodlands to mitigate noise and visibility of this major roadway from new development.
 3. Provide links to adjacent development within the Borough including sidewalks, pedestrian trails, roadway intersections, and open space corridors.
- B. In designating areas for open space within a development, the following criteria and standards shall be adhered to by the applicant. Areas so designated shall be:
1. Suitable for outdoor recreation to the extent deemed necessary or appropriate by the Borough Council, without interfering with adjacent dwelling units, parking, driveways, and roads, including but not limited to playgrounds and playing fields for baseball softball, frisbee football, soccer, football, and similar activities.
 2. Comprised of a maximum of sixty five (65) percent of woodlands and ten (10) percent environmentally sensitive lands: floodplains, slopes in excess of twenty five (25) percent, surface waters, and wetland areas.
 3. The maximum impervious surface for the combined required open space shall be ten (10) percent.
 4. Comprised of areas a minimum of seventy five (75) feet in width and a minimum of fifteen thousand (15,000) square feet in contiguous area with the exception of corridors for trail connections which shall be a minimum of ten (10) feet in width and, accessways to open space from streets which shall be a minimum of thirty (30) feet in width.
 5. Placed to serve all parts of the development, and interconnected whenever possible to provide a continuous network of open space within the development and with open space areas on abutting parcels wherever applicable.
 6. Undivided by public or private streets to the extent feasible, except where necessary for proper traffic circulation, and upon recommendation of the Borough Engineer and Planning Commission.
 7. Free of all structures, except those related to outdoor recreation including but not limited to baseball or softball backstops, soccer goals, picnic shelters, picnic tables, playground equipment and similar structures.
 8. Suitably landscaped by retaining existing natural ground cover and wooded areas and according to a landscaping, maintenance, or management plan for enhancing open space areas and minimizing maintenance costs. Some areas of open space may be permitted to be

maintained as meadows as determined and approved by Borough Council. Meadows may be used to reduce environmental impacts such as stormwater runoff and maintenance of large areas of lawn including reduction of watering, fertilization, and mowing. Meadows may contribute to providing a more natural environment, reduce maintenance costs, and provide natural habitat for native species. Plans for the installation, management and maintenance of meadows should be incorporated in the plans required within this section.

9. Such open space parcel(s) shall be restricted from further subdivision or development by conservation easement or other agreement or form acceptable to the Borough and duly recorded in the office of the Recorder of Deeds of Chester County, Pennsylvania and shall be noted on the face of the subdivision plan. Upon approval of Borough Council, a third party easement in conjunction with an approved conservation organization, may be considered to offer further protection, maintenance, and management of the protected open space in accordance with Section 505a.D.

10. Accessibility.

a. A minimum of twenty five (25) percent of the minimum required open space land shall be in a form usable to and accessible by the residents, such as central greens or commons, recreational fields, walking trails, footpaths, community parks, or any combination thereof. In addition, no more than ten (10) percent of the minimum required open space may be comprised of active recreation facilities including but not limited to playing (sports) fields and play grounds.

b. A minimum of one (1) accessway a minimum of thirty (30) feet in width shall be provided per fifteen (15) contiguous lots to access required open space.

c. Lighting shall be prohibited except where permitted by Borough Council to provide safety.

11. Location of Open Space and Views from Houselots. The required open space land shall be located and designed to add to the visual amenities of the development by maximizing the visibility of internal and perimeter open space areas from house lots at the ends of streets, by providing houses on one side of streets, or by having backyards abut preserved open space. See Figure 5a-4 on page 5a-13 for an illustration of the Borough's concept for development in the R-1a area.

12. No portion of any building lot may be used for meeting the minimum required open space land.

C. Uses permitted in Open Space.

1. Crop or pasture land.

2. Woodland, meadow, wetland, floodplain, steep slopes, wildlife habitat, or similar conservation-oriented area.

3. Passive public park or outdoor recreation area approved by the Borough in accordance with Section 505a.B.1, including but not limited to playgrounds and open areas suitable for passive recreational activities or unorganized sporting activities but not organized athletic leagues or scheduled events.

4. Neighborhood open space uses such as village greens, commons, picnic areas, community gardens, trails, and similar low impact passive recreational uses, specifically excluding motorized off-road vehicles, and other uses of similar character and potential impact as determined by Borough Council

5. Stormwater management facilities. At the discretion of the Borough Council, upon recommendation by the Planning Commission, area devoted to stormwater management facilities may be included within the minimum required open space where the applicant can demonstrate to the satisfaction of the Borough that such facilities are designed in accordance with the provisions of this Section and shall achieve the following objectives:
 - a. Promote recharge of groundwater systems.
 - b. Be available and appropriate for active or passive recreational or scenic enjoyment.
 6. Underground Utility rights-of-way.
 7. Trails or other pedestrian paths.
 8. Easements for drainage, access, underground sewer or water lines, or other public purposes.
- D. Ownership and Maintenance Requirements.
1. Documents creating and governing the organization for the ownership and maintenance of the common open space and recreational facilities shall be submitted as part of the Final Plan.
 2. Open Space Management Plan. The applicant shall prepare an open space management plan. The plan shall, at a minimum, describe how the open space land will be preserved, managed, and maintained as proposed in the site's design plan and how such necessary preservation activities will be funded. Additional sections may include the following:
 - a. A plan to lease portions of the land to a farmer to create income for the homeowners association, a plan to maintain wooded areas of the open space in a forested condition.
 - b. A plan to manage non-forested areas of the open space, a plan to transfer ownership of the land to the Borough or other non-profit entity.
 - c. A plan to manage any common facilities, stormwater facilities, or recreational activities within the area.
 3. Common Open Space may be held as follows:
 - a. Dedicated to the Borough, if accepted by the Borough provided:
 - 1) The land is accessible to residents.
 - 2) There is no cost of acquisition other than any costs incidental to the transfer of ownership such as title insurance.
 - 3) The Borough agrees to and has access to maintain such land.
 - b. Retained ownership and maintenance by the developer and/or landowner.
 - c. Eased with third party in accordance with Section 505a.B.9. Upon approval of Borough Council, a third party easement in conjunction with an approved conservation organization, including but not limited to a nonprofit land trust that holds easements in Chester County, may be considered to offer further protection, maintenance, and management of the protected open space, in accordance with the following:
 - 1) The conservation organization is acceptable to the municipality and is a bona fide conservation organization intended to exist indefinitely.
 - 2) The conveyance contains appropriate provisions for proper reverter or re-transfers in the event that the organization becomes unwilling or unable to continue carrying out its functions.

- 3) The open space land is permanently restricted from future development through a conservation easement and the Borough Council is given the ability to enforce these restrictions.
 - 4) A maintenance agreement approved by Borough Council shall be established between the owner and the organization.
- d. A minimum of one (1) or more organization shall be established for the ownership and maintenance of the common open space.
4. If a homeowners association is used to own and maintain the common open space, the following minimum requirements shall be incorporated into the association regulations:
 - a. The applicant shall provide Borough Council with a description of the organization of the proposed association, including by-laws and all documents governing ownership, maintenance, and use restrictions for common facilities.
 - b. The proposed association shall be established by the owner or applicant and shall be operated with financial subsidization by the owner or applicant, if necessary before the sale of any dwelling units in the development. The plan shall note the criteria for when the transfer of ownership and maintenance responsibility shall occur between the developer and the homeowners association.
 - c. The by-laws shall confer legal authority on the association to place a lien on the real property of any member who falls delinquent on their dues. Such due shall be paid with all accrued interest before the lien may be lifted
 - d. Membership in the organization shall be mandatory for all purchasers of dwelling units and their successors.
 - e. The organization shall be responsible for the maintenance, insurance, taxes and other assessments on such property.
 - f. The members of the organization shall equitably share all costs incurred, in accordance with procedures as set forth within the organizational documents.
 - g. The Borough may, at any time and from time to time, accept the dedication of land or any interest therein for public use and maintenance, but the Borough need not require, as a condition of the approval of a development, that land proposed to be set aside for common open space be dedicated or made available to public use.
 - h. The landowner shall provide for and establish an organization for the ownership and maintenance of the common open space, and such organization shall not be dissolved nor shall it dispose of the common open space by sale or otherwise (except to an organization conceived and established to own and maintain the common open space) without first offering to dedicate same to the public.
 - i. Written notice of any proposed transfer or sale of common facilities by the association for the assumption of maintenance of common facilities shall be given to all members of the association and approved by Borough Council not less than thirty (30) days prior to such event.
 - j. Failure of maintenance by homeowners association.
 - 1) In the event that the organization established to own and maintain common open space, or any successor organization, shall at any time after establishment of the development fail to maintain the common open space in reasonable order and condition in accordance with the development plan, the Borough may serve written

- notice upon such organization and upon the residents of the development setting forth the manner in which the organization has failed to maintain the common open space in reasonable condition.
- 2) The notice shall include a demand that such deficiencies of maintenance be corrected within thirty (30) days thereof. The notice shall also state the date and place of a hearing thereon which shall be held within fourteen (14) days of the notice. At such hearing the Borough may modify the terms of the original notice as to the deficiencies and may give an extension of time within which they shall be corrected.
 - 3) If the deficiencies set forth in the original notice or in the modification thereof are not corrected within thirty (30) days or any extension thereof, the Borough, in order to preserve the taxable values of the property within the development and to prevent the common open space from becoming a public nuisance, may enter upon the common open space and maintain the same for a period of one (1) year.
 - 4) Such maintenance by the Borough shall not constitute a taking of the common open space, nor vest in the public any rights to use the same. Before the expiration of the year, the Borough shall, upon its initiative or upon the request of the organization theretofore responsible for the maintenance of the common open space, call a public hearing upon notice to such organization, or to the residents of the development, to be held by the Borough Council or Planning Commission, at which hearing such organization or the residents of the development shall show cause why such maintenance by the Borough shall not, at the option of the Borough, continue for a succeeding year.
 - 5) If the Borough Council or Planning Commission determines that such organization is not ready and able to maintain the common open space in a reasonable condition, the Borough may, at its discretion, continue to maintain the common open space during the next succeeding year and, subject to a similar hearing and determination, in each year thereafter.
 - 6) The decision of the Borough Council or Planning Commission shall be subject to appeal to the court in the same manner, and within the same time limitation, as provided for by this Zoning Ordinance.
 - 7) The cost of such maintenance by the Borough shall be assessed rateably against the properties within the development that have a right of enjoyment of the common open space, and shall become a lien on such properties. The Borough at the time of entering upon the common open space for the purpose of maintenance shall file a notice of lien in the Office of the Prothonotary of the Court of Common Pleas of Chester County, Pennsylvania, upon the properties affected by the lien within the development.

**Figure 5a-4: Conceptual Sketch of Potential Cluster Development
(following page)**

Figure 5a-4: Conceptual Sketch of Potential Cluster Development



ARTICLE 5b

(R-1b) MOBILE HOME PARK OVERLAY

SECTION 501b PURPOSE

The (R-1b) Mobile Home Park Overlay District is established for the following purposes:

- A. To address the legal obligation of the Township to accommodate a variety of housing types in general and mobile home parks in particular.
- B. To prevent overcrowding of the land and associated problems related to traffic, sewage disposal, and stormwater runoff.
- C. To assure that mobile home parks which may be created subsequent to this Ordinance will be designed to provide a pleasant environment for residents while respecting the environmental constraints present on the tract so developed.

SECTION 502b USE REGULATIONS

Land and buildings in an (R-1b) District shall be used for one of the following purposes only:

- A. By-right uses. A building or other structure may be erected, altered, or used and a lot may be used or occupied in accordance with the underlying R-1 Zoning District.
- B. Conditional Use. A building or other structure may be erected, altered, or used and a lot may be used or occupied for any one of the following purposes when authorized as a Conditional Use by the Borough Council, Subject to Article 20 of this Ordinance:
 - 1. Mobile Home Park in accordance with Section 1618.
 - 2. Accessory uses customarily incidental to any of the uses permitted above shall be permitted on the same lot when in accordance with the applicable provisions of Section 1602.

SECTION 503b DESIGN STANDARDS

The following standards shall apply in the (R-1b) District, where applicable:

- A. Flood Hazard Overlay, Article 12.
- B. Natural Resources Protection, Article 13.
- C. Scenic Overlay, Article 14.
- D. General Regulations, Article 15.
- E. Supplemental Use Regulations, Article 16.
- F. Signs, Article 17.
- G. Off-Street Parking Requirements in accordance with Section 603 of the Subdivision and Land Development Ordinance.

ARTICLE 6

(R-2) MEDIUM DENSITY RESIDENTIAL

SECTION 601 PURPOSE

The (R-2) Medium Density Residential District is established for the following purposes:

- A. To provide areas within the Borough, which accommodate and support a wide variety of medium density housing unit configurations: single-family detached, single-family semi-detached (duplexes), single-family attached (townhouses), and mobile home parks.
- B. To retain the existing size and scale of structures within the residential area.
- C. To minimize regrading of steep slope areas.
- D. To limit soil erosion and the resultant destruction of the land.

SECTION 602 USE REGULATIONS

Land and buildings in an (R-2) District shall be used for one of the following purposes only:

- A. By-right Uses. A building or other structure may be erected, altered, or used and a lot may be used or occupied for any one of the following purposes:
 - 1. Single-family detached dwellings.
 - 2. Single-family semi-detached dwellings.
 - 3. Agriculture uses, in accordance with Section 1605.
 - 1. Place of worship in accordance with Section 1622.
 - 4. Public parks and recreation areas.
 - 5. Forestry/Timber harvesting in accordance with Section 1611.
 - 6. Accessory uses customarily incidental to any of the uses permitted above shall be permitted on the same lot when in accordance with the applicable provisions of Section 1602.
- B. Special Exception Uses. A building or other structure may be erected, altered, or used and a lot may be used or occupied for any one of the following purposes when authorized as a special exception by the Zoning Hearing Board, Subject to Article 19 of this Ordinance:
 - 2. Single family attached dwellings, in accordance with Section 1619.
 - 3. Mobile home parks, in accordance with Section 1618.
 - 4. Public and private schools and their permitted accessory uses, in accordance with Section 1625.
 - 5. Public utility service structure or facility, in accordance with Section 1626.
 - 6. Accessory uses customarily incidental to any of the uses permitted above shall be permitted on the same lot when in accordance with the applicable provisions of Section 1602.

SECTION 603 AREA AND BULK REGULATIONS

The following area and bulk regulations shall apply in the (R-2) District unless stated otherwise in this Ordinance.

A. Residential Uses:

DWELLING TYPE	MINIMUM LOT AREA PER DWELLING UNIT (square feet)	MAXIMUM DENSITY (units per acre)	MINIMUM LOT WIDTH AT BUILDING SETBACK LINE (feet)	MINIMUM SETBACKS (feet)	
				Front Yard	Side Yard
Single family detached	15,000	2 units per acre	100 feet	25	15
Single family semi-detached	10,000	4 units per acre	50 feet	25	15
Single-family attached	Na	5 units per acre	20 feet per lot	10	10 where required

B. Nonresidential Uses: Minimum lot area, lot width, and front yard and side yard setbacks shall be in accordance with the standards set forth for single-family detached residential uses unless otherwise regulated in Article 16 of this Ordinance.

C. The following area and bulk regulations apply to all uses:

- 1. Minimum lot depth: 100 feet
- 2. Minimum rear yard: 30 feet
- 3. Maximum impervious coverage: 30 percent
- 4. Maximum building height: 35 feet

D. Area and bulk regulations for accessory uses shall be provided in accordance with Section 1602 of this Ordinance.

SECTION 604 DESIGN STANDARDS

The following standards shall apply in the (R-2) District, where applicable:

- A. Flood Hazard Overlay, Article 12.
- B. Natural Resources Protection, Article 13.
- C. General Regulations, Article 15.
- D. Supplemental Use Regulations, Article 16.
- E. Signs, Article 17.
- F. Off-Street Parking Requirements, Section 603 of the Subdivision and Land Development Ordinance.

ARTICLE 7

(R-3) TRADITIONAL NEIGHBORHOOD SINGLE-FAMILY RESIDENTIAL

SECTION 701 PURPOSE

The (R-3) Traditional Neighborhood Single-Family Residential District is established for the following purposes:

- A. To provide areas within the Borough, which accommodate and support traditional single-family development.
- B. To recognize the original settlement patterns of Atglen Borough, which included traditional single-family residential neighborhoods that are pedestrian-oriented.
- C. To provide for urban infill development consistent with the contiguous styles and patterns of development.
- D. To retain the existing size and scale of structures within the residential area.

SECTION 702 USE REGULATIONS

Land and buildings in the (R-3) District shall be used for one of the following purposes only:

- A. By-right Uses. A building or other structure may be erected, altered, or used and a lot may be used or occupied for any one of the following purposes:
 - 1. Single-family detached dwellings.
 - 2. Public parks and recreation areas.
 - 3. Municipal facilities and uses.
 - 4. Place of worship in accordance with Section 1622.
 - 5. Forestry/Timber harvesting in accordance with Section 1611.
 - 6. Accessory uses customarily incidental to any of the uses permitted above shall be permitted on the same lot when in accordance with the applicable provisions of Section 1602.
- B. Special Exception Uses. A building or other structure may be erected, altered, or used and a lot may be used or occupied for any one of the following purposes when authorized as a special exception by the Zoning Hearing Board, Subject to Article 19 of this Ordinance:
 - 1. Residential Conversion, in accordance with Section 1629.
 - 2. Public and private schools in accordance with Section 1625.
 - 3. Cemeteries.
 - 4. Public utility service structure or facility, in accordance with Section 1626.
 - 5. Accessory uses customarily incidental to any of the uses permitted above shall be permitted on the same lot when in accordance with the applicable provisions of Section 1602.

SECTION 703 AREA AND BULK REGULATIONS

The following area and bulk regulations shall apply in the (R-3) District unless stated otherwise in this Ordinance:

- A. Minimum lot area:
 - 1. Residential use: 10,000 square feet
 - 2. Nonresidential use: 15,000 square feet
- B. Maximum residential density: 4 units per acre
- C. Minimum lot width at building setback line: 100 feet
- D. Minimum front yard: 25 feet
- E. Maximum front yard: Shall not exceed the average of the adjacent lots on either side on the same side of the street.
- F. Minimum side yard: 15 feet
- G. Minimum rear yard: 30 feet
- H. Maximum impervious coverage: 55 percent
- I. Maximum building height: 35 feet
- J. Area and bulk regulations for accessory uses shall be provided in accordance with Section 1602 of this Ordinance.

SECTION 704 DESIGN STANDARDS

The following standards shall apply in the (R-3) District, where applicable:

- A. Flood Hazard Overlay, Article 12.
- B. Natural Resources Protection, Article 13.
- C. General Regulations, Article 15.
- D. Supplemental Use Regulations, Article 16.
- E. Signs, Article 17.
- F. Off-Street Parking Requirements, Section 603 of the Subdivision and Land Development Ordinance.

ARTICLE 8

(R-4) TRADITIONAL NEIGHBORHOOD RESIDENTIAL

SECTION 801 PURPOSE

The (R-4) Traditional Neighborhood Residential District is established for the following purposes:

- A. To recognize the original settlement patterns of Atglen Borough which include traditional residential neighborhoods that are pedestrian-oriented and offer a variety of housing types.
- B. To provide for urban infill development consistent with the traditional styles and patterns of development.
- C. To extend existing streets and sidewalks into undeveloped areas that will retain the existing block structure of the community and provide direct vehicular and pedestrian access into the traditional neighborhood core area.
- D. To retain the existing size and scale of structures within the traditional neighborhood residential area.

SECTION 802 USE REGULATIONS

Land and buildings in the (R-4) District shall be used for one of the following purposes only:

- A. By-right Uses. A building or other structure may be erected, altered, or used and a lot may be used or occupied for any one of the following purposes:
 - 1. Single family detached dwellings.
 - 2. Single family semi-detached dwellings.
 - 3. Public parks and recreation areas.
 - 4. Municipal facility and uses.
 - 5. Place of worship in accordance with Section 1622.
 - 6. Forestry/Timber Harvesting in accordance with Section 1611.
 - 7. Accessory uses customarily incidental to any of the uses permitted above shall be permitted on the same lot when in accordance with the applicable provisions of Section 1602.
- B. Special Exception Uses. A building or other structure may be erected, altered, or used and a lot may be used or occupied for any one of the following purposes when authorized as a Special Exception by the Zoning Hearing Board, Subject to Article 19 of this Ordinance:
 - 1. Residential conversion, in accordance with Section 1629.
 - 2. Single-family attached dwellings, in accordance with Section 1619.
 - 3. Multi-family dwellings, in accordance with Section 1619.
 - 4. Public and private schools in accordance with Section 1625.

- 5. Cemeteries.
- 6. Public utility service structure or facility, in accordance with Section 1626.
- 7. Accessory uses customarily incidental to any of the uses permitted above shall be permitted on the same lot when in accordance with the applicable provisions of Section 1602.

SECTION 803 AREA AND BULK REGULATIONS

The following area and bulk regulations shall apply in the (R-4) District unless stated otherwise in this Ordinance:

A. Residential Uses:

DWELLING TYPE	MINIMUM LOT AREA PER DWELLING UNIT (square feet)	MAXIMUM DENSITY (units per acre)	MINIMUM LOT WIDTH AT BUILDING SETBACK LINE (feet)	MINIMUM SETBACKS (feet)	
				Front Yard	Side Yard
Single family detached	8,000	5 units/acre	50	20	6
Single family semi-detached	6,000	6 units/acre	30	20	6 (one side)
Single family attached	3,500	See Section 1621	20	10	10 where required
Multi-family	9,000 (area per building)	See Section 1621	150	10	10

B. Nonresidential Uses: Minimum lot area, lot width, and front yard and side yard setbacks shall be in accordance with the standards set forth for single-family detached residential uses unless otherwise regulated in Article 16 of this Ordinance.

C. The following area and bulk regulations apply to all uses:

- 1. Minimum lot depth: 100 feet
- 2. Minimum rear yard: 35 feet
- 3. Maximum impervious coverage: 55 percent
- 4. Maximum building height: 35 feet

D. Area and bulk regulations for accessory uses shall be provided in accordance with Section 1602 of this Ordinance.

SECTION 804 DESIGN STANDARDS

The following standards shall apply in the (R-4) District, where applicable:

- A. Flood Hazard Overlay, Article 12.
- B. Natural Resources Protection, Article 13.
- C. General Regulations, Article 15.
- D. Supplemental Use Regulations, Article 16.
- E. Signs, Article 17.
- F. Off-Street Parking Requirements, Section 603 of the Subdivision and Land Development Ordinance.

ARTICLE 9

(TNC) TRADITIONAL NEIGHBORHOOD CORE

SECTION 901 PURPOSE

The (TNC) Traditional Neighborhood Core District is established for the following purposes:

- A. To recognize the original settlement patterns of Atglen Borough which include traditional mixed use neighborhoods that are pedestrian-oriented and offer a variety of retail, office, residential, and service-oriented activities.
- B. Promote the reuse of existing structures and encourage infill development that retains the visual character, pattern, and architectural scale of the traditional town center.
- C. Encourage economic development through the establishment of flexible standards that maintain the traditional town center environment.
- D. To retain a business area within walking distance of the residential districts and serving the needs of the neighborhood.
- E. Maintain a walkable community by promoting pedestrian orientation of streets and buildings and providing a safe and convenient interconnected street and sidewalk network
- F. Accommodate parking in a convenient manner that does not interfere with the pedestrian orientation of the street and minimizes the disruption of the potential building wall that is encouraged through the following regulations.
- G. Create an interconnected network of streets to effectively accommodate vehicle, pedestrian, and bicycle circulation, and to create a block structure with connections to adjacent zoning districts.

SECTION 902 USES PERMITTED BY RIGHT

Land and buildings in the TNC District shall be used for one of the following purposes only:

- A. By-right Uses. A building or other structure may be erected, altered, or used and a lot may be used or occupied for any one of the following purposes:
 - 1. Retail store.
 - 2. Personal service establishment.
 - 3. Office.
 - 4. Studio.
 - 5. Banks or financial institution.
 - 6. Restaurant.
 - 7. Mixed use building in accordance with Section 1617.
 - 8. Municipal facility and use.
 - 9. Transit station in accordance with Section 1632.
 - 10. Public library.
 - 11. Post Office.
 - 12. Social service agency.
 - 13. Medical service center.
 - 14. Single-family detached dwelling.
 - 15. Single-family semi-detached dwelling.
 - 16. Single-family attached dwelling, in accordance with Section 1619.
 - 17. Multi-family dwelling, in accordance with Section 1619.
 - 18. Place of Assembly, unless otherwise permitted herein.

- 19. Forestry/Timber harvesting, in accordance with Section 1611.
 - 20. Accessory uses customarily incidental to any of the uses permitted above shall be permitted on the same lot when in accordance with the applicable provisions of Section 1602.
- B. Special Exception Uses. A building or other structure may be erected, altered, or used and a lot may be used or occupied for any one of the following purposes when authorized as a Special Exception by the Zoning Hearing Board, Subject to Article 19 of this Ordinance:
- 1. Public utility service structure or facility, in accordance with Section 1626.
 - 2. Parking lot as a principal use, in accordance with Section 603 of the Borough Subdivision and Land Development Ordinance.
 - 3. Residential conversion, in accordance with Section 1629.
 - 4. Boarding/Rooming house, in accordance with Section 1607.
 - 5. Private club or fraternal institution, in accordance with Section 1623.
 - 6. Laundrette, not exceeding 3,500 square feet.
 - 7. Indoor recreation.
 - 8. Continuing Care Retirement Center in accordance with Section 1608.
 - 9. Theater.
 - 10. Emergency service facility.
 - 11. Public community center.
 - 12. Commercial day care, in accordance with Section 1609.
 - 13. Accessory uses customarily incidental to any of the uses permitted above shall be permitted on the same lot when in accordance with the applicable provisions of Section 1602.
- C. Conditional Use. Parking Structure in accordance with Section 1621 and Section 603 of the Subdivision Ordinance.

SECTION 903 AREA AND BULK REGULATIONS

- A. Area and bulk regulations shall be in accordance with Figure 9-1: TNC Area, Bulk and Height Regulations Table. Area and bulk regulations for accessory buildings and structures shall be provided in accordance with Section 1602 of this Ordinance.

Figure 9-1: TNC AREA AND BULK REGULATIONS TABLE

DWELLING UNIT/ USE	SINGLE-FAMILY DETACHED	SINGLE-FAMILY SEMI-DETACHED	SINGLE-FAMILY ATTACHED	MULTI-FAMILY	NONRESIDENTIAL AND MIXED-USE BUILDINGS
MINIMUM LOT AREA PER DWELLING UNIT / USE (square feet)	5,000	3,000	2,500	9,000 lot area per building	2,500
MAXIMUM LOT AREA PER DWELLING UNIT / USE (square feet)	10,000	5,000	5,000	N/A	16,000
MAXIMUM DENSITY / BUILDING SIZE	8 units per acre	10 units per acre	4 units in a row or 100 feet in length	8 units per building or 95 feet in length	
MINIMUM LOT WIDTH AT THE BUILDING SETBACK LINE (feet)	30	30	20	80	25

MAXIMUM LOT WIDTH AT THE BUILDING SETBACK LINE (feet)	65	50	30	115	80
MINIMUM SETBACKS (feet)					
FRONT YARD	10	10	5	10	0
SIDE YARD	6	4 (one side)	8 (each end of row)	10	0 if attached to adjacent building, 5 feet if not attached
REAR YARD	25	20	20	55	35
MAXIMUM SETBACKS (feet)					
FRONT YARD	25	20	20	25	10
SIDE YARD	20	10 (one side)	12 (each end of row)	NA	20
MINIMUM LOT DEPTH (feet)	100	100	100	100	100
MINIMUM BUILDING HEIGHT *See Section 904.K.5	20	20	20	20	20
MAXIMUM BUILDING HEIGHT (feet)	35	35	35	35	35
MAXIMUM IMPERVIOUS COVERAGE (%)	55	55	60	70	80

- B. Area and bulk regulations for accessory buildings and structures shall be provided in accordance with Section 1602 of this Ordinance.

SECTION 904 DESIGN STANDARDS

The following standards shall apply in the TNC District:

- A. Flood Hazard Overlay, Article 12.
- B. Natural Resources Protection, Article 13.
- C. General Regulations, Article 15.
- D. Supplemental Use Regulations, Article 16.
- E. Signs, Article 17.
- F. Off-Street Parking Requirements, Section 603 of the Subdivision and Land Development Ordinance and Section 904.L, below.
- G. There shall be no manufacturing, compounding, processing or treatment of products other than that which is clearly incidental and essential to a retail store, and when all such products are sold on the premises. Such operations shall occupy no more than six hundred (600) square feet of net floor area and shall be located contiguous to the retail outlet.
- H. An eight (8) inch brick band shall be provided between the curb and sidewalk on Main Street in accordance with the Main Street Specifications in the Main Street Revitalization Plan.

- I. Any other streetscape elements required by the Main Street Revitalization Plan shall be required.
- J. Within the TNC District, for all lots fronting along Main Street, nonresidential uses shall be required on the ground floor on any lot fronting upon Main Street. Additional uses may be permitted above or behind nonresidential uses as otherwise permitted within this Article as a Mixed Use in accordance with Section 1617.
- K. Buildings and Structures.
 - 1. No more than thirty (30) feet of continuous street wall shall be created for any new building or structure on a side facing a public street, unless a break in depth of a minimum of three (3) feet is provided at intervals of thirty (30) feet accomplished through bay windows, building extensions, recessed doorways, or other architectural features. (See Figure 9-2)
 - 2. No building or structure shall be a windowless box. Building openings (including but not limited to entrances, doors, and door side lights or transoms) and windows shall constitute no less than thirty (30) percent of all exterior walls that face a public street or parking area. (See Figure 9-3)
 - 3. No building or structure shall have opaque or mirrored windows. (See Figure 9-4)
 - 4. Blank walls shall not be permitted along any exterior wall. Walls or portions of walls where windows are not provided shall have architectural treatments that include one or more of the following: concrete or masonry plinth at the base of the wall, belt courses, projecting cornice, medallions, artwork or murals, decorative trimwork, lighting fixtures, or other similar decorative feature. (See Figure 9-5)
 - 5. Principal structures that front on Main Street shall be a minimum of two (2) stories or twenty five (25) feet in height at the building line.
- L. Parking and Driveway Regulations. The following parking regulation shall apply in the (TNC) District in addition to Section 603 of the Borough Subdivision and Land Development Ordinance:
 - 1. Off-street parking shall be prohibited in the front of a building. The configuration of permitted on-street parking may include parallel or head-in in accordance with the Atglen Borough Subdivision and Land Development Ordinance.
 - 2. Off-street parking lots shall be located to the side or rear of buildings and shall be connected to the front sidewalk by pedestrian walkways or sidewalks. Alternative side or rear entrances to buildings are encouraged in addition to primary entrances along the street frontage.
 - 3. Attached garages with front access are not permitted on lots accessible from an alley or rear parking lot.
 - 4. Joint use parking lots shall be encouraged. Joint use parking lots shall be located within five hundred (500) feet of the main building entryway to the use. The combined use calculation shall be in accordance with the Atglen Borough Subdivision and Land Development Ordinance. A satisfactory joint use and maintenance agreement must be signed between property owners and approved by the Borough prior to allowing the sharing of parking facilities.
 - 5. When parking lots are developed on adjacent lots, they shall be required to connect to parking lots on adjacent lots. Where there is no parking lot on an adjacent lot, a parking lot shall be constructed so that such connection may be made in the future if and when a parking lot is constructed on the adjacent lot.

Figure 9-2: Required Street Wall Interruption



Figure 9-3: Window Ratio Requirement

Building with no windows are discouraged

Minimum window ratio requirement



Figure 9-4: Opaque or mirrored windows are not permitted



Figure 9-5: Examples of architectural requirements to treat blank walls.



Medallion

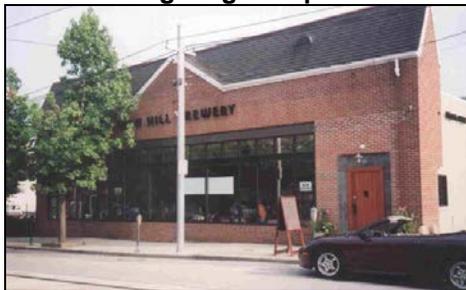


Belt Course and Projecting Cornice



Painted Mural

Figure 9-6: Minimum building height requirement at the building line.



ARTICLE 9a

(TNG) TRADITIONAL NEIGHBORHOOD GATEWAY

SECTION 901a PURPOSE

The (TNG) Traditional Neighborhood Gateway District is established for the following purposes:

- A. To recognize the original settlement patterns of Atglen Borough which include traditional mixed use neighborhoods that are pedestrian-oriented and offer a variety of retail, office, residential, and service-oriented activities.
- B. Encourage infill development that establishes the visual character, pattern, and architectural scale of a traditional town center.
- C. Encourage economic development through the establishment of flexible standards that create a traditional town center environment to serve as a gateway to the Borough from Route 41.
- D. To develop a business area within walking distance of the residential districts and serving the needs of the Borough.
- E. Develop a walkable community by promoting pedestrian orientation of streets and buildings and providing a safe and convenient interconnected street and sidewalk network
- F. Accommodate parking in a convenient manner that does not interfere with the pedestrian orientation of the street and minimizes the disruption of the potential building wall that is encouraged through the following regulations.
- G. Create an interconnected network of streets to effectively accommodate vehicle, pedestrian, and bicycle circulation, and to create a block structure with connections to adjacent zoning districts.

SECTION 902a USE REGULATIONS

Land and buildings in the TNG District shall be used for one of the following purposes only:

- A. By-right Uses. A building or other structure may be erected, altered, or used and a lot may be used or occupied for any one of the following purposes:
 - 1. Retail store.
 - 2. Personal service establishment.
 - 3. Office.
 - 4. Studio.
 - 5. Bank or financial institution.
 - 6. Restaurant.
 - 7. Municipal facility and use.
 - 8. Commercial day care, in accordance with Section 1609.
 - 9. Public library.
 - 10. Post Office.
 - 11. Museum.
 - 12. Social service agency.
 - 13. Parks and recreational facility.
 - 14. Mixed use buildings as defined here and in accordance with Section 1619. Residential uses shall not be permitted on the ground floor for lots fronting upon Lower Valley Road.
 - 15. Single-family detached dwellings shall be permitted on all lots except those that front upon Lower Valley Road.

- 16. Single-family semi-detached dwellings shall be permitted on all lots except those that front upon Lower Valley Road.
- 17. Single-family attached dwellings, in accordance with Section 1619, shall be permitted on all lots except those that front upon Lower Valley Road.
- 18. Multi-family dwellings, in accordance with Section 1619, shall be permitted on all lots except those that front upon Lower Valley Road.
- 19. Funeral homes.
- 20. Place of Assembly, unless otherwise permitted herein.
- 21. Forestry/Timber harvesting in accordance with Section 1611.
- 22. Accessory uses customarily incidental to any of the uses permitted above shall be permitted on the same lot when in accordance with the applicable provisions of Section 1602.

B. Special Exception Uses. A building or other structure may be erected, altered, or used and a lot may be used or occupied for any one of the following purposes when authorized as a Special Exception by the Zoning Hearing Board, Subject to Article 19 of this Ordinance:

- 1. Public utility service structure or facility, in accordance with Section 1626.
- 2. Boarding/Rooming house, in accordance with Section 1607.
- 3. Private club or fraternal institution, in accordance with Section 1625.
- 4. Laundrette, not exceeding 3,500 square feet.
- 5. Indoor Recreation.
- 6. Continuing Care Retirement Center in accordance with Section 1608.
- 7. Theater.
- 8. Emergency service facility.
- 9. Public community center.
- 10. Hotel.
- 11. Parking lot as a principal use, in accordance with Section 603 of the Borough Subdivision and Land Development Ordinance.
- 12. Accessory uses customarily incidental to any of the uses permitted above shall be permitted on the same lot when in accordance with the applicable provisions of Section 1602.

C. Conditional Use. Parking Structure in accordance with Section 1621 and Section 603 of the Subdivision Ordinance.

SECTION 903a AREA AND BULK REGULATIONS

A. Area and bulk regulations shall be in accordance with Figure 9a-1: TNG Area, Bulk and Height Regulations Table. Area and bulk regulations for accessory buildings and structures shall be provided in accordance with Section 1602 of this Ordinance.

Figure 9a-1: TNG AREA AND BULK REGULATIONS TABLE

DWELLING UNIT/ USE	SINGLE-FAMILY DETACHED	SINGLE-FAMILY SEMI-DETACHED	SINGLE-FAMILY ATTACHED	MULTI-FAMILY	NONRESIDENTIAL AND MIXED-USE BUILDINGS
MINIMUM LOT AREA PER DWELLING UNIT / USE (square feet)	5,000	3,000	2,500	9,000 lot area per building	5,000
MAXIMUM LOT AREA PER DWELLING UNIT / USE (square feet)	10,000	5,000	5,000	N/A	30,000

MAXIMUM DENSITY / BUILDING SIZE	8 units per acre	10 units per acre	4 units in a row or 100 feet in length	8 units per building or 95 feet in length	200 feet in width
MINIMUM LOT WIDTH AT THE BUILDING SETBACK LINE (feet)	50	30	20	80	25
MAXIMUM LOT WIDTH AT THE BUILDING SETBACK LINE (feet)	65	50	30	115	200
MINIMUM SETBACKS (feet)					
FRONT YARD	10	10	5	10	0
SIDE YARD	6	4 (one side)	8 (each end of row)	10	0 if attached to adjacent building, 10 feet if not attached
REAR YARD	25	20	20	55	35
MAXIMUM SETBACKS (feet)					
FRONT YARD	25	20	20	25	15
SIDE YARD	20	10 (one side)	12 (each end of row)	NA	35
MINIMUM LOT DEPTH (feet)	100	100	100	100	100
MINIMUM BUILDING HEIGHT *See Section 904a.C	20	20	20	20	25
MAXIMUM BUILDING HEIGHT (feet)	35	35	35	35	35
MAXIMUM IMPERVIOUS COVERAGE (%)	55	55	60	70	80

B. Area and bulk regulations for accessory buildings and structures shall be provided in accordance with Section 1602 of this Ordinance.

SECTION 904a DESIGN STANDARDS

- A. Excluding Section 904.H, I, J, and K.5, all design standards of Section 904 in the TNC District shall apply to the TNG District.
- B. Within the TNG District non-residential uses shall be required on the ground floor for all lots fronting upon Lower Valley Road. Additional uses may be permitted above commercial uses as otherwise permitted within this Article as a Mixed Use in accordance with Section 1619
- C. Principal structures that front on Lower Valley Road shall be a minimum of two (2) stories or twenty five (25) feet in height at the building line.
- D. Development in the TNG District shall be consistent with the design standards herein and Figure 9a-2 for an illustration of how future development may occur within this District.

Figure 9a-2: Illustration of potential future development in the TNG District.



ARTICLE 10

(B) BUSINESS DISTRICT

SECTION 1001 PURPOSE

The (B) Business District is established for the following purposes:

- A. To provide for the appropriate commercial and industrial development within compact segments of the Borough.
- B. To provide for the special needs of a wide range of businesses which normally require frontage on major roadways or railways in addition to public facilities and separation from residential uses.
- C. To protect the major streets and roads as thoroughfares.
- D. To establish commercial areas at an intensity and scale which conforms to and serves the Borough and local needs.
- E. To provide for a range of non-polluting, light industrial or manufacturing activities in areas that will be both suitable for the proposed use and compatible with the residential character of the community.

SECTION 1002 USE REGULATIONS

Land and buildings in the Business (B) District shall be used for one of the following purposes only:

- A. By-right Uses. A building or other structure may be erected, altered, or used and a lot may be used or occupied for any one of the following purposes:
 - 1. Retail store. In addition to the definition in Section 202, retail stores shall include but not be limited to retail establishments that sell: furniture, swimming pools, automobiles, farm machinery and other large retail merchandise.
 - 2. General service shop.
 - 3. Bank or financial Institution.
 - 4. Restaurant.
 - 5. Office.
 - 6. Studio.
 - 7. Indoor and/or outdoor recreation centers.
 - 8. Indoor laboratory for testing, research and development.
 - 9. Medical services center, in accordance with Section 1616.
 - 10. Private club or fraternal institution, accordance with Section 1623.
 - 11. Vehicle repair shop, in accordance with Section 1634.
 - 12. Vehicle sales and service, in accordance with Section 1634.

13. Vehicle fueling Station, in accordance with Section 1633.
 14. Public utility service structure or facility, in accordance with Section 1626.
 15. Parking lot as a principal use, in accordance with Section 603 of the Atglen Borough Subdivision and Land Development Ordinance.
 16. Warehouse or storage facility within completely enclosed building.
 17. Wholesale or distributions business.
 18. Printing or publishing establishment.
 19. Manufacturing.
 20. Single Family Detached Dwelling.
 21. Forestry/Timber Harvesting in accordance with Section 1611.
 22. Accessory uses customarily incidental to any of the uses permitted above shall be permitted on the same lot when in accordance with the applicable provisions of Section 1602.
- B. Special Exception Uses. A building or other structure may be erected, altered, or used and a lot may be used or occupied for any one of the following purposes when authorized as a Special Exception by the Zoning Hearing Board, Subject to Article 19 of this Ordinance:
1. Laundry and dry cleaning establishments.
 2. Junkyards, in accordance with Section 1614.
 3. Self storage facilities, in accordance with Section 1630.
 4. Packaging or bottling establishment.
 5. Processing or manufacture of food products.
 6. Railyard, in accordance with Section 1627.
 7. Vehicular washing, in accordance with Section 1635.
 8. Accessory uses customarily incidental to any of the uses permitted above shall be permitted on the same lot when in accordance with the applicable provisions of Section 1602.
- C. Conditional Uses. A building or other structure may be erected, altered, or used and a lot may be used or occupied for any one of the following purposes when authorized as conditional use granted by the Borough Council in accordance with Section 2009 of Article 20.
1. Adult Use in accordance with Section 1604.
 2. Any other use not specifically stated in this ordinance.
 3. Accessory uses customarily incidental to any of the uses permitted above shall be permitted on the same lot when in accordance with the applicable provisions of Section 1602.

SECTION 1003 AREA AND BULK REGULATIONS

The following area and bulk regulations shall apply in the (B) Business District.

- A. Minimum lot area and lot width for permitted uses shall be based on required building setbacks, maximum impervious coverage, off-street parking and loading/unloading standards, as well as any other applicable standards.
- B. Minimum front yard: 20 feet
- C. Minimum side yard: 15 feet
 - 1. Except where the property is adjacent to any residential district in which case a fifty (50) foot side yard shall be required.
 - 2. Except where the property abuts a street in which case a forty (40) foot side yard shall be required.
- D. Minimum rear yard: 30 feet
- E. Maximum impervious coverage: 65 percent
- F. Maximum building height: 35 feet
- G. Area and bulk regulations for accessory buildings and structures shall be provided in accordance with Section 1602 of this Ordinance.

SECTION 1004 DESIGN STANDARDS

The following standards shall apply in the (B) Business District, where applicable:

- A. Flood Hazard Overlay, Article 12.
- B. Natural Resources Protection, Article 13.
- C. General Regulations, Article 15.
- D. Supplemental Use Regulations, Article 16.
- E. Signs, Article 17.
- F. Off-Street Parking Requirements, Section 603 of the Subdivision and Land Development Ordinance.

ARTICLE 11

(TND) TRADITIONAL NEIGHBORHOOD DEVELOPMENT

SECTION 1101 PURPOSE

The (TND) Traditional Neighborhood Development District is established for the following purposes:

- A. Encourage the development of a variety of individual and mixed uses that are consistent with existing development in Atglen Borough and oriented towards and within walking distance of the potential Atglen train station and bus service in a transit oriented design. These uses include a mix of commercial, residential, institutional, employment, open space, and civic uses. See Figure 11-6 on page 11-16 for an illustration of how future development may occur within this District.
- B. Create new development that will build on the assets of transit availability.
- C. Create a pedestrian-friendly environment to encourage walking, bicycling, and transit use and reduce unnecessary vehicular trips, auto dependency, and roadway congestion by locating multiple destinations and trip purposes within walking distance of one another.
- D. Create a neighborhood identity that promotes pedestrian activity, human interactions, safety, and livability consistent with Traditional Neighborhood Development as permitted by Article 7-A of the MPC.
- E. Orient buildings and pedestrian activity to public spaces, train stations, and bus service.
- F. Create and enhance pedestrian-friendly street networks that directly connect the train station and bus service with new development, civic uses, and existing development within the Borough.
- G. Encourage design, style, density, and character of development that complements the historic development pattern in the Borough surrounding the train station. This does not mean recreating older development design, style, density, and character exactly, but using modern practices to complement and augment historic characteristics.
- H. Preserve, enhance, and create civic, open space, and recreational areas.
- I. Provide for comprehensively planned and integrated mixed-use development according to a master plan consistent with the goals and objectives of the Borough (Comprehensive Plan) and Chester County Landscapes2 Comprehensive Policy Plan.
- J. Provide development incentives for those plans that include design features, support facilities, and/or amenities that reinforce implementation of the TND District's goals and its relationship to the surrounding community and the existing development within the Borough.
- K. Develop land in the TND District in a coordinated manner consistent with a Master Plan for the area as required by this Article.

SECTION 1102 USE REGULATIONS

- A. Mixed use Requirement. A minimum of fifty (50) percent of any block (either in area, percentage of lots, or percentage of street frontage) shall contain nonresidential uses on the first floor (mixed use buildings). For such uses, nonresidential uses are required on first floor, office and residential uses shall be permitted on second floor and above in accordance with Section 1617 (Supplemental Uses). This requirement shall not apply to single family detached dwellings utilizing the cluster development option as permitted in Section 1102.A.3.e.

- B. Uses permitted By-right.
 - 1. Mixed use building in accordance with Section 1617.
 - 2. Retail Store.
 - 3. Personal Service Shop.
 - 4. Office.
 - 5. Parking lot associated with a Transit Station as permitted in accordance with Section 1632.
 - 6. Restaurant.
 - 7. Coffee Shop.
 - 8. Bank or Financial Institution.
 - 9. Medical Service Center in accordance with Section 1616.
 - 10. Studio.
 - 11. Social Service Agency.
 - 12. Laundrette, not exceeding three thousand five hundred (3,500) square feet.
 - 13. Two-family dwellings (twins).
 - 14. Forestry/Timber harvesting in accordance with Section 1611.
 - 15. Accessory uses customarily incidental to any of the uses permitted above shall be permitted on the same lot when in accordance with the applicable provisions of Section 1602.

- C. Uses permitted by Conditional Use:
 - 1. Grocery Store.
 - 2. Convenience Store not greater than five thousand (5,000) square feet.
 - 3. Commercial day care in accordance with Section 1609.
 - 4. Parking lot or Parking Structure in accordance with Section 1621.
 - 5. Single family detached dwellings utilizing the cluster development option as permitted in Article 5a.
 - 6. Hotel.
 - 7. Parking structure associated with a Transit Station as permitted in accordance with Sections 1621 and 1632.
 - 8. Accessory uses customarily incidental to any of the uses permitted above shall be permitted on the same lot when in accordance with the applicable provisions of Section 1602.

SECTION 1103 AREA AND BULK REGULATIONS

The following area and bulk regulations shall apply in the TND District unless stated otherwise in this Ordinance:

- A. Minimum lot area per use: 3,000 square feet
- B. Maximum lot area per use: 10,000 square feet, 50,000 square feet permitted by Conditional Use and subject to the design requirements of Section 1104.A.5 and E
- C. Minimum lot width at building setback line: 25 feet
- D. Maximum building width per use: 50 feet, 150 feet permitted by Conditional Use and subject to the design requirements of Section 1104.A.5 and E
- E. Minimum lot depth: 100 feet
- F. Maximum impervious coverage: 80 percent, except up a maximum of

100 percent may be permitted, provided that the streetscape and green area standards in Subsection 1104.E are met.

- G. Minimum front yard: See Section 1104.A.1
- H. Minimum side yard: See Section 1104.A.2
- I. Minimum rear yard: 5 feet
- J. Minimum building height: See Section 1104.A.4
- K. Maximum building height: 35 feet, except that 55 feet may be permitted by Conditional Use and in accordance with Section 1104.A.4
- L. Area and bulk regulations for accessory buildings and structures shall be provided in accordance with Section 1602 of this Ordinance.

SECTION 1104 DESIGN STANDARDS

In the TND District the following design standards shall apply, in addition to the area and bulk requirements and other applicable regulations:

- A. Building design standards. All buildings shall meet the following requirements:
 1. Build-to line. Buildings shall abut the sidewalk or may be setback a maximum of five (5) feet from the sidewalk. A maximum setback of twenty (20) feet shall be permitted for the purposes of a courtyard, plaza, recessed entrance, or an outdoor dining area adjacent to the public street in accordance with Section 1104.E, but shall not be permitted for off-street parking.
 2. Side yard setback. Side yard setback shall not be required for buildings that share a party wall. The minimum side yard setback shall be five (5) feet when not sharing a party wall.
 3. Building width shall be a minimum of sixty (60) percent of the lot width for all buildings.
 4. Building Height.
 - a. Buildings shall be a minimum of two (2) stories tall or may have building façade that mimics a two (2) story building. A minimum of seventy five (75) percent of buildings on a block shall be fully two (2) stories in height and not more than three (3) adjacent buildings shall be less than two (2) stories in height or have only facades mimicking a two (2) story building.
 - b. The height of buildings on a block shall be varied and no more than three (3) adjacent buildings shall have the same building height.
 - c. All buildings shall articulate the line between the ground and upper levels with a canopy, balcony, arcade, belt course, or other visual device. See Section 202, Definitions.
 - d. Standards for increased building height to exceed thirty five (35) feet:
 - 1) Not more than two (2) consecutive adjacent buildings greater thirty five (35) feet shall be permitted to have the same building height.
 - 2) Not more than two (2) consecutive adjacent buildings greater thirty five (35) feet shall be permitted to have the same roofline. Roofline variations include but are not limited

to flat roofs, mansard, hip, gable, gambrel, dormer, or any combination or variation thereof.

- 3) Buildings greater than thirty five (35) feet shall have their vertical massing broken up with horizontal elements at the thirty five (35) foot height at a minimum. Elements to achieve this variation shall include, but are not limited to, such features as varying facade cladding, belt course, window and door fenestration, pilasters, piers, bay windows, bow windows, and other appropriate elements that project from the building facade no less than six (6) inches and no more than three (3) feet. Buildings shall also comply with horizontal massing requirements in accordance with Section 1104.A.5, below.
5. Building and Use Width. The maximum width for a single building or use shall be fifty (50) feet and maximum building area (footprint) shall be 10,000 square feet. These standards may be increased to one hundred fifty (150) feet and 50,000 square feet when permitted by Conditional Use provided that not more than fifty (50) feet of continuous horizontal street wall shall be created for any new building or structure on a side facing a public street, except where a vertical break in depth of no less than six (6) inches and no more than three (3) feet is provided at intervals of not less than thirty (30) feet accomplished through elements to achieve this street wall variation which shall include, but be not limited to such features as varying facade cladding, vertical building extensions, window and door fenestration, recessed or extended doorway entrances, pilasters, piers, display windows, bay windows, bow windows and other appropriate elements that project from or extend into the street wall. (Section 202, Definitions)
6. Building orientation and entrances: (See Section 202, Definitions)
 - a. In order to relate to existing or proposed transit and other uses in the TND District, the location of buildings shall be appropriately oriented toward the planned train station, bus service, civic spaces, and sidewalks and away from vehicular driveways, loading areas and parking areas.
 - b. Each building in the TND District shall have a principal entrance on the front of the building facing the sidewalk.
 - c. When buildings are located on corners, if possible the entrance shall be located on the corner with an appropriate building articulation, such as a chamfered corner, turret, canopy, or other similar building feature that demarcates the building entry.
 - d. All primary building entrances shall be accentuated. Accentuated entrances permitted include but are not limited to: recessed, protruding, canopy, portico, and overhang. (See Section 202, Definitions)
7. Walls and windows.
 - a. The front façade of buildings shall consist of a minimum of thirty (30) percent building openings (including but not limited to entrances, doors, and door side lights or transoms) and windows but shall not exceed eighty (80) percent building openings and windows. The view through building openings and windows into the building shall not be obstructed by signs, products, shelving, or other items except as provided by this Ordinance.
 - b. All other walls facing a street, parking area, or sidewalk shall:
 - 1) Contain a minimum of twenty five (25) percent window area, but not more than seventy five (75) percent window area.
 - 2) Have architectural treatments that reflect that of the front facade, including consistent style, materials, colors, and details.

- c. Blank walls shall not be permitted along any exterior wall. Walls or portions of walls where windows are not provided shall have architectural treatments that include one (1) or more of the following: concrete or masonry plinth at the base of the wall, belt courses, projecting cornice, medallions, artwork or murals, decorative trimwork, lighting fixtures, or other similar decorative feature. (See Section 202, Definitions)
- d. No building or structure shall have opaque windows, dark-tinted glass, or reflective glass. Windows shall be transparent. Internal displays shall not be placed to impede visibility through windows more than fifty (50) percent of the window area.

B. Streets, Alleys, and Blocks.

1. Streets shall generally follow a grid pattern of street blocks and interconnecting streets and alleys, pedestrian ways, and sidewalks, to facilitate both vehicular and pedestrian circulation. Design approaches should apply context sensitive design and be consistent with the concepts recommended in the *“Smart Transportation Guidebook, Planning and Designing Highways and Streets that Support Sustainable and Livable Communities”*. (New Jersey and Pennsylvania Departments of Transportation, 2008, or most recent addition). See Figure 11-6.
2. The circulation system shall be spatially defined by buildings, sidewalks, street furniture, street trees, and landscaping as specified in this Ordinance and the Subdivision Ordinance.
3. Vehicular access to a building site shall be designed to limit the number of access points to streets, limit the potential for turning movement conflicts, and adhere to applicable traffic calming standards (e.g., *“Publication 383 - Traffic Calming Handbook”* (most recent edition), Pennsylvania Department of Transportation).
4. Required block length:
 - a. Minimum: 150 feet
 - b. Maximum: 500 feet

C. Pedestrian design standards.

1. Sidewalks shall be required along all street frontages as follows:
 - a. A minimum width of eight (8) feet for blocks containing mixed use or commercial buildings.
 - b. For blocks, street frontages, or areas where mixed use or commercial buildings are not present or areas that connect with adjacent zoning districts, the minimum sidewalk width shall be five (5) feet.
2. Sidewalks shall connect the street frontage to all front building entrances, parking areas, green space or civic space, and any other destination that generates pedestrian traffic. Sidewalks shall connect to existing sidewalks on abutting tracts and other nearby pedestrian destination points including the potential train station and bus service.

D. Dwelling units above nonresidential uses.

1. Parking spaces, lots, or garages for dwelling units provided above nonresidential uses shall be provided to the side or rear of the mixed use building.
2. When two (2) or less dwelling units are built above a nonresidential use, parking may be accommodated through on-street parking where available.

3. Dwelling units above nonresidential uses shall have access to the outside independent from the associated nonresidential use. Common access to more than one (1) unit is permitted in accordance with appropriate codes and ordinances. Dwelling units above nonresidential uses shall otherwise conform to Section 1617.
- E. Streetscape, building façade, and green area standards. Streetscape, building façade, and green area standards shall relate to Atglen's streetscape design and be reviewed by Borough Council. The applicant shall demonstrate that these standards are met through elevations and conceptual sketches. The following shall be required for all new development and additions, or alterations to structures along the street frontage:
1. Variation in architectural design is strongly encouraged to avoid facades typical of continuous commercial strip development. Use of variation in color, texture, height, and orientation may be required to provide architectural diversity and individuality for various buildings. Buildings shall consider the setting, massing, proportions, scale, facade treatment and materials in relationship to the architectural context of the existing development in the Borough.
 2. Walls and fences shall be uniform and compatible with regard to architectural style, color, and construction material. Appropriate materials include wood or iron gating and stone or brick. The use of plastic and vinyl materials shall be discouraged but not prohibited. Chain link or stockade fencing shall not be permitted. Walls greater than fifty (50) feet in length shall incorporate some form of visual relief, including, but not limited to pattern breaks, varying wall construction and materials, vertical features such as columns, or a combination thereof, in accordance with Section 1104.A.5.
 3. Transitions between different land uses within the TND District shall be established so as to avoid distinct visual differences, such as in the scale of buildings or between distinctly commercial and residential areas.
 4. Street trees shall be planted along all public rights-of-way in accordance with Section 609.D of the Subdivision Ordinance. Tree species shall be selected that require minimal maintenance and are primarily of native origin.
 5. Pedestrian amenities, such as benches, public art, planters, trash receptacles, etc. are encouraged and if included, shall be located along sidewalks, and in landscaped areas, open spaces, and civic spaces.
 6. Streetscape and green area standards that shall follow the categories and minimum requirements in Figure 11-1 and 11-2, whereby category A contains planting and greening elements, category B includes more elaborate greening elements as well as street furniture and other streetscape elements, and category C includes more extensive building elements, streetscape improvements, and open space elements. Modifications to the requirements or additional amenities not listed may be granted by Borough Council.

Figure 11-1: Streetscape and Green Area Categories

Building Additions and Alterations	Buildings of 2,500-4,999 Gross Square Feet In Size	Buildings of 5,000-9,999 Gross Square Feet In Size	Buildings of 10,000 Gross Square Feet or Greater and/or Buildings Greater Than Two Stories
Shall include a minimum of: 4 points from Category A (no more than 3 of one item) from Figure 11-2.	Shall include a minimum of 4 points from Category A (no more than 3 of one item) from Figure 11-2.	Shall include a minimum of 5 points from Category A, 4 points from Category B (no more than 3 of one item) from Figure 11-2.	Shall include a minimum of 7 points from Category A, 5 points from Category B, and 6 points from Category C (no more than 3 of one item) from Figure 11-2.

Figure 11-2: Streetscape and Green Area Items

Category	Item	Points
A	Hanging basket (minimum size 12 inches in diameter)	1
A	Decorative banners/flags	1
A	Window box (shall extend the length of window sill and be a minimum of 6 inches wide by 6 inches deep)	2
A	Additional planting area including shrubs, trees, ground covers, or flowers	2
A	Street planter (minimum size 24 inches in diameter)	2
A	Bench (at least 6 feet in length)	2
B	Decorative building lighting	1
B	Trash receptacle	2
B	Raised planting bed	2
B	Public art/mural	2
B	Trellis, arbor or pergola (planted with vines or shrubs)	2
B	Awning	2
B	Kiosk	3
C	Decorative paving	3
C	Balconies	3
C	Planting in curb extension (planted bulb outs/large planters)	3
C	Courtyard [see requirements in Section 1104.E.7 below]	3
C	Roof garden	3
C	Clock tower	3
C	Decorative architectural treatments (in addition to those required by Section 1104.A)	4
C	Plaza [see requirements in Section 1104.E.8 below]	6
A, B, or C	Other amenity approved by Borough Council	To be determined by Borough Council

7. Courtyard standards. (See Figure 11-2 and Section 202, Definitions)
 - a. Minimum size required is three hundred (300) square feet.
 - b. An courtyard shall be located where it is visible and accessible from either a public sidewalk or pedestrian connection.
 - c. Forty (40) percent of the garden shall be plant materials such as trees, vines, shrubs, and seasonal flowers with year-round interest in the form of individual trees, planters, raised beds or other similar form. All trees shall be at least two and one half (2.5) inches in caliper.
 - d. One (1) tree is required for every three hundred (300) square feet of courtyard. Trees should be of the appropriate variety to take into account spacing and size of the area, and so trees do not overgrow the area at maturity.
 - e. One seating space is required for each twenty five (25) square feet of courtyard area.
 - f. Courtyards shall connect to other activities such as outdoor cafes, restaurants, civic spaces, sidewalks, and building entries, when applicable or available.
 - g. Courtyards shall require an agreement with the Borough for public access and continued maintenance.

8. Plaza standards. (See Figure 11-2 and Section 202, Definitions)
 - a. Minimum size required is five hundred (500) square feet.
 - b. The plaza shall be located where it is accessible from either a public sidewalk or pedestrian connection.
 - c. Thirty (30) percent of the plaza shall be landscaped with trees, shrubs, and mixed plantings with year-round interest in the form of individual trees, planters, raised beds, water features with vegetation, or other similar form.
 - d. The plaza shall use the following paving materials: unit pavers, paving stones, or concrete. No more than twenty (20) percent of the plaza shall be concrete.
 - e. One (1) seating space is required for each thirty (30) square feet of plaza area.
 - f. The plaza shall not be used for parking, loading, or vehicular access (excluding emergency vehicular access).
 - g. Public art is encouraged.
 - h. Trash containers shall be distributed throughout the plaza.
 - i. The plaza shall provide shade by using the following elements: trees, canopies, trellises, umbrellas, or building walls.
 - j. One (1) tree is required for every four hundred (400) square feet of plaza area. Trees shall be at least two and one half (2.5) inches in caliper.
 - k. Lighting shall be provided.
 - l. Plazas shall connect to other activities such as outdoor cafes, restaurants, civic spaces, sidewalks, and building entries, when applicable or available.
 - m. Plazas shall be located if possible to have maximum direct sunlight with a south or west orientation.
 - n. Plazas shall require an agreement with the Borough for public access and continued maintenance.

- F. Landscaping. Street trees, buffers, screening, parking lot landscaping, stormwater management, and landscaping around buildings shall be provided, in accordance with the landscaping provisions of this Ordinance and the landscaping section of the Subdivision Ordinance (SLDO) except where more specific provisions are otherwise included in this Ordinance.

- G. Screening.
 1. Development in the TND District shall have a buffer and be screened from adjacent rural development in West Sadsbury Township and a screen shall be provided on the north side of the railroad tracks to buffer uses from the existing uses on the south side of the railroad

tracks in accordance with Section 1505, Landscaping, Buffering, and Screening (General Regulations).

2. Development in the TND District adjacent to residential uses in the R-1a District shall require a thirty (30) foot wide buffer established. The buffer shall be otherwise designed in accordance with the buffer and screening requirements of Section 1505 and Section 609.B of the Subdivision Ordinance.

H. Driveways.

1. The creation of new sidewalk curbs cuts shall be avoided whenever an alternative point of access is available or can be created.
2. Shared access agreements are encouraged.
3. Access driveways to off-street parking is encouraged to be from rear alleys or mid-block access driveways to shared parking areas to the side or rear of adjacent buildings, in accordance with Section 1104.I.2.

I. Off-Street Parking and Loading.

1. Requirements. The following off-street parking requirements shall apply in addition to and in modification of the requirements of Section 603 of the Subdivision Ordinance:

- a. A minimum of one (1) parking space per bedroom for dwelling units above a nonresidential use, plus one (1) guest space per two (2) units.
- b. Parking for non-residential uses shall be provided at not more than four (4) per one thousand (1,000) square feet (gross) and not less than less than two (2) per thousand (1,000) square feet (gross) for uses less than three thousand (3,000) square feet.
- c. Bicycle racks. One (1) bike rack shall be provided for every nonresidential use greater than five thousand (5,000) square feet in size for bicycle parking on the property. One (1) additional bike rack shall be provided for each additional five thousand (5,000) square feet of building area. Each bike rack shall be able to secure a minimum of five (5) bicycles.
- d. Off street parking lots shall not exceed one hundred twenty five (125) percent of the required parking spaces for the associated use, where applicable.

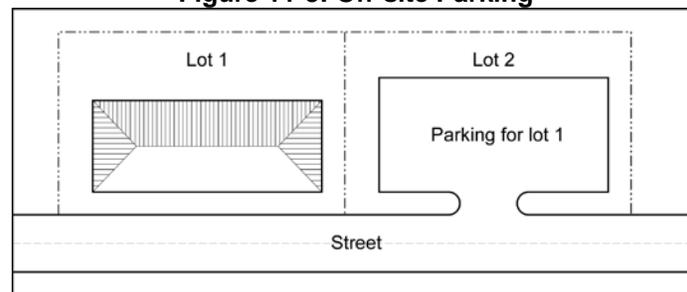
2. Location.

- a. Parking shall be located behind or to the side of a building and shall not be permitted in front of the building façade. Where a parking lot abuts a public sidewalk, alley, or street, it shall be enclosed by a knee-wall, fencing, or landscape plantings a minimum of three (3) feet in height in addition to a landscaped buffer a minimum of three (3) feet in width and planted in accordance with Section 1505 and the Subdivision Ordinance. Fencing shall not be solid and shall have a minimum open space ratio of forty (40) percent. The use of metal or wrought iron fencing shall be encouraged.
- b. Where feasible, ingress and egress from parking shall be from side streets or alleys.
- c. Off-Street Loading shall be in accordance with Section 603 of the Subdivision Ordinance.
- d. Access to parking lots shall be in accordance with the hierarchy established by this Section. The burden shall be on the applicant as to why the more preferable means of access cannot be used, as approved by Borough Council. Access to off-street parking shall be from:

- 1) An alley behind or side street not facing the façade of the associated use, preferably a lower functioning roadway.
- 2) A single access drive from the street the use(s) front upon.

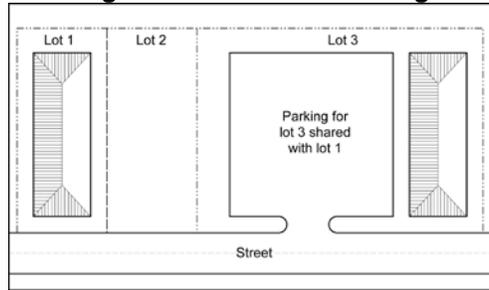
- 3) Multiple access drives from the street the use(s) front upon or options 1 or 2 above.
3. Public Parking Lots. No more than thirty (30) percent of required parking for a use shall be permitted to be met by public parking lots within five hundred (500) feet of the use. There shall be safe means of crossing streets between the use and public parking lots including but not limited to crosswalks and sidewalks in combination with appropriate signage.
 4. On-Street Public Parking. No more than twenty (20) percent of required parking for a use shall be met by on-street public parking within one hundred (100) feet of the use.
 5. Off-Site Parking. No more than eighty (80) percent of required parking for a use shall be met by off-site parking in accordance with the following:
 - a. Off-site parking shall be located within five hundred (500) feet from the entrance to the use for which the parking is associated.
 - b. There shall be safe means of crossing streets between the use and associated off-site parking, including but not limited to a crosswalk and sidewalks in combination with appropriate signage.
 - c. Associated parking shall be designated with the use and/or uses that are associated with the required parking.
 - d. There shall be a legal agreement written and approved by the Borough that the required off-site parking shall be owned, maintained and continued for and by the associated use.

Figure 11-3: Off-site Parking



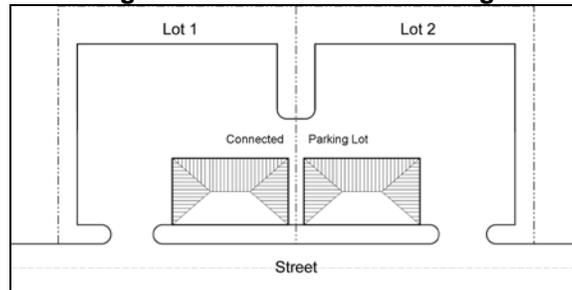
6. Shared Parking. A maximum of thirty (30) percent of required parking spaces for a church, theater, studio, or other uses open primarily outside of typical business hours may be provided and used jointly with banks, offices, retail stores, service establishments, and other similar uses that are normally open, used or operated during typical business hours (8 a.m. to 5 p.m. Monday-Friday), according to the following provisions:
 - a. The sharing of parking shall be approved by the Borough Council who shall consider, among other criteria, the hours of operation of the uses which are sharing required parking spaces, the number of spaces involved, and the distance between the uses. At a minimum, the shared uses shall be within the same block or within five hundred (500) feet of each other.
 - b. A written agreement ensuring the retention of parking spaces for such sharing of required parking shall be properly drawn and executed by the parties concerned for review by the Borough Solicitor and approval of Borough Council. Such approval may be rescinded by the Borough, and additional parking be obtained by the owner to meet the required off-street parking standard in the event the Borough determines the joint use of parking results in a public nuisance or adversely affects the public health, safety, or welfare.
 - c. Shared facilities shall be provided with appropriate signage indicating the buildings and/or uses for which the spaces are available.

Figure 11-4: Shared Parking



7. Connected parking. Connected parking lots between adjacent uses shall be required as follows:
 - a. When parking lots are developed on adjacent lots, they shall be required to connect to parking lots on adjacent lots. Where there is no parking lot on an adjacent lot, a parking lot shall be constructed so that such connection may be made in the future if and when a parking lot is constructed on the adjacent lot. Parking garages shall be exempt from this requirement.
 - b. When a new parking lot is developed adjacent to an existing parking lot, after the required connection is constructed, existing access drives may be eliminated in order to reduce access for all connected lots to the requirement for one (1) lot, and the eliminated access drives may be repurposed for parking spaces.
 - c. A common access agreement between adjacent uses shall be required and approved by the Borough to maintain the parking lots and the shared access.

Figure 11-5: Connected Parking



8. Parking Garages. Parking Garages shall be permitted in accordance with Section 1623.
- J. Utilities. All electric and communications lines shall be underground.
- K. Open Space and Civic Space requirement. A minimum of ten (10) percent of any development shall be provided as civic space or open space in addition to those spaces required and/or provided under Section 1104.E which may be offered for dedication to the Borough, which the Borough shall not be obligated to accept. These spaces are permitted to include required stormwater management facilities that may be necessary or required as a part of site development.
- L. Lighting. Exterior lighting should be designed to enhance the site and streetscapes, emphasize a building's architecture and entrances, and provide safety and security for pedestrians. The maximum height for light fixtures shall be twenty (20) feet for parking lots and fourteen (14) feet for pedestrian walkways. All off-street parking areas and pedestrian walkways shall be well lit in accordance with Section 1506, Lighting, and the Subdivision Ordinance.

- M. Signs.
 - 1. Signs. A signage plan, which shall include wayfinding signs, shall be submitted and approved prior to final land development approval.
 - 2. Design. All signs within the TND District shall be complementary in their use of color, shape, and material. Signs shall be generally consistent within the TND District and are encouraged to maintain a consistent identifiable theme.
 - 3. Freestanding pole signs shall not be permitted in the TND District.
 - 4. All signs shall otherwise comply with the requirements of Article 17, Signs.
- N. Stormwater management. All development shall comply with the Borough Stormwater Management Ordinance. The use of best management practices including, but not limited to, drywells, rain gardens, subsurface stormwater infiltration beds, green roofs, pervious pavement, and other similar methods and technologies are encouraged.
- O. Flood Hazard Overlay, Article 12.
- P. Natural Resources Protection, Article 13.
- Q. General Regulations, Article 15.
- R. Supplemental Use Regulations, Article 16.
- S. Off-Street Parking Requirements, Section 603 of the Subdivision and Land Development Ordinance.

SECTION 1105 MASTER PLAN

Any development in the TND district shall require the development of a master plan in accordance with the following:

- A. The master plan shall include the location of the proposed train station and bus service as identified by the Borough and as indicated on Figure 11-6.
- B. If the master plan includes land adjacent to West Sadsbury Township, the plan shall be shared with West Sadsbury Township for the opportunity to comment on the master plan as part of the review process in order to minimize potential conflicts.
- C. Once the master plan has been approved, permits shall be issued pursuant to approved land development or subdivision plans consistent with the approved master plan.
- D. A master plan shall contain a detailed plan for the TND District for the purpose of continued access and connections for roadways, bicycle, and pedestrian facilities in addition to screening and buffering requirements, trail connections, and conceptual future land uses on adjacent tracts.
- E. The master plan tract or tracts within the master plan area may be subdivided for separate ownership or lease only if the subdivision is consistent with the approved master plan.
- F. Submission requirements. The master plan shall be prepared by a registered surveyor or engineer, landscape architect, land planner or similarly qualified person. The master plan shall be consistent with the Future Land Use Plan of Borough's Comprehensive Plan and the concepts portrayed in Figure 11-6 of this Article, and is strongly encouraged to be submitted to the Borough as a sketch plan for the review by the Borough Planning Commission and Borough Council, pursuant to review by the Borough Engineer. The master plan shall contain the following:
 - 1. Description of how the proposed master plan is consistent with the Borough's Comprehensive Plan and a rationale to justify any deviation from the Comprehensive Plan. Included shall be

- the identification of the proposed train station and bus service, and facilities and space to accommodate all other anticipated modes of transportation, including commuter parking, bus/shuttle connections, pedestrians (sidewalks and walkways), and bicycles.
2. Proposed general layout including the proposed train station and bus service, other structures, parking areas, and public spaces (open space and civic space).
 3. Land uses within the proposed development site, with a table listing the amount of total nonresidential floor area by type of use (for example, retail or office) and the total number of dwelling units. The plan shall consider means of preserving existing structures on the site, through adaptive reuse of the structures, inclusion of the structures as civic uses such as community center, library, museum or similar use, and/or for possible dedication to the Borough.
 4. Proposed pedestrian and vehicular connections from within the site to the proposed train station and bus service, existing and potential development in adjacent Zoning Districts (including but not limited to the R-1a District), and existing development in the Borough to the east and south of the railroad tracks.
 5. Traffic and circulation plan.
 - a. A traffic and circulation plan shall be developed to demonstrate that vehicular and pedestrian access to and within the proposed development site, and specifically including the proposed train station and bus service, will be engineered and constructed to accommodate projected peak-hour circulation.
 - b. All vehicular access to properties in the development site shall be by means of roadways constructed consistent with the general circulation system plan of the Atglen Borough Comprehensive Plan and shall generally follow a grid pattern of streets, unless an alternative plan achieving similar ends is approved by the Borough Council.
 - c. Facilities and road design shall ensure safety and protection against congestion in the surrounding area from vehicular traffic resulting from the proposed development plan.
 - d. New roadways shall connect to the existing roadway network and make feasible extensions and connections to effectively complete the general circulation system plan, or a similarly approved plan. Roadway and pedestrian circulation patterns within the site shall be designed and developed as an integral part of the total development project including access to adjacent development, the existing portions of Atglen Borough, parking areas, and the potential train station and bus service from other parts of the development.
 6. Community impact analysis that studies the potential effects and impacts of the master plan on the following community facilities: emergency services, fire protection, solid waste disposal, recreation, transportation, school facilities and school district budgets, public utilities, and other applicable Borough services and revenues.
 7. Natural features that may be impacted by development or should be incorporated into the master plan in accordance with Article 13, Natural Resource Protection, of this Ordinance.
 8. Concept plan for stormwater management, in accordance with the requirements of Section 608 of the Subdivision Ordinance and in accordance with the Borough Stormwater Ordinance. Applicants are strongly encouraged to consider innovative stormwater best management practices that can accomplish multiple objectives, e.g., contribute to infiltration and provide water for growing plants and trees. Applicants are directed to examine bioretention facilities and rain gardens as complementary to landscape features. In addition, applicants are encouraged to consider construction of "green roof" buildings capable of managing small storm events through rooftop landscaping. Such facilities offer both an attractive amenity to the community and help manage smaller rainfall events.

9. Plan for public sewer and public water.
 10. Land uses of properties within three hundred (300) feet of any part of the property being developed shall be included in the master plan.
 11. Plan for the ownership and maintenance of public spaces and facilities.
 12. Implementation/construction phasing schedule, acknowledging the location of and current time frame for the construction of the potential train station and bus service, parking for the train station and bus service and other development, road improvements, and other infrastructure, including, but not limited to roadways, sidewalks, street lighting, landscaping, street trees, and water and sewer facilities.
- G. Master plan approval. The master plan shall be approved subject to the requirements of this Section and shall be consistent with the following:
1. The intent and purpose of the Land Use Plan in the Borough's Comprehensive Plan on pages 4-12 to 4-15, and particularly Sketch 6, and the TND District.
 2. The identification of the proposed train station, bus service, and related facilities, in addition to facilities and space to accommodate all other anticipated modes of transportation, including commuter parking, bus/shuttle connections, pedestrians, and bicycles.
 3. Facilities and road design to:
 - a. Generally carry out the circulation system plan of the Borough Comprehensive Plan, or an alternate plan approved by the Borough Council.
 - b. Ensure safety and protect against congestion in the surrounding area resulting from vehicular traffic related to the proposed plan.
 - c. Provide suitable vehicular connections to and from the surrounding roads. The number of intersections with Zion Hill Road should be kept to a minimum but shall result in intersections that are designed properly to handle anticipated traffic loads, including turning lanes as necessary in addition to an appropriate number of access points from Zion Hill Road so as not to create intersections that fail from a level of service standpoint.
 - d. Provide suitable pedestrian connections to and from the road network, existing and proposed development, and existing development in the Borough to the west and to the south of the railroad tracks.
 4. Appropriate consideration of the site's natural resources, including protection against soil erosion, water contamination, stormwater management, and flooding.
 5. Location of land uses which take into account suitability with respect to topography and drainage, sight lines from existing Borough development, impact on municipal services, utilities and public or quasi-public facilities; compatibility with surrounding land uses; and preservation of environmentally sensitive areas.
 6. Screening and buffering of new development from:
 - a. Adjacent rural areas in West Sadsbury Township.
 - b. Existing development in the Borough to the south of the railroad tracks.
 - c. Existing or potential development in the R-1a District.
 7. Identification of the proposed train station, bus service, and associated parking facilities with appropriate infrastructure for pedestrian connections between these facilities and to existing and proposed development.

8. An adequate program for ownership and maintenance of any proposed public or quasi-public spaces and facilities.
 9. Certification on the master plan that all subsequent land development and/or subdivision plans for properties within the TND District will be consistent with the approved master plan and comply with all applicable ordinance requirements.
- H. Amendments. Amendments to the master plan shall be submitted by the applicant to the Borough for approval. When one (1) or more of the following conditions in the master plan are being considered, amendments shall be reviewed and adopted subject to the procedures outlined in Section G, above.
1. Increasing the amount of nonresidential floor area or the number of dwelling units by more than ten (10) percent.
 2. Decreasing the amount of public or quasi-public space, civic space, or open space by more than ten (10) percent.
 3. Rearranging the land uses in a manner that will increase the impact of the proposed development by more than ten (10) percent on a road or other public facility or otherwise result in a change in traffic patterns.
 4. Changing or upgrading the road or pedestrian infrastructure included on the master plan.

SECTION 1106 MODIFICATIONS

Where clearly consistent with a provision of this Article, the Borough Council may permit the modification of the standards set forth in Section 1103 and Section 1104. Applicable standards (e.g., lot area, building size, setbacks, etc.) may be modified a maximum of twenty five (25) percent from either minimum requirements or maximum allowances, where practicable. No modification to the maximum permissible density or a reduction in required civic spaces shall be permitted.

**Figure 11-6: Illustration of Potential TND Development
(See next page)**

Figure 11-6: Illustration of Potential TND Development



ARTICLE 12

(FH) FLOOD HAZARD OVERLAY

SECTION 1201 PURPOSE

In keeping with the goals and objectives of the Comprehensive Plan and the purpose of municipal zoning, the regulations of this Article are intended to:

- A. Safeguard the streams and creeks of the Borough of Atglen.
- B. To protect residents of the Borough from flood hazards and consequent financial burdens.
- C. To minimize dangers to public health by protecting the public water supply and natural drainage patterns.
- D. To safeguard the rural integrity and health, safety and welfare of the community.

SECTION 1202 GENERAL REGULATIONS

- A. **Applicability.** For the purposes of this Ordinance, the Floodplain regulations shall be an overlay to the existing underlying districts as shown on the Zoning Map and, as such, the provisions of this Article shall be imposed in addition to the requirements of the underlying zoning district(s) in accordance with Section 301.B. In the event that a conflict exists between a section of this Article and another requirement of this Ordinance, the more restrictive provision shall apply.
- B. **Liability.** The degree of flood protection sought by the provisions of this Ordinance is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on occasion. Flood heights may be increased by manmade or natural causes, such as ice jams and bridge openings restricted by debris. This Article does not imply that areas outside any identified floodplain area, or that land uses permitted within such areas will be free from flooding or flood damages. This Article shall not create liability on the part of the Borough of Atglen or any officer or employee thereof for any flood damages that result from reliance on this Article or any administrative decision lawfully made there under.

SECTION 1203 DELINEATION OF THE FLOOD HAZARD OVERLAY

For the purpose of this Ordinance, the identified floodplain area shall be those areas of Atglen Borough, Chester County, which are subject to the one hundred (100) year flood, as identified in the Flood Insurance Study (FIS) dated September 29, 2006 and the accompanying maps as prepared for by the Federal Emergency Management Agency (FEMA), or the most recent revision thereof. Including all digital data developed as part of the Flood Insurance Study. A map showing all areas considered to be subject to the one hundred (100) year flood is available for inspection at the Borough offices. For the purposes of this Ordinance, the following nomenclature is used in referring to the various kinds of floodplain areas:

- A. **FW (Floodway Area)**- the areas identified as "Floodway" in the Flood Insurance Study prepared by the FEMA. The term shall also include floodway areas which have been identified in other available studies or sources of information for those floodplain areas where no floodway has been identified in the Flood Insurance Study.
- B. **FF (Flood-Fringe Area)**- the remaining portions of the one hundred (100) year floodplain in those areas identified in the Flood Insurance Study, where a floodway has been delineated. The basis for the outermost boundary of this area shall be the one hundred (100) year flood elevations contained in the flood profiles of the above-referenced Flood Insurance Study.

- C. FE (Special Floodplain Area)- the areas identified as Zone AE in the Flood Insurance Study, where one hundred (100) year flood elevations have been provided, but no floodway has been delineated.
- D. FA (General Floodplain Area)- the areas identified as Zone A in the Flood Insurance Study for which no one hundred (100) year elevations have been provided. When available, information from other Federal, State, and other acceptable sources shall be used to determine the one hundred (100) year elevation, as well as a floodway area, if possible. When no other information is available, the one hundred (100) year elevation shall be determined by using a point on the boundary of the identified floodplain area which is nearest the construction site in question.
- E. In lieu of the above, the municipality may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review.
- F. In all cases, the Flood Hazard Overlay boundary shall consist of the more extensive area between sources, subject to the provisions of Section 1205.

SECTION 1204 CHANGES IN THE IDENTIFICATION OF AREA

The delineation of any of the identified floodplain areas may be revised by the Borough Council where natural or man-made changes have occurred and more detailed studies conducted or undertaken by qualified agencies documents the need for such revision. However, prior to any such change, approval must be obtained from the Federal Emergency Management Agency.

SECTION 1205 BOUNDARY DISPUTES

- A. Should a dispute concerning any identified floodplain boundary arise, an initial determination of the boundaries shall be made by the Atglen Borough Zoning Officer. Where interpretation is needed as to the exact location of such boundaries, as in the case of a conflict between mapped boundaries and actual field conditions, such interpretation shall be made by the Borough Engineer, who shall submit a written report to the Borough Council.
- B. Any party aggrieved by any determination by the Borough Engineer may appeal their case before the Zoning Hearing Board. The party contesting the location of a flood hazard overlay boundary shall be given a reasonable opportunity to present his case to the Zoning Hearing Board. The burden of proof in all disputes shall be on the party filing for the hearing.

SECTION 1206 PERMITTED USES

The following shall be the only uses permitted in the flood hazard overlay of Atglen Borough, providing that they do not require cut, fill, structures, or the storage of materials or equipment, and providing that no development within the floodway portion of the flood hazard overlay shall be permitted that would cause any increase in the one hundred (100) year flood elevation.

- A. Cultivation and harvesting of crops according to recognized soil conservation practices.
- B. Pasture and grazing.
- C. Outdoor plant nursery.
- D. Public parks or recreation areas.

- E. Public conservation activities.
- F. Accessory residential uses such as yard areas, gardens, play areas, and pervious parking areas, in accordance with Section 1602.
- G. Accessory commercial and Industrial uses such as yard areas, pervious parking areas, and recreation fields, in accordance with Section 1602.
- H. Utilities such as gas lines, telephone lines, or electrical lines, provided that the lines are constructed in such a way so as to minimize the chances of impairment during a flood.

SECTION 1207 PROHIBITED USES

The following uses shall be specifically prohibited in the flood hazard overlay:

- A. All buildings or structures, whether principal or accessory.
- B. Public and private hospitals and medical facilities.
- C. Public and private nursing homes.
- D. Jails and penitentiaries.
- E. Mobile (Manufactured) home parks and subdivisions, and substantial improvements to such parks and subdivisions.
- F. Cut and/or fill.
- G. The storage of any material, natural or otherwise, especially including, but not limited to the following hazardous substances:
 - 1. Acetone.
 - 2. Ammonia.
 - 3. Benzene.
 - 4. Calcium Carbide.
 - 5. Carbon Disulfide.
 - 6. Celluloid.
 - 7. Chlorine.
 - 8. Hydrochloric Acid.
 - 9. Hydrocyanic Acid.
 - 10. Magnesium.
 - 11. Nitric Acid and Oxides of Nitrogen.
 - 12. Petroleum Products (gasoline, fuel oil, etc.).
 - 13. Phosphorus.
 - 14. Potassium.
 - 15. Sodium.
 - 16. Sulphur and Sulphur Products.
 - 17. Pesticides (including insecticides, fungicides, and rodenticides).
 - 18. Radioactive substances, insofar as such substances are not otherwise regulated.
 - 19. Other uses as may be defined by the Pennsylvania Department of Community and Economic Development.
- H. Any impervious surface such as a paved parking lot or road.
- I. Junkyard or storage yard.

- J. Commercial or industrial lot for the exhibition of goods such as automobiles or other products for sale or distribution.
- K. Any development or construction that would cause any increase in the one hundred (100) year flood elevation within any floodway.

SECTION 1208 EXISTING STRUCTURES AND USES

Structures and uses existing in the Flood Hazard Overlay prior to the enactment of this Zoning Ordinance, but which are not in compliance with these provisions may continue to remain provided that:

- A. No structure is improved more than fifty (50) percent of its market value.
- B. Any expansion to an existing structure shall be flood-proofed to the greatest possible extent.
- C. Within the floodway portion of the Flood Hazard Overlay, no development shall be permitted that would cause any increase in the one hundred (100) year flood elevation.
- D. Enclosed space below the lowest floor (including basement) is prohibited.
- E. No expansion or enlargement of an existing structure shall be allowed within any FE area that would, together with all other existing and anticipated development, increase the one hundred (100) year flood elevation more than one (1) foot at any point. This activity shall also address the requirements of the 34 PA Code Chapters 401-405, as amended and the 2003 IBC (Sec. 3402.1 and 1612.4) and the 2003 IRC (Secs. R105.3.1.1 and 323.1.40.)
- F. Any modification, alteration, reconstruction, or improvement of any kind that meets the definition of "repetitive loss" shall be undertaken only in full compliance with the provisions of this ordinance.
- G. The requirements of 34 PA Code Chapter 401-405, as amended and the 2003 IRC (Secs. R102.7.1, R105.3.1, R105.3.1.1 and Appendices E and J) or the latest revision thereof of the 2003 IBC (Secs. 101.3, 3403.1 and Appendix G) or the latest revision thereof shall also be utilized in conjunction with the provisions of the section.

SECTION 1209 VARIANCES

- A. If compliance with any requirement of this Article would result in an exceptional hardship to a prospective builder, developer, or landowner, the Borough may, upon request, grant relief from the strict application of these requirements except no variance will be granted for jails, hospitals, schools, other institutions, individual manufactured (mobile) homes, manufactured (mobile) home parks, or for any use specified in Section 1207.G. Variances shall be granted in conformance with the procedures outlined in Section 1909 of this Ordinance. In addition, whenever a variance is granted, the Borough shall notify the applicant in writing that:
 - 1. The granting of the variance may result in increased premium rates for flood insurance.
 - 2. Such variances may increase the risks to life and property.
- B. The Borough shall also insure that Granting the variance will not result either in:
 - 1. An unacceptable or prohibited increase in flood heights.
 - 2. Additional threats to public safety.

- 3. Extraordinary public expense, nor create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable state or local ordinances and regulations.
- C. The variance will be the minimum necessary, considering the flood hazard, to afford relief. If it should become necessary to grant any variance, the applicant shall be required to comply with all applicable requirements of the National Flood Insurance Program Regulations (60.3.a. through d.) including the requirements for elevation, flood-proofing, and anchoring. The applicant must also comply with any other requirements considered necessary by the Borough.
- D. Within the floodway portion of the flood hazard overlay no development shall be permitted that would cause any increase in the one hundred (100) year flood elevation.
- E. A complete record of all variance requests and related actions shall be maintained by the Borough. In addition, a report of all variances granted during the year shall be included in the annual report to the Federal Insurance Administration.

SECTION 1210 BUILDING PERMITS IN THE FLOOD HAZARD OVERLAY

- A. The Building Code Official shall issue a building permit only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this and all other applicable codes and ordinances and only after all other required permits have been obtained from any other office or agency. A permit must also be obtained for all development in the flood hazard overlay.
- B. No building permit shall be issued for any proposed alteration or relocation of any watercourse within the municipality unless:
 - 1. A water obstruction or encroachment permit under Chapter 105 (Dam Safety and Waterway Management) has been obtained from the Pennsylvania Department of Environmental Protection.
 - 2. All affected adjacent municipalities have been duly notified.
 - 3. Copies of such notifications have been forwarded to both the Federal Emergency Management Agency and the Pennsylvania Department of Community and Economic Development.
- C. Under no circumstances shall any use, activity and/or development adversely affect the capacity of the channels of any watercourse, drainage ditch, or any other drainage facility or system.

ARTICLE 13

(NR) NATURAL RESOURCE PROTECTION

SECTION 1301 PURPOSE

This Article is established for the following purposes:

- A. Promote and implement Sections 603(b)(1), 603(b)(5), 603(c)(7), 603 (g)(2), and 604(1) of Act 247 the PA Municipalities Planning Code (MPC), as amended, providing for the protection and preservation of environmentally sensitive areas and natural resources through Zoning Ordinances.
- B. Delineate selected natural resources within the Borough and establish resource protection standards to assist the Borough in reducing the impact proposed uses will have on the environment.
- C. To reduce erosion and sedimentation of surface water bodies through the protection of natural resources including but not limited to floodplains, wetlands, steep slopes, riparian buffers, and woodlands.

SECTION 1302 APPLICABILITY AND LIABILITY

- A. For the purposes of this Ordinance, the sections within this Article shall be overlays to the underlying districts as shown on the Atglen Borough Zoning Map. In those areas of the Borough where a section of this Article applies, the provisions of the section shall be imposed in addition to the requirements of the underlying zoning district(s). In the event that a conflict exists between a section of this Article and the underlying zoning district(s), the more restrictive provision shall apply.
- B. In the event that two (2) or more natural resources identified in this Article overlap, the resource with the most restrictive standard (the least amount of permitted alteration, regrading, clearing, or building, etc.) shall apply to the area of overlap.
- C. It shall be a violation of this Ordinance to regrade, fill, pipe, divert, channel, build upon, or otherwise alter or disturb a natural resource protected by this Article prior to the submission, review, and approval of: applications for zoning or building permits; conditional use or special exception approvals; variances; or submission of plans for subdivision or land development.
- D. Where disturbance of a natural resource is permitted, it shall not take place until it has been determined that such disturbance is consistent with the provisions of this Article and other applicable Borough ordinance provisions or federal or state regulations.
- E. Restrictions to the disturbance of resources shall apply before, during, and after construction on a site.
- F. Should the boundaries or delineations of any section of this Article be revised as a result of legislative or administrative actions or judicial decision, the zoning requirements of the underlying zoning district and other applicable section of this Article shall continue to apply.
- G. Plan information required by Section 1307 shall be verified as correct by the Borough Engineer or other qualified professional as determined by the Borough.
- H. Liability. This Article shall not create liability on the part of the Borough or any officer or employee thereof for any damages that result from negligence of this Article or any administrative decision lawfully made there under.

SECTION 1303 WETLANDS

A. Purpose.

To preserve and protect wetland areas as "natural filters" which aid in improving surface and ground water quality, groundwater recharge areas, natural floodwater retention areas, and as unique habitats for wetland species.

B. General Regulations.

1. Wetlands shall not be disturbed, altered, regraded, developed, filled, piped, diverted or built upon, except where state and federal permits have been obtained.
2. A wetlands margin shall not be altered, regraded, filled or built upon. Additionally, any Pennsylvania Department of Environmental Protection (DEP) regulations concerning activities related to wetland margins shall be met.
3. Federal and State Regulations.
 - a. Upon the completion of such survey as required in Section 1303.C, applicants who wish to perform any activities within any wetlands or wetlands margins found and delineated on the tract shall file a Joint Permit Application to the Pennsylvania DEP (Bureau of Dams and Waterway Management) and the U.S. Army Corps of Engineers.
 - b. For proposed uses, activities, or improvements which would entail the regrading or replacement of fill in wetlands or wetlands margins, the applicant shall provide the Borough with proof of the determination of the Pennsylvania DEP (Bureau of Dams and Waterway Safety) and the U.S. Army Corps of Engineers as per the applicability of state and federal wetland regulations and permission to undertake the requested activity.

C. Delineation of Wetlands Area.

1. Lands to which either or both of the following conditions apply require a site specific survey and delineation by a professional consultant and application of the standards of the United States Army Corps of Engineers and the Pennsylvania DEP to determine the presence of wetlands and actual wetlands boundaries:
 - a. Army Corps of Engineers Wetlands Delineation Manual (Environmental Laboratory, 1987).
 - b. Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Eastern Mountains and Piedmont Region, Version 2.0 (U.S. Army Corps of Engineers, 2012).
2. Site surveys for wetlands shall be conducted in accordance with the Federal Manual for Identifying and Delineating Jurisdictional Wetlands by persons qualified to perform such investigations.
3. Upon the completion of such a survey, all delineated wetlands and wetlands margins shall be mapped and categorized and submitted to the Borough for review and comment by the Borough Engineer.

D. Permitted Uses. Within wetlands, all uses within the underlying base zoning district are permitted only by conditional use and upon approval and permitting by the applicable state and federal agencies.

E. Prohibited Uses. The following uses shall be prohibited within any delineated wetlands areas:

1. Impervious coverage including but not limited to structures, paved parking lots, and roads.
2. Underground Storage Tanks.
3. Junkyards.
4. The storage of any material, natural or otherwise, especially including, but not limited to the following hazardous substances:
 - a. Acetone.
 - b. Ammonia.
 - c. Benzene.
 - d. Calcium Carbide.
 - e. Carbon Disulfide.
 - f. Celluloid.
 - g. Chlorine.
 - h. Hydrochloric Acid.
 - i. Hydrocyanic Acid.
 - j. Magnesium.
 - k. Nitric Acid and Oxides of Nitrogen.
 - l. Petroleum Products (gasoline, fuel oil, etc..)
 - m. Phosphorus.
 - n. Potassium.
 - o. Sodium.
 - p. Sulphur and Sulphur Products.
 - q. Pesticides (including insecticides, fungicides, and rodenticides).
 - r. Radioactive substances, insofar as such substances are not otherwise regulated.
 - s. Other uses as may be defined by the Pennsylvania Department of Environmental Protection.

SECTION 1304 STEEP SLOPES

A. Purpose.

The purpose of this Section is to promote the health, safety, and general welfare and to minimize negative environmental impacts by:

1. Conserving and protecting steep slopes from inappropriate development.
2. Protecting watersheds and limiting increases in stormwater runoff.
3. Regulating development in order to limit erosion and reduce the potential for increased run-off and downstream flood hazards.
4. Protecting the natural vegetative cover on Steep Slopes, thereby reducing runoff and flooding potential.
5. Protecting the quality of streams which would be threatened by indiscriminate grading and development on Steep Slopes.

B. Compliance. No area within Steep Slopes shall hereafter be used without full compliance with the terms of this Section and other applicable regulations.

C. Delineation of Steep Slopes.

1. Steep Slopes shall be defined and regulated as anywhere on a site or property where slopes are:
 - a. Fifteen (15) to twenty five (25) percent (Precautionary Slopes).
 - b. Greater than Twenty five (25) percent (Prohibitive Slopes).
2. Slope shall be measured as the change in elevation over the horizontal distance between consecutive contour lines. For purposes of this Ordinance, slope shall be measured over three (3) or more two (2) foot contour intervals (six (6) cumulative vertical feet of elevation). All slope measurements shall be determined by a topographic survey signed and sealed by a registered surveyor or engineer licensed to practice in the Commonwealth of Pennsylvania.
3. Interpretation of Steep Slope Boundaries.
 - a. The applicant proposing the subdivision and/or land development shall prepare a topographic site plan depicting the slope of all areas within the site according to the categories 15-25 percent and greater than 25 percent. Such areas shall be mapped prior to grading and as proposed. The plan depicting slope categories shall be sealed by a professional engineer, professional land surveyor.
 - b. The site plan shall be reviewed by the Engineer as the representative agent of the Borough to verify the delineation of slopes on the application and make a determination. Should a dispute concerning any identified steep slopes occur subsequent to the determination; upon appeal, the party contesting the location of the boundary shall have the burden of establishing that land does not lie within the area of Steep Slopes as delineated by Section 1304.C.1.

D. Resource Protection Standards.

1. Steep slope areas shall be preserved in their natural state whenever possible. Where construction of roads, buildings, driveways, or infrastructure cannot be avoided, disturbance shall be kept to the minimum necessary and the following requirements shall apply:
 - a. Slopes Fifteen (15) to twenty five (25) percent.
 - 1) Disturbance. Not more than fifty (50) percent of steep slopes shall be regraded, cleared, built upon, or otherwise altered or disturbed.
 - 2) Impervious Surface. The maximum impervious surface permitted shall be twenty (20) percent.
 - b. Slopes greater than Twenty five (25) percent. No disturbance shall be permitted on natural steep slopes exceeding twenty five (25) percent.
 - c. Exemption. Areas of steep slope that are one thousand (1,000) square feet or less of contiguous area shall be exempted from the steep slope standards set forth herein.
2. Forestry shall be permitted, when conducted in compliance with the required timber harvesting plan. Clearcutting of woodlands is prohibited on slopes greater than twenty five (25) percent.
3. Grading for the minimum portion of a road or driveway necessary for access to the principal use and sewer, water, and other utility lines shall be designed within the existing contours of the land to the extent possible unless it can be demonstrated that no other routing is feasible.
4. Each building or structure shall be constructed in such a manner as to provide the least alteration necessary of the existing grade, vegetation, and natural soils condition.

5. Excessive cut and fill shall be avoided. New roads and improvements to existing roads should be designed within the existing contours of the land to the greatest extent possible.
6. Finished slopes of all permitted cut and fill within steep slopes shall not exceed twenty five (25) percent.
7. All stockpiles of earth shall be seeded or otherwise stabilized to the satisfaction of the Borough Engineer or the Chester County Conservation District when stored for more than twenty one (21) days.
8. Any disturbance of land shall be in compliance with the erosion and sedimentation control standards of the Subdivision and Land Development Ordinance and 25 Pa. Code §§ 102.1 – 102.51.
 - a. An erosion and sedimentation control plan and soil stabilization plan shall be submitted consistent with the requirements of the Subdivision Ordinance.
 - b. The plan shall demonstrate how soil will be protected from erosion during construction and how soil will be stabilized upon the completion of construction.

E. Administration of Steep Slope Standards.

1. Where the following information has not been previously submitted as part of a subdivision or land development plan application, such information shall be submitted to the Borough with any application for a building permit, zoning permit, variance, conditional use, or special exception, as applicable where steep slopes are identified:
 - a. The adequacy of access to the site for emergency vehicles shall be subject to review by the fire marshal or his designee. The necessary information shall be submitted by the applicant to the fire marshal or his designee for his review.
 - b. The grading plan and erosion and sedimentation control plans described in Section 1304.D.8, above.
 - c. An application in conformance with Section 1304.E.2, below.
2. Application requirements:
 - a. The location, dimensions, elevation, and natural features of the property.
 - b. Existing and proposed uses and development.
 - c. The applicant shall delineate steep slopes which are on a site in accordance with this Section.
 - d. An earthmoving plan which indicates existing and proposed final grades including contour lines of two (2) foot intervals and a clear delineation of steep slopes. Erosion and sedimentation controls in accordance with the Subdivision Ordinance shall also be indicated.
 - e. A site plan indicating existing and proposed buildings, structures, driveways, other impervious surfaces, storm drainage facilities, retaining walls, and onsite sewage disposal, as applicable. The site plan shall also locate and identify existing and proposed vegetation including trees, woodlands, hedgerows, landscaping materials, open areas, and their groundcover types.
 - f. Plan, profile, and typical cross sections and elevations of the property, proposed buildings, structures, and the driveway and/or street providing public access, as well as architectural plans, elevations, and sections with the seal of a registered professional engineer thereon.
 - g. A statement, signed and sealed by a registered architect or registered professional engineer, explaining the following: the building methods to be used in overcoming: foundation and other structural or physical problems created by steep slope conditions; preserving the natural drainage; how the existing environment will be protected; the prevention soil erosion and excessive surface water runoff to neighboring properties and/or

streets; the type of sewage disposal and water supply; and how materials will be delivered to the site with minimal impact on the environment.

- h. A statement, signed by the landowner or legal representative stating that there is full understanding of any difficulties associated with construction and access involving steep slopes.
3. No plan shall be approved by Borough Council without the Borough Engineer's review of this material and recommendation thereon.

SECTION 1305 RIPARIAN BUFFERS

Riparian Buffers shall be in accordance with the Borough Stormwater Ordinance.

SECTION 1306 WOODLANDS

- A. The purpose of this Section is to promote conservation of woodland resources in the Borough through resource identification and replacement. An applicant shall identify and delineate woodlands on a site prior to the issuance of any building permit or subdivision and land development approval in accordance with Section 609 of the Subdivision Ordinance and Section 1611, Forestry and Timber Harvesting where applicable
- B. Standards for Disturbance Allowance for Woodlands.
 - 1. Unless undertaken as an approved timber harvesting activity conducted in compliance with the applicable requirements, woodlands shall not be regraded, cleared, built upon or otherwise altered, except in compliance with the following:
 - a. On lots or tracts of one (1) acre or less, no more than seventy five (75) percent of woodlands shall be disturbed.
 - b. On lots or tracts greater than one (1) acre and smaller than five (5) acres, no more than sixty five (65) percent of woodlands shall be disturbed.
 - c. On lots or tracts of five (5) acres or more, no more than fifty five (55) percent of woodlands shall be disturbed.
 - 2. In determining the extent of the woodland disturbance, it shall include the entire area within the drip line of any tree comprising a wooded area, where any portion of the drip line of such tree is subject to disturbance.
 - 3. Where disturbance or removal of existing areas of woodlands occurs on any lot or tract, woodland replacement shall be required consistent with the woodlands replacement standards in Section 609.C of the Subdivision Ordinance.
 - 4. Preserved woodlands may be used to provide vegetative buffers required by Article 15, General Regulations of this Ordinance.
 - 5. A Timber Harvesting Plan may be required by the Borough, and shall include a description through text and maps of proposed actions involving the removal of trees from a tract of land. Such plan shall have been prepared by a professional forester with verifiable expertise in forest management, and shall document measures to be taken to: protect water quality; minimize impacts from skid trails and logging roads, land areas, and the tree removal process; and ensure site restoration.
 - 6. Where woodlands overlap other protected natural resources, the more restrictive disturbance standard shall apply.

- C. Guidelines for Determining Permitted Woodland Disturbance. In determining where permitted woodland disturbance will occur, the following factors shall be considered:
1. Each building or structure shall be constructed in such a manner as to provide the least alteration necessary of the existing woodland. Clear-cutting shall be minimized and trees shall be selectively removed.
 2. Where possible, the remaining undisturbed woodlands and other vegetation shall interconnect with woodlands or wooded areas of adjacent properties to preserve continuous woodland corridors and allow for the normal movement, dispersion, and migration of wildlife.
 3. Woodland alteration or disturbance that would threaten the growth of remaining trees shall be avoided.

SECTION 1307 APPLICATION OF NATURAL RESOURCE PROTECTION STANDARDS

In order to meet the natural resource protection standards of this Article, the following information shall be submitted by the Applicant. Where a subdivision or land development review is required, such information shall be included with the application for such review in accordance with Article 3 of the Subdivision Ordinance.

- A. A site plan which clearly delineates the limits of all natural resources on the site as outlined in this Article including areas of floodplain, steep slopes, wetlands, wetland margins, riparian buffers, and woodlands, and the proposed use of the site including any existing or proposed structures and impervious coverage. The site plan shall include the site’s watershed and the water quality designation of the watershed in which the property in question is located.
- B. The limits of all encroachments and disturbances necessary to establish the proposed use on the site, including a grading plan showing existing and proposed contours at two (2) foot intervals.
- C. The identification of the minimum buildable area(s). The purpose is to ensure that sufficient area is provided for the general location of buildings, driveways, and other improvement while meeting the requirements of the natural resource protection standards.
- D. Calculations indicating the area of the site with natural resources and the area of natural resources that would be disturbed or encroached upon. The calculations shall be shown on the site plan as indicated in the following table in Figure 13-1. The figures in Column D (Proposed Disturbance) shall be less than or equal to the corresponding figures in Column C (Maximum Amount of Permitted Disturbance) for each protected resource. See example calculation below.

Figure 13-1: Application of Natural Resource Protection Standards

Protected Resource	Column A Amount of Land in Protected Resource* (sq.ft.)	Column B Maximum Disturbance Allowance** (percent)	Column C Maximum Amount of Permitted Disturbance (sq.ft.)	Column D Proposed Disturbance of Resource (sq.ft.)
Floodplain		0%		
Steep Slopes (15-25%)		50%		
Steep Slopes (>25%)		0%		
Wetlands		0%		
Wetland Margins		0%		
Woodlands		See 1306		
Total				

* See Section 1302.D., herein.

** Disturbance allowances may be modified where federal or state permits have been obtained by the applicant and provided to the Borough.

Example: An applicant owns a fifty (50) acre parcel of land. Natural resources located on the parcel include ten (10) acres of floodplain, four (4) acres of precautionary slope and four (4) acres of prohibitive slope, four (4) acres of wetlands, and four (4) acres of wetlands margins. Based on the calculation specified above, the following acreage of each resource or constraint is to be deducted:

Floodplain	(0% disturbance)	$100\% \times 10 \text{ acres} = 10 \text{ acres}$
Precautionary slope (15-25%)		$50\% \times 4 \text{ acres} = 2 \text{ acres}$
Prohibitive slope (25%<)		$100\% \times 4 \text{ acres} = 4 \text{ acres}$
Wetlands	(0% disturbance)	$100\% \times 4 \text{ acres} = 4 \text{ acres}$
Wetlands Margin		$100\% \times 4 \text{ acres} = 4 \text{ acre}$
Total Resource/constraint acres to be deducted:		$= 24 \text{ acres}$

Subtract the 24 acres of protected natural resources from the original (gross acreage) parcel size of 50 acres and the result is 26 acres.

ARTICLE 14

(S) SCENIC OVERLAY

SECTION 1401 PURPOSE

The (S) Scenic Overlay is established for the following purposes:

- A. To protect the scenic view from the roadway along Steelville Mill Road, a scenic roadway identified in the Atglen Borough Comprehensive Plan.
- B. To protect key features of the roadway segment, including proximity to Valley Creek, a trout stocking and migratory fishery and tributary to the Octoraro Creek, wetlands, and woodlands.
- C. To contribute to the protection of the scenic qualities as part of a regional approach with adjoining municipalities that include other segments of the roadway.
- D. To protect Valley Creek and the adjacent riparian buffer.

SECTION 1402 GENERAL REGULATIONS

- A. Applicability.
 - 1. These provisions shall apply to all lands within the jurisdiction of the Borough of Atglen and are located adjacent to Steelville Mill Road.
 - 2. For the purposes of this Ordinance, the Scenic Overlay shall be an overlay to the existing underlying districts as shown on the Zoning Map and, as such, the provisions of the Scenic Overlay shall be imposed in addition to the requirements of the underlying zoning district(s) in accordance with Section 301.B. In the event that a conflict exists between a section of this Article and another requirement of this Ordinance, the more restrictive provision shall apply.
- B. Permitted Use. All uses in the underlying zone shall be permitted.
- C. Minimum Setbacks. All uses shall be setback a minimum of one hundred (100) feet from the dedicated Right-of-way on Steelville Mill Road. No structures shall be allowed in the setback area.
- D. Landscaping and Buffer Planting. Landscaping and buffer planting shall be in accordance with the Borough of Atglen Subdivision and Land Development Ordinance.
- E. Stormwater Management. An applicant shall work with the Borough Engineer to arrive at an acceptable stormwater management plan in accordance with the Borough Stormwater Ordinance that will use best management practices to protect the Creek and the scenic quality.

ARTICLE 15

GENERAL REGULATIONS

SECTION 1501 APPLICABILITY

This Article contains additional regulations and standards that are common to all zoning districts, unless stated as pertaining to a specific district or use herein. These regulations shall apply in addition to those established by the individual zoning districts. In the event that the provisions of this Article conflict with other provisions of this Ordinance, the more restrictive provision shall apply.

SECTION 1502 STRUCTURES, LOTS, AND YARDS

A. Structures.

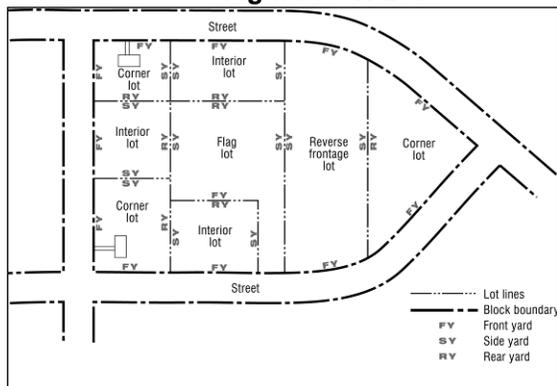
1. In no case shall more than one (1) single family dwelling be permitted on any lot.
2. Exception of more than one principal structure. Except as permitted herein, no more than one (1) principal structure shall be permitted on a lot. In the TNC, TNG, TND, and Business Zoning Districts, more than one (1) structure housing a permitted principal use may be erected on a single lot, provided the applicable area and bulk requirements of the applicable district are met for each structure.
3. No more than one (1) principal use shall be permitted in a single structure, except as permitted in the TNC, TNG, TND, and Business Zoning Districts.
4. One (1) or more accessory structures may be located on a lot, when in accordance with Section 1602 in Article 16, Supplemental Use Regulations.
5. Height Standards. No building or structure in any zoning district shall exceed the height limitations of the applicable district. The following shall be exempt from inclusion in the height calculation: church spires, belfries, cupolas, conventional residential television antennas, water tanks, ventilators, chimneys, or other appurtenances usually located above the roof of a building or structure.
6. Minimum Habitable Floor Area. The minimum habitable floor area of a dwelling unit shall be in accordance with the building code for the Borough of Atglen.

B. Lots. (See Figure 15-1)

1. No more than one (1) principal use shall be permitted on a lot, except as permitted in the TNC, TNG, TND, and Business Zoning Districts.
2. Reduction of Lot Dimensions. No lot shall be reduced in size so that the area and bulk and other dimensional requirements of this Ordinance are no longer met.
3. Building On Alley Lots. No principal building or structure shall be erected on a lot with road frontage only upon an alley.
4. Every principal building shall be built upon a lot with frontage upon a public or private street improved to meet Borough standards or for which such improvements have been ensured by the posting of a performance guarantee pursuant to the Subdivision and Land Development Ordinance.

5. Minimum Lot Width. No principal building shall be erected on any part of a lot which has a width of less than is specified in the appropriate district.
6. An existing lot that does not comply with the minimum lot area standards shall not be subdivided.
7. Corner Lots.
 - a. On corner lots, any yard abutting a street shall meet the minimum front yard requirements in the district and shall be subject to all front yard requirements of this Ordinance.
 - b. The minimum lot width requirements shall be applied to the street frontage to which the front of the primary structure or structures faces which shall be determined by the street for which the lot is addressed by the Borough.
 - c. The yard opposite the front of the primary structure or structures established by Section 1502.B.7.b, above, shall be a rear yard, except when on a street frontage, and the remaining yard shall be a side yard.
 - d. Corner lots shall comply with the requirements of Section 1507, Visibility at Intersections.
8. Flag Lots. Flag lots shall only be permitted in the CR and R-1 Districts and shall comply with Section 604.F of the Subdivision and Land Development Ordinance.

Figure 15-1: Lots

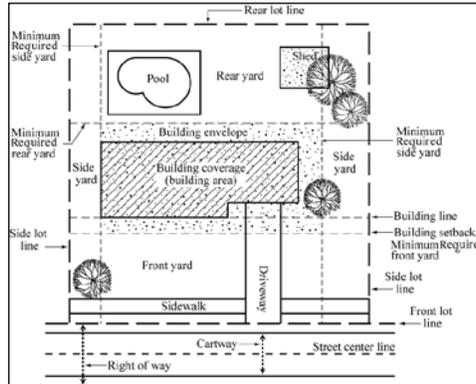


C. Yards (See Figure 15-2)

1. Where a minimum depth of a front, side, or rear yard setback is required as specified in the zoning districts, an open space a minimum of the specified depth shall be provided between the street line(s) or lot line(s) and the nearest point of any building or structure, except when permitted or otherwise specified elsewhere in this Ordinance.
2. Space provided to satisfy the yard and area requirements for any building or structure, either existing or proposed, shall not be used to meet the yard and area requirements for any other building or structure.
3. Front Yards.
 - a. An existing accessory structure within any front yard shall not be substantially altered.
 - b. Parking shall not be permitted in front yards in residential districts except on paved driveways. Turnarounds shall not be considered as part of a driveway.

4. Side Yards.
 - a. Sideyards shall not be required for buildings or structures on adjacent lots where there are party walls between attached buildings where permitted in the zoning districts.
 - b. No side yard setback shall be required where two (2) garages are designed to abut in semidetached dwellings.
5. Rear Yards. Accessory uses shall be permitted only in rear yard behind the principle structure in accordance with Section 1602.
6. Projections into Yards.
 - a. Unenclosed ground-story terraces, patios, porches, decks, and similar structures may project into any required yard setback but shall be a minimum of five (5) feet from any lot line.
 - b. Chimneys, flues, columns, sills and ornamental architectural features may project not more than two (2) feet into a required yard.

Figure 15-2: Yard and Setback Requirements



SECTION 1503 FENCE AND WALL STANDARDS

- A. Fences and Walls Permitted. Fences and walls may be erected, altered and maintained within the required yards, provided that any such fence or wall in the front yard shall not exceed three and one half (3 1/2) feet in height; and any fence or wall in the side or rear yard shall not exceed six (6) feet in height.
- B. Location.
 1. Fences and walls shall not be located any closer than two (2) feet from the property line and shall be located outside of any street right-of-way, unless approved in accordance with Section 1503.B.2, below.
 2. Fences and walls may be erected along established property lines only if a written agreement exists between affected property owners, addressing maintenance of the fence and location of actual property lines.
- C. Height Exemption. Retaining walls, constructed to hold back or support an earthen berm may be exempted from said height standards.
- D. The finished side of any fence, if applicable, shall face the abutting properties when located within a front yard.

- E. No fence or wall shall be erected, installed, or constructed which:
1. Obstructs sight distance at street intersections, whether public or private, or at the point where any driveway intersects a public or private street.
 2. Obstructs or impedes water flow in any perennial or intermittent stream, drainage easement, or other drainage course.
- F. No fence or wall shall be erected, installed, or constructed prior to the issuance of the permits required by Article 20, Administration.

SECTION 1504 GENERAL STANDARDS

- A. Driveway Standards.
1. No driveway shall be located within fifty (50) feet of the intersection of any street right-of-way line.
 2. At a minimum, the portion of a driveway located between the street right-of-way line and cartway shall be paved.
 3. Driveways shall be no wider than thirty (30) feet.
 4. In addition, the applicable requirements of the Subdivision Ordinance shall apply.
- B. Off-Street Parking Standards and Interior Circulation.
- Off-street parking shall be provided in accordance with vehicular parking facilities standards as contained within Section 603 of the Subdivision and Land Development Ordinance, as amended, unless otherwise specified herein, including but not limited to sections of the following zoning districts: Article 9, TNC, Article 9a, TNG, or Article 11, TND.
- C. Landscaping, Buffering, and Screening Planting Standards.
- Landscaping, buffering, and screening plantings shall be provided in accordance with Section 609 of the Subdivision and Land Development Ordinance and Section 1505 of this Ordinance, as applicable.
- D. Public Facility Standards.
- All subdivisions and land developments, after the effective date of this Ordinance, shall be provided with public facilities in accordance with and subject to the requirements established in the Subdivision and Land Development Ordinance, as amended. The cost of any necessary extension of public facilities shall be completely at the expense of the developer. If public facilities (public water or sewers) are not feasible, a minimum of one acre shall be required for all lots utilizing on-lot water or sewer services.
- E. Streetscape Design Standards. The following standards shall apply to all zoning districts:
1. Curbing shall be provided in accordance with the Subdivision Ordinance.
 2. Sidewalks shall be provided in accordance with the Subdivision Ordinance.
 3. Street lighting shall be provided in accordance with the Subdivision Ordinance.

4. Street trees shall be provided in accordance with the Subdivision Ordinance.

F. Trail Standards.

Trail surface and cross-section, including materials and thicknesses, shall be based on site specific conditions. Each trail design must be certified by a geotechnical engineer and must be reviewed and approved by applicable federal, state, county and local agencies.

G. Display of Street Address Numbers.

1. Assignment of street address numbers.

- a. Street address numbers shall be assigned to each lot, each dwelling unit, and each commercial or business establishment, when there is more than one such establishment on a lot, by the Borough Council or its designee.
- b. The Borough Council or its designee shall have the power to correct any errors with respect to the assignment of street address numbers, as and when such errors are discovered, and shall have the power to change or redesignate a street address number or numbers assigned to any lot, dwelling unit, and commercial or business establishment when there is more than one such establishment on a lot, when it is deemed that such change or redesignation is necessary or desirable in order to provide street address numbers appropriate for the purposes of uniquely identifying each such lot, dwelling unit, and commercial or business establishment and to reduce potential confusion.

2. Application for Street Address Numbers. The owner or occupant of a lot, dwelling unit, and commercial or business establishment, when there is more than one such establishment on a lot, to which no street address numbers has been previously assigned or designated shall, prior to occupancy thereof, make application to the Borough Council or its designee for assignment of such street address number which, upon designation, shall be the street address number of the property.

3. Specifications for Street Address Number Posting: The owner or occupant of each lot, each dwelling unit, or each commercial or business establishment when there is more than one such establishment on a lot within the Borough shall post the designated street address number on the said lot, dwelling unit, and commercial or business establishment in strict compliance with the following specifications and regulations:

- a. The street address numbers shall be Arabic in design, shall be constructed of a permanent, weatherproof material or possess a permanent weatherproof coating.
- b. Each digit constituting the posted street address number shall be not less than three (3) inches in height.
- c. If the lot is improved with a building or buildings, the digits constituting the posted street address number shall be secured and permanently mounted to the principal building's element (for example: front wall or porch) most proximate to the public or private vehicular accessway providing principal access to the said building.
- d. Each digit constituting the posted street address number shall be mounted at a height not greater than ten (10) feet above the grade or elevation of the adjoining principal vehicular accessway, and shall be visible from the abutting street cartway.
- e. Each digit of the posted street address number together with the structure or building element to which they are affixed shall be so designed with regard to contrasting

background, arrangement, spacing, size and uniformity of digits so as to be readily legible and visible during daylight hours or when illuminated by a source of artificial light by a person possessing normal vision.

- f. Each digit of the posted street address shall be so located so as to avoid all visual obstruction including trees, shrubs and any other temporary or permanent structure or fixture.

H. Residential and Commercial Street Mail Boxes

All residential/commercial street mail boxes including cluster boxes shall be permitted in all districts upon completion and approval of a permit application form furnished by the Borough and shall be accompanied by detailed plans and specifications and such other information deemed necessary by the Zoning Officer to determine the location of the box.

- 1. Permit fees shall be collected prior to the issuance of a permit. Borough Council shall designate permit fees by Resolution.
- 2. All boxes shall meet postal regulations as provided by USPS.
- 3. No mailboxes may be located in a sidewalk or right-of-way as to impede pedestrian or vehicular traffic.
- 4. Cluster boxes shall be required for all subdivisions of four (4) or more lots.

SECTION 1505 LANDSCAPING, BUFFERING, AND SCREENING

A. General Regulations.

- 1. In no case shall landscaping or screening plantings interfere with motorist visibility, in accordance with Section 1507.
- 2. Plantings shall be placed with their center a minimum of five (5) feet to a property line for bushes or shrubs, or ten (10) feet for trees. Plantings shall be placed so that at maturity they will be a minimum of three (3) feet from any ultimate right-of-way or property line.
- 3. Screen plantings shall be broken only at points of vehicular or pedestrian access.
- 4. All landscaping, buffer, and screening areas shall be installed and maintained by the property owner and kept free of debris, rubbish, weeds, and tall grass. All such areas shall be perpetually maintained to provide an attractive appearance, and any non-surviving plants shall be replaced within six (6) months.
- 5. Landscaping or screening, other than grass cover or existing vegetation, shall not be placed within a utility right-of-way nor directly above any component of infrastructure, including sewer and water main laterals, gas main laterals, electric and telephone transmission lines, and other similar features but shall be permitted within required buffer areas and minimum yard setbacks.
- 6. A landscape plan for a new use or development shall be submitted to the Borough which displays all proposed landscaping, buffering, and screening for the use or development and how the requirements of this section have been achieved on that property for that particular use or development.
- 7. Where street trees exist or are required, street trees may be used to satisfy applicable planting requirements.

B. Landscaping Standards.

1. Landscaping. Any part or portion of a lot which is not used for buildings, other structures, loading or parking spaces and aisles, sidewalks, and designated storage areas shall be landscaped and planted with an all-season groundcover. Landscaping shall be in accordance with an overall landscaping plan as outlined herein and in accordance with the Borough Subdivision and Land Development Ordinance and Appendix A, Plant List.
2. Exemptions. Single family detached or semi-detached (twins) dwellings on individual lots shall be planted with an all-season ground cover in accordance with Section 1505.B.1, above, but shall be except from the remainder of the requirements of this Section.
3. Landscaping Criteria. Landscaping shall be provided in association with each principal building in accordance with the following criteria:
 - a. Landscaping is required for all sides of a building facing a parking area or public street.
 - b. Landscaping is not required along the sides of buildings containing service or loading areas, however screening requirements from adjacent uses shall remain in effect as applicable.
 - c. A combination of evergreen and deciduous trees and shrubs shall be used as "foundation" plantings, i.e., plantings to be installed in reasonably close proximity to the facades.
 - d. A minimum of one (1), two (2) inch caliper tree of eight (8) to ten (10) feet in height at the time of planting shall be planted for every thirty (30) feet of length of building facade.
4. Landscaping for parking areas.
 - a. Landscaping within any parking area that includes more than ten (10) parking spaces shall be subject to the following requirements:
 - 1) A planting strip or landscaped island a minimum of three (3) feet in width shall be required around the perimeter of the off-street parking area, except where accessways and sidewalks are provided.
 - 2) A minimum of one (1) two (2) inch caliper deciduous tree shall be planted around the periphery or within required planting strips for every five (5) parking spaces. The required trees shall be planted immediately adjacent to the spaces for which the trees are required in a planting island, strip, or buffer area and the landscaping and planting areas shall be reasonably dispersed throughout the parking lot. Shrubs and other plant materials are encouraged to be used to complement the trees, but shall not be the sole contribution to the landscaping. (See Appendix A)
 - 3) Any landscaped islands shall include a minimum of one (1) two (2) inch caliper deciduous tree.
 - 4) All perimeter landscape areas, planting strips, or landscaped islands shall be perpetually maintained with ground cover that may include grass, flowers, mulch, shrubs, bushes, rocks, or other natural landscaping materials.
 - 5) Flowers, bushes, shrubs, trees and other landscaping materials within five (5) feet of the end of any planting areas, strips, or islands shall not impede sight visibility for automobiles. This shall not preclude the use of taller materials elsewhere.
 - 6) Within the required perimeter planting strip or landscaped island, one (1) of the following two (2) options shall be required around the perimeter of the parking lot, which shall accomplish a minimum of fifty (50) percent and maximum of seventy five (75) percent opacity:
 - a) A low "wall" of evergreen vegetation (shrubs/hedges) of thirty-six (36) to forty-eight (48) inches in height, shall be placed at any portion of a parking area that is adjacent to a street, unless Section 1505.B.4.a.6.b, below, is constructed. (See Figure 15-3)

- b) The requirement in Section 1505.B.4.a.6.a above, may be substituted by the installation of a fence or masonry wall in accordance with the following (See Figure 15-4):
- i. Fences or masonry walls shall not exceed four (4) feet in height, and may consist of a combination of wall and/or fencing. Vertical wrought iron fencing is preferred.
 - ii. Masonry walls or pillars should be constructed of brick, stone, or a combination thereof, should have a distinctive top cap, and shall not be solely constructed of poured concrete.
 - iii. Planters/plantings on fences are permitted and landscaping (hedges, shrubs, etc.) in addition to fencing or walls is encouraged.

Figure 15-3: Vegetative Wall



Figure 15-4: Fencing and Masonry Wall



- b. Where a parking lot contains twenty (20) or more spaces, in addition to the requirements of Section 1505.B.4.a, above, the following additional regulations shall apply:
- 1) A curbed planting strip or landscaped island a minimum of three (3) feet in width shall be required around the periphery of the off-street parking area, except where accessways or sidewalks are provided.
 - 2) Landscaped islands shall be provided at the end of each parking row and between every ten (10) parking spaces and shall be the length of the parking spaces in the row and a minimum of three (3) feet in width.
 - 3) There shall be a planting strip incorporated for every four (4) rows of parking spaces. Such planting strip shall run parallel to parking rows and shall have a minimum width of five (5) feet if double loaded, or three (3) feet if single loaded.
- c. The portion of any off-street parking area that conforms to a Class B Screen planted as required for the associated use in Section 1505.D.2.b shall be exempt from the perimeter planting requirement of this Section.

C. Buffer Standards.

1. Unless otherwise provided, where a commercial, institutional, or industrial use abuts a residential use and where a multi-family use abuts a single-family detached or attached residential use, a buffer a minimum of fifteen (15) feet in width shall be provided along the lot lines. Buffers are not required between a multi-family, commercial, or institutional use adjacent to an upper floor dwelling unit above a nonresidential use (a mixed use/mixed use building) in the TNC, TNG, or TND districts.
2. Required buffers may coincide with required yard setbacks.
3. All buffer areas shall be planted and perpetually maintained with a vegetative ground cover and may include additional vegetative or landscaping materials. Where required a screen planting shall be planted and maintained to the full length of side and rear lot lines which do not abut streets, in accordance with Section 1505.D.
4. No structure, manufacturing or processing activity, or storage of materials shall be permitted in a required buffer. However, accessways, sidewalks, service drives, and utility easements not more than thirty-five (35) feet in width are permitted to cross a buffer provided that the angle of the centerline of the road, drive, or easement crosses the buffer at an angle not less than sixty (60) degrees.
5. No parking shall be permitted in required buffer.
6. Prior to the issuance of a building permit, plans for buffers shall be submitted for review and approval. Plans shall show the arrangements of all of the buffers and the placement, species, and size of all plant materials to be placed in such buffer. Plans shall be reviewed by the Planning Commission and approved by the Zoning Officer before a building permit may be issued.

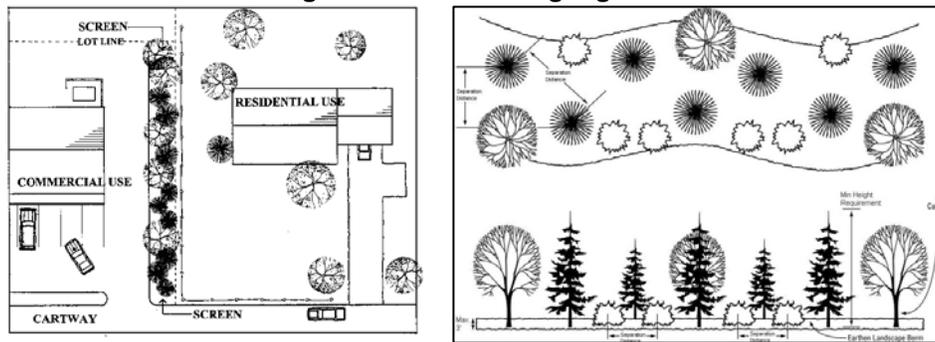
D. Screening Standards. (See Figure 15-5)

1. Applicability. Proposed multi-family, commercial, institutional, or industrial uses adjacent to a structure with a mixed use/mixed use building shall be exempt from buffering and screening requirements. Screen classifications shall be required as follows:
 - a. Class A Screen. Where any proposed commercial, institutional, or industrial use directly abuts a residential use or district.
 - b. Class B Screen. Where any multi-family use abuts a single family residential use, or off-street parking areas abuts a single family use or residential zoning district.
 - c. Class C Screen. Outdoor storage, mechanical equipment, garbage/refuse containers, off-street loading facilities.
 - d. Class D Screen. See landscaping for off-street parking areas in Section 1505.B.4.
 - e. Other uses determined to be potential conflicts shall provide the Screen Class specified by the Borough Council, upon recommendation by the Planning Commission.
 - f. Architectural screens consisting of masonry, metal, and/or wood members may be included as part of the required screening; the use of such architectural screens shall be consistent with the surroundings and setting of the screen, shall achieve the prescribed screening effect, and shall be subject to approval by Borough Council upon consideration by the Borough Planning Commission. Architectural screens may constitute the entirety of the required screen within the TNC, TNG, and TND districts on smaller lots when deemed appropriate by Borough Council.

2. Screen Classification Standards. After determining the required class, the applicant shall select an appropriate planting option listed below. Plantings are not required to be aligned on property or right-of-way boundaries, rather, the applicant is encouraged to locate plantings as necessary to achieve the optimal screening level. Plant materials shall be selected from the Plant Materials List in Appendix A and the use of primarily native vegetation shall be encouraged. Figure 15-2 provides a general schematic of the requirements for a vegetative screen.
 - a. Class A Screen, Complete Vegetative Screening. The vegetative portion of the complete vegetative screen shall be composed of a mixture of evergreen and deciduous plants and trees arranged to form a multi-level visual screen. Vegetation shall be planted in order to achieve a complete (approximately one hundred (100) percent) visual barrier in a maximum time frame of three (3) to five (5) years as approved as part of the landscaping plan. A minimum of fifty (50) percent of the planted species shall be evergreen in order to provide for screening in winter conditions. A minimum of twenty-five (25) percent of planted species shall be deciduous.
 - 1) The complete vegetative screen shall provide three (3) levels of visual barriers: a) High Level; b) Low Level; and c) Ground Level:
 - a) High Level. The high level screen shall consist of a combination of evergreen and deciduous trees planted with evergreen specimens not less than eight (8) feet in height and a minimum of two (2) inch caliper for deciduous materials. The planted species should be such that the expected height at maturity shall be a minimum of twelve (12) feet for evergreen species and twenty (20) feet for deciduous species. The tree species shall be planted in alternate rows a minimum of five (5) feet apart, with each planting offset by a minimum of six (6) to eight (8) feet.
 - b) Low Level. The low level screen shall consist of deciduous and evergreen shrubs or hedges, planted at an initial height of not less than three (3) feet, and planted at intervals of no greater than five (5) feet apart.
 - c) Ground Level. Earthen mounding, a maximum of three (3) feet in height, may be used when necessary to supplement the vegetative screen, however berm height shall not reduce the required height of vegetative materials. Variations in the sizes and shapes of earthen berms shall be encouraged to give a more natural appearance. Slopes greater than three (3) to one (1) shall not be permitted.
 - b. Class B Screen, Partial Vegetative Screening. The vegetative portion of the partial vegetative screen shall be composed of a mixture of evergreen and deciduous plants and trees arranged to form a visual screen. Vegetation shall be planted in order to achieve a partial (approximately fifty (50) percent) visual barrier in a maximum time frame of three (3) to five (5) years as approved as part of the landscaping plan. A minimum of fifty (50) percent of the planted species shall be evergreen in order to provide for screening in winter conditions. A minimum of twenty-five (25) percent of planted species shall be deciduous.
 - 1) The vegetative screen shall consist of a combination of evergreen and deciduous trees planted with evergreen specimens not less than eight (8) feet in height and a minimum of two (2) inch caliper for deciduous materials. The planted species should be such that the expected height at maturity shall be a minimum of twelve (12) feet for evergreen species and twenty (20) feet for deciduous species.
 - 2) Earthen mounding, a maximum of three (3) feet in height, may be used when necessary to supplement the vegetative screen, however berm height shall not reduce the required height of vegetative materials. Variations in the sizes and shapes of earthen berms shall be encouraged to give a more natural appearance. Slopes greater than three (3) to one (1) shall be avoided.

- 3) The portion of any off-street parking area that conforms to the Class B Screen shall be exempt from the perimeter planting requirement in Section 1505.B.3.
- c. Class C Screen, Equipment and Loading Facilities. Mechanical equipment, vehicles, garbage/refuse containers, and off-street loading facilities shall be screened from adjacent properties from which the equipment is visible so that no part of the item may be seen from such properties. The screening shall be in the form of either fencing, a vegetative screen, earthen berms, or a combination thereof, in accordance with the following provisions:
- 1) Screening shall be provided in all seasons by incorporating a variety of deciduous and evergreen species to produce a seventy-five (75) percent opaque buffer within one (1) year of planting. Evergreen species shall represent not less than seventy-five (75) percent of the total plantings in the Class C vegetative screen. The minimum height of vegetation in the initial planting shall be not less than six (6) feet.
 - 2) Fencing shall have a minimum height of six (6) feet and maximum height of eight (8) feet and the finished side of the material shall face the abutting property.
- d. Class D Screen, Off-street Parking. See landscaping requirements for off-street parking in Section 1505.B.4.

Figure 15-5: Screening Figures



3. Plant Materials

- a. Each plant option listed in the Sections above, shall use any of the plant materials listed in Appendix A. The use of native plant species, as indicated in Appendix A, is strongly encouraged. For reasons of permanency and resistance, a mixing of two (2) or more species of plant materials shall be required in meeting the requirements of this Section. Borough Council, upon recommendation by the Planning Commission, may permit other plant types if they are hardy to the area, are not subject to blight or disease, and are of the same general character and growth habit as those listed in Appendix A. All planting materials shall meet the standards of the American Association of Nurserymen.
- b. Existing plantings, woodlands, hedgerows, topography, or man-made structures can reduce or eliminate the screening requirements if they partially or completely achieve the same level of screening as the planting requirements outlined in this Section. This determination shall be made at the discretion of the Borough Council, upon recommendation by the Planning Commission.
- c. Existing trees within the required screening area greater than three (3) inches DBH or greater than eight (8) feet in height shall be preserved unless the applicant can prove sufficient reason for their removal due to significant constraint on the design of the development or other similar reason. Such trees may be counted towards required plant materials, as determined by the Borough Council, upon recommendation by the Planning Commission, unless diseased, unstable, or an invasive species.

SECTION 1506 LIGHTING

The intent of the provisions in this Section is to minimize the off-site impact of lighting while providing for lighting that is sufficient for safe use of a property. The following standards shall apply in regard to outdoor lighting in the Borough:

A. Purpose.

1. Provide for and control lighting in outdoor public places where public health, safety and welfare are potential concerns.
2. Protect drivers and pedestrians from the glare of non-vehicular light sources.
3. Protect neighbors and the night sky from nuisance glare and light trespass from improperly selected or poorly placed, aimed, applied, maintained or shielded light sources.
4. Promote energy efficient lighting design and operation.

B. Applicability.

1. Outdoor lighting shall be required for the purpose of safety and personal security in areas of public assembly and traverse, including, but not limited to:
 - a. Parking areas of multi-family, commercial, institutional, and industrial uses.
 - b. Loading facilities of commercial and industrial uses.
 - c. At the ingress and egress of parking areas for multi-family, commercial, and industrial parking areas.
 - d. At street intersections.
 - e. The Borough Council may require lighting to be incorporated for other uses where security and safety reasons warrant.
2. Outdoor lighting may be used for additional purposes such as security and safety for residential, commercial, institutional, and industrial uses.
3. The requirements herein apply to all uses and situations mentioned above, including but not limited to, signs, security, landscaping, and residential lighting.

C. Plan Submission.

1. Lighting Plans shall be submitted to the Borough for review and approval with all applications for conditional uses, special exceptions, variances, and subdivision and land development plans where applicable. Additionally, the Borough Zoning Officer may require the submission of a lighting plan with any building permit application. When required, the lighting plan shall include the following information:
 - a. A site plan containing a layout of the proposed fixture locations and type.
 - b. Catalogue cuts and photometrics for each light fixture, the method of energizing each light fixture, a listing of the hours of operation and a plan showing the photometrics for the entire site, based upon the proposed placement of the light fixtures. A description of glare reduction devices, lamps, control devices, mounting heights, pole foundation details, and mounting methods, as appropriate for each fixture, should also be included.

2. Post-approval alterations to lighting plans shall be submitted to the Borough for review and approval.
 3. The Borough reserves the right to conduct a post-installation nighttime inspection to verify compliance with the requirements of this Ordinance and, if appropriate, to require remedial action at no expense to the Borough.
- D. Illumination Levels. Lighting, where required by this Ordinance, shall have intensities and uniformity ratios in accordance with, but not limited to, Figure 15-7.

Figure 15-7: Illumination Levels

Use/Task	Illumination (Avg)*	Uniformity Ratio** (Avg/Min)
Pedestrian Walkways	0.2 – 0.4 Avg	5:1
Local Commercial Streets – Intersections of Streets-Parking Areas	0.4 – 1.0 Avg	6:1
Local Residential Streets – Intersection of Streets-Parking Areas	0.4 – 0.6 Avg	4:1
Parking: Multi-Family	0.6 Min – 0.8 Max	4:1
Parking: Commercial/Industrial	0.6 Min – 1.2 Max	4:1
Illuminated Signs	0.6 – 1.0 Avg	6:1
Recreational Uses/Parks	0.6 – 0.8 Avg	4:1

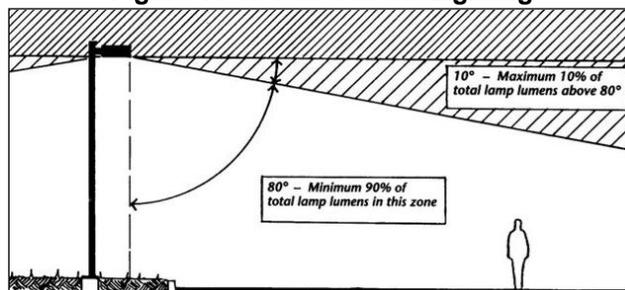
*Illumination levels are maintained horizontal footcandles on the task, e.g., pavement or area surface.

**Uniformity ratios dictate that average illumination values shall not exceed minimum values by more than the product of the minimum value and the specified ratio (e.g., for commercial parking, high activity, the average footcandles shall not be in excess of 3.6 [0.9 x 4]).

Abbreviations: Avg – Average; Min – Minimum; Max – Maximum

- E. Design Standards.
1. Fixtures shall be of a type and design appropriate to the lighting application.
 2. Unless otherwise specified elsewhere within this Ordinance or as permitted by Borough Council, the lighting of predominantly horizontal surfaces such as, but not limited to, roadways, vehicular and pedestrian passage areas, merchandising and storage areas, automotive-fuel dispensing facilities, loading docks, cul-de-sacs, active and passive recreational areas, building entrances, sidewalks, paths, site entrances and parking areas, fixtures shall be aimed straight down and shall meet IESNA “full cutoff” criteria (no light output emitted above ninety (90) degrees at any lateral angle around the fixture and no more than ten (10) percent light output above eighty (80) degrees). See Figure 15-8.

Figure 15-8: Full Cut-Off Lighting



3. Decorative Street Lights may be exempt from Section 1506.E.2, when approved by the Borough.
4. For the lighting of non-horizontal surfaces, including but not limited to facades, landscaping, signs, billboards, fountains, displays, flags, and statuary, the lighting fixtures shall be installed and aimed to project their output into the object being illuminated and shall not project past the object into windows of neighboring residences, adjacent uses, skyward, or onto a public roadway.
5. Dusk-to-dawn lights, shall not be permitted where the light source is visible from other uses and unless fitted with a reflector to render them full cutoff.

F. Control of Glare.

1. Floodlighting and outdoor lighting in all districts, whether or not required by this Ordinance, shall be diffused, directed, shielded, located, designed, and maintained in such a manner as not to present any hazardous situations for passing vehicular or pedestrian traffic or create a nuisance by objectionable light projected beyond its lot line onto a neighboring use or property.
2. Floodlighting and outdoor lighting shall not be aimed, installed, or directed so as to project into the windows of adjacent uses, and shall not be directed skyward or onto a roadway.
3. The intensity of illumination projected onto a residential use from another property shall not exceed 0.1 vertical footcandle, measured line-of-sight at the property line.
4. All fixtures shall be equipped with light directing or shielding of a type and design appropriate to the lighting application, for the purpose of redirecting offending light or reducing direct or reflected glare, and no direct glare shall be discernable beyond its lot line onto adjacent properties.
5. Vegetation screens shall not serve as the primary means for controlling glare. Rather, glare control shall be achieved through the use of full-cutoff fixtures, shields and baffles, and appropriate application of fixture mounting height, wattage, aiming angle, and fixture placement.
6. All non-essential lighting, including display, aesthetic, parking, and sign lighting, shall be required to be turned off or reduced by seventy five (75) percent after business hours or 11 p.m., whichever is earlier, leaving only the necessary lighting for site security. Lighting proposed to remain on after 11 p.m. for a specific safety purpose shall be approved by the Borough.
7. No outdoor lighting shall have blinking, flashing, or fluttering lights or devices that cause changing intensity, brightness, or color, except for seasonal decorative lighting.
8. Externally illuminated signs shall be lit by fixtures mounted at the top of the billboard or sign and aimed downward. The fixtures shall be designed, fitted and aimed to place the light output on and not beyond the sign or billboard.
9. Except for public street lights and traffic signals, freestanding light fixtures shall not exceed sixteen (16) feet in height.
10. All lighting standards and necessary equipment shall meet the standards of the appropriate utility.

11. All outdoor lighting fixtures and ancillary equipment shall be maintained as to continuously meet the requirements of this Ordinance.

G. Installation.

- 1. Electrical feeds for lighting standards shall be run underground, not overhead.
- 2. Pole mounted fixtures for lighting horizontal tasks shall be aimed straight down.

H. Nuisance Glare and Inadequate Illumination Levels.

- 1. When the Borough judges an installation produces unacceptable levels of nuisance glare, skyward light, excessive or insufficient illumination levels or otherwise varies from this Ordinance, the Borough may cause notification of the person(s) responsible for the lighting and require appropriate remedial action.
- 2. If the infraction so warrants, the Borough may act to have the problem corrected as in H.1 above at the expense of the owner violating the Ordinance.

SECTION 1507 VISIBILITY AT INTERSECTIONS

- A. Walls, fences, signs or other structures shall not be erected or altered, and hedges, trees or other growth shall not be planted or maintained, which may cause danger to traffic on a street or road by obstructing the view.
- B. A clear sight triangle, as defined in the Subdivision Ordinance, shall be maintained; within which structures or planting shall be limited to a height of not more than three (3) feet or less than ten (10) feet above the street grade, excepting the trunks of street trees or other ornamental trees whose foliage is kept trimmed to a minimum height of ten (10) feet above the street grade.

SECTION 1508 OUTDOOR STORAGE STANDARDS

- A. All outdoor storage shall be completely screened or hidden from view from any public right-of-way or contiguous use. Yards used for the storage of any material needed for the operation or conduct of a manufacturing or commercial enterprise shall be enclosed by a solid wall, uniformly painted board fence, chain link fence in conjunction with a screen planting or screen planting on all sides which face upon a street or another lot. Screening shall consist of evergreen plants or an architectural screen in accordance with Section 1505.
- B. Storage Area. Storage shall not constitute an area greater than ten (10) percent of a residential rear yard, or fifteen (15) percent of a commercial or industrial rear yard. No materials shall be stacked in piles in excess of four (4) feet in height on a residential lot or ten (10) feet in height on a commercial or industrial lot, or in any manner which in the opinion of the Zoning Officer constitutes a safety hazard.
- C. Vehicles and Vehicle Parts.
 - 1. No more than one (1) unregistered, uninspected and unlicensed vehicle of any kind shall be permitted per lot. A letter from the Borough shall indicate the date from which the car shall be inspected, registered and licensed or removed from the lot. No unregistered, uninspected or unlicensed motor vehicle shall be permitted for a period in excess of thirty (30) days.
 - 2. No vehicle shall be stored on blocks or in a consistent state of repair.
 - 3. See also Section 1602.B.3.

- D. Outside storage or display shall not occupy any part of the street right-of-way, other area intended or designed for pedestrian use, required parking area, or required front yard, except as specifically permitted herein.
- E. Temporary garden produce stands shall be exempted from outside storage limitations but shall comply with the requirements in Section 1602.
- F. All garbage shall be stored in durable, vermin-proof containers. In multi-family uses over four (4) units, commercial, and industrial uses, garbage storage shall be centralized to expedite collection and screened from adjacent uses.
- G. Outdoor Display. In the TNC, TNG, or TND Zoning Districts, merchandise available for retail sale may be displayed in a neat and orderly fashion outside of the building of the retail establishment that is selling the merchandise, provided:
 - 1. No merchandise shall be placed within four (4) feet of the edge of cartway.
 - 2. A four (4) foot wide clear sidewalk path shall be maintained at all points.
 - 3. No merchandise shall be displayed outdoors that is pornographic, includes explicit depictions of violence, or is otherwise unsuitable for viewing by children.
 - 4. No merchandise shall be displayed outdoors in a manner that is intended to or has the effect of interfering with pedestrian or vehicular traffic, within required parking spaces, or is distracting to motorists.
 - 5. The outdoor display of merchandise shall not interfere with the sight lines of traffic and shall not impair the visibility of any public or private sign.
 - 6. No merchandise shall be displayed outdoors in a manner that will result in the merchandise falling into the street or sidewalk, blowing, spilling, or otherwise becoming disorderly, hazardous or a nuisance.
 - 7. All merchandise displayed outdoors shall be removed and placed indoors at the close of business each day.
 - 8. No additional signage in excess of that approved for the property shall be attached to or placed in conjunction with the merchandise being displayed.
 - 9. Any merchandise that is placed on the public sidewalk or right-of-way in violation of this provision or that otherwise constitutes a hazard to the public may be removed by a Borough Official or police officer with or without notice to the owner.
- H. Any establishment which furnishes shopping carts as an adjunct to shopping shall provide defined areas within the building and parking area for storage of said carts. Each designated storage area shall be enclosed by a barrier a minimum of six (6) inches higher than the parking area surface, and shall be clearly marked for storage of shopping carts. All shopping carts shall be stored indoors, or otherwise secured during non-operating hours.
- I. Storage and Waste Disposal of Hazardous Materials shall be in conformance with Section 1509.

SECTION 1509 PERFORMANCE STANDARDS

- A. Applicability.
 - 1. All uses shall comply with the requirements of this Section. Compliance shall be determined by the Zoning Officer with respect to Permitted Uses, by the Zoning Hearing Board with respect to Special Exceptions, and Borough Council with respect to Conditional Uses. In order to determine whether a proposed use will conform to the requirements of this Ordinance, the Borough may obtain a qualified consultant's report, whose cost for services shall be borne by the applicant.
 - 2. In no instance shall any use or activity be permitted which by reason of noise, dust, odor, appearance, smoke, glare or other objectionable factor creates a nuisance, hazard, or other adverse effect upon the value or reasonable enjoyment of the surrounding properties, in accordance with this Section.
- B. Vibration. Vibrations detectable without instruments on neighboring properties in any district shall be prohibited, with the exception of temporary vibrations associated with new construction.
- C. Air Pollution. No pollution of air by ash, dust, vapors, or other substance shall be permitted which is harmful to health, animals, vegetation or other property or can cause soiling or property damage.
- D. Fire and Explosives Protection. Fire protection and fire-fighting equipment, acceptable to the Board of Fire Underwriters, shall be readily available for any activity involving the handling or storage of flammable or explosive materials.
- E. Glare and Heat.
 - 1. Lighting devices which produce objectionable direct or indirect glare on adjoining properties or thoroughfares shall not be permitted and shall be in accordance with Section 1507.
 - 2. There shall be no emission or transmission of heat or heated air that is discernible at the lot line.
- F. Non-Radioactive Liquid or Solid Wastes. There shall be no discharge at any point into any public or private sewage disposal system or stream, or into the ground of any liquid or solid materials except in accordance with the laws and regulations of the United States, Commonwealth of Pennsylvania, Chester County and Atglen Borough.
- G. Radioactivity or Electrical Disturbances. No activity shall emit radioactivity at any point or cause electrical disturbance adversely affecting the operation of radio or other equipment in the vicinity.
- H. Noise. Noise which is determined to be objectionable due to volume, frequency or beat shall be muffled or otherwise controlled so as not to illuminate across any property line of the property from which the noise source is located, with the exception of fire sirens and related apparatus used solely for public safety purposes.
- I. Odors. No malodorous gas or matter shall be permitted which is discernible on any adjoining lot or property with the exception of such odors associated with common farming practices.
- J. Smoke. The maximum amount of smoke emission permitted shall be determined by the use of the Standard Ringlemann Chart issued by the U.S. Bureau of Mines. No smoke of a shade darker than No. 2 shall be permitted.

- K. Erosion. Any earth disturbance activity shall be conducted in accordance with the Borough Subdivision Ordinance and Stormwater Ordinance, and shall otherwise comply with other applicable rules and regulations, including but not limited to, those of the Chester County Conservation District and the Pennsylvania Department of Environmental Protection (PaDEP).
- L. Water Pollution. Water pollution shall be subject to the standards established by the Pennsylvania Department of Environmental Protection.
- M. Stormwater. The requirements of the Borough Stormwater Ordinance shall be met.
- N. Every owner of any lot shall keep the lot clean, free from garbage, litter, standing water, debris, motor vehicles, whether or not abandoned, and all things causing the property to be detrimental to the public health, safety, welfare or to the aesthetics of adjacent properties.
- O. Any lot kept vacant for more than thirty (30) days following the demolition of any buildings thereon shall be landscaped and thereafter maintained in good order. The lot shall be fenced as appropriate for public safety and aesthetics. All plant material shall be watered, fertilized, pruned, kept clean from weeds and litter, and replaced if diseased, injured, or dead, consistent with good horticultural practices. Such lots shall not be used for storage.
- P. All lots within the Borough shall be maintained in compliance with the current property maintenance code as approved by the Borough.

ARTICLE 16

SUPPLEMENTAL USE REGULATIONS

SECTION 1601 APPLICATION

This Article establishes specific controls for uses which require special design considerations to achieve compatibility with the general character of the uses permitted within a zoning district. The following regulations shall apply to all zoning districts for which the particular use being regulated is permitted. The provisions of this Article shall be in addition to the standards established by the applicable zoning district.

SECTION 1602 ACCESSORY USES

- A. General Regulations. Accessory uses shall be in accordance with applicable sections of Article 15 and the following:
1. Incidental and subordinate to the principal use on the tract or lot and shall not constitute a single and separate use from the associated principal use.
 2. Located on the same tract or lot as the associated principal use.
 3. Maximum height shall be in accordance with the regulations set forth herein, unless otherwise expressly permitted by this Ordinance.
 4. No truck bodies, abandoned mobile homes, travel trailers, or similar structures shall be used for accessory buildings or to house any accessory uses.
 5. Accessory uses shall be securely anchored, and shall not pose a hazard to surrounding uses.
 6. No accessory use shall constitute a nuisance by way of odor, noise, light, glare, smoke, or other means, or shall endanger the health, safety, or welfare of area residents and other uses.
 7. Accessory Use Setbacks. Accessory uses shall be permitted within rear yards behind the principal building or structure, with the exception of driveways, carports, fences, lighting, signs, and agricultural accessory uses, and shall comply with the following additional regulations:
 - a. A minimum setback of not less than five (5) feet from any right-of-way or property line is required for all accessory uses, unless otherwise specified by this Ordinance.
 - b. Residential uses. Accessory uses shall have the following setbacks from any lot line:
 - 1) In R-1a Cluster Development and the R-2, R-3, R-4, TNC, TNG, and TND Districts: 5 feet
 - 2) In R-1a Conventional Development and the CR and R-1 Districts: 10 feet
 - 3) Alleys. Where residential accessory uses abut an alley, they shall not be located within the right-of-way of the alley.
 - 4) A carport, open on a minimum of two (2) sides, may be erected within one of the side yards when attached to a main building existing at the effective date of this Ordinance, provided the carport shall be not less than five (5) feet from the side lot line. Carports shall not be independent freestanding structures.

c. Commercial Uses. Accessory uses shall have the following setbacks from any lot line:

- 1) In the TNC, TNG, and TND Districts: 5 feet
- 2) In the B District: 10 feet
- 3) Where a Commercial Accessory use abuts a residential district or use: 25 feet

d. Industrial Uses. Accessory uses shall have the following setbacks from any lot line:

- 1) In the B District: 10 feet
- 2) Where a Industrial Accessory use abuts a residential district or use: 50 feet

8. Accessory Use maximum height. The maximum height of an accessory use, unless otherwise permitted by this Ordinance, shall not exceed the following requirement:

- a. Residential Accessory Uses: 15 feet
- b. Non-residential Accessory Uses: 24 feet

B. Residential Accessory Uses.

1. The following accessory uses permitted by-right in every district unless otherwise permitted herein:

- a. Private residential garages or similar structure.
- b. Storage sheds. No more than two (2) storage/utility sheds may be located on a lot used for residential purposes. Such sheds shall not exceed two hundred forty (240) square feet in size.
- c. Private swimming pools, in accordance with Section 1624.
- d. No-impact home occupations, in accordance with Section 1613.
- e. Private recreation facilities including playing courts and equipment.
- f. Residential animals and animal shelters, in accordance with Section 1628.
- g. Gardens and non-commercial greenhouses.
- h. Fence or wall in accordance with Section 1503.
- i. Landscaping, buffering, or screening in accordance with Section 1505.
- j. Lighting in accordance with Section 1506.
- k. Signs as permitted by Article 17.
- l. Driveways in accordance with Section 602 of the Subdivision Ordinance and off-street parking areas in accordance with Section 603 of the Subdivision Ordinance and applicable sections of this Ordinance in the TNC, TNG, and TND District.
- m. Trails shall be permitted as an accessory use in the CR, R-1, R-1a, and TND Districts.
- n. Sale of garden produce shall be permitted within the R-1 and R-2 District. The display and sale of garden produce grown on-site shall be permitted from a temporary stand dismantled and removed at the end of the growing season provided that:

- 1) A temporary stand may be used but shall be no more than thirty two (32) square feet in size.
 - 2) A temporary stand shall be located a minimum of fifteen (15) feet from the edge of the cartway of any street or any lot line.
 - 3) Any sales, displays, or parking area shall be permitted within the front yard and shall not infringe upon or negatively impact traffic flow on any street or sidewalk.
2. Accessory uses permitted when authorized as a Special Exception by the Zoning Hearing Board, subject to Article 19, in specified zoning districts include the following:
 - a. Intensive Home Occupations shall be permitted within all zoning districts where single family detached dwellings are permitted in accordance with Section 1613.
 - b. Accessory Apartments shall be permitted in the R-1, R-3, R-4, TNC, and TNG Districts in accordance with Section 1603.
 3. General Regulations.
 - a. Permanent residency in travel trailers, tents, or recreational vehicles stored on a lot shall be prohibited. Temporary use of these items is permitted for no greater than fourteen (14) days.
 - b. Temporary or nightly, outdoor parking or storage of commercial vehicles shall be in accordance with Borough Ordinance 354.03.
 - c. Where storage of materials constitutes an accessory use, Section 1508 shall apply.
- C. Commercial, Institutional, and Industrial Accessory Uses.
1. Accessory uses permitted by-right include the following:
 - a. Driveways and Off-Street Parking and Loading in accordance with Section 603 of the Subdivision Ordinance and applicable sections of this Ordinance in the TNC, TNG, and TND District.
 - b. Signs in accordance with Article 17.
 - c. Fences or Walls in accordance with Section 1503.
 - d. Flagpoles.
 - e. Cafeteria solely for the use of employees, patients, or students of the applicable use, or for official visitors to the use, but not open to the general public.
 - f. Child Day Care Center, shall be permitted as an accessory use for the use of employees patients, and students of the applicable use, or for official visitors to the use, but not open to the general public.
 - g. Outdoor storage or display shall comply with Section 1508.
 - h. Landscaping, Buffering and Screening in accordance with Section 1505.
 - i. Lighting in accordance with Section 1506.

- 2. Accessory uses permitted when authorized as a Special Exception by the Zoning Hearing Board, subject to Article 19, in specified zoning districts include the following:
 - a. Outdoor dining within the front yard of a restaurant or coffee shop accordance with Section 1620.
 - b. Drive-through service for a Bank or Financial Institution or a Restaurant in the TNG or B District in accordance with Section 1610.
 - c. Parking structure where permitted by this Ordinance in accordance with Section 1621.
 - d. Parking lot or structure for a Transit Center permitted within the TNG or TND District in accordance with Section 1621 and 1632.

- D. Agricultural Accessory uses. Accessory uses permitted by-right include the following:
 - 1. Any residential accessory use in 1602.B.
 - 2. Stables.
 - 3. Agricultural accessory structures including but not limited to barns, silos, pole barns, and other similar structures which shall be setback from any right-of-way a distance equal to one and one quarter (1 ¼) the height of the structure.
 - 4. Processing and storage of locally produced agricultural products including but not limited to corn, vegetables, soy beans, hay, straw, silage, and other similar products.

SECTION 1603 ACCESSORY APARTMENT

Where permitted, an accessory apartment may be created in a single-family detached dwelling existing as of the effective date of this Ordinance, provided that:

- A. The application for a zoning permit for an accessory apartment required by Article 20 shall also include information to demonstrate compliance with the regulations in this Section.
- B. The landowner may be required to enter into an agreement with the Borough, approved by the Borough Council, governing the use, occupancy, and removal of the accessory apartment and establishing an escrow of sufficient amount to cover the removal of such housing unit.
- C. The accessory apartment shall be a complete and separate housekeeping unit to include separate cooking and bathroom facilities that can be isolated from the principal unit.
- D. Only one (1) apartment shall be created within a single-family detached dwelling unit.
- E. The owner (s) of the residence in which the accessory unit is created shall occupy a minimum of one (1) of the dwelling units on the premises, except for bona fide temporary absences.
- F. The accessory apartment shall be designed so that, to the degree feasible, the appearance of the building remains that of a single-family detached dwelling. Any new entrances shall be located on the side or in the rear of the building.
- G. The design and size of the apartment conforms to all applicable State and Borough standards/codes including, but not limited to, Pennsylvania Department of Labor and Industry regulations.
- H. The accessory apartment shall not exceed forty (40) percent of the structure's total floor area.

SECTION 1604 ADULT USE

- A. No adult use or structure shall be permitted:
 - 1. Within two thousand (2,000) feet of any other adult use.
 - 2. Within fifty (50) feet of any residentially zoned district or residential use, or within five hundred (500) feet of any of the following uses:
 - a. Place of worship.
 - b. Day Care.
 - c. Public and private schools and their adjacent play areas and facilities.
 - d. Public playgrounds, public swimming pools, public parks and libraries.
- B. No such use shall be located in any zoning district except the (B) Business District.
- C. For the purposes of this Section, spacing distances shall be measured, in a straight line between the closest points of the listed uses, as follows:
 - 1. From all property lines of the lot supporting any adult use.
 - 2. From the outward line of boundary of all residential zoning districts or all property lines of a residential use.
 - 3. From all property lines of any use listed in Section 1604.2.a-d.
- D. Sign messages shall be limited to verbal description of material on the premises.
- E. Sign messages may not include any graphic or pictorial depiction of material or services available on the premises.
- F. Messages which are visible or intended to be visible from outside the property, such as on or within doors, windows, or exterior walls, shall not display materials, items, publications, pictures, films, or printed material available on the premises; or pictures, films or live presentations of persons performing or services offered on the premises.
- G. Any building or structure used and occupied as an adult-related use shall have an opaque covering over all windows or doors of any area in which materials, merchandise or film are exhibited or displayed, and no sale materials, merchandise or film shall be visible from outside of the building or structure.
- H. No materials or merchandise offered for sale, rent, lease, loan, or for view upon the premises, shall be exhibited or displayed outside a building or structure.
- I. Should any adult commercial use cease or discontinue operation for a period of ninety (90) or more consecutive days, it shall not resume, nor may it be replaced by another adult commercial use unless said use complies with all the requirements of this section.
- J. Nothing in this Ordinance shall be deemed to allow any uses that are "obscene" as that term has been interpreted from time to time by the courts of the United States or the Commonwealth of Pennsylvania.

SECTION 1605 AGRICULTURAL USE

- A. The minimum lot area shall be ten (10) acres.
- B. Farm buildings, other than residential dwellings, shall meet the area and bulk standards of the applicable zoning district.
- C. Slaughtering operations, feedlot operations, commercial composting and other intensive agribusiness operations, shall be permitted when authorized as a special exception by the Zoning Hearing Board, as such uses are not consistent with the traditional neighborhood development and an urban landscape as designated by the Chester County Comprehensive Plan.
- D. The perimeter of all pasture and grazing areas must be completely fenced.
- E. All animal waste stockpiles not regulated by the Nutrient Management Act an act of May 20, 1993 (P.L. 12, No. 6) shall be maintained within the boundaries of that tract a minimum of two hundred (200) feet from any stream, street right-of-way line, or property line for those activities. Those activities regulated by the Nutrient Management Act shall meet the standards of the Act.
- F. Silos and bulk bins shall be exempt from the required area and bulk standards of the effective zoning district.
- G. Silos and bulk bins shall not be located closer than one and one-quarter (1 1/4) times the height of the structure from any street right-of-way line or property boundary line.

SECTION 1606 BED AND BREAKFAST

- A. Bed and Breakfast establishments shall be permitted as an accessory use by special exception. A Use and Occupancy permit for a bed and breakfast establishment shall be required prior to admission of the first guest.
- B. Bed and breakfast establishments shall be conducted within a single-family detached dwelling only, which is the bona fide residence of the operator. The appearance of the dwelling shall not be altered in such a way as to detract from the residential character of the structure. The principal use of the structure shall remain that of a single-family dwelling.
- C. No more than two (2) persons who are not residents of the property may be hired as an employee or retained as a volunteer to conduct the bed and breakfast establishment.
- D. No more than three (3) guest rooms suitable to accommodate no more than six (6) guests may be offered for bed and breakfast use upon a single property. Guest rooms shall not contain cooking facilities.
- E. A minimum of one (1) full bathroom, separate from the principal dwelling, including a toilet, lavatory, and bathtub and/or shower, shall be provided for each two (2) guest rooms.
- F. No guest shall be accommodated for more than seven (7) consecutive nights. The owner shall maintain a guest register and the register and all records shall be made available for inspection by the Zoning Officer upon request.
- G. No meals may be provided, except breakfast and/or afternoon refreshments, however any amenities associated with the residence, such as a swimming pool or hot tub may be made available to registered guests.
- H. Proof of annual fire inspection by a fire company or recognized fire safety organization shall be available at all times.

- I. In addition to the off-street parking spaces required for the residential use of the property, one (1) off-street parking space shall be provided for each non-resident employee or volunteer, plus one (1) additional space for each guest room.
- J. Permits and Inspections.
 - 1. The proposed use shall be approved by any regulatory authority having jurisdiction on the basis of an on-site inspection, or required improvements to the sewage system have been completed or are guaranteed.
 - 2. Upon compliance with all of the requirements of this Section, other applicable codes and regulations, and in accordance with Article 19, the Zoning Hearing Board may apply a condition that the Zoning Officer shall be authorized to periodically inspect the Bed and Breakfast use for a violation of any condition imposed by the Board, any misrepresentation of fact made to the Borough or Zoning Officer in conjunction with the special exception, permit, and review process, or violation of this Section or any provision of this Ordinance. In the event that the Zoning Officer determines that a violation exists, the permit shall be revoked and shall not be renewed until the violation is corrected.
 - 3. Prior to an applicant establishing a Bed and Breakfast operation, the zoning officer shall issue a temporary use and occupancy permit. This permit shall be reviewed on an annual basis from the date it was issued until such time that the unit is removed. A fee, in an amount established by resolution of the Borough Council, shall be paid by the landowner or applicant upon each renewal of the temporary permit.
 - 4. Upon non-renewal or revocation of the use and occupancy permit for cause shown, the use of the premises as a bed and breakfast shall immediately cease, and continuation thereof shall subject the owner to the penalty provisions of this Ordinance and/or such other legal action as the Borough shall determine necessary.

SECTION 1607 BOARDING/ROOMING HOUSE

- A. A maximum of four (4) boarders shall be permitted in a boarding house.
- B. Each boarding unit shall have a minimum floor area of two hundred (200) square feet. A maximum of two (2) boarders may share a boarding unit.
- C. Each boarding house shall contain a communal kitchen with all facilities.
- D. A complete bathroom facility shall be provided for every two (2) boarding units.
- E. The operator of a boarding house shall reside on the premises.

SECTION 1608 CONTINUING CARE RETIREMENT CENTER

- A. Common open space shall be a minimum of thirty (30) percent of the tract area.
- B. The maximum permitted density shall be eight (8) dwelling units per acre where independent living units are developed.
- C. The parcel or tract of land on which the use is located shall be in single ownership and shall be operated by the owner or a qualified independent management or other organization.
- D. Where there is more than one (1) building constructed as part of a Continuing Care Retirement Center, the location, design and layout of buildings containing dwelling units shall be so designed to ensure open space between buildings and privacy between dwelling units.

- E. A long term care facility may provide individual or multi-tenant dwelling units in a variety of forms in accordance with the following:
1. All Continuing Care Retirement Centers where multi-tenant rooms are incorporated as a part of a primary facility, particularly for skilled nursing facilities, shall have a density approved by the Borough as part of the conditional use approval in addition to proof of adequate water and sewer facilities.
 2. Individual or multi-tenant living quarters for residents may be incorporated into a multi-use building (including residence in addition to other permitted uses in this Section), however, living quarters shall be located in distinct areas separated from other uses (medical offices, clinics, etc.) to provide safety and privacy for residents.
 3. Where separate buildings are constructed for multi-tenant resident housing, the applicable provisions for multi-family residential dwellings in Section 1619 shall apply. Such units shall not be subdivided on individual parcels but shall remain part of the parcel or tract on which the long term care facility is located.
 4. Where individual single family attached or detached units are constructed as a part of a Continuing Care Retirement Center, the applicable provisions for such units shall apply, except that such units shall not be subdivided into individual parcels but shall remain part of the parcel or tract on which the long term care facility is located.
- F. Accessory Uses. The following accessory support uses shall be permitted for any Continuing Care Retirement Center, only when specifically for the use of the residents, residents' guests, or employees of the facility:
1. Indoor and outdoor recreational facilities including but not limited to auditoriums, activity rooms, craft rooms, libraries, lounges, walking trails, pools, sitting area, picnic areas, and pavilions or shelters.
 2. Kitchen and dining facilities.
 3. Office and retail service facilities that serve directly the facility, including, but not limited to: pharmacy, medical offices or treatment centers, gift shop, coffee shop, bank, beauty shop, and barber shop. Individual uses shall not exceed one thousand (1,000) square feet and such accessory uses shall not exceed fifteen (15) percent of the total building area.
 4. Child Day Care Center for the use of employees, residents, or family of residents of the associated use in accordance with Section 1609 as applicable.
- G. Continuing Care Retirement Centers are explicitly prohibited within floodplain areas in accordance with the Flood Hazard regulations in Article 12 of this Ordinance.

SECTION 1609 DAY CARE

The following standards shall apply to all day care facilities including Home Occupations (Home Child Day Care, Family Child Day Care Home, Group Child Day Care Home) and Commercial Day Care (Child Day Care Center) where permitted by this Ordinance:

- A. Operators are responsible for obtaining and complying with all pertinent approval and license requirements from appropriate state, county, and other agencies including but not limited to the Pennsylvania Department of Public Welfare or Department of Aging, and compliance with applicable building, fire, and other applicable code requirements. The applicant shall have received and hold all pertinent approvals and licenses and shall provide evidence thereof, prior to issuing of a zoning permit by the Zoning Officer.

- B. The minimum lot size for any day care facility shall be based upon requirements of this section as well as off-street parking, buffering/landscaping requirements but in no case shall be less than that stated as the minimum lot size of the applicable zoning district in which the facility is located.
- C. Minimum indoor areas and outdoor play area requirements per child shall meet the most current Pennsylvania Department of Public Welfare requirements, and the applicant shall submit proof to the Borough, prior to the issuing of permits, that these requirements have been met. In addition, an outdoor recreation area, where applicable, shall be in accordance with the following:
 - 1. The outdoor recreation area shall be located to the rear or side of the building and shall not include driveways, parking areas, or land unsuited by other uses or natural conditions for active recreation.
 - 2. The outdoor recreation area shall be enclosed by a fence suitable to restrict attendees to the play area and fencing shall be a minimum of five (5) feet in height and meet all other applicable requirements of the Pennsylvania Code in conjunction with the Pennsylvania Department of Public Welfare.
 - 3. The outdoor recreation shall be on the same lot as the principal structure and fully controlled by the operator of the facility.
 - 4. Outside play shall be limited to the hours of daylight.
- D. Operation of all day care facilities shall be limited to the hours between 6:00 a.m. and 9:00 p.m.
- E. Parking and Drop-off Area Requirements for Commercial Day Care (Child Day Care Center) Facilities.
 - 1. Off-street parking shall be provided in accordance with Section 603 of the Subdivision Ordinance and applicable sections of this Ordinance in the TNC, TNG, and TND District, and shall be so designed to prevent interference with traffic flow on any adjacent roadways. In addition, appropriate areas designed specifically for temporary parking and dropping off of patrons may be provided in addition to and separate from off-street parking spaces, in accordance with this Section.
 - 2. Drop-off areas shall be designed to eliminate the need for patrons to cross traffic lanes within or adjacent to the site and shall not be provided within parking aisles or lanes.
 - 3. Drop-off areas shall be separate from required off-street parking spaces or aisles and shall be designated and maintained for the discharge and collection of attendees associated with the Day Care use.
 - 4. Drop-off areas shall be marked by appropriate signs, pavement markings, or text.

SECTION 1610 DRIVE THROUGH

Where permitted, drive-through service shall be an accessory use in conjunction with any restaurant, bank, or other similar commercial use that provides service to customers who remain in automobiles and are served through an exterior window in the establishment in accordance with the following:

- A. A site circulation plan shall be devised that separates those patrons utilizing drive through service from those patrons utilizing indoor facilities. The plan shall include the following information:
 - 1. Location and dimensions of all structures.
 - 2. Location and access to the drive through service.

- 3. Location and dimension of parking, landscaping areas and signage, including handicapped parking spaces and handicapped access.
 - 4. Description of internal circulation and external access.
- B. Drive through facilities shall have a dedicated area for conducting business, including a vehicle stacking lane which shall accommodate a minimum of five (5) vehicles waiting to utilize the drive-through service, and an area for departing vehicles which shall be situated to prevent vehicles from queuing onto adjoining roadways. The stacking lane shall not be used for parking lot circulation aisles or in any way conflict with parking, circulation, pedestrian, or handicapped access to the building. The stacking lane may be separated from parking or interior aisles by a curb and/or median buffer, and at a minimum shall be clearly marked to distinguish it from parking areas and traffic aisles. An escape lane shall be provided parallel to the drive-through lane from the beginning of the drive-through lane to the order board. The escape lane may be part of a standard circulation aisle.
- C. Exterior microphone/speaker system shall be arranged or screened to prevent objectionable noise impact on adjoining properties. Devices used to facilitate communication between the establishment and customers shall not be audible on adjacent residential properties, where applicable.
- D. The drive through facility, including teller windows and intercom, and the driveway, shall be located along the side or rear faces of the associated use.
- E. A buffer yard/screen planting shall be maintained along all property lines abutting a residential use or district in accordance with this Ordinance and the Subdivision and Land Development Ordinance.
- F. Trash receptacles shall be provided outside in conjunction with drive-through service for patron use located specifically so they may be accessed by persons in automobiles using the drive-through facilities.
- G. When this use is adjacent to or on the same lot as other commercial establishments, it shall use a common access with the other establishments and not have a separate entrance to the street, otherwise, the drive-through service shall not have a separate access from that of the associated use. (See Figure 16-1)

Figure 16-1: Drive Through



SECTION 1611 FORESTRY/TIMBER HARVESTING OPERATION

- A. Applicability. To encourage maintenance and management of forested or wooded open space and promote the conduct of forestry as a sound and economically viable use of forested land and forestry activities, including, but not limited to timber harvesting, and to be in compliance with the

Municipalities Planning Code, forestry shall be a permitted use by right in all zoning districts. The following standards apply to all timber harvesting within the Borough where the value of trees, logs, or other timber products removed exceed one thousand (\$1,000) dollars. These provisions do not apply to the cutting of trees for the personal use of the landowner or for pre-commercial timber stand improvement.

- B. Purpose. In order to conserve forested open space and the environmental and economic benefits they provide, it is the policy of the Borough of Atglen to encourage the owners of forestland to continue to use their land for forestry purposes, including the long-term production of timber, recreation, wildlife, and amenity values. The timber harvesting regulations contained in this Section are intended to further this policy by promoting good forest stewardship, protecting the rights of adjoining property owners, minimizing the potential for adverse environmental impacts, and avoiding unreasonable and unnecessary restrictions on the right to practice forestry.
- C. Notification and Preparation of a Logging Plan.
1. For all timber harvesting operations that are expected to exceed two (2) acres, the landowner shall notify the Borough Zoning Officer a minimum of ten (10) business days before the operation commences and within five (5) business days before the operation is complete. No timber harvesting shall occur until the notice has been provided. Notification shall be in writing and shall specify the land on which harvesting will occur, the expected size of the harvest area, and, as applicable, the anticipated starting or completion date of the operation.
 2. Every landowner on whose land timber harvesting is to occur shall prepare a written logging plan in the form specified by this Ordinance. 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 Zoning Officer upon request.
 3. The landowner and the operator shall be jointly and severally responsible for complying with the terms of the logging plan.
- D. Contents of the Logging Plan. As a minimum the logging plan shall include the following:
1. The design, construction, maintenance, and retirement of the access system, including haul roads, skid roads, skid trails, and landings.
 2. The design, construction, and maintenance of water control measures and structures such as culverts, broad-based dips, filter strips, and water bars.
 3. The design, construction, and maintenance of stream and wetland crossings.
 4. The general location of the proposed operation in relation to municipal and state highways, including any accesses to those highways.
 5. A sketch map or drawing containing the 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 the property: significant topographic features related to potential environmental problems; location of all earth disturbance activities such as roads, landings, and water control measures and structures: location of all crossings of waters of the Commonwealth; and the general location of the proposed operation to municipal and state highways, including any accesses to those highways.
 6. Documentation of compliance with the requirements of all applicable state regulations including, but not limited to, the following: erosion and sedimentation control regulation contained in Title 25 Pennsylvania Code, Chapter 102, promulgated pursuant to The Clean

Streams Law (35 P.S. 691.1 et seq; and stream crossing and wetlands protection regulations contained in Title 25 Pennsylvania Code, Chapter 105, promulgated pursuant to the Dam Safety and Encroachments Act (32 P.S. 693.1 et seq.).

7. Any permits required by state laws and regulations shall be attached to and become part of the logging plan. An erosion and sedimentation pollution control plan that satisfies the requirements of Title 25 Pennsylvania Code, Chapter 102, shall also satisfy the requirements for the logging plan and associated map specified above, provided all information required is included or attached.
- E. Forest Practices. The following requirements shall apply to all timber harvesting operations in the Borough:
1. 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.
 2. No tops or slash shall be left on the property, on a public thoroughfare, on a private roadway providing access to adjoining residential property, or on or across the boundary of any property adjoining the operation.
 3. Litter resulting from a timber harvesting operation shall be removed from the site before the operator vacates it.
- F. Responsibility for Road Maintenance and Repair; Road Bonding. Pursuant to Title 75 of the Pennsylvania Consolidated Statutes, Chapter 49, and Title 67 Pennsylvania Code, Chapter 189, the land owner and the operator shall be responsible for repairing any damage to Borough roads caused by traffic associated with the timber harvesting operation to the extent the damage is in excess of that caused by normal traffic, and may be required to furnish a bond to guarantee the repair of such damages.
- G. Enforcement. The Borough Zoning Officer shall be the enforcement officer for the standards set forth herein.
- H. Inspections. The Borough Zoning Officer may go upon the site of any timber harvesting operation before, during, or after active logging to review the logging plan or any other required documents for compliance with the standards and inspect the operation for compliance with the logging plan and other onsite requirements of these regulations.
- I. Violations Notices; Suspensions. Upon finding that a timber harvesting operation is in violation of any provision of these standards and regulations, the Borough Zoning Officer shall issue the operator and the landowner a written notice of violation describing each violation and specifying a date by which corrective action must be taken. The Borough Zoning Officer may order the immediate suspension of any operation upon finding that corrective action has not been taken by the date specified in a notice violation; the operation is proceeding without a logging plan; or the operation is causing immediate harm to the environment. Suspension orders shall be in writing, shall be issued to the operator and the owner, and shall remain in effect until, as determined by the Borough Zoning Officer, the operation is brought into compliance with the regulations herein or other applicable statutes or regulations. The landowner or the operator may appeal an order or decision of an enforcement officer with thirty days of issuance to the Zoning Hearing Board of the Borough.
- J. Penalties. Any landowner or operator who violates any provision of these regulations; refuses to allow the Borough Zoning Officer access to a harvest site pursuant to paragraph H. of this section or who fails to comply with a notice of violation or suspension order issues under paragraph I. of

this section shall be subject to the enforcement remedies set forth in Article 20 of this Ordinance, in addition to any other remedy at law or in equity.

SECTION 1612 GROUP CARE FACILITY

- A. The intent of this use is to encompass living arrangements for a group of persons who meet the Federal definition of individuals with disabilities. The purpose of this use is to offer such persons an alternative, whereby they can be placed in a family setting which most nearly approximates traditional familial living arrangements.
- B. Due to the fact that it is the intent of this use to create traditional familial living arrangements, all group care facilities shall have the same appearance as a residential dwelling unit not housing a group care facility.
- C. All group care facilities shall comply with the standards of the Pennsylvania Department of Public Welfare and all other applicable agencies.
- D. The dwelling unit housing a group care facility shall comply with all applicable building code regulations, however reasonable accommodations and reasonable modifications shall be permitted to allow residents of a group care facility the full enjoyment of the housing and related facilities. Area and bulk regulations shall apply in the same manner as otherwise applicable to the form of dwelling unit being used as a group care facility.

SECTION 1613 HOME OCCUPATION

- A. The following general regulations shall apply to all home occupations, except where otherwise permitted by Section 1613.B for Intensive Home Occupations:
 - 1. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
 - 2. The use shall employ no employees other than the inhabitants residing in the dwelling. Such occupations shall be incidental and accessory to the use of the property as a residence.
 - 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 exterior indication of a business use, including, but not limited to, parking, or lights.
 - 5. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors, or electrical interference, including interference with radio or televisions 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.
 - 9. Non-Intensive home occupations shall have limited daily or regular customers, clients, or patrons, excluding allowable pupils and day care children.

10. Minimum parking requirements for off-street parking shall be determined by the Zoning Officer and Atglen Borough Council based on the specific use intended and the Atglen Borough Subdivision and Land Development Ordinance.

- B. Intensive Home Occupations. Where permitted by Special Exception, intensive home occupations shall meet all the requirements in Section 1613.A, but shall be permitted a maximum of two (2) additional volunteers or employees who do not reside on the premises.

- C. Permits Required.
 1. All Home Occupations shall be required to obtain a zoning permit from the Borough in accordance with the requirements of Article 20, prior to beginning operation of the use. This permit shall be renewed on an annual basis from the date it was issued until such time that the use is removed. A fee, in an amount established by resolution of the Borough Council, shall be paid by the landowner or applicant upon each renewal of the permit.

 2. A Zoning Permit for a Home Occupation shall not be transferable to another property or to another type of home occupation. The permit issued shall only be valid for the use and on the property for which it was originally issued. In the event that a property with an existing home occupation is sold, leased, or rented to someone other than the original permit holder, the new owner, leasee or renter, shall be required to obtain a new zoning permit for a Home Occupation, demonstrating full compliance with the requirements of this Ordinance and any other applicable regulations.

- D. Home occupations shall include the following permitted uses:
 1. Non-Intensive home occupations shall include, but not be limited to, the following:
 - a. All offices for the following: Insurance or real estate salesperson; Manufacturer's or sales representative; Telephone answering or telephone sales, excluding retail sales and/or warehousing of stock; General secretarial work; Individual architect, engineer, planner, lawyer, or consultant; Individual contracting or renovation consultant.

 - b. Dressmaking, tailoring, and sewing.

 - c. Teacher or tutor, limited to no more than four (4) students at one time.

 - d. Painting, sculpting, and writing.

 - e. Home crafts, such as model making, rug weaving, woodworking, and cabinet making.

 - f. Computer and information technology.

 - g. Day Care serving less than four (4) children unrelated to homeowner.

 - h. Watch, small electronic, and small household appliance repair.

 - i. All other home occupations deemed as non-intensive by the Atglen Zoning Hearing Board.

 2. Intensive Home Occupations shall include, but not be limited to, the following:
 - a. Bed and breakfast in accordance with Section 1606.

 - b. Family Child Day Care Home in accordance with Section 1609.

- c. Group Child Day Care Home in accordance with Section 1609.
- d. All other home occupations deemed as intensive by the Atglen Zoning Hearing Board.

SECTION 1614 JUNKYARD

- A. Where a junkyard is located on a lot which is adjacent to a residential district or use, there shall be a setback from the district boundary a minimum of one hundred (100) feet and screened in accordance with Section 1505.
- B. The maximum lot coverage including storage, buildings, and structures shall not exceed seventy five (75) percent.
- C. In addition to buffers, landscaping and screening required by Section 1505, junkyards shall be protected and enclosed by continuous barricades or fencing that shall be a minimum of ninety (90) percent opaque or solid, and a minimum of eight (8) feet in height surrounding all areas on a lot used as a junkyard to deny access to the area at unauthorized times or locations.
- D. Storage piles shall not exceed eight (8) feet in height and no more than two adjoining rows of junked cars shall be stored together.
- E. There shall be provided a minimum of twelve (12) foot wide accessways which shall be kept clear and free at all times to provide for access to all parts of the premises for fire fighting and other safety or emergency purposes.
- F. Gasoline, oil, and other flammable or toxic substances shall be removed from any junk or other items stored on the premises. Such liquids shall be removed and disposed of in a proper manner and shall not be deposited on or into the ground.
- G. No junk or other material shall be burned on the premises.
- H. No garbage or other waste liable to give off a foul odor or attract vermin or insects shall be kept on the premises.
- I. All junk shall be stored or arranged to prevent accumulation of water in addition to controlling mosquito propagation.
- J. All junk shall be kept a minimum of two hundred (200) feet from any stream or watercourse.
- K. Stormwater Planning.
 - 1. A stormwater plan shall be submitted as part of any land development plan for a junkyard and the use shall allow reasonable inspection by the Borough at any reasonable time.
 - 2. The stormwater plan and the drainage facilities of the premises shall be such as to prevent the accumulation of stagnate water on the site and include best management practices to address chemicals or pollutants that may adversely impact water quality.
- L. Where applicable, tire storage piles shall not exceed five hundred (500) tires and shall be in accordance with 025 PA Code 299.155-163.
- M. All junkyards shall meet screening requirements of and be licensed in accordance with Pennsylvania Act 4 of Special Session Number 3 of 1966.

- N. Junkyards shall comply with all other applicable Borough, State, or Federal regulations and shall provide proof of compliance upon request of the Zoning Officer. Examples include Environmental Protection Agency (EPA), the Solid Waste Management Act, and the Clean Streams Law, in terms of water runoff, and storage and/or disposal of hazardous materials.
- O. The permittee shall allow inspection of the business premises by the Borough or its appointed representative at any reasonable time.

SECTION 1615 KENNEL

- A. Kennels shall be completely enclosed. No more than ten (10) dogs or other domestic animals may be housed in one kennel.
- B. All principal and accessory uses associated with a kennel shall be located a minimum of one hundred (100) feet from any lot line.
- C. Yard areas, pens or outdoor runs shall be fenced with wire mesh fencing; the fence shall be located a minimum of one hundred fifty (150) feet from any lot line.
- D. All kennels shall be licensed by the Commonwealth of Pennsylvania, if and as required by the Pennsylvania Dog Law (Act 119 of 2008) Pennsylvania Statutes, as it may be amended from time to time. Kennels shall comply with all pertinent provisions of the Dog Law and Pa. Code 21.21, et seq.
- E. Animal waste shall be regularly disposed of by discharge to an approved sewage disposal system or facility for biological wastes. Any temporary storage of animal or biological waste shall be within a building, within enclosed containers, pending prompt removal to or disposal at an approved facility. A plan for management of such animal waste shall be submitted for review as part of the zoning permit application for the kennel.
- F. Retail sales of items commonly sold in connection with kennel uses, if any, shall be confined to a maximum floor area of one thousand (1,000) square feet.
- G. Outdoor runs or common exterior areas may be permitted for animals boarded or cared for at a kennel, subject to the following:
 - 1. The outdoor runs are conducted between the hours of 7:00 a.m. and 8:00 p.m.
 - 2. The outdoor runs are constructed within a defined external area, which is completely enclosed by appropriate fencing in accordance with the Dog Law and regulations promulgated thereunder.
 - 3. The location of the outdoor runs shall be located a minimum of one hundred (100) feet from all property lines and shall be located in the rear yard of the property on which they are located.
- H. All animals boarded or cared for at a kennel shall be at all times confined to the kennel.
- I. The kennel use shall comply with all other pertinent provisions of this ordinance, including but not limited to regulations pertaining to noise, odors, maintenance and repair, as well as all other applicable federal, state or borough requirements.

SECTION 1616 MEDICAL SERVICE CENTER

- A. Accessory uses within a medical service center shall be permitted but limited to: administrative and professional offices, in and/or out patient clinic, ambulance and emergency rescue services, pharmacy, child day care center, and other similar uses, in accordance with applicable Sections of this Article and shall be for the use of employees, patients and their guests, and authorized

visitors of the applicable use and not open to the general public. The cumulative gross floor area of all such subordinate uses shall not occupy greater than thirty (30) percent of the cumulative gross floor area of all uses within the hospital or medical center.

- B. All medical service centers shall be established in accordance with the following standards:
 1. Site illumination shall be shielded and limited to parking and pedestrian walkways in accordance with Section 1506.
 2. All medical service center structures shall possess an exterior design which is compatible with the prevailing residential architecture and appearance of the surrounding areas.
 3. All loading and waste areas shall be properly screened in accordance with Section 1505 of this Ordinance.
 4. All proposed areas designated for the loading or unloading of emergency response vehicles shall be planned and arranged so they may be utilized without interfering with the interior traffic circulation and parking facilities.
 5. Public and private hospitals and medical service centers are explicitly prohibited within floodplain areas in accordance with the Flood Hazard regulations in Article 12 of this Ordinance.

SECTION 1617 MIXED-USE

Mixed-use shall include more than one (1) category of principal use on the same property or within the principal structure including retail or personal service establishments; offices or studios; and dwelling units in one (1) of the following configurations:

- A. Retail or personal service establishments on the ground level with dwelling units above.
- B. Retail or personal service establishments on the ground level with offices or studios above.
- C. Office or studios on the ground level with dwelling units above.

SECTION 1618 MOBILE (MANUFACTURED) HOME PARK

- A. A mobile (manufactured) home park shall be developed and approved in accordance with regulations as set forth in the Subdivision Ordinance in general and Article 7 of the Subdivision Ordinance specifically.
- B. Area and Bulk Requirements for Mobile Home Park Tract:
 1. Minimum tract area: 5 acres
 2. Minimum open space: 20 percent
 3. Minimum tract width at street line: 100 feet
- C. Maximum Gross Density: 5 mobile homes/acre
- D. The mobile homes located within the mobile home park shall be located on individual lots or lease areas and shall be designed to comply with the following dimensional requirements:
 1. The minimum net lot area or net lease area for each individual mobile home shall be two thousand five hundred (2,500) square feet.

2. The minimum lot width for each individual mobile home lot or lease area shall be forty (40) feet.
 3. The minimum front yard setback shall be twenty (20) feet.
 4. The minimum side yard setback shall be ten (10) feet, as measured on each side.
 5. The minimum rear yard setback shall be twenty (20) feet.
 6. The maximum lot coverage shall be seventy (70) percent for each lot or lease area.
 7. Located fifty (50) feet from an exterior and/or public street right-of-way or tract line.
 8. Located a minimum of twenty (20) feet from the cartway line of a park street. 2
 9. Located a minimum of twenty five (25) feet from another mobile home.:
 10. Setbacks shall be varied where possible to create more variety in layout and design.
- E. Accessory Uses.
1. A maximum of one (1) detached accessory structure may be located on each individual mobile home lot or lease area.
 2. Setbacks. Accessory uses shall be set back:
 - a. A minimum of ten (10) feet from a park street.
 - b. A minimum of fifty (50) feet from an exterior and/or public street or tract property line.
 - c. A minimum of five (5) feet from a mobile (manufactured) home.
- F. Mobile Home Parks are explicitly prohibited within floodplain areas in accordance with the Flood Hazard regulations in Article 12 of this Ordinance.
- G. Mobile Home Parks shall meet the requirements of Article 7 of the Subdivision Ordinance.
- H. Mobile Home Parks shall require a minimum fifty (50) foot buffer around the perimeter of the park and shall be screened from adjacent residential uses with a Class A screen in accordance with Section 1505.D.1.a.
- I. A minimum twenty (20) percent of the tract for the mobile home park shall be reserved as open space usable by the residents of the park and shall not include required screening areas or natural resources including but not limited to woodlands or steep slopes but may include required setback or buffer areas. The following additional requirements shall apply:
1. The common open space shall be planned and located as a contiguous accessible area within the mobile home park. Existing and/or proposed roads may bisect the areas designated as common open space, provided a crosswalk at grade is safely designed to link the common open space areas.
 2. A system for pedestrian circulation throughout the development shall be provided by utilizing sidewalks and trails.
 3. The total land area designated to comply with the minimum open space requirements shall be comprised of areas not less than thirty (30) feet in width. In addition, there shall be a

minimum of one (1) designated common area that is contiguous within the mobile home park containing no less than twenty five (25) percent of the required open space.

- 4. For all common open spaces, satisfactory written agreements approved by the Borough Council shall be executed as a declaration of easements, covenants and restrictions in perpetuity for the preservation of the common open spaces and shall be recorded with the final plan.
- 5. The applicant shall make arrangements, provisions and/or agreements to insure that the common open space shall continue to be adequately managed and maintained.

J. Additional Uses. In addition to the permitted mobile homes, the proposed mobile home park may contain the following nonresidential uses, provided they are considered as part of the special exception application: office space consisting of no more than five thousand (5,000) square feet and utilized for the purposes of conducting customary business, management, sales, meetings, laundry facilities, storage and/or maintenance which are directly associated with the mobile home park.

K. Design Requirements.

- 1. There shall be a minimum of one (1) street within the mobile home park which serves as an internal collector street from which minor streets shall turn on to provide direct access to each mobile home lot or lease area. All streets shall be designed and constructed to comply with all pertinent specifications adopted by the Borough.
- 2. A minimum of two (2) off-street parking spaces measuring ten (10) feet by twenty (20) feet shall be provided for each mobile home lot or lease area. A common off-street parking area may be designed to accommodate the required off-street parking requirements and/or to provide additional spaces for overflow parking spaces.
- 3. Each mobile home space shall be provided with a hard surfaced mobile home stand providing a foundation wall and/or footing that will not heave, shift, settle or move due to frost action, inadequate drainage, vibration or other forces acting on the superstructure.
- 4. The area between the ground level and the perimeter of the mobile home shall be enclosed by means of a suitable skirting.
- 5. Unless otherwise required by the utility provider, all public utility services shall be underground within the mobile home park.
- 6. Exterior storage areas for refuse stations shall be properly screened from the view of all mobile homes within the mobile home park and from adjacent property owners. All containers shall be airtight, vermin proof and have adequate storage capacity to accommodate the projected volumes of solid waste. The mobile home park shall have a solid waste management plan.

SECTION 1619 MULTI-FAMILY AND SINGLE-FAMILY ATTACHED DWELLING

A. Unless otherwise specified herein, the area and bulk regulations of the applicable zoning district shall be met.

B. Sketch Plan.

- 1. An applicant for multi-family or single family attached development is strongly encouraged to submit for the review of the Borough Planning Commission and Borough Council, pursuant to

review by the Borough Engineer, a sketch plan of any use(s) proposed under this Section in accordance with Section 307 of the Subdivision Ordinance.

2. The Borough will make every attempt to provide timely, objective, and clear feedback, in order to facilitate development of a preliminary plan that meets the purposes, conditions, standards, and dimensions of this Section.
 3. It is recommended that the sketch plan clearly show its consistency with the items listed in this Section, as applicable. and may include schematic architectural renderings to address the applicable standards.
- C. Where there is condominium ownership of the dwelling units, a homeowners' association document shall be submitted and approved by the Borough which shall also meet the applicable requirements in Section 405a.D.4 of this Ordinance.
 - D. A minimum tract area of two (2) acres shall apply to all multi-family and single family attached dwellings.
 - E. Maximum Density. The maximum density for multi-family and single-family attached buildings shall be eight (8) units per acre.
 - F. Multi-family and single family attached dwelling unit buildings are encouraged to be located in clusters which create common courtyards and open space areas rather than situated parallel to one another. Where clustering is not feasible, there shall be no more than three (3) abutting or adjacent buildings or groups of buildings parallel to each other within a multifamily or single-family attached development.
 - G. Buildings within a multi-family and single-family attached development shall be designed to provide individual dwelling units with views and direct access to open space areas.
 - H. In single-family attached buildings and where possible in multi-family buildings, staggered setbacks of individual dwelling units accompanied by a variation in facade design are encouraged so the buildings offer visual variety, individualism, and provide private yard areas. No more than two (2) contiguous units shall have the same facade setback within a building. Changes in unit setback shall involve a minimum of four (4) feet.
 - I. No more than six (6) units shall be included in a single building or row of single family attached units and the maximum combined building length shall not exceed two hundred ten (210) feet.
 - J. The minimum building width of an individual Townhouse shall be twenty (20) feet.
 - K. The following building separation distances shall be met:

<u>Building Configuration</u>	<u>Minimum Distance Between Buildings</u>
Facing front / rear walls (long wall)	45 feet
Facing end walls	25 feet
 - L. Multi-family and single-family attached buildings shall be setback twenty (20) feet from any tract boundary and in accordance with the applicable district regulations.
 - M. Entrances to dwelling units shall be provided with all weather walkways to parking, refuse collection points, and public sidewalks along any public street within or adjacent to the tract constructed in accordance with sidewalk construction standards in Section 602.N of the Subdivision Ordinance.

- N. All areas of the development not covered by impervious surfaces shall be landscaped and maintained with suitable ground cover and plants. Existing vegetation is encouraged to be preserved for landscaping purposes. Existing plant material with a caliper of six (6) inches or greater shall be preserved during construction. Such existing plants may be credited toward the amount of required plantings. A landscaping plan for the entire tract shall be required. It is recommended that a landscape architect licensed by the Commonwealth of Pennsylvania be retained to complete such a plan to ensure the proper species, use and arrangement of plant materials. Earthen berms may be incorporated into the landscaping plan along public street frontage and along property lines abutting existing dwellings; however, are not appropriate in the TNC and TNG Districts. Earthen berms shall have a maximum height of three (3) feet and a maximum slope of four (4) feet horizontal to one (1) foot vertical. Landscaped areas shall be continually maintained by the landowner or a homeowner's association or a condominium association. Care, grooming, and replacement of plants shall be included as part of the required maintenance. Failure to adequately maintain landscaped areas shall be subject to a citation issued by the Borough. Unless otherwise required herein, the requirements of Section 1505 shall apply.
- O. A landscaped screen in accordance with Section 1505 shall be maintained along the entire tract boundary, excluding areas for entrances and exits. The landscape screen shall not be required when it abuts a nonresidential or mixed use building.
1. The plantings shall provide a year round screen and shall be composed of a mixture of evergreen and deciduous plants. Existing natural vegetation may be used to provide the screen.
 2. The plant material used to create the screen shall be a minimum of six (6) feet in height at the time of planting in a staggered arrangement in order to provide an immediate effect. Deciduous and semi-deciduous shrubs may be used with evergreens to provide a year round impact, accent and color.
 3. Maintenance and care of such a screen shall be the sole responsibility of the landowner, homeowner's association or condominium association.
- P. Parking areas within a multi-family and single-family attached development shall be adequately landscaped in order to provide shade, to screen vehicles from public streets, and to reduce glare and noise within the development itself, and shall comply with the following:
1. Parking for each dwelling unit shall be provided to the front or rear of each unit or shall be grouped into one (1) or more parking areas serving a number of dwelling units. Individual curb cuts at the street line for access to parking shall not be permitted. No parking spaces shall be greater than two hundred fifty (250) feet from the entrance to the dwelling it serves.
 2. Parking lots shall be setback a minimum of ten (10) feet from any road right-of-way.
 3. Earthen berms of a maximum of three (3) feet in height topped with vegetation a minimum of six (6) feet in height shall be used for screening in the R-2 Districts.
 4. Other forms of vegetative screening compatible with a traditional neighborhood environment shall be provided in the R-4, TNC, and TNG Districts in accordance with Section 1505.
 5. Landscaped areas a minimum of five (5) feet in width shall be provided around the periphery of all parking areas, except where head in parking is provided immediately to the front or rear of each unit, and such parking space is accessed from the head of the space by a sidewalk or walkway leading to the unit. Such areas shall extend the entire length and width of the parking areas, except for necessary access points and walkways.

6. Landscaped islands shall be provided between every fifteen (15) parking spaces and shall be equal to the length of the parking spaces in the row and a minimum of eight (8) feet in width.

Q. Multi-family and single-family attached developments shall be provided with common open space in accordance with the following:

1. Common open space / recreation areas shall be free of obstructions, including watercourses, floodplains, steep slopes, and wetlands. Such an area shall be contiguous, and shall be setback a minimum of ten (10) feet from any residential uses or residential accessory uses. Maintenance of this area shall be the responsibility of the landowner, or homeowners' or condominium owners' association.

2. Common open space shall not be located within or be included in calculating the required buffer area or setback areas, but shall be included in calculating the maximum density permitted.

3. This area shall be substantially free of structures, except those designed for recreational purposes including but not limited to benches or playground equipment, and shall be usable the residents of the development.

4. This area shall be located and designed to be easily accessible by residents of the multi-family dwelling development.

5. When a portion of this area is designed for active recreation and abuts a public street, it shall be fenced, provided with an earthen berm, screening, or combination thereof, that physically separates it from the street in accordance with Section 1505.

6. Failure to maintain any recreational areas shall constitute a violation of this Ordinance and shall be actionable by the Borough in accordance with Article 20.

7. The following minimum amounts of common open space shall be provided for multi-family and single-family attached developments.

- a. R-2/TND District: 35%
- b. R-4 District: 25%
- c. TNC/TNG District: 10%

SECTION 1620 OUTDOOR DINING

A. Outdoor dining shall be permitted to operate between the hours of 10pm and 7am.

B. No live or amplified music shall be permitted associated with the outdoor dining use.

C. Furnishings located in the front yard or where permitted on a sidewalk shall comply with the following: (See Figure 16-2)

1. All tables, chairs, umbrellas, and other furnishings shall be temporary in nature so as to be easily moved or removed during winter months when outdoor dining is not in operation, severe weather, for emergency purposes, or other occurrence as warranted by the Borough. However, all furnishing shall be weighted or of a substantial nature so as not to be blown off the property by strong winds and to ensure the safety and convenience of patrons.

2. The perimeter of the outdoor dining area may be delineated by nonpermanent fixtures such as railings, fencing, potted plants, and other similar approved fixtures.

3. Permanent fencing or buffers shall not be permitted on a public sidewalk.

- 4. Railings, fences, planters, and other enclosures shall not be greater than forty-two (42) inches in height and shall be anchored, weighted, connected, or constructed so as to prevent them from being easily moved.
- 5. Any seating area where alcoholic beverages are sold or consumed shall be enclosed by a border and shall be supervised by employees of the establishment. No alcoholic beverages may be removed from the outdoor dining, except to the interior of the associated use.
- D. A minimum clear pedestrian walkway of four (4) feet shall be maintained if table service is provided on a public sidewalk and no furnishing shall obstruct any fire exit, fire escape, or other required means of ingress and egress.
- E. Where outdoor dining areas are permitted for use for patrons aside from table service and clearing by employees, trash receptacles shall be required and shall be kept covered and clean at all times.
- F. This use shall not be located on or extend into a public street or parking area.
- G. There shall be no advertising in conjunction with the outdoor dining area aside from the approved signs for the associated use in accordance with Article 17.
- H. The owner of the associated restaurant or other use shall be responsible for keeping all outdoor dining areas clean and free of trash and debris.
- I. Outdoor dining areas shall be associated with a principal use of a restaurant or other similar use and shall be located abutting that building in which the principal use is located, and shall be located on the same lot as the principal use.
- J. Outdoor dining areas shall be separated from parking areas by fencing or buffering and shall be a minimum of two (2) feet from any street or parking area.
- K. The owner shall maintain the outdoor dining area in accordance with all Borough ordinances, and state and federal laws, as well as other applicable rules and regulations including but not limited to the Chester County Health Department.

Figure 16-2: Outdoor Dining



SECTION 1621 PARKING STRUCTURE

- A. Accessory parking structures. Where permitted as an accessory use on the same lot as the principal structure the following shall apply:
 - 1. Accessory parking structures shall not be permitted at the ground level facing a public street, except for entrances or exits as provided below. Entrances to and the façade of the

associated principal structure shall predominate along public road frontages. Access to parking structures from lower functioning streets or alleys is encouraged.

2. Exit and entrances to accessory parking structures on a public street along the front building façade shall not exceed a total of thirty (30) feet in width.
- B. Height requirements.
1. Accessory parking structures on the same lot or on an adjacent lot and attached to the associated principal use and structure, shall not exceed the height of the principal structure.
 2. Where a parking structure is the principal use on a lot or an accessory use not on the same lot and not attached to the associated principal structure (off-site), the maximum building height permitted in the zoning district in which the use shall be permitted.
- C. Where a parking structure is an accessory use, it may accommodate some or all of the parking spaces for the associated use or uses. It shall be the responsibility of the associated use to fulfill all of its required parking through the use of the parking structure and/or other available off-street parking methods as permitted by this ordinance. Where a parking structure is a principal use, it may provide as many spaces as may be constructed in accordance with the applicable area and bulk requirements and design standards.
- D. Where a parking structure is constructed as an accessory use to more than one (1) use or for a mixed use development to meet off-street parking requirements, an agreement documenting how different users can maintain full required parking capacity shall be approved by the Borough.
- E. Parking structures may contain retail or commercial space along the entire length of each first floor facade which faces a street, providing all off-street parking requirements are met.
- F. Considerations for review of parking structures include but are not limited to the following:
1. Functional requirements such as appropriate turning radius and future trends such as electric vehicles utilizing recharging facilities and bicycle parking, appropriate ventilation and lighting, internal circulation, and exit/entrance planning in relation to traffic flow and impact on public streets.
 2. Structural requirements including but not limited to the ability of the structure to withstand environmental conditions (wind, snow, rain), expansion and contraction, manage drainage through floor slope and surface type, and stormwater management.
 3. Safety and security including but not limited to safety for pedestrians, handicapped accessibility, safety of movement for pedestrians and automobiles, air quality (ventilation), lighting (efficiency and safety, interior and exterior), security devices (cameras, emergency call access), cleanliness.
 4. Signs and wayfinding measures including but not limited to color coding, visual cues, appropriate and clear directional signs, pedestrian access and direction, exit and entrance signs, traffic control and traffic flow/direction signs, and lighting/visibility.
 5. Aesthetic features including but not limited to integrating with the architectural features of the surrounding buildings, maintaining or improving the street front through similar sidewalk conditions as adjacent uses through providing storefronts at street level, façade treatments, or elements such as benches, street lights, and other similar items to create a pleasant pedestrian experience, using landscaping and changes in architectural treatments to enhance the façade along a street, breaking down the scale of parking structures by implementing varied façade elements, pilasters, materials, and using elevator cores and stairwells as design elements to break up the horizontal and vertical surface of the structure.
 6. Environmental impact and features including but not limited to landscaping, use of solar panels integrated into the design for shading vehicles on the top floor and as other elements

in the structures design, using green roofs and the use rain gardens, dry wells, and other best management practices to mitigate stormwater.

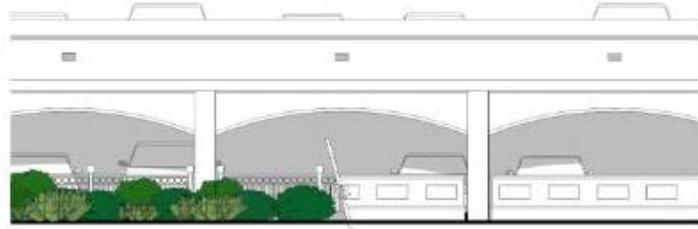
- G. Parking structures shall be designed to be compatible with the architecture of the attached structure or adjacent buildings as applicable and in accordance with the following: (See Figure 16-3.)
1. On facades that front on public streets, facade design and screening shall mask the interior ramps and create the illusion of horizontality and shall minimize blank facades through architectural detail.
 2. Accessory parking structures.
 - a. When located on the same lot and/or attached to the associated principal structure or use for which off-street parking is required, the design of the exterior of the accessory parking structure shall be compatible with the exterior design of the principal structure. Building materials used for the accessory parking structure shall be the same as those used on the principal structure. Where the accessory parking structure is attached to the principal structure, the facade treatment of the principal structure shall be extended onto the parking structures.
 - b. When not located on the same lot and/or not attached to the associated principal structure or use for which off-street parking is required, the design of the exterior of the accessory parking structure shall be compatible with the exterior design of the associated principal structure, so that the accessory parking structure is clearly identified with the principal structure.
 3. When a parking structure is the principal use, all facades that are visible from a public street or sidewalk shall be complementary to nearby commercial facades in terms of building materials and architectural design.
 4. Exterior finish materials of parking structures shall be of an enduring quality. Synthetic stucco, concrete block and simulated wood products may not be used as primary exterior finish materials. Vehicular entrances to parking structures should be designed using residential or neighborhood commercial architectural treatments such as recesses, peaked roof forms and arches with the intention of minimizing the appearance of a parking structure. The use of chains, bars, or similar security devices that are visible from a street shall be prohibited.

Figure 16-3: Parking Structure



5. Any portion of a ground floor facade where parking spaces are visible from the public right-of-way shall require a decorative fence and landscaping or a kneewall to screen parking spaces. Such fence or kneewall shall be a minimum of four (4) feet in height. (See Figure 16-4)

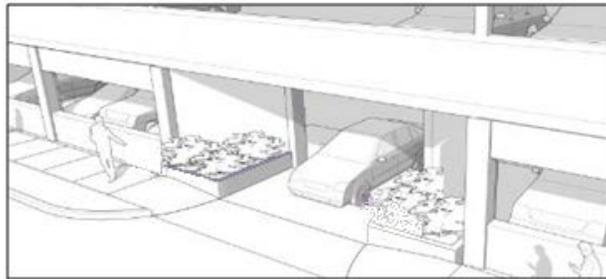
Figure 16-4: Parking Structure Screening



*Figure Source: Tredyffrin Township, PA, zoning ordinance.

6. For parking structures with rooftop open-air parking, a five (5) foot parapet wall is required for screening.
7. A vehicular clear sight zone shall be included at vehicular exit areas as follows (See Figure 16-5):
 - a. The facade of vehicular exit areas shall be set back from any pedestrian walkway along that facade a minimum of eight (8) feet for the portion of the facade that includes the vehicle exit area and eight (8) feet on each side of the exit opening.
 - b. A sight triangle shall be defined by drawing a line from the edge of the vehicular exit area to a point on the property line abutting the pedestrian walkway eight (8) feet to the side of the exit lane.
 - c. In the sight triangle (bound by the parking structure wall, pedestrian walkway and vehicular exit lane), ground cover, landscape, or decorative wall shall be used to act as a buffer between the exit aisle and the pedestrian walkway. Landscape or a decorative wall shall not exceed three (3) feet in height in order to maintain driver sight lines to the pedestrian walkway.
 - d. The upper story facade(s) of the parking structure may overhang the vehicular clear sight zone.

Figure 16-5: Clear Sight Zone



*Figure Source: Tredyffrin Township, PA, zoning ordinance.

SECTION 1622 PLACE OF WORSHIP

- A. The minimum lot size shall be two (2) acres.
- B. The following uses shall be permitted accessory uses to a place of worship and shall be conducted upon the same lot:
 1. Day Care in accordance with Section 1611.
 2. Preschools or kindergartens.
 3. Administrative and counseling offices.
 4. Related recreational facilities.

SECTION 1623 PRIVATE CLUB OR FRATERNAL INSTITUTION

- A. Use shall not be conducted as a for-profit gainful business.
- B. Use of the facilities shall be for authorized members and guests only.

- C. Food, meals, and beverages shall be available to club members and guests only, provided adequate dining room and kitchen facilities are available.
- D. Operating hours shall be similar to restaurants and other businesses.
- E. Lodging of overnight guests is prohibited.

SECTION 1624 PRIVATE SWIMMING POOL

- A. All permanent swimming pools over twenty four (24) inches in depth, hereafter constructed, installed, established or maintained, shall be enclosed by a permanent fence in accordance with the currently adopted version of the Uniform Construction Code (UCC) adopted by the Borough. It is strongly recommended that all existing swimming pools comply with such standards.
- B. Hot tubs, whirlpool baths and tubs, and jacuzzi-type tubs or baths shall not be considered swimming pools if located outdoors or designed to be located outdoors, and are provided with permanent outdoor water plumbing and a lockable cover.
- C. All materials used in the construction of pools shall be waterproofed and so designed and constructed as to facilitate emptying and cleaning and shall be maintained and operating in such a manner as to be clean and sanitary at all times.
- D. Water may not be discharged from a swimming pool directly onto adjacent properties or rights-of-way, or into the public sanitary sewer system.
- E. Enclosed indoor pools must comply with applicable regulations pertaining to accessory structures.
- F. Outdoor lighting, if any, shall be shielded and/or reflected away from adjoining properties so that no beam of light, only diffused or reflected light, enter adjoining properties.

SECTION 1625 PUBLIC AND PRIVATE SCHOOL

- A. Minimum lot area: Two (2) acres
- B. Minimum lot width: 100 feet
- C. Maximum impervious surface coverage: 50 percent
- D. Outdoor play areas shall be located in the rear or side yards at a minimum of seventy-five (75) feet from side yards and rear property lines. Outdoor play areas shall be sufficiently screened in order to protect the neighborhood from inappropriate noise and other disturbances generally associated with school facilities.
- E. All proposed areas designated for the loading or unloading school buses shall be planned and arranged so they may be utilized without interfering with the interior traffic circulation and parking facilities.
- F. Accessory uses shall be permitted as follows: The following accessory support uses shall be permitted for any school, only when specifically for the use of the students, guests, or employees of the facility:
 - 1. Indoor and outdoor recreational facilities including but not limited to auditoriums, activity rooms, craft rooms, libraries, lounges, walking trails, gymnasiums, pools, sitting area, picnic areas, and pavilions or shelters.

2. Kitchen and dining facilities (cafeteria or food court).
3. Office or facilities that serve directly the facility, including, but not limited to: school medical offices or treatment centers, ATM machine, school counselors.
4. Child Day Care Center for the use of employees of the associated use in accordance with Section 1609.

SECTION 1626 PUBLIC UTILITY SERVICE STRUCTURE AND FACILITIES

- A. Front and rear yards shall be provided in accordance with the regulations of the district in which the facility is located. All public utility service structures and/or facilities shall be setback a minimum of ten (10) feet from any lot line.
- B. All equipment shall be totally enclosed within a building.
- C. The external design of the building shall be in character with the existing buildings in the Borough.

SECTION 1627 RAIL YARD

- A. Where a rail yard is located on a lot which is adjacent to a residential district or use, there shall be a setback from the district boundary of a least one hundred (100) feet and screened in accordance with Section 1505.
- B. The maximum lot coverage including storage, buildings, and structures shall not exceed eighty (80) percent.
- C. The area where material is stored outside shall be enclosed with a combination of fencing and/or screening so as to be a minimum of ninety (90) percent solid or opaque. Use of landscaping materials and earthen berms are encouraged to achieve an effective screen. Screening and buffering shall be in accordance with Section 1505.
- D. Storage piles shall not exceed eight (8) feet in height.

SECTION 1628 RESIDENTIAL ANIMALS AND ANIMAL SHELTER

- A. In any district, up to four (4) domesticated animals may be kept as pets provided that any shelter is located in the rear yard a minimum of ten (10) feet from any lot line and not less than fifty (50) feet from any dwelling other than that of their owner.
- B. In the CR, R-1, and R-2 District up to two (2) horses may be kept on a non-commercial basis provided that they are kept in the rear yard, within a pasture area and include a stable maintained in accordance with the following standards:
 1. For the keeping of a horse or horses for private non-commercial recreational use only for the residents of a single-family dwelling, a minimum lot size of two (2) acres is required for the harboring of one (1) horse, with an additional one (1) acre for each additional horse.
 2. Stables and fenced pasture areas shall be constructed according to the specifications and recommendations of the Pennsylvania Equine Council.
 3. Stables shall be located within the fenced pasture areas and a minimum of one hundred (100) feet from any lot line.
 4. Pasture areas shall be completely fenced and located a minimum of fifty (50) feet from any lot line.

SECTION 1629 RESIDENTIAL CONVERSION

- A. Where permitted, any single family detached residential unit existing at the effective date of this Ordinance may be converted from one (1) dwelling unit to two (2) units.
- B. The owner (s) of the building shall occupy one (1) of the dwelling units on the premises, except for bona fide temporary absences. The owner shall provide documentation certifying ownership and residency in a form acceptable by the Borough and enter an agreement to continue such arrangement until such time the property is sold. Any subsequent buyer of such property shall be made aware of the stipulation that one (1) of the two (2) units shall be occupied by the owner of the property.
- C. The lot area per dwelling shall meet or exceed the lot area specified for single family detached dwellings in the district where the residential conversion is proposed.
- D. The floor area of each dwelling unit created by residential conversion shall be in accordance with the International Residential Code.
- E. No more than one (1) additional dwelling unit shall be created per lot through residential conversion.
- F. A floor plan shall be included with any application for a residential conversion indicating both exterior and interior modifications to the building.
- G. The structure shall maintain the facade and appearance of a detached dwelling with a single front entrance. The dwelling units may share the single front entrance.
- H. Additional entrances, when required, shall be placed on the side or rear of the building. Exterior stairways and fire escapes shall be located on the rear wall in preference to either side wall, and in no case be located on a front or side wall facing a street.
- I. With the exception of improvements relating to safety and access, there shall be no major structural change to the exterior of the building in connection with the conversion.
- J. Each dwelling unit shall be provided separate cooking and sanitary facilities in accordance with the International Residential Code.
- K. Off-street parking spaces for the additional residential unit shall be established.

SECTION 1630 SELF-SERVICE STORAGE FACILITY

- A. Each storage unit shall have individual access.
- B. The maximum building height shall be one (1) story.
- C. Outdoor storage of items shall not be permitted, including but not limited to boats, automobiles, motorcycles, construction equipment, RVs, ATVs, or any other property.

- D. The minimum aisle width between buildings shall be:
 - 1. Where a building fronts on one-way internal streets: Twenty (20) feet
 - 2. Where a building fronts on two-way internal streets: Thirty (30) feet.
- C. If a manager/business office is established on the site, a minimum of four (4) parking spaces must be provided adjacent to the office.
- D. No business activities, other than rental of storage units, shall be conducted on the premises.
- E. The use shall be subject to review by Borough police and fire officials regarding security and fire protection.
- F. Storage of explosive, radioactive, toxic, highly flammable, or otherwise hazardous materials shall be prohibited.
- G. All storage shall be within closed buildings built on a permanent foundation of durable materials. Trailers, box cars or similar impermanent or movable structures shall not be used for storage.
- H. The entrance shall be a minimum of twenty (20) feet in width that shall be unobstructed by vehicles or equipment and be composed of an automated or locked gate that restricts access only to the owner or persons renting or leasing units in the facility.
- I. The storage of partially dismantled, wrecked and/or inoperative vehicles shall not be permitted.
- J. Exterior lighting shall be limited to security lighting and a lighting plan shall be submitted for approval by the Borough Council.
- K. Self-storage facilities shall be expressly used for the storage of property, all other uses or activities are prohibited, including, but not limited to: auctions, commercial wholesale or retail sales, garage sales, servicing or repair of vehicles, boats, or trailers, or the operation of power tools.

SECTION 1631 TOWERS AND ANTENNA

- A. Antennas. The following standards shall apply to antennas that do not otherwise fall under the definition of "Commercial Telecommunications Facility":
 - 1. Satellite Dish Antennas. Satellite dish antennas shall be permitted by special exception as accessory structures provided that:
 - a. No such antenna shall be located in any front yard.
 - b. No more than one (1) satellite dish antenna shall be located on any one (1) lot in any residential district, including the Traditional Neighborhood Core and Transit Oriented Design Districts.
 - c. The maximum diameter of any antenna shall be two (2) feet.
 - d. The maximum height of any freestanding satellite dish antenna shall be ten (10) feet.
 - e. Location.
 - 1) Freestanding satellite dish antennas shall meet all minimum setback requirements for the zoning district in which it is located.
 - 2) No portion of such antenna shall be closer to a lot line than the height of the antenna and no part of any freestanding satellite dish antenna shall be located closer than ten (10) feet from any property line.

- f. When roof or wall mounted, satellite dish antenna shall not project above the roofline.
2. Freestanding Antennas. Except as otherwise permitted above for satellite dish antennas, the following provisions shall apply to freestanding radio and television antennas:
- a. When proposed as a residential accessory use, the maximum height of the freestanding antenna shall not exceed fifty (50) feet.
 - b. Antennas and associated structures which do not exceed thirty (30) feet in height shall be located a minimum of fifteen (15) feet from any property line. Antennas which exceed thirty (30) feet in height shall provide an additional one (1) foot clearance for every one (1) foot of height in excess of thirty (30) feet.
 - c. Antennas shall not be permitted in any front yard.
 - d. The antenna and associated structures shall be securely anchored in a fixed position on the ground and the applicant shall provide qualified evidence that the proposed structure will withstand wind and other forces.
 - e. The antenna and its associated supports, such as guy wires, or the yard area containing the structure, shall be protected and secured to guarantee the safety of the general public. Associated supports and guy wires shall be a minimum of five (5) feet from any property line.
3. Building Mounted Antennas. Building mounted antennas, except as otherwise permitted for satellite dish antennas, shall be subject to the following regulations:
- a. When proposed as a residential accessory use, building mounted antennas may be located on a single family dwelling or two-family dwelling unit. In such cases, the highest point of a radio or television antenna on the roof of the principal building shall not exceed fifteen (15) feet.
 - b. Building mounted antennas, communication facilities, and accessory equipment buildings that are subject to licensing and / or regulation by Federal Communications Commission shall be permitted by special exception as non-residential accessory structures provided the following standards are met:
 - 1) Building mounted communications antennas shall not be permitted to exceed the thirty-five (35) foot maximum building height limitations by more than twenty (20) feet.
 - 2) Building mounted communications antennas and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible. In residential areas, a plan shall be submitted demonstrating the method to be utilized to visually conceal said structures.
 - 3) Omnidirectional or whip communication antennas shall not exceed twenty (20) feet in height and seven (7) inches in diameter.
 - 4) Directional or panel communication antennas shall not exceed five (5) feet in height and three (3) feet in width.
 - 5) Any applicant proposing communication antennas to be mounted on a building or other structure shall submit the following information:

- a) 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.
 - b) Detailed construction and elevation drawings indicating how the antennas will be mounted on the structure for review by Borough Engineer.
 - c) 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 and communications facilities can be accomplished.
- 6) Communications equipment buildings shall be subject to the height and setback requirements of the applicable district for an accessory structure.

B. Commercial Telecommunication Facility (Telecommunications Facility).

1. This section is designed and intended to balance the interests of the telecommunications providers and telecommunications customers in the siting of telecommunications facilities within the Borough of Atglen so as to protect the health, safety and integrity of residential neighborhoods and foster, through appropriate zoning and land use controls, a competitive environment for telecommunications carriers that does not unreasonably discriminate among providers of functionally equivalent personal wireless services. To that end, this Section shall:
 - a. Provide for the promotion of the health, safety and welfare of Borough residents.
 - b. Provide for the appropriate location and development of telecommunications facilities in the Borough of Atglen.
 - c. Protect the Borough of Atglen's built and natural environment by promoting compatible and safe design standards for telecommunications facilities.
 - d. Minimize adverse visual impacts of telecommunications facilities through careful design, siting, landscape screening and innovative camouflaging techniques.
 - e. Avoid potential damage to adjacent properties from a tower or antenna failure through engineering and careful siting of telecommunications tower structures and antennas.
 - f. Maximize use of any new and existing telecommunications towers so as to minimize the need to construct new towers and minimize the total number of towers throughout the Borough.
 - g. Maximize and encourage use of alternative telecommunications tower structures as a primary option rather than construction of additional single-use towers.
 - h. Encourage and promote the location of new telecommunications facilities in areas which are not zoned for residential use to preserve the character of neighborhoods adjacent to such facilities.
2. Placement of telecommunications facilities by zoning district. Telecommunications facilities shall be permitted when authorized as a special exception by the Zoning Hearing Board in the Business (B) Zoning District and in accordance with the following:

- a. Commercial Telecommunications Facilities a maximum height of one hundred twenty (120) feet are permitted upon design review by and receipt of a building permit from the Borough of Atglen.
 - b. Lot size and setbacks.
 - 1) The following setback requirements shall apply to all telecommunications facilities:
 - a) Telecommunications towers shall be set back a distance equal to the height of the tower from any off-site residential structure, roads, transmission lines and uninhabited structures for tower structures unless the applicant can demonstrate that in the event of tower failure, the tower is designed to collapse upon itself within a setback area without endangering such adjoining uses.
 - b) Towers, guy wires and accessory facilities must satisfy the minimum zoning district setback requirements for the primary structure on that site.
 - c) Telecommunications facilities must be setback from any property line a sufficient distance to protect adjoining property from the potential impact of telecommunications facility failure by being large enough to accommodate such failure on the site, based on the engineer's analysis required in 1631.B.5.a.7.
 - d) For antennas attached to the roof or a supporting structure on a rooftop, a 1 to 1 setback ratio shall be maintained unless an alternative placement is shown to reduce visual impact. (Example: a ten (10) foot high antenna and supporting structure requires a ten-foot setback from edge of a roof.)
 - c. Special exception application.
 - 1) A request for a special exception shall be initiated by application to the Zoning Hearing Board. The Zoning Hearing Board may authorize a special exception under this section provided that it shall have determined that all of the requirements of 1631.B.3 have been satisfied and, further, that the benefits of and need for the proposed tower are greater than any possible depreciating effects and damage to the neighboring properties.
 - 2) In granting a special exception, the Zoning Hearing Board may impose additional zoning conditions to the extent determined necessary to buffer or otherwise minimize adverse effects of the proposed tower or antenna on surrounding properties.
3. Requirements for telecommunications facilities. General requirements for all telecommunications facilities:
- a. Any applicant proposing construction of a new communications tower shall demonstrate that a good faith effort has been made to obtain permission to mount the communications antennas on any existing building, structure, railroad catenary poles or communication tower. A good faith effort shall require that all owners of potentially suitable structures within a one-quarter (1/4) mile radius of the proposed communications tower site be contacted and that all of the following applicable reasons for not selecting such structure apply:

- 1) 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.
 - 2) 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.
 - 3) Such existing structure does not have adequate location, space, access or height to accommodate the proposed equipment or to allow it to perform its intended function.
 - 4) Additions of the proposed antennas and related equipment would result in electromagnetic radiation from such structure exceeding applicable standards established by the Federal Communications Commission (FCC) governing human exposure to electromagnetic radiation.
 - 5) A commercially reasonable agreement could not be reached with the owners of the structure.
- b. Building codes and safety standards. To ensure the structural integrity of telecommunications facilities, an applicant seeking approval of a telecommunications facility shall demonstrate that the telecommunications facility is designed and constructed in compliance with standards contained in applicable local building codes and to the standard designation by the American National Standards Institute as prepared by the Engineering Department of the Electronics Industry Association and Telecommunications Industry for such telecommunications facilities, as amended from time to time. Owners of telecommunications facilities shall conduct periodic inspections of such facilities a minimum of once every year to ensure structural integrity. Inspections shall be conducted by a qualified, independent engineer licensed to practice in Pennsylvania. The results of such inspection shall be provided to the Borough of Atglen.
- c. Regulatory compliance.
- 1) All telecommunications facilities must meet or exceed current standards and regulations of the Federal Aviation Administration (FAA), the FCC and any other agency of the state or federal government with the authority to regulate telecommunications facilities. If such standards and regulations are changed, then the owners of the telecommunications facilities governed by this article shall bring such telecommunications facilities into compliance with such revised standards and regulations within the date established by the agency promulgating the standards or regulations.
 - 2) Owners of telecommunications facilities shall provide documentation showing that each telecommunications facility is in compliance with all applicable federal and state requirements. Evidence of compliance must be submitted every twelve (12) months to the Borough of Atglen.
- d. Security. All telecommunications facilities shall be equipped with an appropriate anticlimbing device or other similar protective device to prevent unauthorized access to the telecommunications facility. A fence shall be required around all telecommunications facilities and other associated equipment, unless the telecommunications facilities are mounted on an existing structure. The fence shall be no less than six (6) feet and no more than eight (8) feet in height.

- 1) No signs or lights are permitted on telecommunications facilities unless required by the FCC, FAA or other state or federal agency of competent jurisdiction or unless necessary for air traffic safety.
- 2) Visual impact:
 - a) Telecommunications facilities shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA or other applicable federal, state or local agency, be painted a neutral color or painted and/or textured to match the existing structure so as to reduce visual obtrusiveness.
 - b) If an antenna is installed on a structure other than a tower, the antenna and associated electrical and mechanical equipment must be of a neutral color that is identical to or closely compatible with the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible. Roof-mounted antennas shall be made visually unobtrusive by screening to match existing air-conditioning units, stairs, elevator towers or other background.
 - c) Where feasible, telecommunications facilities should be placed directly above, below or incorporated with vertical design elements of a building to help in camouflaging.
 - d) Any equipment shelter or cabinet that supports telecommunications facilities shall be concealed from public view or made compatible with the architecture of the surrounding structures or placed underground. Equipment shelters or cabinets shall be screened from public view by using landscaping, approved estate-style fencing or materials and colors consistent with the surrounding backdrop. The shelter or cabinet must be regularly maintained.
- e. Landscaping: The base of a communications tower shall be landscaped so as to screen the foundation and base and communications equipment building from abutting properties. Landscaping shall be maintained in compliance with the Borough of Atglen Weed Ordinance, Number 229 and Section 1505 of this Ordinance.
- f. Maintenance impacts: Equipment at a telecommunications facility shall be automated to the greatest extent possible to reduce traffic and congestion. Where the site abuts or has access to a collector or local street, access for maintenance vehicles shall be exclusively by means of the collector or local street.
- g. Principal, accessory and joint uses:
 - 1) Accessory structures used in direct support of a telecommunications facility shall be allowed but not be used for offices, vehicle storage or other outdoor storage. Mobile or immobile equipment not used in direct support of a telecommunications facility shall not be stored or parked on the site of the telecommunications facility.
 - 2) Telecommunications facilities may be located on sites containing another principal use in the same buildable area.
4. Additional requirements for telecommunication towers.
 - a. Site location and development shall preserve the preexisting character of the surrounding buildings and land uses and the zoning district as much as possible. Telecommunication facilities shall be integrated through location and design to blend in with existing characteristics of the site to the extent practical.

- b. Existing on-site vegetation shall be preserved or improved, and disturbance of the existing topography shall be minimized, unless such disturbance would result in less visual impact of the site to the surrounding area.
 - c. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening and landscaping that will blend the tower and related facilities to the natural setting and building environment.
 - d. Access shall be provided to the communications tower and communications equipment building by means of a public street or easement to a public street. The easement shall be a minimum of twenty (20) feet in width and shall be improved to a width of a minimum of ten (10) feet with a dust-free, all weather surfaces for its entire length.
 - e. No more than two (2) towers shall be located on a single lot. Placement of more than one tower on a lot shall be permitted, provided that all setback, design and landscape requirements are met as to each tower and in accordance with Collocation in 1631.B.5.c. Structures may be located as close to each other as technically feasible provided that tower failure characteristics of the towers on the site will not lead to multiple failures in the event that one fails.
 - f. In no case shall a tower be located in the required front yard, back yard or side yard in a residential district.
5. Application procedures. Application for a special exception shall be in accordance with 1631.B.2.c and application for a building permit for any telecommunications facility shall be made to the Borough of Atglen by the person, company or organization that will own and operate the telecommunications facility. An application will not be considered until it is complete. The following information shall be submitted when applying for any building permit, special exception or other permit or variance and shall be submitted for an application to be considered complete:
- a. Basic information.
 - 1) As part of the building permit application process, the applicant shall be required to present proof of insurance for a telecommunications facility to insure adequate current liability insurance is in effect against personal injury, death and property damage caused by the site or the facility.
 - 2) Applicants for and operators of any communications tower or radio transmission antennas regulated by the Federal Communications Commission located with the Borough shall provide a copy of a valid operator's license from the Federal Communications Commissions for the transmission of radio frequencies from such towers or antenna constructed within the Borough.
 - 3) Site plan or plans to scale specifying the location of telecommunications facilities, transmission building and/or other accessory uses, access, parking, fences, landscaped areas and adjacent land uses. Applicants shall submit both a paper location map and a digitized location map in a format compatible with the GIS software currently utilized by the Borough of Atglen.
 - 4) A landscape plan to scale indicating size, spacing and type of plantings required in 1631.B.3.e.
 - 5) A full description of the environment surrounding the proposed telecommunications facility, including any adjacent residential structures and districts.

- 6) A description of anticipated maintenance needs for the telecommunications facility, including frequency of service, personnel needs, equipment needs and traffic, noise or safety impacts of such maintenance.
 - 7) Report from a qualified independent engineer licensed in the Commonwealth of Pennsylvania documenting the following:
 - a) Telecommunications facility height and design, including technical, engineering, economic and other pertinent factors governing selection of the proposed design.
 - b) Total anticipated capacity of the telecommunications facility, including number and types of antennas which can be accommodated.
 - c) Evidence of structural integrity of the tower structure.
 - d) Structural failure characteristics of the telecommunications facility and demonstration that site and setbacks are of adequate size to contain debris.
 - 8) A definition of the area of service to be served by the antenna or tower and whether such antenna or tower is needed for coverage or capacity.
 - 9) Information showing the proposed facility would provide the needed coverage or capacity.
 - 10) The identity of a community liaison officer appointed by the applicant to resolve issues of concern to neighbors and residents relating to the construction and operation of the facility. Include name, address, telephone number, facsimile number and electronic mail address, if applicable.
 - 11) Identification of the geographic service area for the subject installation, including a map showing the site and the nearest or associated telecommunications facility sites within the network. Describe the distance between the telecommunications facility sites. Describe how this service area fits into and is necessary for the service network.
- b. Additional information requirements for towers.
- 1) Applicants shall identify all existing towers for which there are applications currently on file with the Borough of Atglen. Applicants shall provide evidence of the lack of space on all suitable existing towers to locate the proposed antenna and of the lack of space on existing tower sites to construct a tower for the proposed antenna. If collocation on any such towers would result in less visual impact than the visual impact of the proposed tower, applicants shall justify why such collocation is not being proposed. If collocation on any such tower would increase negative visual impact, then the applicant shall so state and demonstrate. The Borough of Atglen will review justifications that appeal only to undue expense and/or to undue difficulties in entering into a lease agreement. The Borough of Atglen shall carefully weigh such claims, and the evidence presented in favor of them, against a project's negative impacts at the proposed site.
 - 2) Applicants must demonstrate that they cannot provide personal wireless communication service without the use of a telecommunications tower.
 - 3) The applicant shall quantify the additional tower capacity anticipated, including the approximate number and types of antennas. The applicant shall provide a drawing for each tower showing existing and proposed antenna locations. The applicant shall also describe any limitations on the ability of the tower to accommodate other uses,

- e.g., radio frequency interference, mass height, frequency or other characteristics. The applicant shall describe the technical options available to overcome those limitations and reasons why the technical options considered were not chosen to be incorporated. The Borough of Atglen shall approve those limitations if they cannot be overcome by reasonable technical means.
- 4) The applicant shall provide a utilities inventory showing the locations of all water, sewage, drainage and power lines impacting the proposed tower site.
 - 5) The applicant shall provide any other information which may be requested by the Borough of Atglen to fully evaluate and review the application and the potential impact of a proposed telecommunications facility.
- c. Collocation. The applicant shall allow other future personal wireless service companies, including public and quasipublic agencies, using functionally equivalent personal wireless technology to collocate antennas, equipment and facilities on a telecommunications facility unless specific technical constraints prohibit said collocation. The applicant and other personal wireless carriers shall provide a mechanism for the construction and maintenance of shared facilities and infrastructure and shall provide for equitable sharing of cost in accordance with industry standards.
- d. Nuisances. Telecommunications facilities, including without limitation power source ventilation and cooling, shall not be operated so as to cause the generation of heat that adversely affects a building occupant and shall not be maintained or operated in such a manner as to be a nuisance and in compliance with all applicable federal regulations regarding interference.
- e. Maintenance of facilities, notice, and removal.
- 1) All telecommunications facilities shall be maintained in compliance with standards contained in applicable building and technical codes so as to ensure the structural integrity of such facilities.
 - 2) If upon inspection by the Borough of Atglen any such telecommunications facility is determined not to comply with the code standards or to constitute a danger to persons or property, then upon notice being provided to the owner of the facility and the owner of the property if such owner is different, such owners shall have thirty (30) days to bring such facility into compliance.
 - 3) In the event that such telecommunications facility is not brought into compliance within thirty (30) days, the Borough shall provide notice to the owners requiring the telecommunications facility to be removed.
 - 4) In the event that such telecommunications facility is not removed within thirty (30) days of receipt of such notice, the Borough may remove such facility and place a lien upon the property for all costs and penalties involved in the removal.
 - 5) Delay by the Borough in taking action shall not in any way waive the Borough's right to take action.
 - 6) The Borough may pursue all legal remedies available to it to ensure those telecommunications facilities not in compliance with the code standards or which constitute a danger to persons or properties are brought into compliance or removed.

- 7) The Borough may seek to have the telecommunications facility removed regardless of the owner's or operator's intent to operate the tower or antenna and regardless of any permits, federal, state or otherwise, which may have been granted.
- f. Abandoned towers and removal.
- 1) If the owner of an abandoned tower or antenna wishes to use such abandoned tower or antenna, the owner first must apply for and receive all applicable permits and meet all of the conditions of this article as if such tower or antenna were a new tower or antenna.
 - 2) If a telecommunications tower remains unused for a period of twelve (12) consecutive months, the owner or operator shall dismantle and remove the communication tower within six (6) months of the expiration of such twelve (12) month period.

SECTION 1632 TRANSIT STATION and TRANSIT STATION PARKING

- A. Transit Station is a use permitted by special exception in the TNC District within two hundred (200) feet of the railroad tracks and in accordance with the provisions of this Section. Transit Station Parking is a use permitted by special exception in the TNC and TND District providing surface parking or a parking structure for off-street parking as the principal or accessory use of a lot to specifically meet the required parking of an associated Transit Station. See Figure 16-6 illustrating a potential Transit Station.
- B. Transit Station.
1. A transit station may consist of a variety of structures including but not limited to platforms, buildings, canopies, shelters, ADA accessibility stairways, and multi-modal transportation access (passenger drop off, bicycle parking, etc.).
 2. The minimum lot size shall be one (1) acre.
 3. The maximum building coverage shall be thirty (30) percent.
 4. The maximum impervious surface coverage shall be ninety (90) percent.
 5. Accessory uses:
 - a. Off-Street Parking.
 - b. Passenger Drop Off area in accordance with the following:
 - 1) Access for passenger drop-off shall be from Valley Avenue and have one (1) two-way accessway a minimum of twenty four (24) but not greater than twenty eight (28) feet in width.
 - 2) One-way traffic aisles shall be a minimum of twelve (12) feet and maximum of twenty (20) feet in width.
 - 3) A twenty (20) foot wide one-way traffic lane shall be required adjacent to the curb-side auto drop-off area parallel to the Transit Station.
 - 4) Parking along one-way traffic aisles shall be separated from streets or adjacent parking or access aisles by a grassed median buffer a minimum of ten (10) feet in width and including landscaping and trees in accordance with Section 1505.

- c. Bus Shelter
 - d. Commercial use including but not limited to restaurant, café, convenience store, or other similar use that would serve the immediate need of transit passengers such as acquiring food, beverages, batteries, or other small personal items. The maximum square footage of such use shall be one thousand five hundred (1,500) square feet.
- C. Parking associated with a Transit Station shall comply with the following standards and otherwise shall be in accordance with Section 603 of the Subdivision Ordinance:
1. Off-Street parking associated with a Transit Station shall be permitted on the same lot, a separate lot as a principal use of a lot, one of the principal uses, or as an accessory use on a lot as permitted by the associated zoning district when the parking lot and/or lot is under the same ownership as the Transit Station or there is a permanent agreement that the parking is to be specifically for the Transit Station (off-site parking).
 2. No off-street parking or related landscaping, screening, or other related construction or facility shall be permitted within twenty five (25) feet of the northern side of the railroad tracks.
 3. Parking areas north of the railroad tracks in the TND district shall not directly access Zion Hill road, but shall access Rosemont Avenue or another roadway developed in conjunction with the parking area or other development in the TND District.
 4. Parking developed in association with a Transit Station shall not reduce or infringe upon parking for Atglen Borough Hall.
 5. Bicycle parking shall be included, developed in conjunction with the Transit Station at a rate to be determined as appropriate to other modern, similar stations and in accordance to modern standards related to bicycle parking as deemed applicable by the Borough.
 6. Handicapped spaces in accordance with Section 603 of the Subdivision Ordinance are required as close to the Transit Station as possible and in accordance with all other applicable codes, including but not limited to the IBC.
 7. Where approved, on-street and off-street parallel parking spaces shall be a minimum of twenty (20) feet in length and eight (8) feet in width.
 8. Landscaped areas a minimum of five (5) feet in width shall be provided around the periphery of all parking areas in accordance with Section 1505. Such areas shall extend the entire length and width of the parking areas, except for necessary access points and walkways.
 9. Landscaped islands a minimum of eight (8) feet in width shall be provided between any head on parking spaces served by parallel traffic aisles.
 10. Parking lots shall be setback a minimum of ten (10) feet from any road right-of-way.
 11. No individual parking lot shall contain more than one hundred forty (140) spaces without being surrounded by a peripheral landscaped area except for necessary access points and walkways.
 12. Crosswalks shall be provided across all streets between the Transit Station and associated parking lots and/or parking structures. Crosswalks shall be a minimum of eight (8) feet in width painted in accordance with common practice such as diagonal “zebra” striping or constructed of a textured surface such as brick to be easily distinguished from the road cartway surface. Additionally, appropriate street signs shall be place to either side of a crosswalk to inform motorists of their location. Standards for crosswalk include the following:

- a. Striping shall not be less than six (6) inches or greater than two (2) feet in width.
 - b. Longitudinal or diagonal lines should be twelve (12) to twenty four (24) inches wide and spaced twelve (12) to sixty (60) inches apart. Crosswalk markings should be spaced so that the lines are not in wheel paths. In addition, the spacing should not exceed two and one half (2.5) times the width of the lines.
 - c. See the Manual on Uniform Traffic Control Devices (MUTCD) Section 3B.17 by the US Department of Transportation, Federal Highway Administration.
13. Sidewalks shall be constructed along any street frontage between the Transit Station and associated parking lots and/or parking structures.

Figure 16-6: Atglen Station Concept Plan



*Atglen Station Concept Plan. Urban Engineers, June 2012.

SECTION 1633 VEHICLE FUELING STATION

- A. A site circulation plan shall be devised and include the following information:
 1. Location and dimensions of all structures and fuel pumps.
 2. Location and dimension of parking, landscaping areas and signage.
 3. Description of internal circulation and external access.
- B. Parking shall not be permitted between the main entrance of the building and the refueling bays.
- C. Minimum fuel pump setbacks shall be:
 1. Twenty (20) feet from the front yard setback line.
 2. Thirty (30) feet from all parking areas.
- D. Minimum width at the building setback line shall be two hundred fifty (250) feet.
- E. A buffer yard/screen in accordance with this ordinance and the Subdivision Ordinance.

SECTION 1634 VEHICLE SALES, SERVICE, OR REPAIR

- A. No vehicle sales, service, repair and body shop shall be located within fifty (50) feet of any residence or residentially zoned lands.
- B. All service and/or repair activities shall be conducted within a wholly-enclosed building.
- C. All exterior vehicle storage areas shall be screened from view of any adjoining residential district or use.
- D. If gasoline pumps are to be installed, all requirements for a vehicle fueling stations shall be satisfied.
- E. Any use involving the generation of waste grease and/or oil shall be required to install traps to collect these waste products. Such uses shall also demonstrate a regular and proper means of disposal of such greases and/or oils, as required by applicable State and/or Federal regulations.
- F. No outdoor stockpiling of tires or outdoor storage of trash is permitted. An area enclosed by a wall or fence, screened from view of adjoining properties, shall be provided whenever outdoor storage is required. No materials may be stored so as to create a fire hazard.
- G. Satisfactory provision shall be made to minimize harmful or unpleasant effects such as noise, odors, fumes, glare, vibration and smoke.
- H. Stored and/or repaired vehicles shall remain no longer than sixty (60) days from the date of arrival.
- I. The demolition or storage of junked vehicles is prohibited.
- J. All automotive repairs or services activities, except those performed at fuel pumps, shall take place within a completely enclosed building. Vehicles waiting for repairs shall not be stored outdoors for more than ten (10) days.
- K. Junked vehicles may not be stored in the open at any time and any junked vehicles shall be stored within an enclosed or fenced area.
- L. There shall be no greater than two (2) parked vehicles per service bay in an open area or within a required parking space or lot, any additional vehicles shall be in an enclosed or fenced area.

SECTION 1635 VEHICLE WASHING FACILITY

- A. All structures housing washing apparatus shall be set back a minimum of fifty (50) feet from any street right-of-way line and twenty-five (25) feet from any property line.
- B. Trash receptacles must be provided and routinely emptied to prevent the scattering of litter.
- C. Stacking lanes shall accommodate a minimum of a five (5) vehicles waiting to utilize the washing facility and shall be situated to prevent vehicles from queuing onto adjoining roadways.
- D. Public water and sewer shall be required.

ARTICLE 17

SIGNS

SECTION 1701 PURPOSE

To meet the legitimate demands for signage in the Borough of Atglen without the intrusion and potential public safety problems caused by an unlimited type and quantity of signs, any sign erected or maintained after the effective date of this Ordinance shall conform to the regulations herein and the following goals:

- A. To provide general standards for all signs within the Borough and specific standards for signs in various zoning districts and for various uses.
- B. To establish procedures for the review and approval of sign permit applications.
- C. To regulate the location, size, construction, alteration, use and maintenance of signs.
- D. To protect the safety and general welfare of the community through the proper use, design, and construction of signs for graphic and written communication purposes.
- E. To promote the use of well crafted signs in harmony with the scale and character of the Borough.
- F. To manage the size, location, and number of signs to promote orderly signage and prevent visual blight that may negatively affect public safety in vehicular and pedestrian circulation.
- G. To develop a consistent and appropriate level of signage for a small Borough to assist in economic development by providing clear signage for local businesses.
- H. To provide sign regulations that afford sufficient design controls while incorporating flexibility for different types of signs appropriate for the Borough.

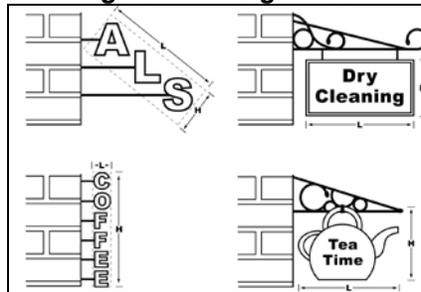
SECTION 1702 GENERAL REGULATIONS

The following regulations shall be observed in all districts:

- A. A sign permit in accordance with Section 1704 shall be obtained before erection, alteration, or enlargement of any sign, sign structure, or any portion thereof under these regulations except as hereinafter provided.
- B. No sign shall be erected within a street right of way, except traffic signs and similar regulatory notices of a duly constituted governmental body, unless otherwise specifically permitted herein.
- C. No signs, other than traffic signs shall be erected or maintained nearer to a street line than a distance equaling the height of the sign, unless attached flatly to a building.
- D. No sign shall be attached to a utility pole or other public infrastructure or hung across a public street except as placed by the Borough.
- E. No moving, flashing, or rotating signs which may distract motorists on Borough streets or adjacent highways shall be permitted.
- F. No sign which emits smoke, visible vapors, particles, sound, or odor shall be permitted.

- G. No sign shall be erected containing information which states or implies that a property may be used for any purpose other than the use or uses permitted for the property on which the sign is located, except for billboards where permitted in accordance with Section 1706.I.6.
- H. Every sign shall be constructed of a durable material and kept in good condition, repair, and safe from collapse.
- I. All distances provided for in this Article shall be measured along straight lines between signs and from the near edge of a sign or sign structure. This paragraph shall apply in all cases including locating new signs in relationship to current non-conforming signs.
- J. Sign Area. For the purposes of calculating any sign area the following shall apply:
1. Sign Area. See Figure 17-1.
 - a. The face of a sign including all lettering, wording, designs, and symbols, together with the background, whether open or enclosed, on which they are displayed, including the frame, but not including the supporting framework and bracing.
 - b. Where a sign consists of individual letters, numbers, characters, or symbols, the area of the sign shall be considered to include a rectangular or square pattern as drawn at the outer limits of the words, letters, or representations.

Figure 17-1: Sign Area



2. Double-Faced Signs. Double faced signs shall be permitted when in accordance with the following:
 - a. In computing the area of a double-faced sign, only one side shall be considered, provided that both faces are identical and not greater than eighteen (18) inches apart.
 - b. In "V" type signs or structures not meeting the above requirement, both sides shall be considered in computing the sign area.
- K. No sign shall be painted on or affixed to a building, fence, utility pole or structure, or tree, shrub, rock, or natural object.
- L. Signs shall not be mounted on roofs or extend above the roof line.
- M. No sign together with any supporting framework shall extend to a height above the maximum building height allowed in a district.
- N. No sign shall be placed in such a position that it will cause danger on a street by obscuring visibility and, in no case, except traffic signs, shall signs be placed within the required clear sight triangle in accordance with Section 1507.

- O. No sign shall be placed where it obscures a motorist's view of traffic signals or traffic signs or interferes with vehicular traffic or pedestrian safety.
- P. The outdoor storage or parking of a vehicle on a property shall not be used as a sign for a business, home occupation, or any other use. No vehicle which contains advertising on its exterior shall park in a location visible from a public right-of-way continuously for more than two (2) weeks.

SECTION 1703 ILLUMINATION STANDARDS AND DIGITAL SIGNS

- A. Illumination.
 - 1. Signs shall be illuminated with steady, stationary, shielded light sources directed solely onto the signs without causing glare. There shall be no illumination of a flashing or intermittent type, except as permitted for electronic changing message signs as permitted by Section 1703.B, below.
 - 2. Lighting of signs shall not shine directly upon adjacent properties nor within the normal line of vision of pedestrians or motorists within public rights-of-way.
 - 3. Lighting shall be shielded so that the source of light shall not be visible from any point off the lot on which the sign is located, except for digital signs as permitted by this Section.
 - 4. Internally illuminated signs shall be permitted through the use of either translucent materials or backlighting so long as the source of the lighting complies with all other requirements of this Ordinance. Illumination shall be permitted for individual or groups of letters on a sign face or individual internally illuminated letters or backlit letters, but backlighting of an entire sign face shall not be permitted.
 - 5. No sign may be erected with exposed electrical wires.
 - 6. No sign shall be illuminated between the hours of 11:00 p.m. and 6:00 a.m. unless the premises on which the sign is located is open for business.
 - 7. No artificial light or reflecting device shall be used as a part of a sign where such light or device interferes with, competes for attention with, or may be mistaken for a traffic signal.
 - 8. Neon window signs may be permitted in cases where they are custom designed to be compatible with the building's historic and/or architectural character and exterior color.
 - 9. In addition to the regulations of this Section, illumination of signs shall comply with Section 1506 of General Regulations.
- B. Digital and electronic changing message signs. Such signs may be permitted for non-residential uses and shall comply with all other requirements of this Chapter and the following regulations:
 - 1. Displayed messages shall be visible for a minimum of six (6) seconds.
 - 2. A change in displayed message shall occur within one (1) second.
 - 3. No visual fading or dissolving is permitted and messages shall not overlap.
 - 4. The sign shall be equipped with automatic day/night dimming to reduce the illumination intensity of the sign from one (1) hour after sunset to one (1) hour prior to sunrise.

5. The sign shall be equipped with an automatic shut off in case of failure or error that would result in the sign projecting a full intensity all white image for an extended period of time.
6. The use of animation, sound, video, or full-motion is prohibited.

SECTION 1704 SIGN PERMITS

- A. Except for signs included under Sections 1704.B and 1704.C below, all signs shall require a permit in accordance with the following:
1. Applications for sign permits may be obtained from the Borough and shall be filed in duplicate and on forms furnished by the Borough to the Zoning Officer or other approved Borough official and shall be accompanied by detailed plans and specifications and such other information deemed necessary by the Zoning Officer to determine the location and details of sign construction.
 2. Permit fees shall be collected prior to the issuance of a permit. Permit fees shall be as designated by the Atglen Borough Council by resolution.
 3. The Borough Zoning Officer shall approve or deny applications for sign approval permits within fifteen (15) working days from the date of the filing of the complete application with the required fee. If an application is denied, the applicant shall receive notification in writing stating the reason for denial along with the specific provision or provisions of this Ordinance that were not met by the application.
- B. Maintenance of or changes to signs. The following shall not require a permit:
1. Regular maintenance of the sign, including electrical, repainting, or cleaning.
 2. The repair of the sign that in no way changes the sign from the original approved application.
 3. Minor changes to a sign, such as changes to the information on or text of a sign, deemed by the Borough Zoning Officer to be insignificant to the sign. Changes to the size, shape, location, structure, or mounting do not constitute minor changes and shall require the submission of a sign permit.
- C. Signs not requiring a permit. No permit shall be required for the following signs. These signs shall conform to all other regulations set forth herein:
1. Traffic signs.
 2. Traffic direction signs.
 3. Address signs.
 4. Trespassing signs.
 5. Real estate signs.
 6. Temporary professional signs.
 7. Political signs
 8. Sale of garden produce signs.
 9. Legal notices.
 10. All other Temporary signs.
- a. Temporary signs may not require a permit but shall require notification to the Borough prior to the placement of the sign in the form of a written letter submitted at the Borough office including the following:
- 1) Name, address, and contact information for the property where the sign will be placed.
 - 2) A brief description of the type of sign, placement of the sign, and reason for the sign.
 - 3) The intended time period for placement of the sign.

- b. A sign shall be removed after the time specified on the notice or within five (5) days after the event for which the sign is intended has occurred, or if the sign violates any provision of this Ordinance.
- D. All signs requiring a permit shall be subject to inspection by the Zoning Officer. No work shall be done other than as specifically shown on an approved sign permit or as permitted by Section 1704.B.

SECTION 1705 SIGNS PERMITTED BY ZONING DISTRICT

- A. The following Signs shall be permitted in the Residential Zoning Districts:
 - 1. Traffic signs.
 - 2. Traffic direction signs.
 - 3. Address signs.
 - 4. Agricultural sign.
 - 5. Identification signs.
 - 6. Freestanding Ground signs.
 - 7. Home occupation signs.
 - 8. Trespassing signs
 - 9. Temporary sign types:
 - a. Real estate signs.
 - b. Political signs.
 - c. Temporary new construction signs.
 - d. Temporary professional signs.
 - e. Temporary signs, all other temporary signs not specifically defined.
 - f. Garage sale / Yard sale signs.
 - g. Sale of garden produce signs.
 - h. Legal Notices as required by this Ordinance and/or any other official legal action.
- B. Signs shall be permitted in the Non-Residential Zoning Districts.
 - 1. The following Signs are permitted in the TNC and TND Districts:
 - a. All signs permitted in Residential Districts in Section 1705.A.
 - b. Awning Signs.
 - c. Wall Signs.
 - d. Freestanding Ground Signs.
 - e. Projecting Signs.
 - f. Permanent Window Signs.
 - g. Temporary Signs:
 - 1) Temporary Window Signs.
 - 2) Portable Signs.
 - 2. The following Signs shall be permitted in the TNG District: All signs permitted in the TNC and TND Districts in Section 1705.B.1 in addition to Freestanding Pole Signs.
 - 3. The following Signs shall be permitted in the Business Zoning District (B):
 - a. All signs permitted in the TNC and TND Districts in Section 1705.B.1.
 - b. Billboards shall be permitted by conditional use.
 - 4. Number of Signs Permitted.

- a. There shall be one (1) permanent advertising sign for nonresidential uses permitted per lot in a Residential Zoning District.
 - b. In the TNC, TNG, TND, or B district there shall be a maximum of two (2) permanent signs permitted per lot except where there is more than one (1) use per building or on a lot, additional signs may be permitted in accordance with Section 1705.I and the following additional provisions shall apply:
 - 1) Lots which front on more than one (1) public street are permitted two (2) permanent signs of any type, as defined in Section 1706.I either of which may be placed on any street frontage.
 - 2) Lots which front on a single street are permitted two (2) permanent signs, as defined in Section 1706.I, provided that the signs are not of the same type and shall be placed facing the street the lot fronts upon.
 - c. Address signs shall be exempt in counting the number of permanent signs permitted.
- C. In addition to the requirements of this Section, the requirements of Section 1707 shall apply to signs in specified Zoning Districts.

SECTION 1706 SIGN CLASSIFICATION, SIZE, AND DISTRICT APPLICABILITY

Signs shall be permitted as designated in Section 1705, as follows:

- A. Address Signs. A sign limited to the provision of the official numerical identification address of the property on which it is located.
 1. One (1) sign shall be permitted per official address for a property in accordance with Section 1504.G. Where more than one (1) address is located on a property, each address may have one (1) sign or all of the address signs may be placed on one (1) sign totaling the combined sign area for all of the applicable uses.
 2. Dimensional requirements. Sign area shall not exceed two (2) square feet.
- B. Traffic Signs. A sign typically located within a road right of way, including but limited to those regulating traffic speeds, intersection controls, naming roads, describing conditions, or providing directions, which are officially erected by the Commonwealth of Pennsylvania or the Borough of Atglen, or other official agency with jurisdiction.
- C. Traffic Direction Signs. A sign located on a property which is designed and erected solely for the purpose of traffic or pedestrian direction for visitors on a property, including but not limited to exit and entrance signs, circulation direction, safety or warning signs, and information or public services signs such as those advertising the availability of rest rooms, telephone or similar public conveniences, but shall not be used for advertisement.
 1. Signs shall be on the same lot as the use to which the sign relates.
 2. Signs are limited to appropriate information such as that listed in the definitions in Article 2 and shall not contain any advertising.
 3. Dimensional requirements. Sign area shall not exceed four (4) square feet.
- D. Identification Signs. A sign which displays the name of a particular non-commercial or non-industrial development, building, or use, such as a church, school, or residential development.

1. One (1) freestanding ground sign for each street frontage or at each access to a use, subdivision, development, or complex indicating the name of the subdivision, development, or complex shall be permitted provided the sign shall not exceed fifteen (15) square feet.
 2. Multi-family Uses may have, in addition to or in replacement of signs in Section 1706.D.1. above, one (1) development identification sign mounted as a Wall Sign that shall not exceed nine (9) square feet, on a multi-family building for identification purposes displaying the name and/or address of the building.
- E. Agricultural Signs. A sign identifying the name of an agricultural operation, which may also advertise the sale of farm products grown on the premises, sale of farm animals, services provided, or other information associated with the agricultural operation.
1. One (1) sign shall be permitted per road a lot fronts upon.
 2. Dimensional requirements. Sign area shall not exceed twelve (12) square feet.
- F. Home Occupation Signs. A sign used to indicate a home occupation where permitted as an accessory use to a single family detached dwelling in a residential district.
1. One (1) sign per use shall be permitted in all residential districts.
 2. Dimensional requirements:
 - a. Non-intensive home occupation. Sign area shall not exceed two (2) square feet.
 - b. Intensive home occupation. Sign area shall not exceed four (4) square feet.
 3. Signs shall be a minimum of ten (10) feet from any lot line or street right-of-way.
- G. Trespassing Signs. A sign Indicating the private nature of property, a road, or driveway, or restricting or prohibiting access, hunting, fishing, or some other activity. Sign area shall not exceed two (2) square feet.
- H. Temporary Signs. A sign that is not permanently affixed to the ground or a structure and/or which is intended to be displayed for a limited time. Temporary signs typically are mounted in a standard metal or wire frame with legs that may be pressed into the ground. Such signs may include specific types of temporary signs or temporary signs to be placed at the property owners discretion for personal expression or interest.
1. General Regulations.
 - a. Temporary signs shall be placed a minimum of five (5) feet from any lot line or street cartway (edge of pavement).
 - b. Signs shall be removed immediately upon completion of the active work or any special event or otherwise each sign shall be removed within five (5) days of the time when the circumstances leading to its erection no longer apply.
 - c. Temporary signs shall be firmly anchored into or secured to the ground either by posts to be pressed into the ground or other similar method, but shall not permanently affixed.
 - d. Except for Real Estate Signs indicating the name of the real estate company, Temporary Professional Signs, and Portable Signs, Temporary Signs shall not be used to advertise for a business.

2. Real Estate Signs. A temporary sign which advertises the sale, rental, or lease of the property on which it is placed.
 - a. Not more than two (2) real estate signs shall be permitted for each street a lot fronts upon.
 - b. Dimensional requirements. Sign area shall not exceed six (6) square feet.
 - c. All such signs shall be removed within ten (10) business days of the sale or rental of the premises.
3. Garage Sale / Yard Sale Signs. A temporary sign which directs attention to the sale of personal goods on the premises on which the sign is located.
 - a. Signs may be placed not more than five (5) days prior to the sale and shall be removed before the end of the day of the sale.
 - b. No off premise signs shall be permitted
4. Temporary Professional Signs. A temporary sign of a contractor, architect, mechanic, artisan, or similar profession displayed on a temporary basis on the premises at which the services are being performed.
 - a. Signs shall be erected only on the premises where such work is being performed.
 - b. Not more than one (1) such sign per contractor shall be placed on a premises.
 - c. Dimensional requirements. Sign area shall not exceed six (6) square feet.
 - d. Such signs shall be removed upon the completion of active work.
5. Temporary New Construction Signs. A temporary sign indicating that the premise is in the process of being subdivided and/or developed for the construction of dwellings or other buildings and/or uses that may include the name of the subdivision, development, or developer.
 - a. One temporary (1) ground sign shall be permitted for each street the subdivision, development, or property fronts upon.
 - b. New Construction signs which identify the name of a subdivision, development, or the developer, are permitted provided the sign area shall not exceed fifteen (15) square feet.
 - c. Such signs shall be removed within five (5) days after dedication of streets to the Borough. .
6. Portable Signs. A temporary sign that is not fixed, attached, or anchored in a permanent position, that is capable of being readily moved or relocated, including but not limited to, sandwich boards, placards, or other similar signs mounted on a frame or chassis on wheels or supported by legs but not pressed or extended into the ground or other surface.
 - a. Portable signs shall be placed on the same lot as the use for which the sign is associated.
 - b. The sign area of a portable sign shall not exceed nine (9) square feet and shall not exceed four (4) feet in height.
 - c. Not more than two (2) such signs shall be placed on a premise.

- d. Signs shall be located a minimum of five (5) feet from any lot line or street cartway.
 - e. Portable Signs must comply with all other applicable regulations of this Ordinance, and shall not be placed to impede pedestrian traffic or constitute a hazard to or impede pedestrians or automobile circulation.
 - f. Such signs shall be permitted to be placed for viewing during the regular business hours of the associated use, and shall removed from public view and placed indoors or in a secure location when the associated business is closed.
7. Political Signs. A temporary sign pertaining to political views, an individual seeking election or appointment to a public office, or a forthcoming public election or referendum.
- a. Signs shall be approved by the property owner on which the signs are placed.
 - b. Such signs may be placed sixty (60) days prior to and shall be removed within five (5) days after the event or election for which the sign is intended has occurred.
 - c. Dimensional requirements. Sign area shall not exceed six (6) square feet.
8. Sale of Garden Produce Signs. A temporary sign placed to indicate that produce grown on the property is available for sale.
- a. One (1) sign shall be permitted for each use.
 - b. Dimensional requirements. Sign area shall not exceed six (6) square feet.
 - c. Signs shall be permitted during the hours of operation of the use for which it is intended. When the use is not in operation, the sign shall be removed.
9. Temporary Signs, all other temporary signs not specifically defined.
- a. Dimensional requirements. Sign area shall not exceed six (6) square feet.
 - b. In addition to specific temporary sign types listed under this Section, other undefined Temporary Signs shall be permitted for each use and shall be approved by the owner of the property on which the signs are placed for purposes at the owners discretion. Not more than one (1) undefined temporary sign shall be permitted on a lot at any given time in addition to defined Temporary Signs as permitted herein.
10. Temporary Window Signs. See Section 1706.I.4.b.
- I. Business, Commercial, or Industrial Signs. A sign used to advertise and attract attention to a permitted use on the same premises. Such signs normally include the identifying name, type of business, and trademark of the establishment. The following signs are permitted for nonresidential uses in the Borough in accordance with the following provisions and Section 1705:
- 1. Wall Mounted Signs. A sign attached, applied, or mounted to a building in a plane parallel to the face of said wall and mounted at a distance not greater than ten (10) inches measured perpendicular from the wall to which the sign is attached, applied or mounted. In accordance with the following:
 - a. Sign area and number of signs. Signs mounted on a building shall not exceed an aggregate of ten (10) percent of the wall area to which it is attached or painted or twenty (20) square feet, whichever is less. Mounted signs shall be installed parallel to the supporting wall and project not more than ten (10) inches from the face of such wall.

Where a lot fronts on more than one street, the aggregate sign area facing each street frontage shall be calculated separately and the sign area for each wall shall apply to wall sign that is mounted upon it.

- b. Type. Wall signs may be applied in one (1) of two (2) ways depending on the number of uses in a building as follows:
 - 1) Multiple uses, one sign. Where more than one (1) use is carried on in a single structure, the sign may indicate the presence of all uses in the structure. An additional ten (10) square feet may be added to the sign for each additional use above the base sign area for the first use, however, no sign shall exceed fifty (50) square feet. See Figure 17-2

Figure 17-2: Multiple Uses, One Sign



- 2) Multiple uses, multiple signs. If more than one (1) use is carried on in a single structure or where there are attached structures with a contiguous facade, where tenants have individual exterior entrance(s), each use with an individual exterior entrance may have its own wall sign. The sign size for each use shall be calculated upon the individual building frontage for each tenant which shall be that one discernible architecturally designed wall that contains that tenants main entrance for use by the general public, calculated by the width between the exterior walls of that use within the structure. See Figure 17-3.

Figure 17-3: Multiple Uses, Multiple Signs



- 2. Freestanding Signs. A permanent, detached sign not attached to any building, erected as signage for the associated use or uses on the same parcel within the limits of the front yard of the property to which they pertain.
 - a. Sign area and number of signs. Freestanding signs shall not exceed twenty (20) square feet and in no case shall exceed four (4) feet in height or five (5) feet in width except

where more than one (1) use is carried on in a single structure or on a lot, the sign may indicate the presence of all uses in the structure or on the lot. Individual signs for each use in a single structure or on a lot shall not be permitted. Where more than one (1) use exists in a structure or on a lot, an additional ten (10) square feet may be added to the sign for each additional use, however, no sign shall exceed fifty (50) square feet.

- b. Type. Two (2) types of freestanding signs are permitted as follows. Where both Ground Signs and Pole Signs are permitted for the same use, only one (1) of either type of sign shall be permitted for each street frontage instead of one (1) of each type of sign on the same street frontage:
 - 1) Ground Sign. A freestanding sign, other than a pole sign, placed directly on the ground, and permanently attached thereto, without supports or pylons, independent from any building or structure.
 - a) Ground Signs shall be supported and permanently placed by embedding, anchoring, or connecting the sign to the ground.
 - b) The maximum height for Ground Signs shall be four (4) feet.
 - 2) Pole Sign. A freestanding sign, other than a ground sign, including any sign supported by poles, uprights, or braces placed upon, or in, or supported by the ground independent from any building or structure.
 - a) Pole Signs shall be supported and permanently placed by embedding, anchoring, or connecting the sign to the ground by one (1) or more poles or posts.
 - b) Pole signs shall not exceed twenty (20) feet in height.
 - c) The height of pole signs shall be measured from the ground level to the highest point of the sign structure.
3. Projecting Signs. A sign projected perpendicularly from the face of a building.
 - a. Sign area and number of signs. Signs shall have a maximum area of twelve (12) square feet for a single use. Where more than one (1) use is carried on in a single structure, a Projecting Sign may indicate the presence of all uses in the structure. An additional five (5) square feet may be added to the sign for each additional use, however, a projecting sign shall not exceed thirty (30) square feet.
 - b. The total area of a three dimensional sign shall be determined by enclosing the largest cross section of the sign in an easily recognizable geometric shape and computing its area which shall not exceed nine (9) square feet, except where there is more than one use additional area may be permitted in accordance with Section 1706.H.3.a, above.
 - c. The supporting framework shall be in proportion to the size of such sign.
 - d. Projecting signs shall have a minimum clearance of eight (8) feet above grade when located adjacent to or projecting over a sidewalk.
4. Window Signs. A sign which is visible to persons in vehicles or to pedestrians, on adjoining property or public sidewalks, and located on the outside or inside of a window in a building or structure, to direct attention to a use conducted in or product sold in the structure, including, but not limited to, signs affixed to, etched, or painted upon the interior or exterior surface of a window or otherwise displayed through or upon a window including permanent signs hung

- directly inside or mounted onto a window pane. For purposes of this definition, "window" means any translucent and/or transparent surface in a building or structure.
- a. Permanent Window Signs.
 - 1) Sign area. Permanent window signs shall not exceed more than twenty five (25) percent of the window area in which they are displayed.
 - 2) A maximum of forty (40) percent of the total window area may be covered by a combination of Permanent Window Signs and Temporary Window Signs in Section 1706.I.4.b, below.
 - b. Temporary Window Signs. A temporary sign (window sign) that may be placed on a window or door or are visible to persons in vehicles or to pedestrians that may be temporarily affixed by suction cups, adhesives, or wires, or hung from the ceiling, placed on a window sill, or any other temporary method of placement but not permanently painted, affixed, or otherwise placed.
 - 1) Sign area. Temporary Window Signs shall not exceed fifteen (15) percent of the total glass area of the window in which they are placed.
 - 2) Temporary Window Signs shall conform to Section 1706.I.4.a.2, above.
5. Awning Signs. A sign painted on or attached to the cover of an architectural projection from a wall over a window or an entrance. Such sign shall be limited to establishment name, logo, and street number.
- a. Such sign shall be limited to establishment name, logo, and street number.
 - b. Such sign shall be painted on or attached flat against the surface of the awning, but not extend beyond the valance or be attached to the underside.
 - c. Letters shall not exceed ten (10) inches in height.
 - d. A minimum of eight (8) feet above sidewalk level must be allowed for pedestrian clearance.
6. Billboard Signs. An off-premise sign used to direct attention to a business, commodity, service or entertainment not conducted, sold or offered upon the premises where such sign is located. Billboard signs shall be permitted by conditional use in the B District as the sole principal use of a lot provided that such sign meets the following requirements:
- a. Not more than one (1) billboard sign shall be permitted on a single lot.
 - b. The minimum net lot area shall be five hundred (500) square feet.
 - c. The lot shall not contain any other buildings, structures or improvements, except those necessary for the operation, maintenance or security of the billboard sign.
 - d. The total height of any billboard sign shall not exceed twenty (20) feet, measured from the average ground level to the top of the sign, including all structural components. There shall be a minimum of ten (10) feet of clearance (not including structural ground supports) under the lower edge of the signboard.
 - e. A billboard sign structure. may have not more than two (2) sign faces of equal size, shape and dimension and the total display area of a billboard sign shall not exceed seventy two (72) square feet on one (1) side, including. border and trim, but excluding supports.

- f. No portion of a billboard sign may be located closer than fifteen (15) feet from the right-of-way of any street.
- g. No billboard sign shall be located within the safe clear sight distance or safe stopping distance of a signalized intersection, which distance shall be determined in accordance with applicable PennDOT standards.
- h. No portion of a billboard sign shall interfere with or obstruct vehicle traffic, travel, or ingress or egress to a public street.
- i. No billboard sign shall be located closer than five hundred (500) feet to any other billboard sign, nor within one hundred twenty (120) feet of the right-of-way line of any intersecting street, as measured between the closest points of each sign.
- j. A billboard sign structure may contain only one (1) sign or advertisement per face. No part of the sign shall extend beyond the borders of the signboard structure.
- k. All billboard signs shall be maintained in good condition. The structural components of the sign shall be maintained to ensure their integrity and to prevent the possible collapse of the sign. Signs having ripped, defaced, or partial advertisements shall be immediately repaired by having the advertisement restored to its original condition, removed, or covered.
- l. Billboard signs shall conform to the illumination standards as set forth in Section 1507.
- m. Billboard signs may have changeable copy which is designed so that characters, letters or illustrations can be changed by computer, electronically, or mechanically, without altering the face or surface of the sign provided that the messages/displays shall remain unchanged for a minimum of thirty (30) seconds and provided the sign is not located within one hundred (100) feet of an existing residential use.
- n. Such signs may be externally lit, but shall comply with the lighting provisions of this Ordinance and shall comply with the IESNA (Illuminating Engineering Society of North America) recommended practices and criteria contained in the IESNA Lighting Handbook, including but not limited to "full cutoff" fixtures. All lighting fixtures shall be aimed to illuminate the advertising copy only and not project or reflect light onto a neighboring use or property.

SECTION 1707 SPECIAL DISTRICT REGULATIONS

In addition to the regulations by district and sign type, the following special provisions for certain districts shall apply:

- A. TNC, TNG, and TND Districts. The goal in these districts is to ensure visual compatibility with existing scale and character of the surrounding area. The signage must also be readable by pedestrians and people in slow-moving vehicles.
 - 1. Location: Signs should be concentrated near the pedestrian level, and not obscure important architecture features, such as transoms, windows, moldings and cornices.
 - 2. Wall signs shall be placed as a band immediately above the entrance and shall be no more than four (4) feet in height.
 - 3. Signs on adjacent storefronts within the same building shall be coordinated in height and proportion and should be encouraged to use the same signing format. See Figure 17-3.

4. Colors: Colors should be chosen to complement the facade color of the structure.
 5. Dark background with light-colored lettering is strongly encouraged. "Day-glow" colors are prohibited.
 6. Preferred Sign Types: Wall, window, projecting, awning, and portable signs are preferred in these districts.
- B. Business District. The goal of this district is to provide legible signage for auto-oriented commercial facilities, while moderating visual competition.
1. Business and advertising signs shall be permitted in the Business District provided that such signs, shall not be larger than seventy-five (75) square feet.
 2. Colors: The number of colors should be limited to three (3). Since these signs must be legible from a distance, the degree of contrast between the background and letter color is important. Dark background with light-colored lettering is strongly encouraged. "Day-glow" colors are prohibited.
 3. Preferred Sign Types: Wall and freestanding ground or pole signs are preferred in this district.
- C. Residential Districts. The most important goal of these districts is to maintain their residential character and scenic open space. Special care should be taken in the style, location, design and use of materials for signs. Regulations for non-residential signs shall be in accordance with the following:
1. Number. Each business, structure or complex may only display one (1) sign.
 2. Colors. The number of colors used in a sign should be limited to three (3) colors. To ensure the legibility of the sign, a high degree of contrast between the background and letters is preferable. "Day glow" colors are prohibited. The use of dark backgrounds with light-colored lettering is strongly encouraged.
 3. Permitted Sign Types. Wall, awning, and freestanding ground signs are preferred in these districts.

SECTION 1708 NONCONFORMING SIGN STANDARDS

See Section 1805 in Article 18, Nonconformities.

SECTION 1709 CONSTRUCTION, MAINTENANCE, REMOVAL, and ABANDONED SIGNS

- A. Construction, Maintenance, and Removal.
1. No sign shall be maintained within the Borough except for legal nonconforming signs as permitted by this ordinance, in violation of this ordinance, when determined to be a nuisance, or in such a state of disrepair as to have the appearance of complete neglect or which is rotting or falling down, which is illegible or has loose parts separated from original fastenings. If a sign is determined to be in violation of this ordinance or as mentioned above, the Zoning Officer shall give written notice to the owner of the premises on which the sign is located, that the issue with the sign must be corrected or the sign removed within ten (10) days of such notice. All new signs shall comply with the provisions of this Ordinance.
 2. In the event of immediate danger, the Borough may remove a sign immediately upon the issuance of written notice to the owner.

- B. Abandoned Signs. A sign and its structure shall be considered abandoned:
1. When a sign is associated with an abandoned use.
 2. When a sign remains after the termination of a business. A business is presumed to have ceased operation if it is closed to the public for at least thirty (30) consecutive days. Seasonal businesses are exempt from this determination.
 3. Abandonment shall be determined by the Zoning Officer. Upon determination that a sign is abandoned, the right to maintain and use such sign shall terminate immediately and the Zoning Officer shall issue an enforcement notice requiring the sign to be removed within thirty (30) days.

SECTION 1710 DEFINITIONS (See Illustrations in Appendix B)

In addition to the definition of Sign in Article 2, Illustrations provided in Appendix B, and definitions otherwise incorporated within the Sections of this Article, the following definitions apply to this Ordinance:

Abandoned Sign. A sign erected on, or related to, the use of a property which becomes vacant and unoccupied for a period of time, or any sign which relates to a time, event, or purpose which has past.

Digital Sign. An advertising sign that utilizes digital or video light emitting diodes (LEDs) or similar electric methods to create an image display area.

Double-Faced Sign. A sign which displays a message, information, or advertising on both faces of the sign.

Electronic Changing Message Sign. A digital sign or portion thereof displaying frequent message changes that are rearranged electrically without physically altering the face or surface of such signs.

Illuminated Sign. A sign designed to project or reflect artificial light from an internal or external source. Illumination may occur through an external source which may directly or indirectly illuminate a sign, an internal source which may provide illumination through transparent or translucent materials, or digitally through light emitting diodes (LEDs) or similar technology.

Nonconforming Sign. A sign that does not conform to the zoning requirements at the time of enactment of this Ordinance, or as a result of subsequent amendments thereto where such sign was lawfully in existence prior to the enactment of such ordinance or amendment or as a result of action by the Zoning Hearing Board.

Permanent Sign. A sign that is intended for long term use attached to a building, structure, or the ground through mounting, bolting, concrete footings, or other similar means that enable the sign to resist environmental loads, such as wind, and precludes ready removal or movement of the sign.

ARTICLE 18

NONCONFORMITIES

SECTION 1801 APPLICABILITY

The following provisions shall apply to existing uses, buildings, structures, lots, and signs which do not conform to the requirements of this Ordinance or any amendment thereto. The intent of these provisions is to reasonably provide for such existing non-conformities in accordance with the requirements of this Article. The reversion of such non-conformities, however, shall be encouraged wherever possible.

SECTION 1802 CONTINUATION

- A. Any structure, lot, or sign, or any use of a structure or lot legally existing prior to the effective date of this Ordinance, or authorized by a building permit issued prior thereto, which does not conform with the applicable use provisions of this Ordinance, shall be considered a lawful nonconformity and may be continued in the form evident at the effective date of this Ordinance, even though such nonconformity does not conform to the provisions of this Ordinance except as specified herein.
- B. An existing nonconforming use, structure, lot, or sign may be transferred, and the new owner may continue the nonconforming use, structure, lot, or sign, subject to the provisions of this Ordinance.

SECTION 1803 NON-CONFORMING STRUCTURES AND USES

- A. Expansion.
 - 1. The types of expansion listed below are permitted for nonconforming uses and structures:
 - a. The expansion of a nonconforming use within a structure may be permitted by-right within the structure provided no expansion of a structure is made and shall be in accordance with Section 1803.A.2, below.
 - b. All other expansions of a nonconforming use and/or structure may occur in conjunction with expansion of a structure and may occur on a lot when authorized as a special exception by the Zoning Hearing Board and in accordance with Section 1803.A.2, below, including:
 - 1) The expansion of a nonconforming use of land upon a lot occupied by such use.
 - 2) The expansion of a conforming structure occupied by a nonconforming use.
 - 3) The expansion of a nonconforming structure occupied by a nonconforming use.
 - 4) The expansion of a nonconforming structure occupied by a conforming use.
 - 2. The foregoing expansion of such nonconforming structure and/or use shall be subject to the following conditions:
 - a. The expansion shall conform to the area and bulk requirements and design standards of the district in which it is located, in addition to supplemental use regulations applicable to the use, except where an existing use and/or structure is nonconforming as to a required setback, the established nonconformity may be continued but shall not be increased. .

- b. Expansion of the nonconforming use and/or structure shall not exceed one-third (1/3) of the total area of the use and/or structure existing at the effective date of this Zoning Ordinance or amendment thereto creating the nonconformity.
 - c. The use shall provide off-street parking and loading spaces as required by Section 603 of the Atglen Borough Subdivision and Land Development Ordinance.
 - d. The expansion shall not replace a conforming use or structure.
 - e. The expansion of a nonconforming use and/or structure shall not be permitted to extend into parcels of land adjacent to the initial parcel of land existing and occupied on the effective date of this Ordinance, where such parcels have been recorded separately, or acquired following the effective date of this Ordinance.
- B. Change of Use. Any lawful nonconforming use of a structure or land may be changed to another nonconforming use when authorized as a conditional use by the Borough Council. The applicant shall satisfactorily prove to the Borough Council that the proposed change in nonconforming use will be of substantially the same character or of a lesser impact as the existing use with respect to:
- 1. Off-street parking and traffic generation.
 - 2. Noise, odor, smoke, glare, heat, dust, vibration, illumination, and other nuisance characteristics that may be relative to the use.
 - 3. Hours of operation.
 - 4. Storage and waste disposal.
- C. Reconstruction or Restoration. A nonconforming use and/or structure, or part thereof, which is involuntarily damaged by fire, explosion, windstorm, flood, other natural or criminal acts, or legally condemned due to an involuntary act, may be reconstructed and used for the same purposes in accordance with Borough Ordinance #313.99 and provided:
- 1. The reconstruction and/or restoration of the structure or use, or part thereof, is commenced within one (1) year from the date of occurrence of the damage unless an extension is granted by Borough Council upon written submission by the applicant of a legitimate reason for the delay, including but not limited to securing financial resources, changes due to unforeseen construction complications, delays due to unusual weather circumstances, or insurance complications.
 - 2. The reconstructed use and/or structure, or part thereof, does not exceed the height, area, and volume of the original use and/or structure, except as permitted by Section 1803.A.
 - 3. In the event that any nonconforming use and/or structure, or part thereof, as defined in Article II, is destroyed or partially destroyed and the owner of such has determined reconstruction/restoration infeasible, the owner shall be responsible for the complete removal of the structure and debris as well as the filling of any excavated areas.
- D. Discontinuance or Abandonment.
- 1. If a lawful non-conforming structure or use of land or of a structure is discontinued, abandoned, or legally condemned due to neglect for a continuous period of one (1) year or more, subsequent use of such structure or land shall be in conformance with the provisions of this Ordinance.
 - 2. The same nonconforming use may continue to be permitted, provided a request for continuing the nonconforming use is filed within the one (1) year period from the date of discontinuance or abandonment and is thereafter authorized by special exception by the Zoning Hearing Board.

- E. Voluntary demolition and abandonment. Where a nonconforming use and/or structure is voluntarily demolished or destroyed, except for restoration and/or modernization, the nonconforming use and/or structure shall be deemed to have been abandoned and discontinued, and any use thereafter shall conform to the provisions of this ordinance.

SECTION 1804 NON-CONFORMING LOTS

- A. Held in Single and Separate Ownership. A lot may be used, or a structure may be erected or altered on any lot held at the effective date of this Ordinance in single and separate ownership which is not of the required minimum area or width or is of such unusual dimensions or shape that the owner would have difficulty in providing the required yard setback and impervious coverage requirements for the district in which such lot is located, provided that the plans for the proposed structure shall be approved by the Zoning Hearing Board after review of the plans to ensure reasonable compliance with the intent of the regulations for the district.
- B. In the event an applicant is the owner of two (2) or more contiguous lots which, if combined, would enable compliance with the provisions of this Ordinance, such lots or portions thereof shall be required to combined prior to approval of the use and/or structure.
- C. Included in Approved Plans. Structures may be erected on lots which are not held in single and separate ownership at the time this Ordinance becomes effective and which are not at the required area or width, if such lots are included in a subdivision or land development plan which has been approved by Borough Council prior to the effective date of this Ordinance.
- D. A lot that does not comply with the minimum dimensional standards shall not be subdivided to further increase the nonconformity or create a new nonconforming condition.

SECTION 1805 NONCONFORMING SIGNS

- A. Any sign existing at the effective date of this Ordinance that does not conform with the regulations of the district in which it is located shall be considered a nonconforming sign and may be used in its existing location, provided it is maintained in good condition and repair at all times. When and if replacement or rebuilding becomes necessary, a zoning permit shall be required and the sign shall be brought into conformity with the Ordinance.
- B. Nonconforming signs may be repainted, repaired, or modernized at their existing location provided that such repaired or modernized signs do not exceed their original dimensions and a zoning permit is approved for such repair or modernization.
- C. The message of a nonconforming sign may be changed, provided it does not create any new nonconformity.
- D. A nonconforming sign may be moved, provided that moving such sign would eliminate the nonconformity.
- E. Nonconforming signs once removed shall be replaced only with conforming signs.
- F. Whenever any nonconforming use of a structure or lot ceases as prescribed in Section 1803.D, all signs accessory to such use shall be removed within thirty (30) days from the date such use terminates.

ARTICLE 19

ZONING HEARING BOARD

SECTION 1901 PURPOSE AND JURISDICTION (MPC 909.1)

- A. The purpose of this Article is to establish the rules by which the Zoning Hearing Board is organized and to designate the functions and responsibilities thereof, as permitted by the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended.

- B. The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters based on Act 247, the Pennsylvania Municipalities Planning Code (MPC), as amended:
 - 1. Substantive challenges to the validity of this Ordinance or Zoning Map, except those brought before the Borough Council pursuant to Sections 609.1 and 916.1(a)(2) of the Municipalities Planning Code.
 - 2. Challenges to the validity of this Ordinance or Zoning Map raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within thirty (30) days after the effective date of said Ordinance.
 - 3. Appeals from the determination of the Zoning Officer, including, but not limited to the granting or denial of any permit, or failure to act on the application therefore, the issuance of any cease and desist order, or registration or refusal to register any nonconforming use, structure or lot.
 - 4. Appeals from a determination by the Borough Engineer or Zoning Officer with reference to the administration of any floodplain ordinance or standards within this Ordinance.
 - 5. Applications for variances from the terms of the Zoning Ordinance, or pursuant to Section 910.2 of the Municipalities Planning Code.
 - 6. Applications for special exceptions under the Zoning Ordinance pursuant to Section 1909, or pursuant to Section 912.1 of the Municipalities Planning Code.
 - 7. Validity of Ordinance; Substantive Questions under Section 916.1 of the Municipalities Planning Code.
 - 8. Appeals from the Borough Zoning Officer's determination under Section 916.2 of the Municipalities Planning Code.
 - 9. Appeals from the determination of the Borough Zoning Officer or Engineer in the administration of this Ordinance or provision thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relates to development, not involving applications under Article V or Article VII of the Municipalities Planning Code.

SECTION 1902 ESTABLISHMENT AND MEMBERSHIP (MPC 903)

- A. When used in this Article the word "Board" shall mean the Zoning Hearing Board of the Borough of Atglen.

- B. There shall be a Zoning Hearing Board consisting of three (3) adult residents of the Borough who shall be appointed by resolution of the Borough Council.

- C. The term of office of each member shall be three (3) years and shall be so fixed that the term of office of one (1) member shall expire each year.
- D. The Zoning Hearing Board shall promptly notify Borough Council of any vacancy. Appointment to fill vacancies shall be only for the unexpired portion of the term.
- E. The members of the Zoning Hearing Board shall hold no other elected or appointed office in the Borough of Atglen, nor shall any member be an employee of the Borough.
- F. The Borough Council may appoint by resolution at least one (1) but no more than three (3) residents of the Borough to serve as alternate members of the Zoning Hearing Board. The term of office of an alternate member shall be three (3) years. When seated pursuant to the provisions of Section 1903.C, below, an alternate shall be entitled to participate in all proceedings and discussions of the Zoning Hearing Board to the same and full extent as provided by law for the Zoning Hearing Board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth in this Ordinance, by the Municipalities Planning Code, and as otherwise provided by law. Alternates shall hold no other elected or appointed office in the Borough, including membership on the planning commission or as the Zoning Officer, nor be an employee of the Borough. Any alternate may participate in any proceeding or discussion of the Zoning Hearing Board but shall not be entitled to vote as a member of said Board nor compensated pursuant to Section 1905.B unless designated as a voting alternate member pursuant to Section 1903.C.
- G. Any member of the Zoning Hearing Board may be removed for malfeasance, misfeasance, or nonfeasance in office, or for other just cause by a majority vote of the Borough Council taken after the member has received fifteen (15) days advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

SECTION 1903 ORGANIZATION OF THE BOARD (MPC 906)

- A. The Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves.
- B. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a simple majority of all members of the Board. The Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Board as provided in Section 1906.C.
- C. If, by reason of absence or disqualification of a member, a quorum is not reached, the chairman of the Zoning Hearing Board shall designate as many alternate members of the Board to sit on said Board as may be needed to provide a quorum. Any alternate members of the Board shall continue to serve on that Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Board has made a final determination of the matter or case. Designation of an alternate pursuant to this Section shall be made on a case-by-case basis in rotation according to declining seniority among all alternates.
- D. The Board may make, alter, or rescind rules and forms for its procedure, consistent with ordinances of the Borough of Atglen and laws of the Commonwealth.
- E. The Board shall keep full public records of its business, which records shall be property of the Borough, and shall submit a report of activities to the Borough Council, when requested.

SECTION 1904 APPLICATIONS FOR HEARINGS

- A. Applications for hearings before the Board shall be filed with the Borough, together with the required fee in accordance with Section 1905.

- B. Requests for a variance, under Section 1909, or special exception, under Section 1910, shall be filed at Borough Hall by any landowner in writing on a form furnished by the Borough. The required fee, as established by the fee schedule adopted by resolution by the Borough Council, shall be paid in advance for each appeal or application for a variance or special exception.
- C. In the event that any required information is not furnished, the application shall be refused and the fee returned to the applicant.

SECTION 1905 EXPENDITURES AND FEES

- A. Within the limits of the funds appropriated by the Borough Council, the Board may employ or contract for secretaries, clerks, legal counsel, consultants, and other technical and clerical services. Stenographer fees shall be borne in accordance with Section 1906.H.
- B. Members of the Board may receive compensation for the performance of their duties, as may be fixed by the Borough Council. In no case shall the rate of such compensation exceed the rate of compensation authorized to be paid to the members of the Borough Council. Alternate members of the Board may receive compensation, as may be fixed by the Borough Council, for the performance of their duties when designated as alternate members pursuant to Section 1903.C, but in no case shall such compensation exceed the rate of compensation authorized to be paid to the members of the Borough Council.
- C. The Borough Council may prescribe reasonable fees with respect to hearings, in accordance with Section 1906, before the Board. Fees for said hearings may include compensation for the secretary and members of the Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Board, expenses for engineering, architectural, or other technical consultants, or expert witness costs.

SECTION 1906 HEARINGS (MPC 908)

The Zoning Hearing Board shall conduct hearings and make decisions in accordance with the following requirements as specified in Section 908 of the Municipalities Planning Code.

- A. The Board shall fix a reasonable time and place for public hearings. Public notice of said hearing shall be provided, as set forth in Section 1907.
- B. Requests for hearings before the Board shall be filed with the Borough. The first hearing before the Board or hearing officer shall be commenced within sixty (60) days from the date of receipt of the applicant's application, unless the applicant has agreed in writing to an extension of time. Each subsequent hearing before the Board or Hearing Officer shall be held within forty-five (45) days of the prior hearing, unless otherwise agreed to by the applicant in writing or on the record. An applicant shall complete the presentation of his case-in-chief within one hundred (100) days of the first hearing. Upon the request of the applicant, the Board or Hearing Officer shall assure that the applicant receives at least seven (7) hours of hearings within the one hundred (100) days, including the first hearing. Persons opposed to the application shall complete the presentation of their opposition to the application within one hundred (100) days of the first hearing held after the completion of the applicants case-in-chief. An applicant may, upon request, be granted additional hearings to complete his/her case-in-chief provided the persons opposed to the application are granted an equal number of additional hearings. Persons opposed to the application may, upon the written consent or consent on the record by the applicant and municipality, be granted additional hearings to complete their opposition to the application provided the applicant is granted an equal number of additional hearings for rebuttal.
- C. The hearings shall be conducted by the Board or the Board may appoint any member as a hearing officer. The decision, or where no decision is called for, the findings shall be made by

the Board; however, the appellant or the applicant, as the case may be, in addition to Borough Council, may, prior to the decision of the hearing, waive the decision or findings by the Board and accept the decision or findings of the hearing officer as final.

- D. The parties to the hearing shall be the Borough, any person affected by the application who has made timely appearance of record before the Board, any person who is entitled to notice under Section 1907 and any other person including civic or community organizations permitted to appear by the Board. The Board shall have power to require that all persons who wish to be considered parties, enter appearances in writing on forms provided by the Board for that purpose.
- E. The chairman or acting chairman of the Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
- F. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and cross-examine adverse witnesses on all relevant issues.
- G. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
- H. The Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings recording. The appearance fee for the stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or hearing officer, or shall be paid by the person appealing from the decision of the Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.
- I. The Board or hearing officer shall not communicate, directly or indirectly, with any party or their representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or representative unless all parties are given an opportunity to be present.
- J. The Board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within forty five (45) days after the last hearing before the Board or the hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefore. Conclusions based on any provisions of the Municipalities Planning Code, this Ordinance, or other rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that their decision or findings are final, the Board shall make their report and recommendations available to the parties within forty five (45) days of the last hearing and the parties shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings, and the Board's decision shall be entered no later than thirty (30) days after the report of the hearing officer. Except for challenges filed under Section 916.1 of the Municipalities Planning Code, where the Board fails to render the decision within the forty five (45) day period required by this Section, or fails to commence, conduct or complete the required hearing as provided in this Section 1906, the decision shall be deemed to have been rendered in favor of the applicant, unless the applicant has agreed or shall agree in writing to an extension of time.

When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as herein above provided, the Board shall give public notice of said decision within ten (10) days from the last day the Board could have met to render a decision, as provided herein. If the Board shall fail to provide such notice, the applicant may do so. Nothing in this Section shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

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

SECTION 1907 NOTICE OF HEARINGS

The Zoning Hearing Board shall give public notice of any public hearing as follows, in accordance with the Municipalities Planning Code:

- A. The public notice herein shall state the name of the applicant, tax parcel number, the location of the lot or building, the particular nature of the matter to be considered at the hearing, and the date, time and location of the hearing. In addition thereto, the public notice may note that a copy of the application, including plans and proposed amendments may be examined by the public at the Borough during regular business hours. (permitted by MPC 908(1))
- B. Public notice shall be published in a newspaper of general circulation within the Borough indicating the information in Section 1907.A, Such public notice shall be published once a week for two (2) successive weeks, not less than seven (7) days, nor more than thirty (30) days prior to the hearing. (MPC 107)
- C. Written notice shall be given to the applicant, the Zoning Officer, and any persons that Borough Council may designate, and to any person who has made a timely request for the same, or who have registered their names and addresses for this purpose with the Board. (MPC 908(1))
- D. Written notice of said hearing shall be conspicuously posted on the affected tract of land a minimum of one (1) week prior to the hearing. (MPC 908(1))
- E. The applicant shall provide written notice of the hearing to the owner of every lot within two hundred fifty (250) feet of the lot in question, measured from the lot line. Sufficient proof of such notice shall be presented to the Board at the hearing. The Board may, in its discretion, determine that written notice to the occupant of a lot, rather than the owner, is sufficient notice. If sufficient proof of the notice required by this section is not produced to the Board at the hearing, the Board may deny the application or the hearing may be continued at the discretion of the Board upon request of the applicant. (permitted by MPC 908(1))

SECTION 1908 APPLICABILITY OF JUDICIAL REMEDIES (MPC 910.1)

Nothing contained herein shall be construed to deny to the appellant the right to proceed directly to court where appropriate, pursuant to Pennsylvania Rules of Civil Procedure, Section No. 1091, relating to action in mandamus.

SECTION 1909 VARIANCES (MPC 910.2)

- A. The Board shall hear requests for variances where it is alleged that the provisions of the Zoning Ordinance inflict unnecessary hardship upon the applicant. The Board may, by rule, prescribe the form of application and may require preliminary application to the Zoning Officer. The Board may grant a variance, provided that all of the following findings are made where relevant in a given case:
1. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of the Zoning Ordinance in the zoning district in which the property is located.
 2. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
 3. That such unnecessary hardship has not been created by the appellant.
 4. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
 5. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
- B. Notwithstanding the variance requirements in Section 1909.A, the Board will grant reasonable accommodations and permit reasonable modifications where requested by or on behalf of disabled persons. A "reasonable accommodation" is a change in rules, policies, practices or services to enable a person with a disability to use and enjoy a dwelling unit or common space. A "reasonable modification" is a structural modification that is made to allow persons with disabilities the full enjoyment of housing and related facilities. Accommodations or modifications need not be made where to do so would fundamentally alter the programs or create an undue financial and administrative burden.
- C. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Zoning Ordinance.
- D. All requests for variances may be filed with the Board by any landowner and will first be sent by the Board to the Planning Commission and Borough Council for review and recommendation in accordance with the Comprehensive Plan. The recommendation of the Planning Commission or Borough Council, or failure of the Planning Commission or Borough Council to submit a recommendation, shall not effect the timing of the application or be binding on the determination of the Board.

SECTION 1910 SPECIAL EXCEPTIONS (MPC 912.1)

Where Borough Council, in the Zoning Ordinance, has stated special exceptions to be granted or denied by the Board pursuant to express standards and criteria, the Board shall hear and decide requests for such special exceptions in accordance with the following standards and criteria:

- A. The applicant shall have the burden of proof in establishing their right to a special exception.

- B. The Board shall grant a special exception only if it finds adequate evidence that the proposed use submitted for a special exception will meet all of the following general requirements, as well as any specific requirements and standards listed within this Ordinance for the proposed use:
1. Consider the suitability of the property for the use desired. Determine that the proposed request is consistent with the spirit, purpose, and intent of the Zoning Ordinance.
 2. Determine that the proposed special exception will not substantially injure or detract from the use of neighboring property or from the character of the neighborhood and that the use of property adjacent to the area included in the proposed change or plan is adequately safeguarded.
 3. Determine that all yard, open space, and height limitations for the district have been met.
 4. The provision of off-street parking.
 5. The number and location of vehicular access points to the site.
 6. The suitability of the proposal with respect to probable effects upon traffic in order to protect streets and highways from undue congestion.
 7. Pedestrian access to the site.
 8. The effect upon and/or availability of public facilities and utilities such as water, sewer, police and fire protection, schools, etc.
 9. The provision of a planting screen and/or additional yard or open space area to reduce the effect of the proposed use upon adjacent properties.
 10. Additional reasonable conditions as deemed necessary to assure compliance with the intent of this Ordinance.
- C. In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in the Ordinance, as it may deem necessary to implement the purpose of the Zoning Ordinance.
- D. Notwithstanding the special exception requirements in Section 1910.B, the Board will grant reasonable accommodations and permit reasonable modifications where requested by or on behalf of disabled persons. A "reasonable accommodation" is a change in rules, policies, practices or services to enable a person with a disability to use and enjoy a dwelling unit or common space. A "reasonable modification" is a structural modification that is made to allow persons with disabilities the full enjoyment of housing and related facilities. Accommodations or modifications need not be made where to do so would fundamentally alter the programs or create an undue financial and administrative burden.
- E. All requests for special exception may be filed with the Board by any landowner and will first be sent by the Board to the Planning Commission and Borough Council for review and recommendation in accordance with the Comprehensive Plan. The recommendation of the Planning Commission or Borough Council, or failure of the Planning Commission or Borough Council to submit a recommendation, shall not effect the timing of the application or be binding on the determination of the Board.

SECTION 1911 EXPIRATION OF VARIANCES, SPECIAL EXCEPTIONS, AND CONDITIONAL USE APPROVALS

Unless otherwise specified by the Zoning Hearing Board or the Borough Council, as the case may be, a special exception, variance or conditional use approval shall expire if the applicant fails to obtain all necessary Borough approvals and permits within twelve (12) months from the date of the grant of special exception, variance or conditional use, provided, however, that the applicant may apply to the Borough for a single extension, not to exceed six (6) months from the date the special exception, variance or conditional use approval would otherwise have expired. The application for extension must be made prior to expiration of the approval.

SECTION 1912 TIME LIMITATIONS (MPC 914.1)

- A. No person shall be allowed to file any proceeding with the Board later than thirty (30) days after an application for development, preliminary or final, has been approved by an appropriate municipal officer, agency or body if such proceeding is designed to secure reversal or to limit the approval in any manner unless such person alleges and proves that they had no notice, knowledge, or reason to believe that such approval had been given. If such person has succeeded to their interest after such approval, they shall be bound by the knowledge of his predecessor in interest. The failure of anyone other than the landowner to appeal from an adverse decision on a tentative plan pursuant Section 709 of the Municipalities Planning Code, or from an adverse decision by the Borough Zoning Officer on a challenge to the validity of an ordinance or map pursuant to Section 916.2 of the Municipalities Planning Code, shall preclude an appeal from a final approval, except in the case where the final submission substantially deviates from the approved tentative approval.
- B. All appeals from determinations adverse to the landowners shall be filed by the landowner within thirty (30) days after notice of determination is issued.

SECTION 1913 STAY OF PROCEEDINGS (MPC 915.1)

- A. Upon filing of any proceeding referred to in Section 1914 and during its pendency before the Board, all land development pursuant to any challenged Zoning Ordinance, order, or approval of the Zoning Officer or any Borough agency or body, and all official action thereunder shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies, to the Board, facts indicating that such stay would cause imminent peril to life or property. In such a case, the development or official action shall not be stayed otherwise than by a restraining order. After notice to the Zoning Officer or other appropriate agency or body, a restraining order may be granted by the Board or by the court having jurisdiction of zoning appeals. Procedures shall be in accordance with Section 915.1 of the Municipalities Planning Code.
- B. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Board or by persons other than the applicant, the applicant may petition the court having jurisdiction on zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the Board. Whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the court.

SECTION 1914 APPEALS TO THE ZONING HEARING BOARD

- A. The landowner affected or any person aggrieved by any decision of the Board or any officer of the Borough may file an appeal under Section 1901.B.1, 2, 3, 4, 7, 8 of this Article with the Board in writing specifying the grounds thereof within the time required by the Municipalities Planning Code, or as provided by the rules of the Board.

- B. Appeals regarding Article 12 Floodplain. (In accordance with the Federal Emergency Management Agency (FEMA)) Where the following conflicts with other applicable requirements of this Article, the following shall apply:
1. Any person aggrieved by an action or decision of the Zoning Officer concerning the administration of the provisions of Article 12, may appeal to the Board or Borough Council as applicable. Such appeal must be filed, in writing, within thirty (30) days after the decision of action of the Zoning Officer.
 2. Upon receipt of such appeal, the Board or Borough Council shall set a time and place, within not less than ten (10) or more than thirty (30) days, for the purpose of consideration the appeal. Notice of the time and place at which the appeal will be considered shall be given to all parties.
 3. Any person aggrieved by any decision of the Board or Borough Council, may seek relief therefore by appeal to Court, as provided by the laws of the Commonwealth including the Pennsylvania Flood Plain Management Act.

SECTION 1915 APPEALS TO COURT (MPC 1002.A)

Any person aggrieved by any decision of the Board, or any taxpayer, or any officer of the Borough may, within thirty (30) days after entry of the decision of the Board as provided in 42 Pa.C.S. Section 5572, or, in the case of a deemed decision, within thirty (30) days after the date upon which notice of said deemed decision is given as set forth in Section 1906 appeal to the Court of Common Pleas of Chester County by petition, duly verified, setting forth that such decision is arbitrary, capricious, an abuse of discretion or otherwise not in accordance with law, specifying the grounds upon which such person relies.

ARTICLE 20

ADMINISTRATION AND ENFORCEMENT

SECTION 2001 PURPOSE

- A. The purpose of this Article is to outline procedures for the administration and enforcement of the Zoning Ordinance. It does not include the process necessary to subdivide or develop property which is contained in the Subdivision and Land Development Ordinance. The procedures for securing zoning permits, building permits, use and occupancy permits, and the duties and responsibilities of the Zoning Officer and Building Code Official are outlined in this Article. The Article also establishes a fine for the violation of any aspect of this Ordinance.
- B. Hereafter, no land shall be used or occupied, and no building or structure shall be erected, altered, used, or occupied, except in conformity with the regulations established in this Ordinance for the district in which such land, building, or structure is located.
- C. In cases of mixed use, the regulations for each use shall apply to the portion of the building or land so used.

SECTION 2002 ZONING OFFICER

For the administration and enforcement of this Ordinance and any amendments thereto, a Zoning Officer, who shall not hold any elective office in the Borough, shall be appointed by Borough Council. The Zoning Officer shall meet qualifications established by the Borough and shall be able to demonstrate, to the satisfaction of the Borough, a working knowledge of municipal zoning. The Zoning Officer shall administer and enforce the Zoning Ordinance, and any amendments thereto, in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of such which does not conform to this Ordinance. The Zoning Officer is hereby authorized to institute civil enforcement proceedings as a means of enforcement when acting within the scope of their employment. The duties of the Zoning Officer shall include, but not be limited to, the following: (MPC 614)

- A. To receive and review all applications for zoning permits, sign permits, special exceptions, variances, and any other requests on matters relative to the administration of this Ordinance, and forward them to the appropriate Borough official or approving body when necessary.
- B. To issue permits that are in accordance with the provisions of this Ordinance, any other applicable ordinances or codes, or at the direction of any other appropriate Borough official or approving body.
- C. To keep and maintain an official record of all business and activities, including complaints of a violation of any of the provisions of this Ordinance and applications for permits with accompanying plans and documents, and any action taken thereon.
- D. To conduct inspections or investigations to determine compliance or non-compliance with the provisions of this Ordinance.
- E. To report violations of the Ordinance to the Borough Council and to issue stop, cease, and desist orders and to require, in writing, correction of all conditions found to be in violation of the provisions of this Ordinance. Such written orders shall be served by certified mail upon persons, firms or corporations deemed by the Zoning Officer to be violating the terms of this Ordinance, when approved by Borough Council. It shall be unlawful for any person to violate any such order lawfully issued by the Zoning Officer, and any person violating such order shall be guilty of violation of this Ordinance.

- F. To gather and present any facts, records or other information to the Borough Council, Planning Commission, or Zoning Hearing Board when requested to do so.
- G. Review applications for appeals from alleged error of the Zoning Officer and forward comments to the Zoning Hearing Board when requested.
- H. To maintain or cause to have maintained an Official Borough Zoning Map showing the current zoning classification of all land in the Borough.
- I. To issue letters of interpretation for structures and uses potentially located within the Flood Hazard District, as determined by examination of the Flood Insurance Rate Maps (FIRM) issued by the Federal Emergency Management Agency (FEMA).

SECTION 2003 DUTIES OF THE BUILDING CODE OFFICIAL

The duties of the Building Code Official shall be as follows:

- A. To receive applications for building permits, certificates of occupancy, and any other requests on matters relative to the Pennsylvania Uniform Construction Code (PA UCC), Fire Code, this Ordinance, and other applicable ordinances.
- B. To issue building permits and certificates of occupancy for construction and uses that are in accordance with the provisions of the PA UCC, Fire Code, this Ordinance, and any other applicable ordinances.
- C. To maintain a complete record of all applications and plans for permits and the action taken on each.
- D. To notify, in writing, the appropriate person or persons when any violation of the PA UCC, Fire Code, this Ordinance, and other applicable ordinances have occurred, indicating the nature of the violation and ordering its discontinuance or correction. This shall be accomplished through the simultaneous issuances of a Cease and Desist Order and Citation.
- E. To gather and present any facts, records, or other information to Borough Staff, Borough Council, Planning Commission, or Zoning Hearing Board when requested to do so.

SECTION 2004 ENFORCEMENT

- A. Enforcement Notice.
 - 1. Where the Borough believes there is a cause for a violation of this Zoning Ordinance or amendments thereto, the Borough shall initiate enforcement proceedings by sending an enforcement notice as provided hereunder. (MPC 616.1.a)
 - 2. The enforcement notice shall be sent by certified mail to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record. (MPC 616.1.b)
 - 3. An enforcement notice shall state at a minimum, the following: (MPC 616.1.c.1-6)
 - a. The name of the owner of record and any other person against whom the Borough intends to take action.
 - b. The location of the property in violation.

- c. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Ordinance.
 - d. The date before which the steps for compliance must be commenced and the date before which compliance must be achieved.
 - e. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth in Article 19 of this Ordinance.
 - f. That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions as described within this Section.
- B. Cause of Action. In case any building, structure, landscaping, or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained, or used in violation of any part of this Ordinance, the Borough Council or, with the approval of the Borough Council, an officer of the Borough, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct, or abate such building, structure, landscaping, or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Borough at least thirty (30) days prior to the time the action is begun by serving a copy of the complaint on the Borough Council. No such action may be maintained until such notice has been given. (MPC 617)
- C. Enforcement Remedies.
1. The District Justice shall have initial jurisdiction over proceedings brought under this Section. (MPC 617.1)
 2. Any person, partnership, or corporation who or which has violated or permitted the violation of the provisions of this Ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Borough, pay a judgment of not more than one thousand dollars (\$1,000.00) plus all court costs, including reasonable attorney fees incurred by the Borough as a result thereof. No judgment shall commence or be imposed, levied, or payable until the date of determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that the violation continues shall constitute a separate violation, unless the District Justice, determining that there has been a violation, further determines that there was a good faith basis for the person, partnership or corporation violating this Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one (1) such violation until the fifth day following the date of determination of a violation by the District Justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs, and reasonable attorney fees collected for the violation of this Zoning Ordinance shall be paid over to the Borough. (MPC 617.2.a)
 3. The Court of Common Pleas, upon petition, may grant an order of stay, upon the showing of just cause, tolling the per diem fine pending final adjudication of the violation and judgment. (MPC 617.2.b)
 4. Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the Borough of Atglen the right to commence any action for enforcement pursuant to this section. (MPC 617.2.c)

SECTION 2005 PERMITS REQUIRED

- A. Zoning Permit. A zoning permit shall be required prior to any of the following, to establish compliance with the regulations of this Ordinance:
 - 1. The erection or structural alteration of, or addition to, any building, structure, sign, or portion thereof.
 - 2. The use of or change in the use of a building or land.
 - 3. The change or expansion of a nonconforming use and/or structure.
 - 4. The addition of or addition, expansion, or alteration to an accessory use.
 - 5. The demolition of any building or part thereof.

- B. Building Permit. A building permit shall be required prior to the following:
 - 1. The addition to, or erection, alteration, or demolition of any building or other structure or portion thereof.
 - 2. Applications for building permits shall be accompanied by proof of an approved zoning permit or in conjunction with a zoning permit in accordance with Section 2005.A where applicable, before the permit shall be accepted for review by the Borough.
 - 3. All applications for a building permit shall comply with the requirements of the Borough Building Code, which is the Pennsylvania Uniform Construction Code (PA UCC).

- C. Sign Permit. A sign permit shall be required prior to the erection, alteration, enlargement, or relocation of any sign, sign structure or any portion thereof. It shall be unlawful for any person to commence work for the erection, alteration, enlargement, or relocation of any sign, sign structure, or any portion thereof until a permit, if required, has been duly issued, and that all requirements of Article 17, Signs, are met.

- D. Use and Occupancy Permit. It shall be unlawful for any person to use or occupy any building, structure, or land until a certificate of occupancy has been duly issued. Use and Occupancy Permits shall be in accordance with the requirements of the PA UCC and this or any other applicable ordinance, and shall be required prior to any of the following:
 - 1. Use or occupancy of any building or other structure hereinafter erected, altered, or enlarged for which a building permit is required.
 - 2. Change in use or expansion of a nonconforming use and/or structure.
 - 3. Use of land or change in the use thereof, except that the use of land for woodland, game preserve, conservation use, or agricultural or nursery purposes shall not require a use of occupancy permit.
 - 4. Change in use of any building or structure.

- E. It shall be unlawful for any person to commence work for the erection, alteration, expansion, or demolition of any building or structure or portion thereof until a permit has been duly issued therefore.

SECTION 2006 APPLICATION FOR PERMITS

- A. Applications.
 - 1. Applications for permits shall be made to the appropriate Borough official, in writing on such forms provided by the Borough, by the owner or lessee of any building, structure, or land, or by an authorized representative. Applications shall include a description of the proposed work and/or use and occupancy of a building, structure, or land, and any additional plans, documents, and information as may be required to ascertain compliance with this Ordinance, and any other applicable ordinance or code.
 - 2. No permit application shall be accepted prior to the receipt of the requisite fee paid by the applicant to the Borough as found on the Borough's Schedule of Fees in accordance with Section 2008.
 - 3. Applications found to be incomplete shall not be accepted or processed and the applicant shall be informed of such insufficiency within ten (10) business days from the submission of a permit to the Borough.
- B. Zoning Permit. The application shall be accompanied by plans in duplicate drawn to scale showing the actual dimensions and shape of the lot to be built upon and the size, location, and dimensions of all existing and proposed buildings, structures, or uses, as applicable.
- C. Building Permit. The application shall be accompanied by plans in duplicate drawn to scale showing the actual dimensions and shape of the lot to be built upon and the size, location, and dimensions of all existing and proposed buildings, structures, or uses, as applicable.
- D. Sign Permit. The application shall be accompanied by a plot plan in duplicate drawn to scale showing the lot and the size and location of all buildings or structures on the premises in question, and the dimensions and location of the proposed sign on the property. A drawing, figure, or picture of the proposed sign shall be required showing dimensions, mounting hardware, illumination, and other details as may be necessary to ascertain compliance with this Ordinance.
- E. Use and Occupancy Permit. The application shall be submitted in addition to an approved zoning permit and/or building permit, as applicable.

SECTION 2007 ISSUANCE OF PERMITS

Upon receipt of an application, the appropriate Borough official shall review it to determine compliance with the Zoning Ordinance, Building Code (PA UCC), and any other applicable ordinances or permits in addition to inspecting the premises as necessary. With the exception of use and occupancy permits as set forth below, within ten (10) business days after receipt of a complete application, the appropriate Borough official shall either approve or disapprove the application accordingly. If the application is disapproved, the Borough official shall provide to the applicant, in writing, the reasons for the disapproval and shall inform the applicant of the right to appeal the decision to the Zoning Hearing Board.

- A. Zoning Permit.
 - 1. Upon approval of a complete application and the payment of the fee as required by Sections 2006 and 2008, the Zoning Officer shall issue a Zoning Permit. The Zoning Permit is issued for zoning only; a building permit shall be required prior to commencing any construction, where applicable.
 - 2. A Zoning Permit shall expire one (1) year from the date of issuance, provided that it may be extended at the discretion of the Zoning Officer not to exceed one (1) six (6) month period.

3. The Zoning Permit holder shall be authorized to proceed with the work as described on the approved application after obtaining a building permit if required by this Ordinance. The Zoning Officer shall revoke any permit or approval issued under the provisions of this Ordinance in any case where there has been a false statement or misrepresentation of fact in the application or where it is determined that the work being performed is not in compliance with the information contained in the Zoning Permit application or the provisions of this or other applicable ordinance.

B. Building Permit.

1. Upon approval of a complete application and the payment of the fee, as required by Sections 2006 and 2008, the Building Code Official shall issue a Building Permit Placard which shall be visibly posted on the premises during the entire time the proposed work is being undertaken.
2. A Building Permit shall expire one (1) year from the date of issuance, provided that it may be extended at the discretion of the Building Code Official for one (1) six (6) month period.
3. The Building Permit holder shall be authorized to proceed with the work as described on the approved application. The Building Code Official shall revoke any permit or approval issued under the provisions of this Ordinance in any case where there has been a false statement or misrepresentation of fact in the application or where it is determined that the work being performed is not in compliance with the information contained in the Building Permit application, with the PA UCC, or the provisions of this or other applicable ordinance.

C. Sign Permit.

1. Upon approval of a complete application and the payment of the fee as required by Section 2006 and 2008, the Zoning Officer shall issue a Sign Permit.
2. A Sign Permit shall expire one (1) year from the date of issuance.
3. The Sign Permit holder shall be authorized to proceed with the work as described on the approved application. The Zoning Officer shall revoke any permit or approval issued under the provisions of this Ordinance in any case where there has been a false statement or misrepresentation of fact in the application or where it is determined that the work being performed is not in compliance with the information contained in the Sign Permit application, the PA UCC, or the provisions of this or other applicable ordinance.

D. Use and Occupancy Permit.

1. A use and occupancy permit for which a complete application has been made prior to or concurrently with an application for a zoning and/or building permit shall not be issued until completion of the construction work authorized by the approved zoning and/or building permit. Upon notification by the applicant or inspection agency that the construction work has been completed and the payment of the fee as required by Sections 2006 and 2008, the Building Code Official shall inspect the property and either issue or deny the use and occupancy permit within ten (10) business days.
2. It shall be the duty of the applicant for a zoning and/or building permit to secure the issuance of the required use and occupancy permit, by giving notice of completion as aforesaid, notwithstanding the fact that the applicant may be constructing the building, structure, addition, or alteration for the use of another, and further to notify such proposed occupant of the requirements of this Section prior to transfer of ownership or commencement of leasehold of the property.

3. Temporary Certificate of Use and Occupancy.
 - a. Upon request, the Building Code Official may issue a temporary certificate of use and occupancy for a building, structure or land, or portion thereof before all the work covered by a Building Permit is completed, after inspection and upon payment of the appropriate fee. Such portion or portions may be used and/or occupied prior to completion of all work provided that there is no danger to any public or individual health, safety or welfare.
 - b. Temporary certificates of use and occupancy shall require an escrow of funds for work to be completed.
 - c. Temporary certificates of use and occupancy shall also be required for such uses as tents, trailers, and temporary buildings on construction sites. Such temporary certificates shall be valid for no longer than six (6) months unless an extension is granted at the discretion of the Building Code Official and upon inspection and payment of the appropriate fee.
4. Final inspection and issuance of certificates of use and occupancy shall be required in addition to temporary certificates of use and occupancy provided for in this Section upon request for the same and payment of the appropriate fee.

SECTION 2008 FEES

Fees for permits and other fees required in the administration of this Ordinance shall be paid in advance at the time of application and in an amount as set forth in a schedule of fees adopted by resolution of Borough Council from time to time.

SECTION 2009 CONDITIONAL USE REQUIREMENTS

- A. Intent and General Requirements.
 1. This Section provides for certain uses to be permitted within the Borough as conditional uses. These uses may not be appropriate at every location within a zoning district, and accordingly, Borough Council has established standards and procedures by which to evaluate and decide upon conditional use applications. It is intended that these uses, which have the potential for substantial impact upon the community, shall comply with the regulations hereinafter set forth. Borough Council shall have the power to approve conditional uses.
 2. The tract of land under application for conditional use approval shall be in one (1) ownership, or shall be the subject of an application filed jointly by the owners of the entire tract and shall be under unified control. If the ownership of the entire tract is held by more than one (1) person or entity, the application shall identify and be filed on behalf of all of the said owners. Approval of the conditional uses shall include a requirement, with the agreement of the applicant or applicants, that the tract shall be developed under single direction in accordance with the approval conditional use.
- B. Conditional Use Application.
 1. Applications for Conditional Use. Applications for conditional use shall be filed with the Borough on such forms prescribed for that purpose. No permit application shall be accepted prior to the receipt of the requisite fee paid by the applicant to the Borough.
 2. Administrative Review Process.
 - a. The Zoning Officer shall review the application to determine if it is complete, and act on such determination within five (5) days of receipt of the application. If the application is

determined to be complete, the Zoning Officer shall submit the application to the Borough Manager for processing to Borough Council. If the application is deficient in any required component, the Zoning Officer shall notify the applicant in writing of the deficiencies. If such identified deficiencies are not remedied by the applicant within thirty (30) days in the form of a resubmitted application rectifying said identified deficiencies, this shall constitute sufficient grounds for denial by the Borough Council of the application, should Council to deem such deficiencies to be substantially at variance with the requirements of this or other applicable Borough ordinances.

- b. If a plan or application is resubmitted after a prior submission due to substantial changes or denial in accordance with Section 2009.B.2.a, above, then the resubmission shall be considered as a new submission in accordance with Section 2009.B.2.a, above, and the timing requirements of this Article.

C. Procedures for Conditional Uses. (MPC 603(c)(2); 909.1(b)(3); 913.2; 908(1.2))

1. Upon receipt of a complete conditional use application, the Borough Council shall schedule a public hearing on the application. The hearing shall be conducted by the Borough Council or the Council may appoint any member or an independent attorney as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the Borough Council. However, the appellant or the applicant, as the case may be, in addition to the municipality, may, prior to the decision of the hearing, waive decision or findings by the Borough Council and accept the decision or findings of the hearing officer as final.
2. The first hearing before the Borough Council shall be commenced within sixty (60) days from the date of determination that the application is complete, unless the applicant has agreed in writing to an extension of time. Such hearing shall be in accordance with the following procedures:
 - a. Notification of the public hearing shall be published in a newspaper(s) of general circulation in the Borough indicating the time, place, and nature of the public hearing. Such notice shall be published once a week for two (2) successive weeks prior to the date fixed for the hearing. The first (1) publication shall not be more than thirty (30) days and the second (2) publication shall not be less than seven (7) days from the date of the hearing, in accordance with requirements of the Municipalities Planning Code. Public notice of said public hearing shall be conspicuously posted on the affected tract or parcel(s) of land a minimum of two (2) weeks prior to the meeting, in conjunction with written notice to all adjacent property owners. Proof of proper notification shall be required as a precondition before any formal action on the application.
 - b. The parties to the hearing shall be the Borough, any person affected by the application who has made a timely appearance of record before the Borough Council and any other persons, including civic or community organizations, permitted to appear by the Borough Council or Hearing Officer. The Borough Council or Hearing Officer as the case may be, shall have the power to require that all persons who wish to be considered parties must enter appearances in writing on forms provided by the Borough for that purpose.
 - c. The President or acting President of Borough Council, or Hearing Officer, shall have the power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents required by the parties.
 - d. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.

- e. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded by the Borough Council.
- f. The Borough Council or Hearing Officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Borough. The cost of the original transcript shall be paid in full by the Borough if the transcript is ordered by the Borough, or shall be paid in full by the person appealing from the decision of the Borough if such appeal is made. The cost of additional copies shall be paid by the person requesting such copy or copies.
- g. The Borough Council or Hearing Officer shall not communicate, directly or indirectly, with any party or his or her representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from the Borough Solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his or her representative unless all parties are given an opportunity to be present.
- h. Each subsequent hearing before the Borough Council or Hearing Officer shall be held within forty-five (45) days of the prior hearing, unless otherwise agreed to in writing by the applicant, or is otherwise on the record of the proceedings.
- i. An applicant shall complete the presentation of his case-in-chief within one hundred (100) days of the first hearing. Upon request of the applicant, the Borough Council or Hearing Officer shall assure that the applicant receives at least seven (7) hours of hearing within the one hundred (100) days, including the first hearing. Persons opposed to the application shall completed the presentation of their opposition to the application within one hundred (100) days of the first hearing held after the completion of the applicant's case-in-chief.
- j. An applicant may, upon request, be granted additional hearings to complete his case-in-chief provided the persons opposed to the application are granted an equal number of additional hearings. Persons opposed to the application may, upon the written consent or consent on the record by the applicant and the Borough Council, be granted additional hearings to completed their opposition to the application provided the applicant is granted an equal number of additional hearings for rebuttal.
- k. Borough Council shall render a written decision or, when no decision is called for, make written findings on the conditional use application within forty five (45) days after the last hearing before the Borough Council. Each decision shall be accompanied by findings of fact and conclusions based thereon, together with the reasons for the final decision. The date for the Borough Councils' decision may be extended by the applicant either on the record or in writing addressed to the Borough Council. Where the application is contested or denied, each decision shall be accompanied by findings of fact or conclusions based thereon, together with any reasons therefore. Conclusions based upon this Ordinance, the Municipalities Planning Code, or any rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found.
- l. Where the Borough Council fails to render a decision within forty-five (45) days or fails to commence the required hearing with sixty (60) days from the day of the applicant's request for a hearing, or fails to complete the hearing no later than one hundred (100) days after the completion of the applicant's case in chief, unless extended for good cause upon application to the Court of Common Pleas, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on

the record to an extension of time. Where a decision has been rendered in favor of the applicant because of the failure of the Borough Council to meet or render a decision as herein above provided, the Borough Council shall give public notice of said decision with ten (10) days from the last day the Borough Council could have met to render a decision in the same manner as required by the public notice requirements of this Section. If the Borough Council shall fail to provide such notice, the applicant may do so.

- m. Nothing in this Section shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.
 - n. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant and the parties that were seen before the Borough Council personally or mailed to them no later than the day following the date of the decision. If, after the conclusion of the public hearing(s), the application is amended or revised, the Borough Council shall hold such one or more public hearings thereon as may be necessary, and shall issue a new decision thereon in conformance with the procedure established in this Section.
 - o. Appeals from a determination of the Borough Council pursuant to any conditional use application shall be only as prescribed within such times permitted by the applicable provisions of the Municipalities Planning Code, as amended.
- 3. In granting a conditional use approval, the Borough Council may attach such additional reasonable conditions and safeguards as it deems necessary and appropriate to ensure compliance with the provisions of this Ordinance and to protect the health, safety, and general welfare of the community. The conditions of approval may include, but are not limited to, specific modifications to area and bulk requirements as might otherwise be applicable, provisions for additional utility or traffic safety measures, securing additional easements or property to assure proper site design, or modification to the applicable design standards.
 - 4. Nothing in this Section shall be construed to relieve the applicant for a conditional use approval from obtaining other required approvals mandated by this Ordinance and the Subdivision Ordinance and any other applicable Borough, state and federal regulations.
 - 5. When Borough Council approves the conditional use application, such approved plan shall accompany any application for subdivision of land or land development as prescribed by the Subdivision Ordinance in addition to the requirements normally required and any application for a building permit.
 - 6. Any grant of conditional use approval shall be expire or may be extended in accordance with Section 1911 of this Ordinance. For such extension the applicant shall cite reasons for lack of progress in addition to plans for moving the project forward. Borough Council shall not be held to such information and may approve or deny the extension.
- D. Review Standards for Conditional Use Approval. In granting or denying an application for conditional use, the Borough Council shall evaluate and decide requests based on the degree of compliance with the following conditions, in addition to such other requirements and standards as may be required by law and other provisions of this Ordinance. The applicant shall be responsible for demonstrating compliance with standards and criteria required for conditional use approval. In addition, the Borough Council may impose such conditions of approval, in addition to those required, as may be necessary to ensure compliance with any or all of the following standards as well as compliance with any other relevant ordinances, regulations and codes. The applicant shall be responsible for demonstrating compliance with the additional standards and criteria required for conditional use approval.

1. The proposed use is consistent with the purposes of this Ordinance, the purposes of the zoning district in which it is located, the policies of the *Borough Comprehensive Plan*, and shall meet all of the specific standards and regulations for eligibility which appear in the section of this Ordinance authorizing the proposed conditional use, as well as the requirements of the Subdivision Ordinance and any other applicable ordinance, code and/or regulations.
2. The size, scope, extent and character of the conditional use requested is consistent with the *Borough Comprehensive Plan* and promotes the harmonious and orderly development or redevelopment of the zoning district involved.
3. The proposed use constitutes an appropriate use consistent with the character and type of *development* in the area surrounding the location for which the request is made and will not substantially impair, alter or detract from the use of surrounding property and of the character of the neighborhood.
4. The proposed use shall provide safe and adequate access to streets, existing and proposed, and will not result in excessive traffic volumes or will make any improvements needed to guarantee compatibility with adjacent streets and public services.
5. The interior traffic circulation for the proposed use and access to rights-of- way shall provide safe and convenient circulation and access for all users including vehicular and pedestrian modes. Emergency design considerations shall be addressed in the proposed plan.
6. The proposed use is reasonable in terms of the logical, efficient and economical extension of public services and facilities, such as public water, sewers, police, fire protection, recreational opportunities, open space, and public schools.
7. Sanitation and public safety provisions shall be adequate and a certificate of adequacy of sewage and water facilities from a governmental health agency shall be provided where required or deemed necessary.
8. Conditions may be imposed on the grant of the request necessary to insure that the general purpose and intent of this Ordinance is complied with and that the use of the property adjacent to the proposed use is adequately safeguarded with respect to harmonious design of buildings, aesthetics, landscaping, screening, hours of operation, lighting, traffic, and noise.

ARTICLE 21
AMENDMENTS

SECTION 2101 POWER OF AMENDMENT

The Borough Council may from time to time amend, supplement, change, modify, or repeal any of the regulations or provisions of this Ordinance including the Zoning Map, in accordance with this Article and Pennsylvania Act 247 the Municipalities Planning Code, as amended.

SECTION 2102 PUBLIC NOTICE AND PUBLIC HEARING PROCESS

- A. Before voting on the enactment of a zoning amendment, Borough Council shall hold a public hearing thereon, pursuant to public notice as required by the Municipalities Planning Code.
1. Where the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the Borough along the perimeter of the tracts to notify potentially interested citizens. The affected tracts or area shall be posted a minimum of one (1) week prior to the date of the hearing.
 2. In addition to the requirement that notice be posted under Section 2102.A.1, above, where the proposed amendment involves a zoning map change, notice of the public hearing shall be mailed by the Borough a minimum of thirty (30) days prior to the date of the hearing by first class mail to the addresses to which real estate tax bills are sent for all real property located within the area rezoned, as evidenced by tax records within the possession of the Borough.
 3. Every notice shall include the location, date, and time of the public hearing in addition to the principal provisions of the proposed change, amendment, or repeal in reasonable detail and a reference to a place in the Borough where copies of the proposed change, amendment, or repeal may be examined.
 4. A good faith effort and substantial compliance shall satisfy the requirements of this Section.
- B. Opportunity to be heard will be given to any citizen and parties in interest attending such public hearing.
- C. In the case of an amendment other than that prepared by the Borough Planning Commission, under the Municipalities Planning Code, the Borough Council shall submit such amendment to the Borough Planning Commission a minimum of thirty (30) days prior to the hearing on such proposed amendment to provide the planning commission, under the Municipalities Planning Code, an opportunity to submit recommendations.
- D. The Borough Planning Commission shall consider whether or not the proposed change or amendment would be, in the view of the Commission, consistent with the purposes and objectives set forth in the Sections 102 and 103 of this Ordinance, and desirable in furtherance of the policies and recommendations of the Atglen Borough Comprehensive Plan (2000, as amended). The Planning Commission shall transmit their recommendations thereon within thirty (30) days together with their reasons therefore to the Borough Council. Borough Council shall take such recommendations into consideration in making its decisions but shall not be bound thereby.
- E. If, after any public hearing held upon an amendment, the proposed amendment is changed substantially, or is revised, to include land previously not affected by it, the Borough Council shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.

- F. A minimum of thirty (30) days prior to the public hearing on the amendment by the Borough Council, the Borough shall submit the proposed amendment to the County Planning Commission for recommendations. The County Planning Commission shall transmit their recommendations thereon within thirty (30) days together with their reasons therefore to the Borough Council. Borough Council shall take such recommendations into consideration in making its decisions but shall not be bound thereby.
- G. Within thirty (30) days after enactment, a copy of the amendment to the zoning ordinance shall be forwarded to the County Planning Commission.

SECTION 2103 CITIZENS PETITION

Whenever the owners of fifty (50) percent or more of the area in any district shall present to the Borough Council a petition, duly signed and acknowledged, requesting an amendment, supplement, or a change or modification to the Zoning Map with reference to such district, it shall be the duty of the Borough Council to hold a public hearing thereon and cause notice thereof to be given in the manner prescribed in Section 2102, above.

SECTION 2104 APPLICABILITY OF ORDINANCE AMENDMENTS

When an application for a either special exception or conditional use has been filed with either the Zoning Hearing Board or Borough Council, as relevant, and the subject matter of such application would ultimately constitute either a land development or subdivision as defined herein, no change or amendment of the zoning or other land use ordinance shall affect the decision on such application adversely to the applicant and the applicant shall be entitled to a decision in accordance with the provisions of the governing ordinance or plans as they stood at the time the application was duly filed. Provided, further, should such an application be approved by the Zoning Hearing Board or Borough Council, as relevant, the applicant shall be entitled to proceed with the submission of either land development or subdivision plans within a period of six (6) months or longer as may be approved by the Zoning Hearing Board or Borough Council following the date of such approval in accordance with the provisions of this Ordinance and any plans as they stood at the time the application was duly filed before the Zoning Hearing Board or Borough Council, as relevant. If either land development or subdivision plan is filed within said period, such plan shall be subject to the provisions of the Atglen Borough Subdivision and Land Development Ordinance specifically to time limitations which shall commence as of the date of filing such land development or subdivision plan.

SECTION 2105 CURATIVE AMENDMENT PROCEDURES

- A. Landowner Curative Amendments. A landowner who desires to challenge, on substantive grounds, the validity of this Ordinance or the Zoning Map or any provision thereof, which prohibits or restricts the use or development of land in which they have an interest, may submit a curative amendment to the Borough Council with a written request that their challenge and proposed amendment be heard and decided as provided in Section 916.1 of the Municipalities Planning Code. The procedure for Landowner Curative Amendments shall be in accordance with Section 609.1 of the Municipalities Planning Code.
- B. Borough Curative Amendments. If the Borough Council determines that this Zoning Ordinance or any portion thereof or amendment thereto is substantially invalid, it shall have the right to prepare a curative amendment in accordance with the procedures set forth in Section 609.2 of the Municipalities Planning Code.

APPENDIX A

RECOMMENDED PLANT LISTS

DECIDUOUS/CANOPY TREES

Required canopy tree plantings shall be selected from the following list or a species hardy to the area. Trees marked with a (+) before their botanical name are native species and the use of these trees is strongly encouraged.

	BOTANICAL NAME	COMMON NAME
	<i>Acer campestre</i>	Hedge Maple
	<i>Acer ginnala</i>	Amur Maple
+	<i>Acer negundo</i>	Box Elder
+	<i>Acer rubrum</i>	Red Maple
+	<i>Acer saccharum</i>	Sugar Maple
+	<i>Betula lenta</i>	Black Birch
+	<i>Betula nigra</i>	River Birch
	<i>Carpinus betulus</i>	European Hornbeam
+	<i>Carya ovata</i>	Shagbark Hickory
	<i>Crataegus phaenopyrum treeform</i>	Washington Hawthorn
	<i>Crataegus viridis 'Winter King'</i>	Winter King Hawthorn
+	<i>Fagus grandifolia</i>	American Beech
	<i>Fagus sylvatica</i>	European Beech
+	<i>Fraxinus americana</i>	White Ash
+	<i>Fraxinus pennsylvanica</i>	Green Ash
	<i>Ginkgo biloba</i>	Ginkgo (male only)
	<i>Larix kaempferi</i>	Japanese Larch
+	<i>Liquidambar styraciflua</i>	Sweet Gum
+	<i>Liriodendron tulipifera</i>	Tulip Tree, Yellow Poplar
	<i>Metasequoia glyptostroboides</i>	Dawn Redwood
+	<i>Nyssa Sylvatica</i>	Black Gum, Sourgum
+	<i>Ostrya virginiana</i>	American Hophornbeam
	<i>Platanus acerifolia</i>	London Planetree
+	<i>Platanus occidentalis</i>	American Sycamore
+	<i>Quercus alba</i>	White Oak
	<i>Quercus coccinea</i>	Scarlet Oak
	<i>Quercus palustris</i>	Pin Oak
	<i>Quercus phellos</i>	Willow Oak
+	<i>Quercus rubra</i>	Red Oak
+	<i>Sassafras albidum</i>	Sassafras
	<i>Sophora japonica</i>	Japanese Pagodatree
	<i>Tilia americana 'Redmond'</i>	Redmond Linden
	<i>Tilia cordata 'Chancellor'</i>	Chancellor Linden
	<i>Zelkova serrata</i>	Japanese Zelkova

DECIDUOUS/FLOWERING TREES

Required flowering tree plantings shall be selected from the following list or a species hardy to the area. Trees marked with a (+) before their botanical name are native species and the use of these trees is strongly encouraged.

	BOTANICAL NAME	COMMON NAME
+	<i>Amelanchier canadensis</i>	Shadblow Serviceberry
+	<i>Cercis canadensis</i>	Eastern Redbud
+	<i>Chioanthus virginicus</i>	Fringetree
+	<i>Cornus florida</i>	Flowering Dogwood
	<i>Cornus kousa</i>	Kousa Dogwood
	<i>Cornus mas</i>	Cornelian Cherry
	<i>Crataegus species</i>	Any Hawthorn species
+	<i>Halesia carolina</i>	Carolina Silverbell
	<i>Magnolia soulangeana</i>	Saucer Magnolia
+	<i>Magnolia virginiana</i>	Sweetbay Magnolia
	<i>Malus species</i>	Any Crabapple species
+	<i>Oxydendrum arboreum</i>	Sourwood, Sorrel Tree
	<i>Prunus cerasifera</i>	Purpleleaf Flowering Plum
	<i>Prunus kwanzan</i>	Kwanzan Cherry
	<i>Prunus sargentii</i>	Sargent Cherry
	<i>Prunus serrulata</i> 'Kwanzan'	Kwanzan Cherry
	<i>Prunus subhirtella</i> var. <i>pendula</i>	Weeping Higan Cherry
	<i>Stewartia koreana</i>	Korean Stewartia
+	<i>Viburnum prunifolium</i>	Blackhaw Viburnum

EVERGREEN TREES/SHRUBS

Required evergreen tree plantings shall be selected from the following list or a species hardy to the area. Shrubs marked with a (+) before their botanical name are native species and the use of these trees is strongly encouraged.

	BOTANICAL NAME	COMMON NAME
	<i>Abies concolor</i>	Concolor Fir
+	<i>Ilex opaca</i>	American Holly
+	<i>Juniperus virginiana</i>	Eastern Redcedar
+	<i>Kalmia latifolia</i>	Mountain Laurel
	<i>Picea abies</i>	Norway Spruce
	<i>Picea omorika</i>	Serbian Spruce
	<i>Pinus nigra</i>	Australian Pine
+	<i>Pinus strobus</i>	Eastern White Pine
	<i>Pseudotsuga menziesii</i>	Douglas Fir
	<i>Taxus baccata</i>	English Yew
	<i>Taxus cuspidata</i>	Japanese Yew
+	<i>Tsugas canadensis</i>	Eastern Hemlock

DECIDUOUS SHRUBS

Required shrubs shall be selected from the following list or a species hardy to the area. Shrubs marked with a (+) before their botanical name are native species and the use of these shrubs is strongly encouraged.

	BOTANICAL NAME	COMMON NAME
+	<i>Hamamelis vernalis</i>	Vernal Witch Hazel
+	<i>Hamamelis virginiana</i>	Common Witch Hazel
+	<i>Ilex glabra</i>	Inkberry
+	<i>Ilex verticillata</i>	Winterberry
+	<i>Kalmia latifolia</i>	Mountain Laurel
+	<i>Myrica pennsylvanica</i>	Bayberry
	<i>Pyracantha coccinea 'lalandi'</i>	Laland Firethorn
	<i>Rhamnus frangula</i>	Glossy Buckthorn
	<i>Taxus cuspidata 'capitata'</i>	Upright Yew
	<i>Taxus x media 'hicksii'</i>	Hicks Yew
+	<i>Viburnum dentatum</i>	Arrowwood Viburnum
	<i>Viburnum lantana</i>	Wayfaring Tree Viburnum
+	<i>Viburnum trilobum</i>	Highbush Cranberry

MEDIUM DECIDUOUS STREET/URBAN TREES

Required street trees shall be selected from the following list or a species hardy to the area. Trees marked with a (+) before their botanical name are native species and the use of these trees is strongly encouraged. Trees included on the following list tolerate urban conditions such as salt, drought, and soil compaction. The mature height is included for consideration in applications where overhead wiring or other facilities are located. Street trees shall be in accordance with applicable American National Standards Institute (ANSI) Standards.

	BOTANICAL NAME	COMMON NAME	SIZE
	<i>Acer campestre</i>	Hedge Maple	15-30'
	<i>Acer ginnala</i>	Amur Maple	15-30'
	<i>Acer palmatum</i>	Japanese Maple	10-20'
+	<i>Chioanthus virginicus</i>	Fringetree	20-35'
+	<i>Cladratus lutea</i>	American Yellowwood	30-50'
	<i>Cornus kousa</i>	Kousa Dogwood	20-35'
	<i>Crataegus crusgalli</i>	Cockspur Hawthorne	20-35'
	<i>Malus species</i>	Crabapple – Various	20-40'
+	<i>Nyssa sylvatica</i>	Black Tupelo	30-50'
+	<i>Ostrya virginiana</i>	American Hophornbeam	35-50'
	<i>Oxydendrum arboreaum</i>	Sourwood, Sorrel Tree	35-50'
	<i>Prunus species</i>	Cherry – Various	20-40'
	<i>Pyrus species</i>	Pear – Various	20-40'
+	<i>Sassafras albidum</i>	Common Sassafras	35-50'
	<i>Ulmus parvifolia</i>	Lacebark Elm	40-50'

LARGE DECIDUOUS STREET/URBAN TREES

Required street trees shall be selected from the following list or a species hardy to the area. Trees marked with a (+) before their botanical name are native species and the use of these trees is strongly encouraged. Trees included on the following list tolerate urban conditions such as salt, drought, and soil compaction. The mature height is included for consideration in applications where overhead wiring or other facilities are located. Street trees shall be in accordance with applicable American National Standards Institute (ANSI) Standards.

	BOTANICAL NAME	COMMON NAME	SIZE
+	<i>Acer rubrum</i>	Red Maple	75-100'
+	<i>Acer saccharum</i>	Sugar Maple	75-100'
+	<i>Fraxinus americana</i>	White Ash	75-100'
+	<i>Fraxinus pennsylvanica</i>	Green Ash	75-100'
+	<i>Gleditsia triacanthos inermis</i>	Thornless Honey Locust	30-100'
+	<i>Juniperous virginiana</i>	Eastern Red Cedar	50-75'
+	<i>Liquidambar styraciflua</i>	American Sweetgum	75-100'
+	<i>Nyssa silvatica</i>	Blackgum	50-75'
	<i>Platanus acerifolia</i>	London Planetree	75-100'
+	<i>Platanus occidentalis</i>	American Sycamore	75-100'
	<i>Tilia americana</i>	American Linden	50-70'
	<i>Tilia cordata</i>	Littleleaf Linden	70-100'
	<i>Tilia tomentosa</i>	Silver Linden	50-70'
	<i>Zelkova serrata</i>	Japanese Zelkova	40-65'

STREET/URBAN SHRUBS

Required street shrubs shall be selected from the following list or a species hardy to the area. Trees marked with a (+) before their botanical name are native species and the use of these trees is strongly encouraged. Shrubs included on the following list tolerate urban conditions such as salt, drought, and soil compaction.

	BOTANICAL NAME	COMMON NAME
+	<i>Ilex glabra</i>	Inkberry
+	<i>Juniperous communis</i>	Common Juniper
+	<i>Kalmia latifolia</i>	Mountain Laurel
+	<i>Myrica pennsylvanica</i>	Bayberry
+	<i>Viburnum dentatum</i>	Arrowwood Viburnum

RIPARIAN BUFFER DECIDUOUS TREES AND SHRUBS

Required tree and shrub plantings shall be selected from the following list or a species hardy to the area, attractive to wildlife species (mast production), and appropriate to the use. Trees marked with a (+) before their botanical name are native species and the use of these trees is strongly encouraged.

	BOTANICAL NAME	COMMON NAME
+	<i>Acer rubrum</i>	Red Maple
+	<i>Alnus rugosa</i>	Speckled Alder
+	<i>Amelanchier arborea</i>	Shadbush
+	<i>Amelanchier laevis</i>	Alleghany Serviceberry
+	<i>Betula lutea</i>	Yellow Birch
+	<i>Betula nigra</i>	Black Birch
+	<i>Carya cordiformis</i>	Bitternut Hickory
+	<i>Carya glabra</i>	Pignut Hickory
+	<i>Carya ovata</i>	Shagbark Hickory
+	<i>Cornus alternifolia</i>	Alternate-Leaved Dogwood
+	<i>Cornus amomum</i>	Silky Dogwood
+	<i>Cornus florida</i>	Florida Dogwood
+	<i>Cornus stolonifera</i>	Redosier Dogwood
+	<i>Fagus grandifolia</i>	American Beech
+	<i>Juglans nigra</i>	Black Walnut
	<i>Prunus avium</i>	Sweet Cherry
+	<i>Prunus pennsylvanica</i>	Pin Cherry
+	<i>Prunus serotina</i>	Black Cherry
+	<i>Prunus virginiana</i>	Choke Cherry
+	<i>Rhus glabra</i>	Smooth Sumac
+	<i>Rhus typhina</i>	Staghorn Sumac
+	<i>Quercus alba</i>	White Oak
+	<i>Quercus bicolor</i>	Swamp White Oak
+	<i>Quercus muehlenburgii</i>	Chinquapin Oak
+	<i>Quercus palustris</i>	Pin Oak
+	<i>Quercus prinus</i>	Chestnut Oak
+	<i>Quercus rubra</i>	Northern Red Oak
+	<i>Quercus velutina</i>	Black Oak

RIPARIAN FOREST BUFFER EVERGREEN TREES AND SHRUBS

Required evergreen tree and shrub plantings shall be selected from the following list or a species hardy to the area and appropriate to the use. Trees marked with a (+) before their botanical name are native species and the use of these trees is strongly encouraged.

	BOTANICAL NAME	COMMON NAME
+	<i>Tsuga Canadensis</i>	Eastern Hemlock
+	<i>Pinus strobus</i>	Eastern White Pine
	<i>Pinus rigida</i>	Pitch Pine
+	<i>Juniperus virginiana</i>	Eastern Red Cedar
	<i>Pinus sylvestris</i>	Scotch Pine

RIPARIAN BUFFER FORBS AND GRASSES (WARM SEASON)

Required plantings shall be selected from the following list or a species hardy to the area and appropriate to the use.

BOTANICAL NAME	COMMON NAME
<i>Aster novea angliae</i>	New England Aster
<i>Bernonia noveboracensis</i>	New York Ironweed
<i>Cassia fasciculata</i>	Partridge Pea
<i>Coreopsis lanceolata</i>	Lanceleaf Coreopsis
<i>Echinacea purpurea</i>	Purple Cone Flower
<i>Heliopsis helianthoides</i>	Ox-eye Sunflower
<i>Rudbeckia hirta</i>	Blackeyed Susan
<i>Verbena hastata</i>	Blue Vervain

BOTANICAL NAME	COMMON NAME
<i>Andropogon gerardii</i>	Big Bluestem
<i>Panicum virgatum</i>	Switchgrass
<i>Schizachyrium scoparius</i> or <i>Andropogon scoparius</i>	Little Bluestem
<i>Sorghastrum nutans</i>	Indiangrass
<i>Tripsacum dactyloides</i>	Eastern gamagrass

TREES FOR SCREENING BUFFERS

Required buffer plantings shall be selected from the following list or a species hardy to the area and appropriate to the use. Trees or shrubs marked with a (+) before their botanical name are native species and the use of these trees is strongly encouraged.

	BOTANICAL NAME	COMMON NAME
+	<i>Acer rubrum</i>	Red Maple
	<i>Carpinus</i> species	Ironwood
	<i>Cercis</i> species	Redbud
+	<i>Cornus</i> species	Dogwood
	<i>Cypress</i> species	False Cypress
+	<i>Fraxinus americana</i>	White Ash
	<i>Gymnocladus dioica</i>	Kentucky Coffeetree
+	<i>Juniperous virginiana</i>	Eastern Red Cedar
+	<i>Juniperous</i> species	Junipers
+	<i>Liquidambar styraciflua</i>	American Sweetgum
+	<i>Pinus strobus</i>	Eastern White Pine
+	<i>Quercus rubra</i>	Red Oak
+	<i>Quercus alba</i>	White Oak

SHRUBS FOR SCREENING BUFFERS

Required buffer plantings shall be selected from the following list or a species hardy to the area and appropriate to the use. Trees or shrubs marked with a (+) before their botanical name are native species and the use of these trees is strongly encouraged.

	BOTANICAL NAME	COMMON NAME
	<i>Cornus racemosa</i>	Red-panicle Dogwood
+	<i>Ilex opaca</i>	American Holly
+	<i>Ilex glabra</i>	Inkberry
+	<i>Kalmia latifolia</i>	Mountain Laurel
	<i>Lindera benzoin</i>	Spicebush
	<i>Myrica pensylvanica</i>	Northern Bayberry
	<i>Rhododendron maximum</i>	Great Rhododendron
+	<i>Viburnum prunifolium</i>	Smooth Blackhaw
+	<i>Viburnum dentatum</i>	Southern Arrowwood

INVASIVE OR NOXIOUS SPECIES

Invasive or noxious plants grow or reproduce aggressively, which can so dominate an ecosystem that they kill off or drive out most other plant species. They can be native or exotic species. The use of those plants included in the following list of plants is prohibited in Atglen Borough:

BOTANICAL NAME	COMMON NAME
<i>Acer platanoides</i>	Norway Maple
<i>Alliaria petiolata</i>	Garlic Mustard
<i>Berberis thunbergii</i>	Japanese Barberry
<i>Berberis vulgaris</i>	European Barberry
<i>Broussonetia papyrifera</i>	Paper Mulberry
<i>Ailanthus altissima</i>	Tree-of-Heaven
<i>Cannabis sativa</i>	Marijuana
<i>Carduus nutans</i>	Musk or Nodding Thistle
<i>Celastrus orbiculatus</i>	Oriental Bittersweet
<i>Cirsium arvense</i>	Canadian Thistle
<i>Cirsium vulgare</i>	Bull or Spear Thistle
<i>Clematis terniflora</i>	Leatherleaf Climatis
<i>Coronilla varia</i>	Crown Vetch
<i>Daturum stramonium</i>	Jimsonweed
<i>Eleagnus umbrella</i>	Autumn Olive
<i>Festuca elatior</i>	Tall Fescue
<i>Ligustrum obtusifolium</i>	Border Privet
<i>Ligustrum vulgare</i>	Common Privet
<i>Lonicera japonica</i>	Japanese Honeysuckle
<i>Lonicera morrowii</i>	Morrow's Honeysuckle
<i>Lonicera tatarica</i>	Tartarian Honeysuckle
<i>Lythrum salicaria</i>	Purple Loosestrife
<i>Melilotus affinalis</i>	Sweet Clover
<i>Microstegium vimineum</i>	Japanese Stilt Grass
<i>Morus alba</i>	White Mulberry
<i>Paulownia tomentosa</i>	Empress Tree

INVASIVE OR NOXIOUS SPECIES (continued)

BOTANICAL NAME	COMMON NAME
<i>Phalaris arundinacea</i>	Reed Canary Grass
<i>Polygonum perfoliatum</i>	Mile-A-Minute Weed
<i>Populus alba</i>	White Poplar
<i>Pueraria lobata</i>	Kudzu-vine
<i>Rhamnus cathartica</i>	Common Buckthorn
<i>Rosa multiflora</i>	Multiflora Rose
<i>Rubus phoenicolasius</i>	Wineberry
<i>Sorghum bicolor</i>	Shattercane
<i>Sorghum halapense</i>	Johnson Grass
<i>Spiraea japonica</i>	Japanese Spiraea
<i>Viburnum dilatatum</i>	Linden Viburnum
<i>Viburnum opulus</i>	Guelder Rose

Sources: Noxious Weed Control Act – 1982-74. Commonwealth of Pennsylvania, Department of Agriculture, Bureau of Plant Industry. Brandywine Conservancy. Chester County Planning Commission.

APPENDIX B

SIGN ILLUSTRATIONS

*See Article 2 and Article 17 for Definitions.

Address



Agricultural



Awning



Billboard



Digital / Electronic Changing Message



Freestanding Ground



Freestanding Pole



Garage/ Yard Sale



Home Occupation



Identification



Illuminated



Multiple



Political



Portable



Projecting



Real Estate



Sale of Garden Produce – No specific image, see other Temporary Signs.

Temporary Professional



Temporary New Construction



Traffic Direction



Traffic



Trespassing



Wall



Window, Permanent



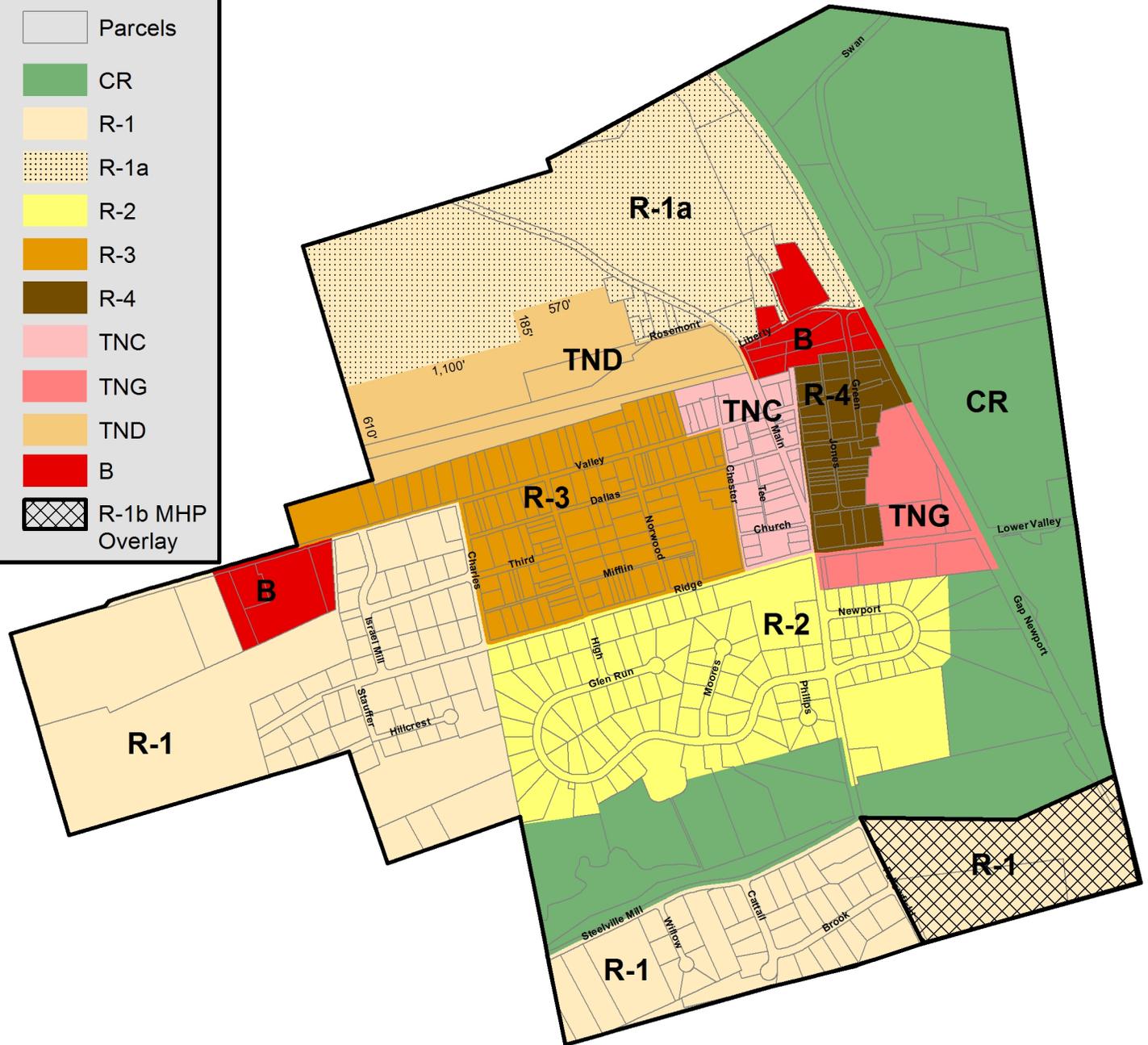
Window, Temporary



Atglen Borough Zoning Map December 2014

Legend

-  Parcels
-  CR
-  R-1
-  R-1a
-  R-2
-  R-3
-  R-4
-  TNC
-  TNG
-  TND
-  B
-  R-1b MHP Overlay



Data Source: Parcels - Chester County Planning Commission, 2012;
Zoning Districts, Atglen Borough 2014; Map Created by Chester County Planning
Commission, 12/2014.

0 500 1,000 2,000 Feet



This map was digitally compiled for internal maintenance and developmental use by the County of Chester, PA to provide an index to parcels and for other reference purposes. Parcel lines do not represent actual field surveys of premises. County of Chester, PA makes no claims as to the completeness, accuracy or content of any data contained herein, and makes no representation of any kind, including, but not limited to, the warranties of merchantability or fitness for a particular use, nor are any such warranties to be implied or inferred, with respect to the information or data furnished herein.