

CHAPTER 27

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PART 1

SHORT TITLE; EFFECTIVE DATE; DECLARATION OF LEGISLATIVE INTENT; INTERPRETATION; STATEMENT OF COMMUNITY DEVELOPMENT OBJECTIVES

§27-101. Short Title.

This Chapter shall be known and may be cited as the "Rockledge Borough Zoning Ordinance of 1976, as amended."

(Ord. 469A, 4/9/1990, §100)

§27-102. Effective Date.

The effective date of this Chapter shall be 10 days after the adoption of this Chapter as required by law, and the use of all land and every building or portion of a building or structure erected, altered with respect to height and area, added to, or relocated and every use within a building or use accessory thereto, any district, shall be in conformity with the provisions of this Chapter. Provided, however, that additions and/or extensions to buildings, existing at the time of passage of this Chapter, shall be permitted without restrictions as to height, area, or setback, in all cases where it is shown that the original plans under which the existing buildings were erected, definitely provided for such future additions and/or extensions.

(Ord. 469A, 4/9/1990, §101)

§27-103. Declaration of Legislative Intent.

This Chapter is enacted for the purposes, inter alia, to lessen congestion on the roads and streets; to secure safety from fire, panic and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provisions for transportation, water, sewerage, schools, parks and other services and facilities; and to promote the health, safety, morals and general welfare of the Borough of Rockledge, County of Montgomery, Commonwealth of Pennsylvania.

(Ord. 469A, 4/9/1990, §102)

§27-104. Interpretation.

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

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tions than those of any statute, other ordinance or regulation, the provisions of this Chapter shall be controlling. Where the provisions of any statute, other ordinance or regulations imposes greater restrictions than this Chapter, the provisions of such statute, other ordinance or regulations shall be controlling. This Chapter shall not apply to any building owned by the Borough of Rockledge, or extension thereof, nor to the use of any premises by the Borough, if, at any time hereafter the Rockledge Borough Council, after a public hearing, decides that such building or extension or use is reasonably necessary for the convenience or welfare of the public.

(Ord. 469A, 4/9/1990, §103; as amended by Ord. 583, 2/24/2003)

§27-105. Statement of Community Development Objectives.

The Borough of Rockledge, which has a Comprehensive Plan prepared in 1973 and adopted August 12, 1974 to guide the orderly growth and development of the Borough, intends this Chapter to implement the following community development objectives which have been approved by the Planning Commission and the Borough Council of Rockledge Borough and adopted as part of the Comprehensive Plan:

A. Growth.

- (1) Goal. Growth in Rockledge should be stabilized.
- (2) Objectives:
 - (a) Rockledge is a built-up residential borough of predominantly single-family homes. The single-family residential character of the Borough and its neighborhoods should be preserved and no drastic restructuring of the present development pattern should occur.
 - (b) The Borough's population should remain stable in the future at a level of 2,500 to 2,700 persons.
 - (c) All future growth, whether by in-filling or remaining vacant land or by redevelopment of existing developed parcels, should occur in an orderly and aesthetic manner.

B. Land Use.

- (1) Goal. Residential neighborhoods in Rockledge should be preserved, commercial areas differentiated, institutional uses defined and industries limited.
- (2) Objectives.

- (a) Existing land use conflicts between residential and nonresidential uses should be eliminated and future land use decisions should avoid the creation of additional land use conflicts.
- (b) The commercial character of land adjacent to Huntingdon Pike is well-established. Future commercial activity in Rockledge should be concentrated along the frontage of Huntingdon Pike and Fox Chase Road.
- (c) Future commercial development should be limited to those types of establishments which would create a minimal adverse impact on adjacent residential areas.
- (d) Two categories of commercial land use should occur in the Borough; retail/office uses and highway business uses.
- (e) Coordinated signing and design in the Borough's commercial area will be encouraged to enhance its attractiveness.
- (f) Rockledge is not an industrial community. The existing industries in the Borough are incompatible with the residential neighborhoods which surround them; therefore, industrial development in the Borough should be limited in intensity and scale and be nonpolluting in character.
- (g) Institutional land uses in the Borough should be preserved through zoning and protected as valuable community assets.

C. Housing.

- (1) Goal. Housing opportunities in the Borough should be diversified.
- (2) Objectives.
 - (a) Adequate housing opportunities should be available in Rockledge for people of all ages and incomes.
 - (b) Deteriorated housing in the Borough should be upgraded and rehabilitated.
 - (c) The quality of the Borough's housing supply should be preserved through the adoption and enforcement of stringent building and housing codes. Individual efforts to preserve and maintain the Borough's housing stock should be encouraged and recognized.
 - (d) New dwelling units, such as semi-detached and apartment units, should provide adequate space for off-street parking, recreation, and open space.

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D. Transportation.

- (1) Goal. Separation of regional traffic from local residential traffic should be maintained and easing congestion on Huntingdon Pike should be encouraged.
- (2) Objectives:
 - (a) All of the Borough's roads, except Huntingdon Pike, Church Road, Fox Chase Road, Cedar Road and Shady Lane, serve purely local access and parking functions. Through or non-local traffic on these residential roads is almost non-existent and this excellent separation of regional and local traffic should be maintained.
 - (b) The widening of Huntingdon Pike and other regional traffic arteries should be a last resort if capacity improvements are required. Instead, geometric changes at intersections, signalization improvements and parking controls should be the primary means of improving capacity on the Borough's regional traffic arteries.
 - (c) The use of mass transit services by borough residents, both bus and rail, should be encouraged and improved.

E. Community Facilities and Services.

- (1) Goal. Improvement and enhancement of the present level of community facilities and services in Rockledge should be fostered to improve the quality of life in the Borough.
- (2) Objectives.
 - (a) The Borough's institutional open space assets, such as its church and its cemeteries, should be preserved, except where reuse is contemplated in accordance with the comprehensive plan.
 - (b) The Borough should provide recreational facilities and programs for residents of all ages.
 - (c) New development in the Borough should be required to provide adequate open space and other amenities in conjunction with planned land uses.
 - (d) New development should be in harmony with the capabilities of the Borough, the Abington School District and the Rockledge

Fire Company to meet the demands for community facilities and services which it will generate.

- (e) Residents of the Borough should become more aware of the regional medical, recreational, social and other community facilities available in the Abington and Fox Chase areas.

F. Intergovernmental Cooperation and Implementation.

- (1) Goal. Cooperation with adjacent municipalities and adoption of a strong planning program with active citizen involvement by Borough residents should be developed.
- (2) Objectives.
 - (a) The Borough should cooperate with surrounding communities to cope with social and physical problems which transcend Borough boundaries. Efforts to promote the more efficient provision of services through intergovernmental arrangements should be investigated.
 - (b) The Borough should become actively involved in County and regional planning bodies, whose plans may have an effect on the Borough in the future.
 - (c) The Borough Council should use the Comprehensive Plan to improve local codes and ordinances and encourage active citizen participation and support of the local planning program.

(Ord. 469A, 4/9/1990, §104)

§27-106. Conflict.

It is not intended for this Chapter to repeal, abrogate, annul or interfere with any existing ordinance or enactment, or with any rule, regulations or permit adopted or issued thereunder, except insofar as the same may be inconsistent or in conflict with any of the provisions of this Chapter, provided that where this Chapter imposes greater restrictions upon the use of buildings or land, or upon the height and bulk of buildings, or prescribes larger open spaces than are required by the provision of such ordinance, enactment, rule, regulations or permits, then the provisions of this Chapter shall control.

(Ord. 469A, 4/9/1990, §105)

PART 2

DEFINITIONS

§27-201. Meaning of Words.

In interpreting this Chapter, the present tense includes the future; the singular number includes the plural and the plural the singular; the word "building" includes the word "structure" and shall be construed as if followed by the words, or part thereof; the word "occupy" includes the words "designed" or "intended to be occupied;" the word "person" includes any natural persons, partnership, firm, association or corporation.

(Ord. 469A, 4/9/1990, §200)

§27-202. Definition of Terms.

Words and terms used in this Chapter shall have the meanings given in this Part. Unless expressly stated otherwise, any pertinent word or term not a part of this listing, but vital to the interpretation of this Chapter, shall be construed to have its legal definition, or in absence of a legal definition, its meaning as commonly accepted by practitioners including civil engineers, surveyors, architects, landscape architects and planners.

AGRICULTURAL 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. [Ord. 590]

AGRICULTURE — the cultivating of the soil and the raising and harvesting of the products of the soil including, but not by way of limitations, nursery, horticulture, and forestry.

ALTERATION — any change in existing facilities, structural parts, or mechanical equipment which does not increase the cubic content of a building.

AMENITIES — satisfaction derived from ownership or occupancy, or both, of a property because of qualities of excellence which characterize the property and its surroundings. In appraising: the term is most frequently used in connection with considerations relating to properties which typically are strongly appealing to prospective buyers for owner occupancy.

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APARTMENT — a dwelling unit in a building containing three or more units have some common service or facilities, or both, and served by a common entrance hall.

APARTMENT HOUSE — a building containing three or more dwelling units having common services or facilities, or both, and served by a common entrance hall.

APPLICANT — a landowner or developer, as hereinafter defined, who has filed an application for development including his heirs, successors and assigns. [Ord. 590]

APPOINTING AUTHORITY — the mayor in cities; the board of commissioners in counties; the council in incorporated towns and boroughs; the board of commissioners in townships of the first class; and the board of supervisors in townships of the second class; or as may be designated in the law providing for the form of government. [Ord. 590]

APPROVED — passed upon as satisfactory by the authority designated by law to give approval to the matter in question.

ASSEMBLAGE

- A. The merging of adjacent properties into a single unit of ownership or use.
- B. The property so merged, considered as a unit.

AUTHORITY — a body politic and corporate created pursuant to the act of May 2, 1945 (P.L. 382, No. 164), known as the "Municipality Authorities Act of 1945."

BASEMENT — a building story partly below and partly above grade, having at least one-half its height above grade, when measured in compliance with the definition of "story." (Also, see "Cellar").

BASIC STRUCTURAL ALTERATION — any enlargement of a building, whether by existing on any side or by increasing in height, any change in the use or classification of a main building, or the moving of a building from one location to another.

BOARD — any body granted jurisdiction under a land use ordinance or under this Chapter to render final adjudications. [Ord. 590]

BOROUGH COUNCIL — the duly elected governing body of the Borough of Rockledge in the County of Montgomery and Commonwealth of Pennsylvania.

BUILDING — any structure having enclosed walls or partly enclosed walls and a roof, that is permanently located on the land.

BUILDING ACCESSORY — a building subordinate to the principal building on the same lot therewith and used for purposes customarily incidental to those of the principal building.

BUILDING COVERAGE — the aggregate of the maximum horizontal cross-section areas of all buildings on a lot, taken at their greatest outside dimensions on the ground floor, including all attached structures, except steps and terraces at a lower plane or planes than the majority of the first floor area of the principal building (cornices, eaves and gutters are excluded, while porches, breezeways and carports are included.)

BUILDING LINE — the line parallel to the street line at a distance therefrom equal to the depth of the front yard required for the district in which the lot is located; provided, that, in the case of a lot where the side lines are not parallel, the building line shall be at that point where minimum lot width first coincides with the required lot width but in no case closer to the street line than the required front yard.

BUILDING, PRINCIPAL — a building in which is conducted the principal use of the lot on which it is located.

CELLAR — a building story partly below and partly above grade, having at least one-half its height below grade, when measured in compliance with the definition of "story." (also, see "Basement".)

CEMETERY — a place for the burial of the dead. [Ord. 558]

CLUB, FRATERNAL INSTITUTION — a principal building used for the meeting place of an organized group of citizens such as a veterans' organization, fraternal organization, business organization, service organization, and the like, in which activities are limited to members of the organization and their guests and which may also provide living quarters for caretakers and transient quarters for members. Also includes fraternity house, lodge and residential club.

CIRCULATION — provision made for traffic within or through buildings, outside areas, and communities.

COLUMBARIUM — a vault with niches for urns containing ashes of the dead. [Ord. 558]

COMMUNITY

- A. A body of persons having common interests and privileges, living in the same locality.
- B. A political subdivision.

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COMPREHENSIVE PLAN — the Rockledge Borough Comprehensive Plan of 1973 and amendments thereto, including maps, charts and/or descriptive matter officially adopted by the Borough Planning Commission and Borough Council, indicating recommendation for the continuing development of the Borough and including all elements required by the Pennsylvania Municipalities Planning Code (Act 247).

COMPLETION — the act of bringing to a condition of physical completeness and readiness for use and occupancy.

CONDITIONAL USE — a use permitted in a particular zoning district pursuant to the provisions in Article VI. [Ord. 590]

CONDOMINIUM — an estate in real property consisting of an undivided interest in a portion of a parcel together with a separate interest in a space within a structure. This form of ownership may be applied in residential, professional office, limited industrial and commercial land uses.

CONSISTENCY — an agreement or correspondence between matters being compared which denotes a reasonable rational, similar, connection or relationship. [Ord. 590]

CONSTRUCTION — the materials and methods of fabricating the various elements of a structure or building.

CONVERSION — the remodeling or alteration of a structure so as to accommodate the provisions or more apartment units (or dwelling units) than were originally intended. Conversion would then include the alteration of a nonresidential structure into a dwelling unit for at least one family; the modification of a single-family structure so as to accommodate two or more dwelling units and the alteration of a multifamily structure so as to accommodate more units than originally intended.

COURT — an open, unoccupied space bounded on two or more sides by the exterior walls of a building or by exterior walls or lot lines.

- A. **INNER COURT** — a court enclosed on all sides by exterior walls of a building or exterior walls and lot lines on which walls are allowable.
- B. **OUTER COURT** — a court enclosed on not more than three sides by exterior walls of a building or by exterior walls and lot lines on which walls are allowable, with one side or end open to a street, driveway, alley, or yard.

CUL-DE-SAC — a minor street with entrance and exit at the same end.

CURB ELEVATION OR CURB LEVEL — the elevation of the top of a curb at a given point with a reference to a designated datum.

DAY CARE FACILITY — the following types of day care facilities are regulated by this Ordinance:

- A. DAY CARE CENTER — a facility in which care is provided for seven or more children at any one time, where the child care areas are not being used as a family residence.
- B. FAMILY DAY CARE HOME — any premise other than the child's own home, in which child day care is provided at any one time for four, five, or six children who are not relatives of the caregiver, and where the child care areas are being used as a family residence.
- C. GROUP DAY CARE HOME — a facility in which care is provided for more than seven but less than 12 children at any one time, where the child care areas are being used as a family residence.

DECISION — final adjudication of any board or other body granted jurisdiction under any land use ordinance or this act to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to the court of common pleas of the county and judicial district wherein the municipality lies. [Ord. 590]

DEED — a written instrument whereby an estate in real property is conveyed by a grantor to a grantee.

- A. DEED RESTRICTION — a restriction upon the use of a property placed in a deed.
- B. WARRANTY DEED — a deed in which, either expressly or by implication, the grantor guarantees that the title which he undertakes to transfer has not been previously conveyed by him and is free from defects and that the property is unencumbered except as stated, and for himself and heirs, agrees to defend and protect the grantee against any loss which may be suffered by reason of the existence of any other title or interest in the property existing at the time the deed was executed and not excepted therein.

DENSITY — the number of units (persons, families, or dwellings) per acre or square mile.

DESIGNATED GROWTH AREA — a region within a county or counties described in a municipal or multimunicipal plan that preferably includes and surrounds a city, borough or village, and within which residential and mixed use development is permitted or planned for at densities of one unit to the acre or more, commercial, industrial and institutional uses are permitted or planned for and public infrastructure services are provided or planned.

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DETERMINATION — final action by an officer, body or agency charged with the administration of any land use ordinance or applications thereunder, except the following:

- A. The Borough Council.
- B. The Zoning Hearing Board.
- C. The planning agency, only if and to the extent the planning agency is charged with final decision on preliminary or final plans under the subdivision and land development ordinance or planned residential development provisions.

Determinations shall be appealable only to the boards designated as having jurisdiction for such appeal.

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 PLAN — the provisions for development, including a planned residential development, a plat of subdivision, all covenants relating to use, location, and bulk 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," shall mean the written and graphic materials referred to in this definition.

DWELLING TYPES — for the purposes of this Chapter, the following are the definitions of the various types of dwelling units:

- A. **SINGLE-FAMILY DETACHED DWELLING UNIT** — a building designed for and occupied exclusively as a residence for only one family and not attached to any other building or dwelling units.
- B. **TWO-FAMILY BUILDING** — a residential building containing two dwelling units and which is not attached to any other building. A two-family building counts as two dwelling units for density purposes.
 - (1) **TWIN (SINGLE-FAMILY SEMI-DETACHED)** — a two family building with dwelling units placed side-by-side, with each occupying the total space from ground to roof and joined to each other by a vertical, common party wall, but otherwise surrounded by yard areas. When lotted, each dwelling unit may be on a separate lot, with the common boundary between the two lots running along the common party wall. Separate ingress and egress is provided to each unit.
 - (2) **DUPLEX (TWO-FAMILY DETACHED)** — a two-family building with one dwelling unit placed above the other so that they share a common

horizontal partition. When lotted, a duplex shall be entirely on one lot. Separate ingress and egress is provided to each unit.

- C. SINGLE-FAMILY ATTACHED DWELLING UNIT — a dwelling unit having its own independent outside access, with no other dwelling units located directly and totally above or below it, and having party walls in common with at least one but not more than three adjacent similar dwelling units and located in a building comprised of at least three dwelling units. This dwelling type shall include, but not be limited to, dwelling units commonly known as townhouses, rowhouses, triplexes, quadruplexes and multiplexes.
- D. MULTIFAMILY — a detached residential building containing three or more dwelling units characterized as follows:
 - (1) The dwelling units may share outside access and internal hallways, lobbies and similar facilities.
 - (2) The dwelling units are generally located entirely above or below one another.
 - (3) Each dwelling unit is usually contained on only one floor of the building.
 - (4) The dwelling units cannot be individually lotted, but instead, share the lot or tract on which the building containing them is located;
 - (5) The development is usually under one operating unit, as a rental or condominium development.
- E. APARTMENT — a single dwelling unit in a multifamily building; a single dwelling unit in a duplex may also be referred to as an apartment.
- F. MOBILE HOME — a single-family detached dwelling intended for permanent occupancy, which may not meet local building codes but does meet the standards of the U.S. Department of Housing and Urban Development, as indicated by the Structural Engineering Bulletin(s) provided to the borough Council by the applicant. It shall be contained in one unit, or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used with or without a permanent foundation, including any roofed addition such as extra rooms, covered patios, porches, etc.
- G. MODULAR HOME — a dwelling unit for permanent occupancy, made by assembling one or more factory-produced, three dimensional sections into one integral building, not capable of easily being separated for repeated towing, whose construction materials must conform to those of conventionally-

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built units, as required by the Borough's building code, and must be placed on a permanent foundation. A copy of the Structural Engineering Bulletin(s) must be provided to the Borough Council, indicating approval of the dwelling or its components by the U.S. Department of Housing and Urban Development.

DWELLING UNIT — one or more rooms with cooking and sanitary facilities provided solely for the living purposes of one family.

EASEMENT — a vested or acquired right to use land other than as a tenant, for a specific purpose, such right being held by someone other than the owner who holds title to the land.

ELECTRIC SUBSTATION — an assemblage of equipment for purposes other than generation or utilization, through which electric energy in bulk is passed for the purposes of switching or modifying its characteristics to meet the needs of the general public; provided, that in Residential Districts an electric substation shall not include rotating equipment, storage or materials, trucks or repair facilities, housing or repair crews, offices or places of business.

FAMILY — any number of individuals living together as a single housekeeping unit and doing their cooking on the premises, when said individuals are related by blood, marriage, or adoption, including any number of foster children under the care of same; or no more than five unrelated individuals living together as a single, nonprofit housekeeping unit and doing their cooking on the premises, except when an application for a special exception to enable a greater number of unrelated individuals to occupy a dwelling unit is reviewed and approved by the Zoning Hearing Board, as provided for in this Chapter. (This definition shall not apply to the occupants of a club, fraternity house, lodge, residential club, boarding house or rooming house.)

FRONTAGE — the extent of a building or of land along a public road or a public waterway.

FUTURE GROWTH AREA — an area of a municipal or multimunicipal plan outside of and adjacent to a designated growth area where residential, commercial industrial and institutional uses and development are permitted or planned at varying densities and public infrastructure services may or may not be provided, but future development at greater densities is planned to accompany the orderly extension and provision of public infrastructure services.

GARAGE —

- A. **PRIVATE** — an accessory building or a part of a principal building used for the storage of motor vehicles owned and used by the owner or tenant of the premises, and for the storage of not more than two motor vehicles owned and used by persons other than the owner or tenant of the premises. No

commercial vehicle or truck in excess of 2 tons may be stored in a private garage.

- B. PUBLIC — a building, other than a private or storage garage, one or more stories in height, used solely for the commercial storage, service or repair of motor vehicles.
- C. STORAGE — a building, not a private or public garage, one story in height, used solely for the storage of motor vehicles (other than trucks), but not for the service or repair thereof nor for the sale of fuel, accessories or supplies.

GASOLINE FILLING STATION — any area of land, including structures thereon, or any building or part thereof, that is used for the sale of gasoline or other motor vehicle fuel or accessories and which may or may not include facilities for lubricating, washing or otherwise servicing motor vehicles but which shall not include painting or body and fender repairs.

GENERAL CONSISTENCY, GENERALLY CONSISTENT — that which exhibits consistency. [Ord. 590]

HEARING — an administrative proceeding conducted by a board pursuant to §909.1 of the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247, as reenacted and amended. [Ord. 590]

HEIGHT OF BUILDING — a building's vertical measurement from the mean level of ground surrounding the building to a point midway between the highest and lowest points of the roof; provided, that chimneys, spires, towers, elevator penthouses, antennas, tanks and similar projections shall not be included in calculating the height.

HOME OCCUPATION — a lawful occupation conducted in a dwelling by its occupants, which occupation shall be incidental and clearly subordinate to use of the dwelling as a residence.

HOTEL — a building used for the purpose of furnishing for compensation more or less temporary lodging to the public, with or without meals, and having lodging accommodations for ten or more persons.

HOUSING FOR THE ELDERLY — those housing units designed for and intended for occupancy exclusively by those persons over the age of 62 who are unable to maintain or afford existing housing units in the general community. Such units shall include those projects developed under applicable Federal and/or State housing assistance programs. Such housing units shall contain appropriate safety features pertinent to the needs of their residents and ancillary recreational and other community facilities as an integral part of their development concept. Furthermore, the developer of such housing units in the Borough of Rockledge must guarantee that said units will be occupied solely by elderly residents as defined above.

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IMPERVIOUS COVERAGE — the land area covered buildings and paved surfaces which do not permit water to penetrate into the soil. Buildings, parking, driveways, walks, courts and patios are included unless constructed of pervious or porous materials.

IMPROVEMENT — a structure or public utility, or any other installation or physical change made in a property with a view to increasing its value, utility or beauty.

LAND DEVELOPMENT — any of the following activities:

- A. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
 - (1) A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure.
 - (2) The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
- B. A subdivision of land.
- C. Conversion of an existing dwelling unit into more than one dwelling unit.
- D. The addition or conversion of buildings or rides within an amusement park.
- E. The addition of a building accessory to a nonresidential use.
- F. The addition of a building accessory to a residential use shall be excluded from the definition of land development.

LANDOWNER — the legal or beneficial owner or owners 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 persons having proprietary interest in land.

LANDSCAPE — a part of the earth's surface or the view of a portion of land or land and water as seen from any given point.

LANDSCAPE CONSTRUCTION — the alteration of existing ground conditions together with construction and development of ground features, including minor structures.

LOADING, UNLOADING SPACE — a space, accessible from a street or way, in a building or a lot, for the temporary use of the vehicles, while loading or unloading merchandise or materials.

LOT — a designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed, or built upon as a unit.

- A. **LOT AREA** — the total horizontal area of the lot lying within the lot lines, provided that no area of land lying within any street line shall be deemed a portion of any lot area; the area of any lot abutting a street shall be measured to the street line only.
- B. **LOT LINE** — a property boundary line of any lot held in single and separate ownership, except that, in the case of any lot abutting a street, the lot line for such portion of the lot as abuts the street shall be deemed to be the same as the street line, and shall not be the centerline of the street, or any other line within the street line even though such may be the property boundary line.
- C. **LOT WIDTH** — the width of a lot measured at the building line.

MEDIATION — a voluntary negotiating process in which parties in a dispute mutually select a neutral mediator to assist them in jointly exploring and settling their differences, culminating in a written agreement which the parties themselves create and consider acceptable. [Ord. 590]

MOBILEHOME — a transportable, single family dwelling intended for permanent occupancy, contained in one unit, or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation. [Ord. 590]

MOBILEHOME LOT — a parcel of land in a mobilehome park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobilehome. [Ord. 590]

MOBILEHOME PARK — a parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobilehome lots for the placement thereon of mobilehomes. [Ord. 590]

MOTOR COURT OR MOTEL — a building or a group of two or more detached or semi-detached buildings containing rooms or apartments having separate ground floor entrances provided directly or closely in connection with automobile parking or storage space serving such rooms or apartments, which building or group of buildings is designed, intended or used principally for the providing of sleeping accommodations for automobile travelers and is suitable for occupancy at all seasons of the year.

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MUNICIPAL AUTHORITY — a body politic and corporate created pursuant to the Act of May 2, 1945 (P.L. 382, No. 164), known as the "Municipality Authorities Act of 1945." [Ord. 590]

MUNICIPAL ENGINEER — a professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for a municipality, planning agency or joint planning commission.

NO-IMPACT HOME-BASED BUSINESS — a business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:

- A. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- B. The business shall employ no employees other than family members residing in the dwelling.
- C. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- D. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
- E. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
- F. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
- G. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
- H. The business may not involve any illegal activity.

[Ord. 590]

NONCONFORMING LOT — a lot in which the area or dimension is non-conforming.

NONCONFORMING STRUCTURE — a structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions in this Chapter or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs. [Ord. 590]

NONCONFORMING USE — a use of land or of structure which does not comply with the applicable use provisions in or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such ordinance or amendment, or prior to the application of such ordinance or amendment to this location by reason of annexation.

PARKING SPACE — a reasonably level space, available for the parking of one motor vehicle, not less than 10 feet wide and having an area of not less than 200 square feet exclusive of passageways, driveways or other means of circulation or access.

PARKING SPACE, ALL-WEATHER — a parking space surfaced to whatever extent necessary to permit reasonable use under all conditions of weather.

PARKING LOT — any area which is used for the storage of motor or other vehicles.

PLANNING AGENCY — a planning commission, planning department, or a planning committee of the governing body.

PLANNING COMMISSION — the duly appointed Rockledge Borough Planning Commission, as provided by Ordinance 278 enacted and ordained by the Borough Council.

PROFESSIONAL OFFICE — an office for a physician, lawyer, dentist, architect, professional engineer, planner or other such profession, but not including, real estate office or beauty shop and provided that no goods, equipment, merchandise or material associated with such practices may be displayed, stored or sold on the lot area on which the structure is located.

PUBLIC GROUNDS — includes:

- A. Parks, playgrounds, trails, paths and other recreational areas and other public areas.
- B. Sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities
- C. Publicly owned or operated scenic and historic sites.

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[Ord. 590]

PUBLIC HEARING — a formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to taking action in accordance with this Chapter. [Ord. 590]

PUBLIC MEETING — a forum held pursuant to notice under 65 Pa.C.S. CH. 7 (Relating to open meetings). [Ord. 590]

PUBLIC NOTICE — notice published once each week for 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 30 days and the second publication shall not be less than seven days from the date of the hearing. [Ord. 590]

PUBLIC UTILITIES FACILITY — a building or structure and its equipment, used for the transmission and exchange of telephone, radio, gas, power, sewer and water facilities provided; however, that in a residential district these shall not include business facilities, storage or materials, trucks or repair facilities or the housing of repair crews.

REPORT — any letter, review, memorandum, compilation or similar writing made by any body, board, officer or consultant other than a solicitor to any other body, board, officer or consultant for the purpose of assisting the recipient of such report in the rendering of any decision or determination. All reports shall be deemed recommendatory and advisory only and shall not be binding upon the recipient, board, officer, body or agency, nor shall any appeal lie therefrom. Any report used, received or considered by the body, board, officer or agency rendering a determination or decision shall be made available for inspection to the applicant and all other parties to any proceeding upon request, and copies thereof shall be provided at cost of reproduction. [Ord. 590]

RESTAURANT, DRIVE-IN — a commercial use which dispenses food and drink ready for consumption, to customers who place and receive their order without leaving their cars or other motor vehicles. Also included are restaurants in which a drive-in facility provides only a portion of the sales.

RESTAURANT, FAST FOOD — any restaurant which is characterized by one or more of the following features:

- A. Orders are placed and received at a central counter.
- B. Orders are frequently packaged for take-out.
- C. Orders may be consumed at tables or booths within the facility, which must be cleared by the customers.

- D. Waiter/Waitress services is not provided.
- E. Menu selections are limited.
- F. Disposable containers and utensils are used rather than reusable dishes and table service.

ROOMING HOUSE (BOARDING HOUSE) — a building used for the purpose of a residence for one family in which the resident rents rooms within the building, or in a building accessory thereto, to not more than six non-transient persons, with or without the provisions of table board for such persons.

SANITARY SEWER FACILITY — a public sanitary sewer system, or a comparable common package sanitary sewer facility approved by the appropriate governmental health agency.

SHOPPING CENTER — a group of commercial establishments, planned and developed as an integrated architectural and functional unit, providing convenient on-site parking and controlled, common vehicular and pedestrian access.

SIGN — a visual display or image which is affixed to, painted or represented directly or indirectly upon a building, structure, land or any surface and which directs attention to an object, product, service, place, activity, person, institution, organization or business.

SINGLE AND SEPARATE OWNERSHIP — the ownership of a lot by one or more persons, partnerships or corporations, which ownership is separate and distinct from that of any adjoining lot.

SPECIAL EXCEPTION — a form of permitted use, authorized by this Chapter, under the jurisdiction of the Zoning Hearing Board. The Zoning Hearing Board is empowered to grant permission for Special Exceptions, consistent with the public interest, in compliance with standards and procedures established in this Chapter.

STORY — the vertical distance between two successive finished floor surfaces; for the topmost story, between the top of its ceiling joists and the finished floor below, or if no ceiling, from the top of the roof rafters.

STREET OR ROAD — a public or privately-owned right-of-way, serving as a means of vehicular and pedestrian travel, furnishing access to abutting properties. Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other ways.

STREET LINE — the dividing line between a lot and the outside boundary or right-of-way line of a public street, road or highway legally opened or officially plotted, or between a lot and a privately-owned street, road or way over which the

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owners or tenants of two or more lots each held in single and separate ownership have the right-of-way. Also known as ultimate right-of-way.

STRUCTURE –

- A. Any manmade object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.
- B. Any form or arrangement of building materials involving or providing proper support, bracing, tying, anchoring or other protection against the forces of the elements.

STUDIO — a room or rooms used by an artist, musician or person of similar calling in which such person practices his calling or teaches the same to not more than two persons at one time.

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

TELEPHONE CENTRAL OFFICE — a building and its equipment erected and used for the purpose of facilitating transmission and exchange of telephone or radio telephone messages between subscribers and other business of the Telephone Company.

TOURIST HOME — a dwelling in which sleeping accommodations for less than ten persons are provided or offered primarily for automobile travelers for compensation.

TRAILER — a vehicle without motive power which may be towed on public highways by a passenger automobile without a special hauling permit, which is designed for human occupancy under transient circumstances such as camping, travel or other recreation and having a body width not exceeding 8 feet and a body length not exceeding 32 feet.

ULTIMATE RIGHT-OF-WAY — see "Street line."

USES –

- A. **COMMERCIAL USE** — use predominantly for trade or commercial service purposes.

- B. INDUSTRIAL USE — use of manufacturing purposes, often accompanied by warehouse, freight yard, docks, etc.
- C. LAND USE — the process of extracting economic or social gain from the land, i.e., to process through which a use value is created.
- D. NONCONFORMING USE — pre-existing use that does not agree with the regulations of the district, as set forth herein.
- E. RESIDENTIAL USE — use for purposes related to the residential character of the property.

VARIANCE — the granting of permission by the Zoning Hearing Board to use or alter land or structures which requires a variation from the strict application of a requirement of this Chapter. Variances are granted only in the case of exceptionally irregular, narrow, shallow or steep lots, or other exceptional physical conditions, whereby strict application of regulations would result in practical difficulty and unnecessary hardship. Variances are granted only if specific requirements are met.

WALLS –

- A. BEARING WALL — a wall which supports any vertical load in addition to its own weight.
- B. COMMON WALL — a walled owner by one party but jointly used by two parties, one or both of whom is entitled to such use under the provisions of a lease.
- C. DRY WALL — a wall of stone or other durable material laid without mortar.
- D. FIRE WALL — a wall which subdivides a building to restrict the spread of fire. It starts at the foundation and extends continuously through all stories to and above the roof.
- E. FOUNDATION WALL — any bearing wall or pier below the first-floor construction.
- F. PARAPET WALL – that part of an exterior, party, or fire wall extending above the roof line.
- G. PARTY WALL – a wall used jointly by two parties under easement agreement and erected at or upon a line separating two parcels of land that may be held under different ownership.
- H. RETAINING WALL –

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- (1) Any wall subjected to lateral pressure other than wind pressure.
- (2) A wall built to support a bank of earth.

WATER SURVEY — an inventory of the source, quantity, yield and use of groundwater and surface-water resources within a municipality. [Ord. 590]

WRITTEN CONSENT — a document signed and dated by an owner of real estate giving approval to a specific request by a petition, provided same is formally presented within 90 days of the date of signing of such consent.

YARD — the area(s) of a lot which must remain free of buildings or other structures, and may be used as lawn or planted area, parking or driveway space, in compliance with the provisions of this Chapter. Yard is further defined as follows:

- A. **YARD, FRONT** — a yard extending the full width of the lot along the street line and extending in depth from the street line to the nearest point of any structure on the lot. On a corner lot, the front yard shall apply to both street frontages.
- B. **YARD, REAR** — a yard extending the full width of the lot along the rear lot line and extending in depth from the rear lot line to the nearest point of any structure on the lot.
- C. **YARD, SIDE** — a yard extending the full depth of the lot along a side lot line and extending in width from such side lot line to the nearest point of any structure on the lot.

YARD LINE — a line which locates and delineates the minimum yard setback requirements, measured from the front, rear and side lot lines.

ZONING — division of all of the land on an entire political subdivision into districts having different regulations pertaining to use of land and height, area, bulk and use of buildings and yard requirements. Zoning is effected by local ordinance under the police power of the State granted by specific legislation generally termed an "enabling act."

ZONING, FUNCTION OF — zoning is part of city or community planning designed to promote and protect the health, safety, morals, convenience, prosperity and general welfare of the inhabitants of the community. By a zoning ordinance a municipality may be divided into districts in which the use of land, the use, height and bulk of buildings, the density of population and the area of the lot upon which buildings may be placed are regulated. (From "The Preparation of Zoning Ordinances," 1931.)

(Ord. 469A, 4/9/1990, §201; as amended by Ord. 558, 4/10/2000, §3, and by Ord. 590, 3/14/2005, §1)

PART 3

ZONING DISTRICT CLASSIFICATIONS

§27-301. Classes of Districts.

1. For the purposes of this Chapter, Rockledge Borough is hereby divided into seven classes of districts which shall be designated as follows:
 - A. SUR – Single-Family Urban Residential District
 - B. SURA – Single-Family Urban Residential Alternative District
 - C. MDO – Medium Density Overlay District
 - D. ROR – Retail/Office/Residential District
 - E. HB – Highway Business District
 - F. LI – Limited Industrial District
 - G. IN – Institutional District
2. Such districts area hereinafter enumerated, established in the text of this Chapter, and confirmed as located on the zoning map.

(Ord. 469A, 4/9/1990, §300)

§27-302. Zoning Map.

The boundaries of said district shall be as shown on the map attached to and made a part of this Chapter, which map shall be known as the "Zoning Map of Rockledge Borough." Said map and all notations, references and data shown thereon are hereby incorporated by reference into this Chapter and shall be as much a part of this Chapter as if all were fully described herein.

(Ord. 469A, 4/9/1990, §301)

§27-303. Boundaries of Districts.

Where uncertainty exists with respect to the boundaries of the various districts, as shown on the zoning map, the following rules shall apply:

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- A. The boundaries between districts are, unless otherwise indicated, property lines, the centerlines of roads and the rights-of-way of railroads and/or public utilities, or such lines extended, or lines parallel thereto.
- B. In undivided property the district boundary lines on the zoning map shall be determined by use of the scale of the map.

(Ord. 469A, 4/9/1990, §302)

§27-304. Federal and State Owned Property.

Whenever Federal or State owned property or property owned by any Federal or State Agency or any political subdivision thereof, is included in one or more zoning districts, it shall be subject to the provisions of this Chapter only insofar as permitted by the Constitution and laws of the United States of America and of the Commonwealth of Pennsylvania.

(Ord. 469A, 4/9/1990, §303)

PART 4

GENERAL PROVISIONS

§27-401. Introduction.

For the purposes of this Chapter the following regulations shall apply in each district,

(Ord. 469A, 4/9/1990, §400)

§27-402. Lots of Record.

For a lot which is of public record in single and separate ownership at the time of enactment of this Chapter and which is not of sufficient size or dimensions to permit the erection of a building thereon in accordance with the requirements of this Chapter, (provided the Zoning Hearing Board finds the necessary additional ground is not available because of the settled condition of the neighborhood or because of inability of the owner to acquire additional ground upon fair terms), the Zoning Hearing Board may grant a variance for the use of such parcel of ground upon such conditions as the Zoning Hearing Board may specify.

(Ord. 469A, 4/9/1990, §401)

§27-403. Reduction of Lot Area.

No lot shall be so reduced that the area of the lot, or the dimensions of the required open space shall be less than herein prescribed.

(Ord. 469A, 4/9/1990, §402)

§27-404. Subdivision Plan of Lots of Record.

A lot which does not conform to the minimum and/or maximum regulations of the district in which it is located and which is included in a recorded plan of lots heretofore approved under the provisions of the Subdivision Ordinance of the Borough of Rockledge [Chapter 22], shall not be used unless

- A. The minimum and/or maximum regulations of the district are met
- B. Such recorded subdivision plan was approved by the Borough Council within 1 year of the effective date of this Chapter
- C. A variance is obtained from the Zoning Hearing Board.

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(Ord. 469A, 4/9/1990, §403)

§27-405. Modification of Front Yard Requirements.

Where an unimproved lot of record is situated on the same street frontage with two improved lots or one unimproved lot and one improved lot, the front yard requirement for the district shall be modified so that the front yard shall be an average of the existing and required front yard, when authorized as a special exception by the Zoning Hearing Board.

(Ord. 469A, 4/9/1990, §404)

§27-406. Obstruction to Vision at Intersections Prohibited.

On any corner lot no physical improvement or planting area shall be erected, altered, or maintained within the required yards, which shall cause obstruction to driver vision from the abutting intersection.

(Ord. 469A, 4/9/1990, §405)

§27-407. Access to Public Street.

No dwelling shall hereafter be erected unless there is direct access to it through a right-of-way on the same lot. Such right-of-way shall be at least 25 feet wide, and shall extend from the dwelling to a public road.

(Ord. 469A, 4/9/1990, §406)

§27-408. Existing Interior Lots.

An existing lot for which access to a public road does not conform to §27-407 may be built upon only when authorized by a variance. In computing the area of such lots, the area of the strip of ground connecting the lot with the public road shall not be included. All buildings and other structures to be located on such lots shall not be closer than 15 feet to surrounding lot lines. The strip of ground connecting the lot with the public road shall be used as an access strip to only the particular lot in question. The Zoning Hearing Board shall consider the suitability of the strip of ground which connects the lot with the public road for use as an access driveway and may impose such other conditions as may be required.

(Ord. 469A, 4/9/1990, §407)

§27-409. Accessory Uses.

Accessory uses authorized in this Chapter shall include any of the following or similar uses:

- A. Uses Accessory to Dwelling.
 - (1) Private garage, children's playhouse, private parking space, shelter for the occupant's pets, private storage sheds.
 - (2) Swimming pool for use of family and guests only.
 - (3) Home gardening and/or non-commercial greenhouse.
 - (4) Home occupations in compliance with §27-418 of this Chapter.
 - (5) Living quarters for household employees, caretakers, or watchmen, provided one additional parking space per employee is provided on the same lot as the dwelling.
 - (6) The renting of rooms within a dwelling as a rooming or boarding house, provided one additional parking space per rental room is provided on the same lot as the dwelling, when approved by the Zoning Hearing Board as a special exception.
 - (7) Professional office or studio of a doctor, dentist, teacher, artist, architect, landscape architect, musician, lawyer, engineer, magistrate or practitioner of a similar character; provided, that the office, studio or rooms are located in a dwelling in which the practitioner resides, or in a building accessory thereto and; provided further, that no goods are publicly displayed on the premises, and that no more than three persons other than the practitioner may assist or be employed therein provided that additional parking is provided on the same lot as the dwelling in compliance with the requirements of Part 13, herein when approved by the Zoning Hearing Board as a Special Exception.
 - (8) Uses authorized in this Part as accessory to a dwelling shall not be deemed to include a business, hospital, clinic, animal hospital, barber-shop, beauty parlor, other personal service shops, tearooms, hotel, or any similar use.
- B. Uses Accessory to Public Recreation and Open Space. Customarily recreational, refreshment, and service uses and buildings in any public park, playground or other recreational area.

(Ord. 469A, 4/9/1990, §408)

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§27-410. Minimum Setback for Accessory Uses.

Minimum setbacks for accessory uses and/or buildings shall be as follows:

- A. Four feet from a side or rear property line, but not closer to the front yard than the building line. In the SUR and SURA Districts, parking spaces may be located in the front yard in compliance with §§27-504 and 27-604, respectively.
- B. In the ROR and HB Zoning Districts, an accessory use and/or building shall not be located closer than 15 feet from the property line of land within a residential district. The 15 feet setback area shall be suitably landscaped as a buffer. A building may be built along the property line, provided the applicant files the written consent of the adjoining property owner with the zoning Officer and a maintenance easement of 4 feet in width is provided to permit the accessory building owner to maintain the building.

(Ord. 469A, 4/9/1990, §409)

§27-411. Projection in Required Yards.

No structure and no part of a structure shall be erected within or shall project into any minimum required yard in any district, except that:

- A. An unenclosed porch, not more than 14 feet in height, may be erected to extend into a required front or rear yard a distance of not more than 10 feet; provided, that in no case shall it extend into such front or rear yard more than one-half the existing depth of the yard.
- B. A terrace, platform or deck not covered by a roof, canopy or trellis, which does not extend above the level of the first floor of the building, may be erected to extend into a required yard a distance of not more than 12 feet provided that it shall not extend into such yard more than 40% of the existing depth or width of the yard.
- C. A car port, may be erected over a driveway in a required side yard, provided that such structure is:
 - (1) Not more than 14 feet in height and 20 feet in length.
 - (2) Entirely open on at least two sides, exclusive of the necessary supporting columns and the customary architectural features.
 - (3) Does not extend closer to the side lot line than a distance of 5 feet.
- D. A buttress, chimney, cornice, pier or pilaster of a building may project not more than 18 inches into a required yard.

- E. Open, unenclosed fire escapes, steps, bay windows and balconies may project not more than 3 feet into a required yard.

(Ord. 469A, 4/9/1990, §410)

§27-412. Fences and Walls.

No fence or wall (except a retaining wall or a wall of a building permitted under the terms of this Chapter) over 6 feet in height from grade level shall be erected within any of the open spaces required by this Chapter, except in compliance with §27-1306, herein.

(Ord. 469A, 4/9/1990, §411; as amended by Ord. 484, 9/9/1991, §1)

§27-413. Mobile Home and Mobile Home Parks.

Mobile homes are a permitted use in the SUR-Residential District provided they meet the applicable requirements for single-family detached dwellings as set forth therein.

(Ord. 469A, 4/9/1990, §412)

§27-414. Exceptions for Public Utility Corporations.

This Chapter shall not apply to any existing or proposed building or extension thereof, used or to be used by a public utility corporation, if upon petition of such corporation the Pennsylvania Public Utility Commission shall, after a public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the Borough or extension thereof or to the use of any premises by the Borough if the Borough Council shall, after a public hearing decide that such building or extension thereof, or such use of any premises, is reasonably necessary for the education, convenience, recreation or welfare of the public.

(Ord. 469A, 4/9/1990, §413)

§27-415. Trailers.

No lot or premises may be used for a trailer camp and no lot or premises shall maintain an inhabited trailer for a period to exceed 30 days.

(Ord. 469A, 4/9/1990, §414)

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§27-416. Condominium Ownership Plans.

No Section of this Chapter shall be construed to prohibit condominium ownership as permitted by the Uniform Condominium Act.

(Ord. 469A, 4/9/1990, §415)

§27-417. Prohibition.

The following standards shall be followed throughout the Borough:

- A. No building may be erected, altered or used, and no lot or premises may be used, for any trade, industry or business that is noxious or offensive by reason of odor, dust, smoke, gas, vibration, illumination or noise.
- B. No lot or premises shall be used for the storage, deposit, or disposal of rubbish, junk, or any noxious, offensive, or otherwise objectionable material.

(Ord. 469A, 4/9/1990, §416)

§27-418. Home Occupations.

Home occupations shall comply with the following requirements:

- A. The space used for the home occupation shall be located in the dwelling unit in which the practitioner resides, or in a building accessory thereto.
- B. No goods shall be publicly displayed on the premises and the outward appearance of the dwelling unit shall not give any indication of the home occupation.
- C. The home occupation shall be conducted only by residents of the dwelling unit in which the home occupation is conducted.
- D. No increase in vehicular traffic shall be permitted above the level normally associated with one dwelling unit.
- E. Home occupations shall not include medical, dental, veterinary or other professional or business services which require patients, clients or customers to come to the dwelling unit and shall not include hotels, rooming or boarding houses, bed and breakfasts or similar uses.
- F. Occupations conducted in a dwelling unit which do not comply with the home occupation requirements, herein, shall be permitted only in compliance with the requirements of §27-409(a), uses Accessory to Dwelling, of this

Chapter, or as permitted uses for properties within the ROR and/or HB zoning districts.

- G. Home occupations shall be subject to an annually renewable permit obtained from the Zoning Officer.

(Ord. 469A, 4/9/1990, §417)

§27-419. Lighting.

Lighting of private properties for the legitimate purposes of signs, decoration, safety and security shall be permitted within accepted industry standards. However, no lighting shall be permitted that shall cause a hazard or nuisance to abutting roads and/or properties.

- A. For purposes of this Chapter, the following types of lighting or lighted structures shall be considered as potential hazards or nuisances, and shall not be permitted:
 - (1) Blinking, flashing or moving lights, including any lights which do not normally operate at a constant level of illumination and signs with such lights or any other moving features.
 - (2) Any light which shines directly into the windows of a building on an abutting property, or onto a street, driveway, or parking area in such a way as to cause sufficient glare or brightness to interfere with a driver's ability to see safely.
- B. Only incidental light may be permitted to fall on abutting residential properties.
- C. When lighting is observed to be a potential hazard or nuisance, the Borough Zoning Officer shall make a determination as to the need to relocate, diminish, re-orient or remove the light source(s) in question and may seek the advice of the Borough Engineer or lighting experts as needed.
- D. The Zoning Officer shall request those responsible for the lighting to correct the problem. If the problem is not corrected as a result of the request, the borough shall initiate enforcement proceedings in accordance with §27-1702, Enforcement Notice, herein.

(Ord. 469A, 4/9/1990, §418)

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§27-420. Procedure for Consideration of a Conditional Use Application.

An application for any conditional use as specified in this Chapter shall be considered by the Borough Council according to the following procedure:

- A. Application.
 - (1) The application shall be submitted in writing to the Borough Secretary.
 - (2) The application shall include the request for approval of a conditional use and sufficient information to document compliance with the applicable standards of this Chapter, a tentative sketch plan of the proposed development shall be included.
 - (3) The Borough Secretary shall submit one copy of the application to the Montgomery County Planning Commission for its advisory review, one copy to the Borough Planning Commission, one copy to the Borough Council, one copy to the Borough Zoning officer and other copies to agencies and/or technical consultants whose review may be relevant.

- B. Public Hearing.
 - (1) The Borough Council shall schedule a public hearing thereon within 30 days of the application date, pursuant to public notice, to consider the proposal, render a verbal decision within 45 days of the application date or 15 days from the close of the last hearing, whichever is later, and notify the applicant in writing within 5 days after the verbal decision.
 - (2) The Borough Council shall consider the comments and recommendations of the Borough and County Planning Commissions, other advisors and those present at the public hearing prior to deciding to approve or deny the proposed use, and any conditions to be imposed upon approval.
 - (3) The time limits in subsection (A) above, for a decision and notification may be waived by the applicant as necessary.

(Ord. 469A, 4/9/1990, §419)

§27-421. Sewer and Water.

All development in the Borough shall be served by public sewer and public water supply.

(Ord. 469A, 4/9/1990, §420)

PART 5

SUR-SINGLE-FAMILY URBAN RESIDENTIAL DISTRICT

§27-501. Declaration of Legislative Intent.

In expansion of the Declaration of Legislative Intent contained in Part 1, §27-103, of this Chapter, and the Community Development Objectives contained in Part 1, §27-105, of this Chapter, it is hereby declared to be the intent of this Part to establish reasonable standards for land use and performance, and furthermore it is the specific intent to:

- A. Promote the desirable benefits of the maintenance, stability and continued viability of the Borough's residential neighborhoods.
- B. Preserve the predominant character of the SUR District as single-family detached dwellings.
- C. Regulate conversions and home occupations to prevent the proliferation of incompatible land uses or over intensification of residential development.
- D. Permit infill development, where feasible, in a manner consistent with the district's predominant character.

(Ord. 469A, 4/9/1990, §500)

§27-502. Permitted Uses.

The uses permitted in the SUR Single-Family Urban Residential District are:

- A. Single-family detached dwellings.
- B. Accessory uses, in compliance with §27-409 and §27-410 of this Chapter, including Home Occupations in compliance with §27-418 of this Chapter.
- C. [Reserved] [Ord. 512]
- D. Family day care home, as defined herein, when authorized by the Zoning Hearing Board as a Special Exception, provided that not more than one family day care home shall be permitted on one lot.
- E. No-impact home-based business. [Ord. 590]

(Ord. 469A, 4/9/1990, §501; as amended by Ord. 512, 4/10/1995, §1; and by Ord. 590, 3/14/2005, §1)

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§27-503. Dimensional Standards.

The following dimensional standards apply per dwelling unit:

	Single-Family Detached Dwellings
A. Minimum Lot Area.	6,000 sq. ft.
B. Minimum Lot Width.	50 feet
C. Minimum Front Yard.	16 feet
D. Minimum Side Yard, Each.	8 feet
E. Minimum Rear Yard.	40 feet
F. Maximum Building Coverage.	30%
G. Maximum Building Height.	35 feet

(Ord. 469A, 4/9/1990, §502)

§27-504. Parking and Signs.

All parking spaces and all signs erected in the SUR District shall comply with the requirements of Part 13, Off-Street Parking and Loading, and Part 12, Signs, of this Chapter. In addition, the following shall apply:

- A. Required on-lot parking spaces shall be provided in the front, side or rear yard area of each lot as appropriate. In any case where minimum yard dimensions are too small to accommodate parking spaces, the yard area used for parking shall be enlarged appropriately. Not more than 85% of any one yard area may be used for parking.
- B. In no case shall the impervious coverage of a lot, including buildings, parking, driveways, walks, and paved patios exceed 70% of the lot area.

(Ord. 469A, 4/9/1990, §503)

§27-505. Accessory Structures.

Accessory structures may be erected within the side or rear yard, not closer than 4 feet to the rear or side lot line unless the abutting owner or owners provide written consent to allow said structure to be built on the side or rear lot line and provide a maintenance easement of 4 feet in width to permit the accessory structure owner to maintain the structure.

(Ord. 469A, 4/9/1990, §504)

§27-506. Utilities.

All dwelling units within the SUR District shall be served by public sewer and water facilities.

(Ord. 469A, 4/9/1990, §505)

PART 6

SURA-SINGLE-FAMILY URBAN RESIDENTIAL ALTERNATE DISTRICT

§27-601. Declaration of Legislative Intent.

In expansion of the Declaration of Legislative Intent contained in Part 1, §27-103, of this Chapter, and the Community Development objectives contained in Part 1, §27-105, of this Chapter, it is hereby declared to be the intent of this Part to establish reasonable standards for land use and performance, and furthermore it is the specific intent to:

- A. Promote the desirable benefits of the maintenance, stability, and continued viability of the Borough's smaller-lot single-family detached dwelling neighborhoods.
- B. Preserve the character of those neighborhoods by permitting only single-family detached dwellings and conversions of single family detached dwellings into two-family dwellings.
- C. Regulate conversions and home occupations to prevent the proliferation of incompatible land uses or intensities.
- D. Permit infill development, where feasible, and use of existing development in a manner consistent with the Borough's predominant residential character.

(Ord. 469A, 4/9/1990, §600)

§27-602. Permitted Uses.

The uses permitted in the SURA-Single-Family Urban Residential Alternate District are:

- A. Single-family detached dwellings.
- B. Accessory uses, in compliance with §§27-409 and 27-410 of this Chapter, including Home Occupations in compliance with §27-418 of this Chapter.
- C. [Reserved] [Ord. 512]
- D. Family day care home, as defined herein, when authorized by the Zoning Hearing Board as a special exception, provided that not more than one family day care home shall be permitted on one lot.
- E. No-impact home-based business. [Ord. 590]

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(Ord. 469A, 4/9/1990, §601, as amended by Ord. 512, 4/10/1995, §3; and by Ord. 590, 3/14/2005, §1)

§27-603. Dimensional Standards.

The following dimensional standards apply in the SURA District:

- | | | |
|----|----------------------------|-------------------|
| A. | Minimum Lot Area. | 3,500 square feet |
| B. | Minimum Lot Width. | 40 feet |
| C. | Minimum Front Yard. | 16 feet |
| D. | Minimum Side Yard. | 8 feet each |
| E. | Minimum Rear Yard. | 30 feet |
| F. | Maximum Building Coverage. | 35 percent |
| G. | Maximum Building Height. | 35 feet |

(Ord. 469A, 4/9/1990, §602)

§27-604. Parking and Signs.

All parking spaces and all signs erected in the SUR District shall comply with the requirements of Part 13, Off-Street Parking and Loading, and Part 12, Signs, of this Chapter. In addition, the following shall apply:

- A. Required on-lot parking spaces shall be provided in the front, side, or rear yard area of each lot as appropriate. In any case where minimum yard dimensions are too small to accommodate parking spaces, the yard area used for parking shall be enlarged appropriately.
- B. In no case shall the impervious coverage of a lot, including buildings, parking, driveways, walks, and pave patios exceed 70% of the lot area.

(Ord. 469A, 4/9/1990, §603)

§27-605. Accessory Structures.

Accessory structures may be erected within the side or rear yard, not closer than 4 feet to the rear or side lot line unless the abutting owner or owners provide written consent to allow said structure to be built on the side or rear lot line and provide a maintenance easement of 4 feet in width to permit the accessory structure owner to maintain the structure.

(Ord. 469A, 4/9/1990, §604)

§27-606. Utilities.

All dwelling units within the SUR District shall be served by public sewer and water facilities.

(Ord. 469A, 4/9/1990, §605)

PART 7

MDO–MEDIUM DENSITY OVERLAY DISTRICT

§27-701. Declaration of Legislative Intent.

In expansion of the Declaration of legislative Intent contained in Part 1, §27-103, of this Ordinance, and the Community Development Objectives contained in Part 1, §27-105, of this Chapter, it is hereby declared to be the intent of this Part to establish reasonable standards for land use and performance, and furthermore it is the specific intent to:

- A. Provide an opportunity to develop multifamily and single-family attached dwellings at medium density standards.
- B. Permit these uses under the overlay concept, only in the SUR District, where they may help form a transition between the higher intensities of development under ROR, HB or IN, along Huntingdon Pike and the lower intensities permitted under SUR standards.
- C. Require adequate off-street parking to prevent congestion of streets by parked vehicles.
- D. Require adequate vehicular access to reduce traffic impacts on residential neighborhoods.
- E. Provide flexibility to owners and developers in terms of permitted uses and performance standards to allow reasonable use of properties.

(Ord. 469A, 4/9/1990, §700)

§27-702. Permitted Uses.

The following shall be permitted only when authorized by the Borough Council as a Conditional Use, subject to the criteria contained in Section 602, herein:

- A. Multifamily dwellings.
- B. Single-family attached dwellings.
- C. Accessory uses, in compliance with §§27-409 and 27-410 of this Chapter, including Home Occupations in compliance with §27-418 of this Chapter.
- D. Family day care home or group day care home, as defined herein, when authorized by the Zoning Hearing Board as a special exception, provided that not more than one day care facility shall be permitted on one lot, and further provided that a lot used for a group day care home shall be a minimum

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of 6,000 square feet in area. Day Care Homes in the MDO District do not need to be authorized as a Conditional Use, nor must they satisfy the criteria in §27-703.

(Ord. 469A, 4/9/1990, §701)

§27-703. Conditional Use Criteria.

The criteria of this Section shall be used by the Borough Council in evaluating applications for conditional use as specified in §27-702, herein. These criteria shall govern the development, redevelopment and use of land under MDO District standards. Prior to receiving conditional use approval and plan approval, an applicant must show that his/her proposal satisfies all of the criteria herein for the type of development or use proposed.

- A. The site must be located between Huntingdon Pike and Montgomery Avenue, within the limits of the MDO boundaries as shown on the Borough Zoning Map.
- B. Minimum site area shall be 40,000 square feet for multifamily and single-family attached development.
- C. Minimum lot width shall be 200 feet for multifamily and single-family attached development.
- D. Vehicular access must be provided to two streets.
- E. Must be under one ownership or single direction.

(Ord. 469A, 4/9/1990, §702)

§27-704. Overlay Concept.

The regulations of the MDO-Medium Density Overlay District shall be applied within the SUR District as an overlay, subject to the following:

- A. The underlying SUR District regulations remain applicable to existing and new development.
- B. MDO regulations shall take effect only in compliance with the criteria of §27-703, Conditional Use Criteria, when approved by Borough Council as a conditional use.
- C. MDO regulations shall apply to SUR-zoned land located between Huntingdon Pike and Montgomery Avenue, however, in no case shall the regulations

of the MDO District be applicable to any lands within 150 feet of the street line of Montgomery Avenue.

- D. It is the applicant's option to apply for approval to use the MDO standards and the applicant's responsibility to assemble sufficient land to comply with MDO standards.

(Ord. 469A, 4/9/1990, §703)

§27-705. Performance Standards.

The standards of this Section shall govern the development, redevelopment and use of land in the MDO District:

- A. Density for Multifamily and Unlotted Single-Family Attached Dwellings.
 - (1) For standard development, one dwelling unit per 3,500 square feet of net lot area (excluding street right-of-way), rounded off to the nearest whole number (equivalent of 12.45 dwelling units per acre).
 - (2) For elderly housing, one dwelling unit per 2,500 square feet of net lot area (excluding street right-of-way), rounded off to the nearest whole number (equivalent of 17.42 dwelling units per acre).
- B. Dimensional Standards for Multifamily and Unlotted Single-Family Attached Dwellings.
 - (1) Building setback from property lines or street lines, minimum 50 feet.
 - (2) Parking setback from property lines or street lines, minimum 10 feet.
 - (3) Maximum building coverage: 35%.
 - (4) Maximum building height: 35 feet.
- C. Dimensional Standards for Lotted Single-Family Attached Dwellings.
 - (1) Lot area: Minimum 3,500 square feet.
 - (2) Lot width: Minimum 20 feet.
 - (3) Yards:
 - (a) Front: minimum 16 feet.
 - (b) Rear: minimum 30 feet.

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- (c) Side: minimum 15 feet (ends of buildings only).
 - (4) Maximum building height: 35 feet.
 - (5) Maximum building coverage: 35%.
 - (6) Minimum Landscaped Area, including private lot areas, 45%.
- D. Recreation and Open Space For All Multifamily and Unlotted Single-Family Attached Dwellings.
- (1) Landscaped Area. A minimum of 45% of the net lot area shall be landscaped, containing lawn, trees and shrubs, paved areas may not be counted toward this total.
 - (2) Outdoor Use Area. A minimum of 20% of the net lot area shall be developed as outdoor use area for the development's residents. Such development should include both active and passive uses and be included within the landscaped area. The required 20% may not be divided into more than 3 areas.
 - (3) Indoor Common Facilities. Indoor recreation and activities rooms shall be provided in each building used to house elderly residents.
- E. Parking Capacity. Two spaces per dwelling unit shall be provided for standard development, one space per dwelling unit for elderly housing.
- F. Parking Design.
- (1) For all multifamily and unlotted single-family attached dwellings, parking shall be in common parking lots separated from the street by landscaped areas a minimum of 10 feet in depth.
 - (2) For lotted single-family attached dwellings, parking may be in common parking lots or on private lots; provided, that parking spaces and the shared driveways serving them are separated from the street by landscaped areas a minimum of 10 feet in depth.
 - (3) Access between the street and parking facilities shall be by means of one or two shared access driveways per street.
- G. Landscaping Requirements.
- (1) Along the street frontages and boundary lines abutting ROR, HB, or IN Districts, a combination of evergreen, shade, and flowering trees shall be planted in sufficient amounts to "soften" or "diffuse" the view to and from neighboring properties.

- (2) Along lot lines shared with standard SUR District development, planting shall be provided as in Subsection (1) above, except that parking shall be screened along its entire length by a single row of evergreen trees planted 10 feet on center, minimum tree height of 5 feet.

(Ord. 469A, 4/9/1990, §704)

§27-706. Additional Requirements for Elderly Housing.

Elderly housing shall comply with the following requirements:

- A. **Guaranteed Occupancy.** Elderly housing shall be permitted by Borough Council if the applicant guarantees occupancy of the development only by elderly residents.
 - (1) The guarantee shall be in a form acceptable to Borough council, upon recommendation by the Borough Solicitor.
 - (2) The guarantee shall be a covenant running with the land, applicable to the applicant and his heirs, successors and assigns.
 - (3) If, at any time, elderly residents cannot be guaranteed for the development, the property shall be converted to comply with the standard multi-family requirements contained herein.
 - (4) If elderly residents cannot be guaranteed, conversion to another use permitted by §27-702, Permitted Uses, herein, may be permitted by Borough Council as a conditional use, in conformance with the requirements for the type of use requested.
- B. **Safety and Convenience Features.** The following safety and convenience features shall be provided and maintained by the applicant in an elderly housing development:
 - (1) Conveniently located ramps or elevators capable of accommodating wheelchairs and stretchers.
 - (2) Non-skid floors.
 - (3) Doors of sufficient width to accommodate wheelchairs for all rooms.
 - (4) Electric cooking stoves.
 - (5) Showers in place of tubs for more than 50% of the dwelling units.
 - (6) Electric outlets at least 24 inches above the floor.

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- (7) Grab bars for all bathroom facilities.
 - (8) Handle-type spigots and doorknobs.
 - (9) Emergency signals which ring in adjoining apartments or at a central location.
 - (10) Proposed developments shall also comply with the most recent edition of Minimum Property Standards, Volume I, for housing for the elderly, issued by the U.S. Department of Housing and Urban Development; where said requirements are more restrictive or additive than the requirements specified herein, the requirements of said publication shall apply.
- C. Plan Submission and Procedure. For elderly housing, applicants shall submit plans to the Borough Council for review and approval in accordance with standard procedures for a land development proposal. In addition, the applicant shall submit architectural and site plan drawings to permit evaluation of the following:
- (1) Provision of required recreation and open space.
 - (2) Provision of required outdoor use area.
 - (3) Provision of required indoor common facilities.
 - (4) provision of required safety and convenience features.
 - (5) Total number of dwelling units.
 - (6) Number of bedrooms, sanitary and cooking facilities in each dwelling unit.
 - (7) Floor area of each dwelling unit in square feet.
 - (8) Exterior vertical and horizontal building dimensions.
 - (9) Total ground floor area of building.
 - (10) Total number of off-street parking spaces.

(Ord. 469A, 4/9/1990, §705)

PART 8

ROR-RETAIL/OFFICE/RESIDENTIAL DISTRICT

§27-801. Declaration of Legislative Intent.

In expansion of the Declaration of Legislative Intent contained in Part 1, §27-102, of this Chapter, and the Community Development Objectives contained in Part I, §27-104, of this Chapter, it is hereby declared to be the intent of this Part to establish reasonable standards for land use and performance, and furthermore it is the specific intent to:

- A. Encourage development and redevelopment of retail sales and service establishments, business and professional offices, residential uses in conjunction with business properties, and high density residential development.
- B. Establish reasonable performance standards to govern such uses.
- C. Locate such uses only in areas of the Borough with high traffic volumes, access to mass transit, and adjacent uses of similar intensity.
- D. Provide a range of minimum lot sizes to preclude overcrowding of small sites by large scale development.
- E. Require off-street parking to promote the goal of removing parking from Huntingdon Pike, to alleviate traffic congestion.
- F. Exclude highway-oriented commercial uses which are more appropriately located in the HB District because of their nature.
- G. Provide flexibility to owners and developers in terms of permitted uses, and performance standards to allow reasonable use of properties.
- H. Reduce adverse impacts on nearby residential properties by separating traffic flows where possible, and providing buffer landscaping where needed.
- I. Promote the preservation and continued use of existing residential structures.

(Ord. 469A, 4/9/1990, §800)

§27-802. Permitted Uses.

The uses permitted in the ROR–Retail/Office/Residential District are listed in this Section along with certain restrictions that apply to them.

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- A. Class 1. On lots less than 50 feet wide and/or less than 5,000 square feet in area, the permitted uses listed in Class 2, below, may be permitted only when authorized by the Zoning Hearing Board as a Special Exception, pursuant to the criteria contained in §27-804, herein.
- B. Class 2. On lots a minimum of 50 feet wide and 5,000 square feet in area, the following uses are permitted, in compliance with the performance standards contained herein:
 - (1) Retail Specialty Shops. Gifts, antiques, flowers, books, jewelry, clothing, tobacco, crafts or similar small, low volume shops.
 - (2) Personal Service shops. Barber, hairdresser, tailor, beauty salon, shoe repair, dressmaking.
 - (3) Business Offices. Security and commodity brokers, real estate, travel, employment agencies, insurance, advertising, mailing, copying, telephone answering, computer specialty offices.
 - (4) Professional Offices. Lawyers, engineers, architects, doctors, dentists, and other practitioners of a similar nature.
 - (5) Studios for dance, art, music, photography.
 - (6) Single-family detached dwelling or two-family dwelling.
 - (7) One dwelling unit in a building containing one nonresidential use.
 - (8) Conversion of an existing building to multi-family, subject to the requirements of §27-803(c), herein.
 - (9) Accessory uses in compliance with §§27-409 and 27-410 of this Chapter, including home occupations in compliance with 27-418 of this Chapter.
 - (10) Family day care home or group day care home, as defined herein, when authorized by the Zoning Hearing Board as a special exception; provided, that not more than one day care facility shall be permitted on one lot, and further provided that a lot used for a group day care home shall be a minimum of 6,000 square feet in area.
- C. Class 3. On lots a minimum of 100 feet wide and 20,000 square feet in area, the following uses are permitted, in compliance with the performance standards contained herein:
 - (1) All Class 2 permitted uses.

- (2) General retail stores, excluding those permitted under 27-902, Permitted Uses in the HB Highway-Business District, sub-Sections 27-902(A), (B), (C) and (D).
 - (3) Restaurants, excluding those with drive-through service.
 - (4) Fitness centers, similar exercise facilities.
 - (5) Financial institution, excluding those with drive-through service;
 - (6) Multi-family development, subject to the requirements of §27-803(C), herein;
 - (7) Not more than three dwelling units in a building containing non-residential uses.
 - (8) Day care center, when authorized by the Zoning Hearing Board as a special exception, provided that a minimum of 2/3 of the lot area and floor area of the building(s) are used exclusively for Day Care Center purposes.
- D. Class 4. On lots a minimum of 175 feet wide and 40,000 square feet in area, the following uses are permitted, in compliance with the performance standards contained herein:
- (1) All Class 2 and 3 uses.
 - (2) Financial institutions or restaurants with drive-through service, subject to the access and stacking capacity controls of §27-803(E), herein.

E. No-impact home-based business. [Ord. 590]

(Ord. 469A, 4/9/1990, §801, as amended by Ord. 590, 3/14/2005, §1)

§27-803. Performance Standards.

The standards of this Section shall govern the development, redevelopment and use of land in the ROR Retail/Office/Residential District. These standards are intended to permit reasonable use of the land. However, prior to receiving plan or permit approval, an applicant must show that his/her proposal satisfies all of the performance standards applicable to the type of development or use proposed. The applicant's choice or combinations or permitted uses may result in a lower intensity of development than desired by the applicant.

A. Building and Parking Setbacks.

- (1) From the ultimate right-of-way of any street:

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- (a) Buildings: 16 feet.
- (b) Parking: 10 feet.
- (2) From a side lot line:
 - (a) Buildings and parking: 5 feet.
 - (b) Where a driveway on the lot parallels the side lot line, building setback shall be 30 feet.
- (3) From a rear lot line:
 - (a) Buildings: 25 feet.
 - (b) Parking: 15 feet.
- (4) A minimum depth of 5 feet of the parking setback required by Subsection (a)(1)(b) 2, shall be a curbed planting strip, with suitable breaks for accessways.
- (5) Each property shall have not more than one accessway on each street on which the property abuts; each accessway shall be not more than 30 feet wide.

B. Building and Impervious Coverages. The standards of this Section shall govern all nonresidential uses within the ROR District.

	Maximum Build- ing Coverage	Maximum Impervi- ous Coverage
A. Lots less than 20,000 square feet in area:	15%	65%
B. Lots of 20,000 but less than 40,000 square feet in area:	20%	80%
C. Lots 40,000 square feet or more in area:	25%	80%

NOTE: Coverage is measures as a percentage of lot area, as defined herein.

C. Multifamily Development. The standards of this Section shall govern multi-family development within the ROR zoning district.

- (1) Density.

- (a) One dwelling unit per 2,000 square feet of net lot area (excluding street right-of-way), rounded off the nearest whole number (equivalent of 21.78 dwelling units per acre), for standard development;
 - (b) For elderly housing, one dwelling unit per 1,500 square feet of net lot area (equivalent to 29 dwelling units per acre).
 - (2) Landscaped Area. A minimum of 35% of the net lot area shall be landscaped, containing lawn, trees, and shrubs; paved areas may not be counted toward this total.
 - (3) Outdoor Use Area. A minimum of 10% of the net lot area shall be developed as outdoor use area for the development's residents. Such development should include play areas and sitting areas and should be located within the landscaped area. The required 10% may not be divided into more than 2 areas.
 - (4) Parking Capacity. Two spaces per dwelling unit shall be provided for standard development, one space per dwelling unit for elderly housing.
 - (5) Elderly housing shall be subject to the requirements of §27-805, herein.
- D. Parking Capacity. The following standards shall determine the non-residential parking capacity required in the ROR-Retail/Office/Residential District:
- (1) Retail Store. One space per 150 square feet of gross floor area.
 - (2) Business Office or Financial Institution. One space per 250 square feet of gross floor area.
 - (3) Services:
 - (a) Medical or Dental Office. Seven spaces per doctor, dentist, or similar practitioner, plus one space for every two employees.
 - (b) Barber, Beautician, Tailor or Similar Type. Three spaces per practitioner plus one space for every two additional employees.
 - (4) Studios for Dance, Art, Music, Photography or Fitness Center. One space per 250 square feet of gross floor area.
 - (5) Restaurants.

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- (a) Drive-in or Fast Food. The larger of 1.5 spaces per table or booth, or one space per 50 square feet of gross floor area, not less than 25 spaces in any case.
 - (b) All Others. One space per 50 square feet of gross floor area.
 - (6) Day Care Center. One space per three children at maximum capacity.
 - (7) Gross floor area is the entire floor space within the building, leased to, or potentially usable by the occupants, measured wall to wall, excluding cellar floor area.
- E. Access and Stacking Capacity Controls. For uses with drive-through facilities access to the site shall be so designed that lines of waiting cars shall not block entrance drives or extend into public streets.
- (1) For financial institutions a minimum of eight car stacking shall be required for each drive-up window or drive-up automated teller machine. Exiting traffic shall make right turns only.
 - (2) For restaurants, a minimum of six car stacking shall be required for each drive-up window. Exiting traffic shall make right turns only.
- F. Landscaping Requirements.
- (1) A 25 foot buffer strip shall be placed along property lines abutting residential districts and shall be landscaped as follows:
 - (a) If ROR use is nonresidential, a double row of evergreen trees shall be planted, 10 feet on center, offset 10 feet to form a better screen, minimum tree size 5 feet high.
 - (b) If ROR use is a combination of residential and nonresidential, a single row of evergreen trees shall be planted 10 feet on center, minimum tree height of 5 feet.
 - (c) If ROR use is 100% residential, a combination of evergreen and shade or flowering trees shall be planted in sufficient amounts to "soften" or "diffuse" the view from neighboring properties.
 - (d) Parking area shall be screened as in subsection (a), above.
 - (2) Lot lines between ROR uses and front yards, where available, shall be planted as in subsection (c), above.
 - (3) Parking abutting a street shall be partially screened by shrubs as well as trees as required in subsection (c), above.

G. Building Height. Building height shall not exceed 35 feet.

(Ord. 469A, 4/9/1990, §802)

§27-804. Criteria for Class 1 Special Exceptions.

Uses permitted as Special Exceptions under Class 1 may be authorized by the Zoning Hearing Board in conformance with the following criteria:

- A. The proposed use will not attract large volumes of vehicular traffic.
- B. The proposed use will utilize an existing building for its purpose or a new building of similar scale and character to adjacent buildings.
- C. The proposed use will receive deliveries or pick-ups only by means of automobiles or small trucks.

(Ord. 469A, 4/9/1990, §803)

§27-805. Performance Standards for Elderly Housing.

In addition to the provisions of Section 27-803(C), herein, elderly housing shall comply with the following:

- A. Guaranteed Occupancy. Elderly housing shall be permitted by Borough Council if the applicant guarantees occupancy of the development only by elderly residents.
 - (1) The guarantee shall be in a form acceptable to Borough Council, upon recommendation by the Borough Solicitor.
 - (2) The guarantee shall be a covenant running with the land, applicable to the applicant and his heirs, successors, and assigns.
 - (3) If, at any time, elderly residents cannot be guaranteed for the development, the property shall be converted to comply with the standard multifamily requirements contained herein.
 - (4) If elderly residents cannot be guaranteed, conversion to another use permitted by 27-802, Permitted Uses, herein, may be permitted by Borough Council as a Conditional Use, in conformance with the requirements for the type of use requested.
- B. Recreation and Open Space.

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- (1) Landscaped Area. A minimum of 45% of the net lot area shall be landscaped, containing lawn, trees, and shrubs; paved areas may not be counted toward this total.
 - (2) Outdoor Use Area. A minimum of 20% of the net lot area shall be developed as outdoor use area for the development's residents. Such development should include both active and passive uses and be included within the landscaped area. The required 20% may not be divided into more than 3 areas.
 - (3) Indoor Common Facilities. Indoor recreation and activities rooms shall be provided in each building used to house elderly residents.
 - (a) These rooms shall be provided at a rate of 100 square feet of recreation and activities rooms per dwelling unit.
 - (b) These rooms may include game rooms, common kitchen and dining areas, craft rooms, TV and music rooms and may be located throughout the building. If only common kitchen and dining areas are proposed, one additional general purpose room must be provided for other activities.
 - (c) Hallways, stairways, storage areas, common restrooms, and utility rooms shall not be included.
- C. Safety and Convenience Features. The following safety and convenience features shall be provided and maintained by the applicant in an elderly housing development:
- (1) Conveniently located ramps or elevators capable of accommodating wheelchairs and stretchers.
 - (2) Non-skid floors.
 - (3) Doors of sufficient width to accommodate wheelchairs for all rooms.
 - (4) Electric cooking stoves.
 - (5) Showers in place of tubs for more than 50% of the dwelling units.
 - (6) Electric outlets at least 24 inches above the floor.
 - (7) Grab bars for all bathroom facilities.
 - (8) Handle-type spigots and doorknobs.
 - (9) Emergency signals which ring in adjoining apartments or at a central location.

- (10) Proposed developments shall also comply with the most recent edition of Minimum Property Standards, Volume I, for housing for the elderly, issued by the U.S. Department of Housing and Urban Development; where said requirements are more restrictive or additive than the requirements specified herein, the requirements of said publication shall apply.

D. Plan Submission and Procedure. For elderly housing, applicants shall submit plans to the Borough Council for review and approval in accordance with standards procedures for a land development proposal. In addition, the applicant shall submit architectural and site plan drawing to permit evaluation of the following:

- (1) Provision of required recreation and open space.
- (2) Provision of required outdoor use area.
- (3) Provision of required indoor common facilities.
- (4) Provision of required safety and convenience features.
- (5) Total number of dwelling units.
- (6) Number of bedrooms, sanitary and cooking facilities in each dwelling unit.
- (7) Floor area of each dwelling unit in square feet.
- (8) Exterior vertical and horizontal building dimensions.
- (9) Total ground floor area of building.
- (10) Total number of off-street parking spaces.

(Ord. 469A, 4/9/1990, §804)

PART 9

HB-HIGHWAY BUSINESS DISTRICT

§27-901. Declaration of Legislative Intent.

In expansion of the Declaration of Legislative Intent contained in Part 1, §27-103, of this Chapter, and the Community Development Objectives contained in Part 1, §27-105, of this Chapter, it is hereby declared to be the intent of this Part to establish reasonable standards for land use and performance, and furthermore it is the specific intent to:

- A. Encourage highway-oriented commercial uses in those locations which provide the superior highway access and related off-street parking and service areas that are necessary prerequisites for such uses.
- B. protect abutting residential areas from negative impacts of highway-oriented businesses.
- C. Promote a reduction in the number of curb cuts serving highway oriented businesses, in the interest of traffic safety.

(Ord. 469A, 4/9/1990, §900)

§27-902. Permitted Uses.

The uses permitted in the HB Highway Business District are:

- A. Gasoline service stations, repair shops for motor vehicles, new and/or used motor vehicle sales and motor vehicle parts and accessories stores.
- B. Motels, restaurants, tourist homes, taverns, and/or hotels. Provided that no entrance or exit shall be located within 300 feet of a property used for a school, church, hospital, playfield, playground, park, recreation area or library.
- C. Accessory use customarily incidental to any of the permitted uses.
- D. Any use of the same general character as any of the above permitted uses, when authorized as a special exception by the Zoning Hearing Board, subject to such reasonable restrictions as the Board may determine, and further provided that no trade or business shall be permitted which is noxious or hazardous.
- E. Any use permitted in the ROR Retail/Office/Residential District, subject to the standards and requirements of that district.

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(Ord. 469A, 4/9/1990, §901)

§27-903. Dimensional Standards.

The following dimensional standards shall apply to the uses permitted in §27-901(A) through (D), herein:

- A. Lot area. Not less than 20,000 square feet.
- B. Lot Width. Not less than 125 feet at the building line.
- C. Building Coverage. Not more than 35 percent of the lot area.
- D. Yards.
 - (1) Front yard of not less than 30 feet; provided, that parking shall not be permitted closer than 10 feet from the street right-of-way line.
 - (2) Side yards of not less than 10 feet each.
 - (3) Rear yard of not less than 25 feet, provided that parking shall not be permitted closer than 15 feet from the rear property line.
- E. Maximum Building Height. 35 feet.

(Ord. 469A, 4/9/1990, §902)

§27-904. Performance Standards.

The following performance standards shall apply to uses permitted in §27-902(A) through (D), herein:

- A. No building may be erected, altered, or used that has a first floor area of less than 1,500 square feet, which is usable for activities pertinent to the primary use of the lot.
- B. No building may be erected, altered or used which has an exterior width of less than 20 feet, measured parallel to the building line.
- C. In the interest of traffic safety and flow, the following requirements shall be applied to new development and to redevelopment or major renovations.
 - (1) No parking or service areas shall abut directly upon a public street, but instead shall be separated from the street by curbed planting strips a minimum of 5 feet in depth from the edge of the cartway, with suitable breaks for accessways.

- (2) Each property shall have not more than one accessway on each street on which the property abuts; each accessway shall be not more than 30 feet wide.
 - (3) Wherever feasible, applicants shall be encouraged to reduce the total number of curb cuts in the HB District by sharing driveways among two or more abutting properties. As an incentive to applicants, when only one shared driveway is used to serve two or more abutting properties, the dimensional standards for those properties may be reduced to the following:
 - (a) Lot Area. Not less than 15,000 square feet per lot.
 - (b) Lot Width. Not less than 90 feet at the building line per lot.
 - (c) Building coverage. Not more than 45 percent of the lot area.
 - (d) Yards and Building Height. The same as in Section 902, herein.
 - (e) These standards do not apply to ROR District uses in the HB District.
- D. Landscaping shall be required on a minimum of 15% of the lot area, consisting of lawn, trees and shrubs, with an ornamental emphasis in the front yard area and a screening emphasis in yard areas abutting residential properties; paved areas may not be counted toward this total. The landscaping requirements of §27-803(F) of this Chapter shall apply as if written for the HB District.
- E. The parking capacity standards of the ROR District, §27-803(D) of this Chapter, shall apply to the HB District. In addition, gasoline service stations which also have a convenience food store shall be required to provide one parking space per 200 square feet of gross floor area of the convenience store, which spaces shall not interfere with fuel pump areas or entrance and exit driveways.
- F. Uses permitted in the HB District shall be subject to the performance standards contained in §27-1003, 27-1004, 27-1005, 27-1006, 27-1007, 27-1008, 27-1009, 27-1010, 27-1011, 27-1012 and 27-1013 of this Chapter.

(Ord. 469A, 4/9/1990, §903)

PART 10

LI-LIMITED INDUSTRIAL DISTRICT

§27-1001. Declaration of Legislative Intent.

In expansion of the Declaration of Legislative Intent contained in Part 1, §27-103 and the Community Development Objectives contained in Part 1, §27-105 of this Chapter, it is hereby declared to be the intent of the LI-Limited Industrial District to provide for controlled, limited nonpolluting and small scale industrial and research and development facilities within appropriate areas of Rockledge Borough in accordance with the Comprehensive Plan.

(Ord. 469A, 4/9/1990, §1000)

§27-1002. Use Regulations.

The specific uses permitted in this district shall be the erection, construction, alteration or use of buildings or premises for the following uses and no other, to be conducted wholly within a completely enclosed building or in a court enclosed on all sides by buildings, except for onsite parking and loading facilities incidental thereto, and when approved by the Zoning Hearing Board as a special exception, public utility facilities not normally enclosed within a building.

- A. The manufacture, compounding, processing, packaging or treatment of such products as candy, drugs, pharmaceuticals, cosmetics and food products; provided, however, that the following uses shall not be permitted:
 - (1) Manufacture of sauerkraut, vinegar or yeast.
 - (2) Refining or rendering of fats, bones or oils.
 - (3) Roasting of coffee, spices or soybeans.
 - (4) Milling of flour.
 - (5) Drying, smoking, pickling, preserving or curing meats or fish.
- B. The manufacture, compounding, assembly or treatment of articles of merchandise from the following previously prepared materials; cellophane, canvass cloth, cork, rope, cord and twine, plastics and natural and synthetic rubber, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plaster, metals, precious or semi-precious stones, shell, tobacco, textiles, wood (excluding planing mill) yarns.
- C. The manufacture of ceramic products, using only previously pulverized clay.

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- D. Printing, publishing, lithographing, binding and kindred arts.
- E. Incidental offices and office record storage.
- F. Manufacture of musical instruments, toys, novelties and metal stampings.
- G. Storage buildings and warehouses.
- H. Manufacture and assembly of electrical or electronic devices, home, commercial and industrial appliances and instruments, including the manufacture of accessory parts or assemblies.
- I. Laboratories. Experimental, manufacturing and research.
- J. Manufacture of textiles or textile products, including spinning and weaving, but not including, wool pulling or scouring or jute or burlap processing or reconditioning or hosiery and knitting mills.
- K. Manufacture of paper or cardboard boxes, containers and novelties from previously prepared paper or cardboard.
- L. The above uses are permitted only when meeting the following conditions:
 - (1) No kiln is fired except by oil, gas or electricity, and no individual kiln capacity exceeds 200 cubic feet.
 - (2) No blast or reverberatory furnaces or foundries are used.
 - (3) No punch or stamping presses are used until the type, size and use if first approved, authorized and permitted as a special exception by the Zoning Hearing Board.
 - (4) No drop hammers are used.

(Ord. 469A, 4/9/1990, §1001)

§27-1003. Smoke Control.

1. No smoke control shall be emitted from any chimney or other source a visible grey greater than No. 1 on the Ringlemann Smoke Chart as published by the U.S. Bureau of Mines.
2. Smoke of a shade not darker than No. 2 on the Ringlemann Chart may be emitted for not more than 4 minutes in any 30 minute time period.

3. These provisions, applicable to visible grey smoke, shall also apply to visible smoke of a different color, but with an equivalent apparent opacity.

(Ord. 469A, 4/9/1990, §1002)

§27-1004. Control of Dust and Dirt, Fly Ash and Fumes, Vapors and Gases.

1. No emission shall be made which can cause any damage to health, to animals or vegetation of other forms of property or which can cause any excessive soiling at any point.
2. No emission of liquid or solid particles in gases resulting from combustion, standard correction shall be applied to a stack temperature of 500°F. and 50% excess air.

(Ord. 469A, 4/9/1990, §1003)

§27-1005. Control of Noise.

At no point on the boundary of a Residential or Retail Office District shall the sound pressure level of any operation exceed the described levels in the designated octave bands shown below for the districts indicated.

SOUND LEVELS		
Octave Band in Cycles Per Second	Along Residential District Boundaries Maximum Permitted Sound Level in Decibels	At Any Other Point on the Lot Boundary Maximum Permitted Sound Level in Decibel
0 to 75	72	79
75 to 150	67	74
150 to 300	59	66
300 to 600	62	59
600 to 1200	46	53
1200 to 2400	40	47
2400 to 4800	34	41
Above 4800	32	39

(Ord. 469A, 4/9/1990, §1004)

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§27-1006. Control of Odors.

There shall be no emission of odorous gases or other odorous matter in such quantities as to be offensive along a lot boundary line. Any process which may involve the creation or emission of any odors shall be provided with a secondary safeguard system, so that control will be maintained if the primary safeguard system shall fail. There is hereby established as a guide in determining such quantities of offensive odors Table 111 (Odor Thresholds) in Chapter 5 "Air Pollution Abatement Manual" Copyright 1951 by manufacturing Chemist Association, Inc., Washington, DC, or latest revised edition of same.

(Ord. 469A, 4/9/1990, §1005)

§27-1007. Control of Glare or Heat.

Any operation producing intense glare or heat shall be performed within an enclosed building or behind a solid fence in such manner as to be completely imperceptible from any point beyond the lot lines.

(Ord. 469A, 4/9/1990, §1006)

§27-1008. Control of Vibration.

No vibration which is discernible to the human sense of feeling shall be perceptible without instruments at any point beyond the lot line.

(Ord. 469A, 4/9/1990, §1007)

§27-1009. Control of Radioactivity of Electrical Disturbances.

There shall be no activities which emit dangerous or harmful radioactivity. There shall be no electrical disturbance (except from domestic household appliances) adversely affecting the operation of any equipment located beyond the property of the creator of such disturbances.

(Ord. 469A, 4/9/1990, §1008)

§27-1010. Outdoor Storage and Waste Disposal.

1. No flammable or explosive liquids, solids or gases shall be stored in bulk above ground; provided, however, that tanks or drums of fuel directly connecting with energy devices, heating devices, or appliances located on the same lot as the tanks or drums of fuel are excluded from this provision.

2. All outdoor storage facilities for fuel, raw materials and products and all fuel and all raw materials and products stored outdoors shall be enclosed by a fence or planting screen adequate to conceal the facilities from any abutting properties.
3. No materials or wastes shall be deposited upon a lot in such form or manner that may be transferred off the lot by natural causes or forces.
4. All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible or otherwise be attractive to rodents or insects shall be stored outdoors in closed containers.

(Ord. 469A, 4/9/1990, §1009)

§27-1011. Electric, Diesel, Gas or Other Power.

Every use requiring power shall be so operated that the service lines, sub-station, etc., shall conform to the most acceptable safety requirements recognized by the Pennsylvania Bureau of Labor and Industry and shall be so constructed, installed, etc., to be an integral part of the architectural features of the plant, or if visible from abutting residential properties shall be concealed by coniferous planting.

(Ord. 469A, 4/9/1990, §1010)

§27-1012. Industrial Waste or Sewage.

No use shall be conducted in such a way as to discharge any treated or untreated sewage or industrial waste treatment and disposal except as shall be approved by sanitary engineers or other qualified persons employed by the Borough at the expense of the owner of the premise. Where the sanitary sewers of the Abington Township Sewer Authority are involved, approval of the Authority Board shall be required.

(Ord. 469A, 4/9/1990, §1011)

§27-1013. Area, Width and Yard Regulations.

1. Lot Area and Width. No individual lot shall be less than 20,000 square feet with a minimum width of 80 feet at the building line.
2. Front Yard. The required minimum front yard shall be 20 feet in depth measured from the street line.
3. Side Yards. There shall be two side yards each of which shall not be less than 15 feet in width, subject to the exceptions hereinafter set forth in §27-1014.

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4. Rear Yards. The required minimum depth of a rear yard shall be 25 feet, subject to the exceptions hereinafter set forth in §27-1014 and except where a lot abuts railroad trackage.
5. Building Coverage. Not more than 50% of the total lot area may be occupied by buildings.

(Ord. 469A, 4/9/1990, §1012)

§27-1014. Exceptions for Side and Rear Yards; Landscaping.

In no case shall any building or structure be erected closer than 25 feet to any residence district nor any parking area closer than 15 feet from the residential property line.

- A. Within those 25 or 15 foot strips, buffer landscaping shall be a double row of evergreen trees, planted 10 feet on center, offset 10 feet to form a better screen, minimum tree size 5 feet high.
- B. Parking or buildings abutting a street shall be partially screened by a combination of evergreen and shade or flowering trees, planted in sufficient amounts of "soften" or "diffuse" the view from neighboring properties.

(Ord. 469A, 4/9/1990, §1013)

§27-1015. Height Restrictions.

The maximum height of any building or structure erected or enlarged in this district shall be 35 feet, except when approved by the Zoning Hearing Board for such structures as water towers, chimneys and sticks provided that for every foot of height in excess of 35 feet there shall be added to each yard requirement one corresponding foot of width or depth.

(Ord. 469A, 4/9/1990, §1014)

§27-1016. Parking, Loading and Sign Requirements.

Each use shall be subject to the off-street parking and loading and sign requirements of Parts 12 and 13 of this Chapter.

(Ord. 469A, 4/9/1990, §1015)

PART 11

IN-INSTITUTIONAL DISTRICT

§27-1101. Declaration of Legislative Intent.

In expansion of the Declaration of Legislative Intent contained in Part 1, §27-103 of this Chapter and the Community Development Objectives contained in Part 1, §27-105 of this Chapter, it is hereby declared to be the intent of this Part with respect to IN-Institutional Districts to encourage the preservation and subsequent logical and timely development of land for institutional purposes, to assure the suitable design of institutions in order to protect the environment of the adjacent and nearby neighborhoods and to ensure that institutional development will take place only when served by adequate public utilities and streets. The protective standards in this Part are intended to minimize any adverse effect of institutional development on nearby property values.

(Ord. 469A, 4/9/1990, §1100)

§27-1102. Permitted Uses.

The following uses, and no others, shall be permitted in this District; the construction, alteration or uses of structures and/or land for:

- A. Churches, chapels or other places of worship and their adjunct residential dwellings.
- B. Cemeteries and burial grounds subject to the development regulations set forth in §27-1103. [Ord. 558]
- C. Convents, monasteries.
- D. Institutional headquarters for educational, fraternal, professional, religious and other nonprofit organizations or a similar nature.
- E. Medical and surgical hospitals or clinics, sanitarium and philanthropic institutions.
- F. Institutions for the care of the aged or children, in compliance with applicable State and Federal regulations.
- G. Schools and other educational facilities, private, nursery, elementary, junior high and high (including non-boarding or boarding).
- H. Municipal buildings and offices.
- I. Recreational facilities and open space preservation areas.

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- J. Libraries.
- K. Accessory uses customarily incidental to any of the above permitted uses including, but not limited to, agriculture, offices of staff doctors, residences of institutional employees and recreational facilities.
- L. Day care center, as defined herein, only when operated by a nonprofit institutional use otherwise permitted in the Institutional District.

(Ord. 469A, 4/9/1990, §1101 as amended by Ord. 558, 4/10/2000, §2)

§27-1103. Development Regulations.

For all authorized buildings and uses the following regulations shall apply:

- A. Lot Area and Width. No Institutional District lot shall have less than 1 acre and no institutional district lot shall have a width less than 50 feet measured along the building line.
- B. Lot Coverage. The total area covered by buildings, parking lots and vehicular accessways shall not exceed 60% of the total lot area. The remaining area shall be used for, and maintained as landscaped open space, recreational area, woodlands or similar non-intensive use.
- C. Height. The maximum height of any building shall be 35 feet except that such height may be increased when approved by the Zoning Hearing Board for such structures as air conditioning units, chimneys, elevator towers, steeples, provided that for every foot of height in excess of 35 feet there shall be added to each yard requirement one corresponding foot of width or depth.
- D. Yard Requirements.
 - (1) Front. The minimum depth of a front yard shall be 40 feet measured from the street line of the street on which the building fronts.
 - (2) Side. For each building there shall be two side yards of not less than 20 feet each.
 - (3) Rear. There shall be established for each building a rear yard of at least 40 feet in depth.
 - (4) Clustering. When, from a functional standpoint, a grouping or clustering of buildings is practical, modifications in side and rear yard requirements may be made when approved by the Zoning Hearing Board as a special exception.

E. Development Regulations for Cemeteries and Burial Grounds.

- (1) Land used or intended to be used for the burial of the dead shall be licensed by any State or County authority having jurisdiction. It shall include columbariums.
- (2) The minimum lot size shall be 25 acres for any newly proposed cemetery; this limitation shall not apply to columbariums or similar vaults located inside places of worship.
- (3) Cemetery burial markers shall not be of a headstone type but rather shall be of an in ground variety, i.e., mounted flush with the ground. Aboveground structures for burial, such as mausoleums are prohibited in cemeteries within the Borough.
- (4) No more than 10% of the entire area shall be devoted to aboveground buildings for such things as business offices, maintenance facilities, and such restriction shall also include parking.
- (5) There shall be a 40 foot buffer strip between any cemetery property line and any building or burial site, such strip to be unoccupied except for landscaping and walkways.
- (6) For entrance features such as gates and identification signs, there shall not be more than two signs at any entrance, they must comply with the Borough's sign ordinances, and no entrance feature shall exceed 12 feet in height. All entrance features shall be at least 10 feet from the right-of-way line of any public street.
- (7) Cemeteries having interior roads shall have them paved in accordance with Borough standards for road paving, shall have a 12 foot width for one-way travel, 20 foot width for two way travel, and shall not have dead ends unless there is a turn-round with a centerline radius of at least 40 feet.
- (8) The restrictions and limitations herein shall control places of burial to the exclusion of the development regulations at subsections (A), (B), (C) and (D). All other provisions of this Part shall apply to places of burial in the same fashion as applicable to other institutional uses.

(Ord. 469A, 4/9/1990, §1102; as amended by Ord. 558, 4/10/2000, §4)

§27-1104. Nuisance Controls.

The institutional uses shall make provisions for control of each of the following:

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- A. Access. A planned system of efficient ingress, egress and internal circulation of traffic shall be required so as to interfere minimally with nearby traffic flow. Loading and unloading areas shall be provided where deemed necessary, and shall be located to the rear of the proposed use and effectively screened from abutting residential districts, as set forth in §27-1106 of this Part.
- B. Lighting. Lighting shall be arranged in a manner which will protect adjacent highways and neighboring properties from unreasonable direct glare.
- C. Solid Waste Disposal. A plan for weekly disposal of solid waste material shall be required. All solid waste material shall be required. All solid waste shall be stored in covered containers. No solid waste shall be stored closer than 25 feet to any property line.

(Ord. 469A, 4/9/1990, §1103)

§27-1105. Parking, Loading and Sign Requirements.

Each use shall be subject to the off street parking and loading sign requirements of Parts 12 and 13 of this Chapter.

(Ord. 469A, 4/9/1990, §1104)

§27-1106. Parking Buffer Area.

Parking areas shall be buffered from all buildings by a minimum of 15 feet of landscaped open space. Parking areas shall be removed at least 15 feet from all property lines and shall be screened by plantings or decorative fencing of at least 80% continuous opacity from adjacent residential uses or districts.

(Ord. 469A, 4/9/1990, §1105)

§27-1107. Plan Submission Requirement.

Plans for any institutional use or substantial modifications to any existing institutional use shall be submitted to, and approved by, the Borough Planning Commission prior to the issuance of any zoning permit, and such plans shall include the following:

- A. A plot plan of the lot showing the location of all present and proposed buildings, drives, parking lots and other structural features on the lot and all buildings, streets, alleys, highways, streams and other topographical features of the lot and within 200 feet of any lot line.
- B. Architectural plans for any proposed buildings.

- C. A description of the institutional operations proposed in sufficient detail to indicate the effects of these operations in producing traffic congestion, noise, glare or safety hazards.
- D. Engineering and architectural plans for the treatment and disposal of sewage.
- E. Engineering and architectural plans for the handling of any excess traffic congestion, noise, glare or safety hazard.
- F. Any other pertinent data that the Planning Commission may require to make a determination on the application.
- G. The Planning Commission shall review all plans submitted to them and shall submit these plans with recommendations thereon to the Borough Council for final approval.

(Ord. 469A, 4/9/1990, §1106)

PART 12

SIGNS

§22-1201. Declaration of Legislative Intent.

In expansion of and in addition to the Declaration of Legislative Intent found in §27-103 of this Part, and the Statement of Community Development Objectives found in §27-105 of this Part, it is the intent of this Part to:

- A. Recognize that signs perform an important function in identifying properties, businesses, services, residences, events and other matters of interest to the public.
- B. Set standards and provide controls that permit reasonable use of signs while restricting the potential adverse visual effects of signs on the character of the community.
- C. Control the size, number, location and illumination of signs to reduce potential hazards caused by glare or obstruction of visibility, and to reduce visual clutter that results from competition among signs.
- D. Encourage signs that are attractively designed in order to enhance the economic value as well as the visual character of the various parts of the community.
- E. Establish criteria to encourage signs that are compatible with their surroundings, appropriate to the type of activity to which they pertain, complimentary to the architecture of the buildings involved, expressive of the identity of individual proprietors or of an integrated development's identity, and which are easily readable in the circumstances in which they are seen.

(Ord. 469A, 4/9/1990; as added by Ord. 587, 6/14/2004, §1200)

§12-1202. Definitions.

ABANDONED SIGN — a sign which no longer identifies or advertises an existing business, lease, service, owner, product or activity, and/or for which no legal owner can be found.

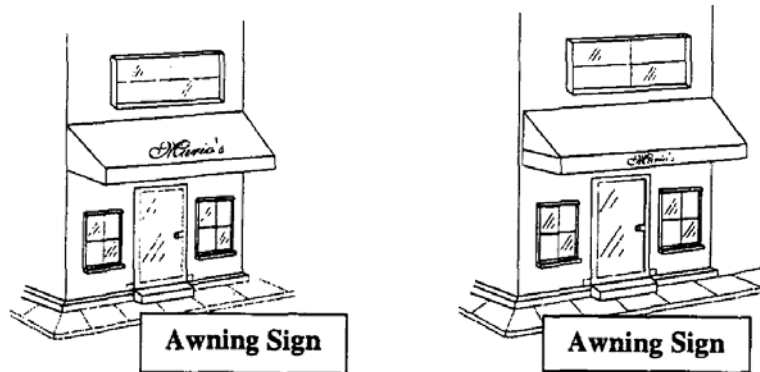
ADDRESS SIGN — a sign or individual lettering/numbering that designates the street number and/or street name for identification purposes, as designated by the United States Postal Service.

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ANIMATED SIGN — a sign with action or motion, flashing, color changes requiring electrical energy or electronic manufactures sources of supply, but not including wind actuated elements such as flags, banners or specialty items.

ARCHITECTURAL DETAIL — decorative elements of a building facade such as cornices, lintels, brackets, fish-scale shingles, columns, fluting and quoins that give the building its character.

ARTISAN SIGN — a temporary sign of workmen performing services at or alterations to a building.



AWNING SIGN — a sign painted, sewn, or applied directly onto any covered structure projecting from and supported by uprights or walls. The sign must be an integral part of the awning itself, and may not be a banner, hanging, temporary or other sign attached to the awning. The covered structure is itself freestanding or extending beyond the facade of the building wall, such as an awning, canopy or similar structure.

BACKLIT — an internally illuminated sign with an opaque background.

BANNER/PENNANT SIGN — a sign made of fabric or any non-rigid material, with no enclosed framework.

BILLBOARD — a freestanding, off-premises sign.

BULLETIN BOARD — a sign of permanent character, including a freestanding sign, but with movable letters, words, logo or numerals. Such signs indicate the names of persons associated with the premises; or events, products, or services offered upon the premises.

BUSINESS SIGN — a sign directing attention to a business, commodity, service or entertainment conducted, sold or offered upon the same premises as those upon which the sign is maintained.

CANOPY SIGN (freestanding) — a rigid multisided structure covered with fabric, metal or other material and supported by columns or posts embedded in the ground. May be illuminated by external sources.

CHANGEABLE COPY — copy containing or displaying letters, numbers or graphics which is designated to be readily changed, as for a gas station, theater marquee or similar use.

CIVIC EVENT SIGN — a sign, other than a commercial sign, posted to promote and advertise an activity sponsored by the Borough, school district, public agency, civic or charitable association, religious institution or other similar noncommercial organization.

DEVELOPMENT SIGN — a temporary sign indicating that the premises is in the process of subdivision or development.

DIRECTIONAL SIGN — a sign designating routes to points of interest, or designating points of ingress and egress to and from a property.

DIRECTORY SIGN — a sign designating businesses or offices located on a multitenanted lot; or designating businesses in a shopping, business, office or other type of center or integrated development, whether on one or more lots. For storefront uses arranged in strip fashion, the directory sign may also identify the name and address under which the multi-tenanted lot operates.

DOUBLE-FACED SIGN — a freestanding sign with two identical faces of equal sign area that are back to back and not more than 45 degrees apart.

EAVE LINE — the lower border of the roof where it joins with the facade (roof line).

ERECT — to build, construct, attach, hand, place, suspend or affix, which shall also include the painting of wall signs or other graphics.

EXTERNALLY ILLUMINATED SIGN — a sign illuminated by a light source that directs light onto the surface of the sign from a location outside the sign face.

FACADE — the exterior surface of a building up to the eave/roof line.

FESTOON LIGHTING — an electrically lighted sign comprised of either:

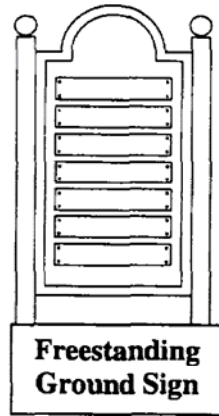
- A. A group of incandescent light bulbs hung or strung overhead or on a building or other structure(s).
- B. Light bulbs not shaded or hooded or otherwise screened to prevent direct rays of light from shining on adjacent properties or right-of-ways.

FLAG — a piece of fabric or other material of distinctive design that is used as a symbol of a nation, state, city, borough, agency or corporation and which is usually displayed hanging free from a staff or halyard.

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FLASHING SIGN — a sign for which the illumination is not kept constant in intensity at all times when in use and which exhibits changes in light, color, direction or animation. Illuminated signs that indicate the date, time and temperature will not be considered flashing signs.

FREESTANDING SIGN — a sign supported by one or more upright poles/posts that are permanently anchored in the ground.



FREESTANDING GROUND SIGN — a sign designated to be viewed from eye level or below within the immediate vicinity, and which is designed and intended to be viewed as an architecturally unified and proportional element. The sign shall be supported by two posts, one at each end of the sign face.

FREESTANDING POLE SIGN — a sign which is detached from a building and supported by poles or other structural supports which are architecturally dissimilar to the design of the sign. Any freestanding sign with only one supporting pole or post.

GOVERNMENTAL SIGNS — a sign which is detached for the control of traffic or for identification purposes, street signs, warning signs, danger or construction, which are erected by or at the order of a public officer, employee or agent thereof in the discharge of his official duties.

HOME OCCUPATION SIGN — a sign that designates home occupations as permitted in this Part.

IDENTIFICATION SIGN — a wall sign indicating the name or address of a building or the name of the management thereof.

ILLUMINATED SIGN — a non-flashing or non-twinkling sign, which has letters, figures, designs or outlines illuminated by a lighting source as a part of the sign.

INTERNALLY ILLUMINATED SIGN — a sign illuminated from a light source within the sign; including incandescent, fluorescent, inert gas ("neon") or any form of exposed tubing.

LANDMARK SIGN — an older sign of artistic or historic merit, uniqueness or extraordinary significance to the Borough as identified by the Borough Council.

LETTER HEIGHT — the height of a letter from its bottom to its top, including any shadow lines and other forms of outlining.

MONUMENT SIGN — a sign:

- A. With a supporting wall or base comprised of brick, stone, masonry, fiberglass, metal or similar material. The supporting structure is not counted in the sign area, but is counted toward the height. If the sign base is constructed on an impervious surface (i.e., asphalt, concrete, brick, etc.), the base of the sign must be surrounded by a small landscaped area extending 1'-2' feet outward from the sign in each direction.
- B. With no gap between the base of the sign and the ground (i.e., with no supporting posts).



MURAL — artwork applied to the wall of a building that covers all or most of the wall and depicts a scene or event of natural, social, cultural, or historic significance. A mural sign may not be used as a form of commercial advertising.

NAMEPLATE SIGN — a wall sign that designates the name and address of an occupant or group of occupants within any one building.

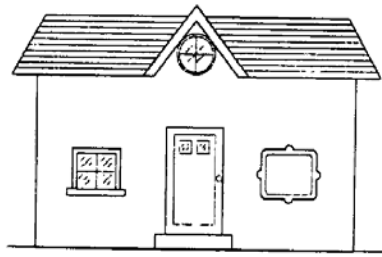
NONCONFORMING SIGN — any sign that has a valid permit, was erected prior to the effective date of this Article or any subsequent amendment hereto and which does not otherwise conform to the provisions of this Article.

OFF-PREMISES SIGN — a commercial sign, to include billboards, which is not located on the premises or entity indicated or advertised by said sign, or a commercial sign advertising a commodity, service or entertainment offered at a location other than the location of the sign.

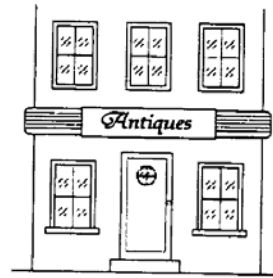
PARALLEL WALL SIGN — a sign mounted parallel to or painted on a wall or other vertical building surface, but does not extend horizontally beyond the edge of any wall or other surface to which it is mounted, and does not project more than 1 foot from the

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surface on which it is mounted. A parallel wall sign must not cover any window or architectural detail of the building.



Parallel Wall Sign



Part of Cornice

PENNANTS — any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in a series, designed to move in the wind.

PERSONAL EXPRESSION SIGN — a sign that displays an individual's political, personal, or religious belief.

POLITICAL SIGN — a temporary sign relating to the election of a person to a public office or a political party or a matter to be voted upon at an election by the general public.

PORTABLE SIGN — any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A- or T- frames; or menu and sandwich board sign; balloons used as sign; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.

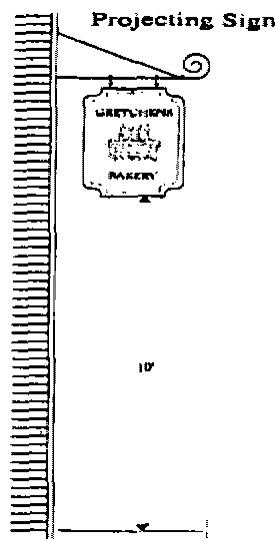
SANDWICH BOARD SIGNS — a movable sign consisting of two faces, connected and hinged at the top.



VEHICULAR SIGN — any vehicle to which a sign is affixed in such a manner that the carrying of such sign (s) is used primarily as stationary advertisement for the business on which the vehicle sits, or is otherwise not incidental to the vehicle's primary purpose. Also, signs mounted on a chassis and wheels.

PREMISES — any lot, building, business establishment or combination thereof held under single lease or ownership.

PROJECTING WALL SIGN — any sign mounted perpendicular to a wall or other vertical building surface, that does not project more than 4 feet from the surface on which it is mounted, nor project above the wall, roof line, or surface on which it is mounted. The sign must have a 10 foot clearance over a sidewalk.



REAL ESTATE SIGN — a temporary sign indicating the sale, rental or lease of the premises on which the sign is placed.

REGULATORY SIGN — any sign which is erected for any period of time to satisfy requirements or regulations promulgated by any federal, state or local governmental agency.

ROOF SIGN — a sign erected upon or above a roof or parapet wall of a building, and which is wholly or partly supported by that building.

SANDWICH BOARD SIGN — [See "Portable Signs: Sandwich Board Signs"]

SIGN — any writing, figure representation, logo, emblem, flag, lighting, banner, device, letter, word or street clock-and-temperature announcement, which shall include any announcement, declaration, display, illustration, name identification, description or insignia, which is used to advertise or promote the interest of any person or firm, where such representation is placed in the general view of the public.

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SIGN AREA — the area of all lettering, wording and accompanying designs and symbols, together with the background on which they are displayed, but excluding any supporting framework and bracing which are solely incidental to the display itself, provided that the same do not contain any such lettering, wording, designs or symbols. For the purpose of this chapter, "sign area" shall be computed as a square or rectangle drawn at the outer limits of the sign face. Where the sign consists of a double face, only one side shall be considered for the purpose of calculating total sign area. Where both sides are not identical or where the interior angle formed by the faces of a sign is greater than 45 degrees, all faces shall be considered in calculating total sign area. Any spacing between signs designating different or separate occupants or uses of a building shall not be included in the computed area(s) of regulated signs.

SIGN FACE — the part of a sign that is or can be used to identify, advertise and communicate information for visual representation that attracts the attention of the public for any purpose. This definition shall include any background material, panel, trim and color used that differentiates the sign from the building or structure on which it is placed. The sign structure shall not be included, provided that no message, display or symbol is designed and included as part of the structure.

SIGN HEIGHT — the distance from the highest portion of the sign, including all structural elements to mean grade. Earthen mounds on which a sign rests shall be counted towards the sign height.

SIGN STRUCTURE — a supporting structure erected and used for the purpose of identification or attracting attention, with or without a sign thereon, situated upon any premises where a sign may be located. This definition shall not include a building, fence, wall or earthen berm.

SNIPE SIGN — a permanent or temporary sign or poster affixed to a tree, fence, utility pole, parking meter, street sign, historical marker, traffic signal or control device, or upon rocks or natural features.

TEMPORARY SIGN — any sign erected for a period of time not to exceed 30 days in any one calendar year, unless otherwise stated. The following signs shall be considered temporary signs: Artisan, Banner, and Special Event. Some window signs may also be considered temporary. Political signs, real estate or development signs, sandwich board signs, and yard sale signs shall also be considered temporary signs but have regulations specific to their type.

- A. For rules governing political signs, see §27-1205(L).
- B. For rules governing real estate or development signs, see §27-1205(K).
- C. For rules governing sandwich board signs, see §27-1206(2)(B)(2)(j).
- D. For rules governing yard sale signs, see §27-1205 (I).

TIME AND TEMPERATURE SIGN — a display containing illuminated numerals flashing alternately to show the time and temperature.

VEHICULAR SIGN — [See "Portable Sign"]

WALL SIGN — [See "Projecting Wall Sign" or "Parallel Wall Sign."]

WINDOW SIGN — a sign mounted or painted on a window, or inside a structure and within 12 inches of the surface of the window, such that it is intended to be seen through a window from the outside. "Show window displays" are not included within this definition.

- A. Permanent Window Sign. A sign permanently affixed to or inside a window, or painted on the window.
- B. Temporary Window Sign. A sign not permanently affixed to a window, but placed inside a window so it may be seen from outside. These window signs include paper or cardboard signs taped or pressed against a window. Temporary window signs are used for advertising purposes.

(Ord. 469A, 4/9/1990; as added by Ord. 587, 6/14/2004, §1201)

§27-1203. General Requirements.

1. Area of a Sign.
 - A. The area of a sign shall be construed to include all lettering, wording, and accompanying designs and symbols, together with the background on which it is displayed, whether open or enclosed. The area of a sign shall not include any supporting framework, bracing, foundation or decorative trim that is incidental to the copy content of the display itself. For signs without background, the area shall be that of the smallest rectangle which encompasses all of the letters, designs and symbols.
 - B. Signs can be multi-sided. In the computation of the square-foot area of a double-sided sign, only one side shall be considered, provided all faces are identical in size. If the interior angle formed by the faces of a multi-sided sign is greater than forty-five degrees, then all sides of such sign shall be considered in calculating the sign area.
2. Height of a Sign. Maximum height of a sign is calculated at the top of the sign as measured from the ground level where the sign is located. The height of any earthen mound on which a sign is mounted shall be included in the allowable height.
3. Sign Lighting. Permitted signs may be illuminated by external lighting (lighting directed toward the sign), with the following regulations:

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- A. External lighting of any sign must be so shielded that the source of light shall not be visible from any point off the lot on which the sign, building, structure or area being illuminated is situated, and so that only the sign, building, structure, or area is illuminated thereby. It is unlawful to erect a sign where the illumination interferes with the visibility or readability of any traffic sign or device.
 - B. Internally illuminated signs are prohibited (for neon-light signs with exposed tubing, see subsection (D) below).
 - C. Maximum Lighting Spillover — Artificial lighting that crosses the property line must not exceed the following intensities:
 - (1) .5 footcandles for lighting falling onto an adjacent nonresidential use.
 - (2) .2 footcandles for lighting falling onto adjacent residential uses or street rights-of-way, or emanating from any property in a residential district.
 - (3) Measurement of Light
 - (a) Lighting levels shall be measured in footcandles with a direct-reading, portable light meter.
 - (b) The meter sensor shall be mounted not more than 6 inches above ground level in a horizontal position at the property line.
 - D. It is unlawful to erect a neon sign (internally illuminated with inert gas and having exposed tubing), unless it is mounted inside a window and conforms to the designated dimensional standards for window signs.
 - E. No sign shall be illuminated between midnight and 6:00 A.M. unless the premises on which it is located is open for business during those hours. If the business closes during those hours the sign must be shut off when the business closes.
4. Location of Signs.
- A. No sign shall be erected so as to endanger highway users by obscuring a clear view or by causing confusion with official street signs or signals due to its location.
 - B. sign shall be permitted within a sight triangle of an access way or street right-of-way.
 - C. No sign, except official traffic signs or those approved by Rockledge Borough, is permitted within a vehicular right-of-way.

- D. No sign shall be permitted in any public walkway except as provided in §27-1206(2)(B)(2)(j) Sandwich Board Signs.
 - E. No sign shall project over a public walkway unless it has a minimum clearance of 10 feet.
 - F. No free-standing ground sign or monument sign may occupy an area designated for parking, loading, walkways, cartways, driveways, fire lanes, easements, or other areas required to be unobstructed.
5. Construction of Signs.
- A. No sign shall be permitted to swing freely.
 - B. Every sign shall be constructed of durable materials, using non-corrosive fastenings, shall be structurally safe, and erected or installed in strict accordance with the Borough Building Code and shall be maintained in safe condition and good repair at all times.
 - C. No sign shall be erected so as to endanger highway users by causing confusion with official street signs or signals due to its color.
 - D. Signs may be constructed of various materials, but if a sign is constructed of plywood it shall be of exterior grade and have a weather resistant surface (known as medium density overlay).
 - E. Each freestanding ground sign shall be supported by two posts, one at each end of the sign face, which are aesthetically similar or otherwise visually compatible with the sign face.
 - F. No sign shall have guide wires as structural support. All necessary support for projecting signs shall be rigid rods.
 - G. Canvas awning signs are permitted, provided such material is fire-retardant, is firmly and tightly attached to secure and durable framing, and all vertical sections shall be rigidly attached to the main frame.
6. Permission of Owner or Occupant. It is unlawful to erect or maintain any sign on any property, public or private, without the consent of the owner or occupant thereof.

(Ord. 469A, 4/9/1990; as added by Ord. 587, 6/14/2004, §1202)

§27-1204. Prohibited Signs.

The following types of signs or illumination of signs is prohibited in the Borough:

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- A. Banners across public roadways, except for those serving a wholly municipal purpose.
- B. Freestanding pole signs.
- C. A sign with a light source that moves, or is not of constant intensity of color, including flashing or animated signs.
- D. Revolving signs, or signs with moving elements or a changing message, except those displaying the time and temperature.
- E. Festoon lighting or beacon lights.
- F. Signs containing reflective elements that sparkly or twinkle in the sunlight.
- G. Illuminated temporary signs.
- H. Internally-illuminated signs.
- I. Portable signs, except sandwich board signs, as regulated herein.
- J. Snipe Signs. Signs attached to a utility pole, parking meter, traffic signpost, traffic signal or control device, street sign, historical marker, tree, or rock. These signs may be removed immediately by the Code Enforcement Officer.
- K. Off-premises signs, as defined under "definitions".

(Ord. 469A, 4/9/1990; as added by Ord. 587, 6/14/2004, §1203)

§27-1205. Signs Exempt from Permits.

The following signs, to the extent indicated, are exempt from the permit provisions of this Part:

- A. Street Signs. Official highway signs, street name, directional or other traffic signs erected in accordance with the Pennsylvania Motor Vehicle Code.
- B. Private Property/No Trespassing Signs. Non-illuminated, on-site signs indicating private ownership or no trespassing of property and driveways, provided that the total area on any one side of such sign shall not exceed 1 square foot and shall not be spaced at intervals of less than 75 feet of street frontage.
- C. Personal Expression Signs. Non-illuminated, on-site signs expressing an opinion, interest, or position, and other similar signs (not including political signs); provided that the sign area shall not exceed 4 square feet, and pro-

vided that not more than one such sign shall be erected on any property in single and separate ownership.

- D. Governmental Flags, Insignias, or Decorative Banners.
- E. Legal Notices of a Governmental Agency.
- F. On-site Directional Signs/Signs Accessory to Parking Areas. (These signs do not count toward aggregate signage limits) Signs designating entrances or exits to or from a parking area shall be limited to one sign for each exit and one sign for each parking area shall be limited to one sign for each exit and one sign for each entrance with a maximum size of 4 square feet for each sign. One sign per parking area designating the conditions of use or identity of such parking area and limited to a maximum size of 6 square feet shall be permitted, provided that on a corner lot two such signs shall be permitted, one facing each street. Furthermore, these signs:
 - (1) Must not contain advertising (including logos).
 - (2) Must not obstruct the sight triangles at internal intersections on the premises.
- G. Temporary Window Signs. A sign not painted or permanently affixed to a window, but placed inside a window so it may be seen from outside. These window signs include paper or cardboard signs taped or pressed against a window. Temporary window signs are used for advertising purposes. The portion of window space covered by these signs must conform to dimensional regulations for window signs. Temporary window signs must be taken down after 30 days.
- H. Artisan Signs. A non-illuminated, on-site sign of a contractor, painter or artisan, only while such person is actually performing work on the premises, provided:
 - (1) The size of any such sign shall not exceed 6 square feet.
 - (2) The sign or signs shall be removed promptly upon completion of the work.
 - (3) Not more than one such sign for each contractor performing work on any one property shall be erected.
 - (4) There shall be no more than three such signs displayed on the property at any one time.
- I. Yard Sale Signs. An on-site sign advertising a yard sale, provided sign does not exceed 4 square feet in area, remains up no longer than four days and

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does not appear more than twice a year on the same premises. One such sign per road frontage is permitted.

- J. Public Signs. A public monument, historic, or public park identification sign or plaque erected by a government agency.
- K. Real Estate/Development Signs. A real estate sign is a temporary sign advertising the property for lease, rental or sale, or indicating the property has been sold. A development sign indicated the property is undergoing development. The following regulations apply to real estate/development signs:
 - (1) Such sign shall be erected only on the premises to which it relates.
 - (2) Such sign is not illuminated.
 - (3) The area of the sign shall not exceed 15 square feet for ROR, HB, and IN Districts, and 6 square feet for SUR, SURA districts, although a double-sided sign may be used.
 - (4) Nor more than one sign may be placed upon any property in single and separate ownership, unless such property fronts upon more than one street, in which event not more than one such signs may be erected on each frontage, although a double-sided sign(s) may be used.
 - (5) Such sign may also indicate that the property has been sold, but shall be removed within 72 hours following settlement, or 30 days, whichever is first.
 - (6) Directional signs for open houses may not be erected sooner than 72 hours prior to the open house, and must be removed within 24 hours after the open house.
- L. Political Signs. Temporary signs advertising political candidates or parties for election may be erected and maintained, provided that:
 - (1) The property owner must grant permission for the sign.
 - (2) The size of any such sign shall not exceed 6 square feet.
 - (3) No political signs may be placed on governmental, parkland, school district, or other public property.
 - (4) Political signs shall not be displayed more than 30 days prior to an election and must be removed no later than two days following the election. Successful primary candidates may not leave signs erected through to the general election.

- M. Service Signs. Permanent, non-illuminated, off-site signs directing patrons, members, or an audience to service clubs, churches, or other nonprofit organizations, provided the area of such signs does not exceed 4 square feet. Such signs shall indicate only the name or the organization, and the place, date and time of the meetings.
- N. Civic Event Signs. Temporary signs advertising civil, social, cultural, or political gatherings, or non-profit fundraising activities, may be erected off-site and maintained, provided that:
 - (1) A sign may be erected no earlier than thirty days prior to the activity to which the sign relates and must be removed no later than seven days following the event.
 - (2) The property owner must grant permission for the sign.
 - (3) The signs shall be non-illuminated.
 - (4) The size of any such sign shall not exceed 32 square feet.
- O. Informational Signs. Sign providing public service information, such as availability of restrooms, telephones, hospital locations, directional indicators to commonly visited area, parking locations, and the like, provided that:
 - (1) They do not advertise any for-profit entity.
 - (2) They shall not exceed 4 square feet in area.
 - (3) Such signs may be on-site or off-site, provided the property owner has granted permission for the sign.

(Ord. 469A, 4/9/1990; as added by Ord. 587, 6/14/2004, §1204)

§27-1206. Signs Requiring a Permit.

- 1. Temporary Signs Requiring a Permit.
 - A. "Coming Soon" Signs. In conjunction with any property or business, a "Coming Soon" sign may be erected on a premises in the ROR/HB Districts, provided an occupancy permit has been applied for by the arriving business and such signs should not remain in excess of 90 days except upon approval of the Rockledge Borough Council with such conditions that may be placed by the Borough Council. Signs shall conform to all other ROR or HB District Sign Regulations.
 - B. Banner Signs.

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- (1) Banners Over Roads and Within the Right-of-Way. These banners shall be limited to those serving a wholly municipal purpose. Not permitted is the erection of banners over roadways for any other purpose. For purposes of this ordinance, "municipal purpose" means banners that make the public aware of events or programs organized or sponsored by the Borough. The Borough will erect such signs only over Huntingdon Pike and on poles in the right of way. They will be secured so as not to pose a danger to pedestrian or vehicular traffic. The Borough will not entertain requests from outside persons or institutions to erect banners, regardless of the nature of the matter sought to be advertised and regardless whether the request is submitted by an individual, business, or non-profit entity.
- (2) Private Banners. Private banners require a permit and may not be erected over roadways or the right-of-way. They must be secured so as not to pose a danger to persons or property. The maximum size of banners is 24 s.f., and they must be taken down after 30 days.

2. Permanent Signs Requiring a Permit.

- A. Institutional Use Signs. Institutional Use Signs in the Retail-Office-Residential (ROR)/Highway-Business (HB) Districts shall be governed by regulations affecting the district where they are located. Institutional Use Signs in the Institutional (IN), Single-Family Urban Residential (SUR), and Single-Family Urban Residential Alternative (SUR-A) Districts shall be permitted to have the following signs, in addition to those signs included in §27-1205, Signs Exempt from Permits and §27-1206(1), Temporary Signs Requiring Permits:
 - (1) Identification-Activities Sign. For a hospital, school, church, municipal building, or other institutional uses, on the same lot therewith, for the purpose of displaying the name of the institution and its activities or services provided that the area on any one side of such sign shall not exceed 15 square feet provided that not more than one such sign shall be erected on any one street frontage.
 - (2) Building Identification-Building Use Sign. Each building shall be permitted to have a sign identifying the name, use or purpose of said building provided that the total area of any one side of such sign shall not exceed 10 square feet.
 - (3) These signs shall be subject to the following requirements:
 - (a) A maximum of three signs shall be permitted on each property.
 - (b) Nor more than one sign of each type shall be permitted on a property, with the exception of parallel wall and awning. Also, if

a monument sign is constructed a freestanding ground sign will not be permitted, and vice versa.

- (c) Maximum height to the top of any sign shall not exceed the height limits for each sign type. Wall and awning signs shall not exceed the lower of 15 feet or the roof line.
- (d) Setback of freestanding or monument signs from the curb or edge of pavement of any street shall not be less than 10 feet.
- (e) Each parallel wall sign shall have its entire inner surface flush with the building wall and no part of the sign shall project beyond the building line more than 12 inches.
- (f) Sign Regulation Matrix. In the IN District, the following sign regulations shall apply to permanent signs requiring a permit:

Matrix 1: Institutional Use Signs

(Permanent, Requiring a Permit) in the Institutional (IN), Single-Family Urban Residential (SUR), and Single-Family Urban Residential-Alternative (SUR-A) Districts. Institutional Use Signs in ROR and HB Districts are Governed by Rules in Those Districts.

	Freestanding Ground or Monument Sign	Parallel Wall Sign	Projecting Wall Sign	Awning Sign	Aggregate (All signs requiring permits combined)
Identification – Activities	Max Area: 15 s.f.	Max Area: 15 s.f.	Max Area: 15 s.f. Max Height: 15' or roof line, whichever lower; May not project more than 4' wall	Max Area: 15 s.f.	Max 3 signs; not more than one of either freestanding ground or monument (one of each not allowed). Total area: .30 s.f. (for frontage at least 30 ft. but not more than 50 ft.) 40 s.f. (for frontage at least 50 ft. but not more than 100 ft.) 50 s.f. (for frontage 100+ s.f.)
Building Identification – Building Use	Max Area: 10 s.f.	Max Area: 10 s.f.	Max Area: 10 s.f.; Max Height: 15' or roof line, whichever lower; may not project more than 4' from wall	Max Area: 10 s.f.	

- B. Signs in the Retail-Office-Residential (ROR) and Highway-Business (HB) Districts, in addition to those signs in Section 1205, Signs Exempt from Permits, and Section 1206.1, Temporary Signs Requiring Permits. These signs are permanent and require a permit. Residential uses in the ROR and HB Districts are Governed by the Rules of Residential Districts (SUR/SUR-A).

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- (1) Business signs and signs permitted in the SUR, SUR-A, and IN Districts.
- (2) These signs shall be subject to the following requirements:
 - (a) A maximum of three signs shall be permitted on each property.
 - (b) Not more than one sign of each type shall be permitted on a property, with the exception of parallel wall, awning, and window signs. Also, if a monument sign is constructed a freestanding ground sign will not be permitted, and vice versa.
 - (c) Maximum height to the top of any sign shall not exceed the height limits for each sign type. Wall, window, and awning signs shall not exceed 15 feet.
 - (d) Setback of freestanding or monument signs from the curb or edge of pavement of any street shall not be less than 10 feet.
 - (e) Where a building wall is less than 20 feet from the curb or edge of pavement of any street, a freestanding sign shall be limited to 1/2 the size permitted unless it is parallel to the street.
 - (f) Where a building wall is less than 15 feet from the curb or edge of pavement of any street, a freestanding or monument sign will not be permitted.
 - (g) In achieving the aggregate sign size permitted, no sign shall exceed the maximum size permitted for its type.
 - (h) No freestanding sign shall be permitted closer than 5 feet from the edge of any driveway or vehicular access location.
 - (i) Each parallel wall sign shall have its entire inner surface flush with the building wall and no part of the sign shall project beyond the building line more than 12 inches.
 - (j) Sandwich Board Signs. Portable sandwich boards shall be permitted only in the Retail-Office-Residential (ROR) and Highway-Business (HB) Districts. The following regulations apply:
 - 1) A maximum of one sandwich board sign per property may be established.
 - 2) Sandwich board signs shall not count toward the maximum aggregate sign area.

- 3) Sandwich boards shall be located either adjacent to the building or adjacent to the curb. In either location, at least 3 feet of sidewalk shall be left unobstructed.
- 4) Sandwich boards shall be weighted at the base so the sign cannot be moved by strong winds; however, no sign shall be chained, tied or otherwise affixed to any structure or object.
- 5) Sandwich board signs shall be removed from the sidewalk at close-of-business each day.

(k) Sign Regulation Matrix. In the ROR and HB Districts, the following sign regulations shall apply:

Matrix 2: Signs in Retail-Office-Residential (ROR) and Highway Business (HB) Districts, for Single & Separate Uses.

All signs in matrix require permit except temporary window signs and sandwich board signs (Residential Uses in ROR and HB Districts Governed by Rules of Residential Districts)

	Free-standing Ground or Monument Sign	Parallel Wall Sign	Projecting Wall Sign	Window Sign (temp or permanent)	Awning Sign	Sandwich Board Sign	Aggregate (All signs requiring permits combined)
Lots with less than 30 feet of street frontage	Not Allowed	25 s.f.	12 s.f.; Maximum Distance from Wall: 4 ft.	May not exceed 1/3 of each window opening nor 25% of total glass area.			
Lots with at least 30 feet but less than 50 feet of street frontage	Free-standing: 12 s.f. Monument Free-standing Monument Height: 7 ft., Monument Height: 6 ft.	25 s.f.	12 s.f.; Maximum Distance from Wall: 4 ft.	May not exceed 1/3 of each window opening nor 25% of total glass area	15 s.f.	8 s.f.	30 s.f.
Lots with at least 50 but less than 100 feet of street frontage	Free-standing: 20 s.f., Monument: 24 s.f. Freestanding Monument Height: 10 ft., Monument Height: 6 ft.	35 s.f.	15 s.f.; Maximum Distance from Wall: 4 ft.	May not exceed 1/3 of each window opening nor 25% of total glass area	15 s.f.	8 s.f.	40 s.f.

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	Free-standing Ground or Monument Sign	Parallel Wall Sign	Projecting Wall Sign	Window Sign (temp or permanent)	Awning Sign	Sandwich Board Sign	Aggregate (All signs requiring permits combined)
Lots with at least 100 feet of street frontage	30 s.f. Free-standing Monument Height: 12 ft., Monument Height: 8 ft.	45 s.f.	15 s.f.; Maximum Distance from Wall: 4 ft.	May not exceed 1/3 of each window opening nor 25% of total glass area	15 s.f.	8 s.f.	50 s.f.

Note: For the purposes of Matrix 2, "frontage" is limited to that on the one street referred to by each property's street address.

- (l) **Joint Sign Agreement.** The owners of two or more contiguous lots may establish a joint sign agreement, whereby they jointly construct and maintain one freestanding ground or monument sign to serve the properties, with the following stipulations:
 - 1) The permissible sign area shall be based on their combined street frontage. The sign face must be divided equally among the property owners participating in the construction and maintenance of the sign.
 - 2) The sign text shall be limited to the name and address of each business/service/organization party to the agreement.
 - 3) If one or more of the parties to the sign agreement becomes unable or unwilling to continue participating in the sign agreement (e.g., if a business ceases operations, moves, or a new tenant arrives that is not interested in participating in the sign agreement) the sign must be removed within 30 days.

- (m) **Multi-Tenanted Conditions.** The requirements of §27-1206(2)(B) shall apply to the conditions described in this subsection, as modified within this subsection.
 - 1) A lot with more than one tenant or business operation, or a shopping, business, office, or other type of center or integrated development, whether on one or more lots shall be subject to the requirements of subsection (m), and shall be termed a "multi-tenanted lot."
 - 2) A freestanding ground, monuments, or wall-mounted sign shall identify the name and/or address under which the multi-tenanted lot operates (such as "Smith Street Office

Center'), as well as the tenants utilizing the lot, under the requirements of §27-1206(2)(B), herein.

- 3) In addition to the signs permitted by §27-1206(2)(B)(2)(k), each tenant of a multi-tenanted lot shall be permitted additional signage as follows:
 - a) For storefront uses arranged in strip fashion, signs shall be confined within a "sign band" which is a strip no more than 2 feet high on the facade of the building, extending the length of the building. The length of the sign for each store front use shall not exceed 75% of the length of the store front for that use. The top of the "sign band" shall not be more than 15 feet high.
 - b) For restaurants, offices buildings, or residential buildings converted into non-residential uses, additional signs shall be permitted as follows:
 - i) At building entrances used by only one or two tenants, one wall-mounted sign for each tenant may be installed adjacent to the entrance.
 - a. Maximum area of each sign shall be 10 square feet.
 - b. Signs shall be mounted with the top of the sign not more than 10 feet above the entrance threshold.
 - ii) At building entrances used by three or more tenants, one directory sign may be installed, provided that it is within 15 feet of the building entrance.
 - a. Directory signs must be wall-mounted.
 - b. Maximum area of each directory sign shall be 20 square feet.
 - c. Signs shall be mounted with the top of the sign not more than 10 feet above the entrance threshold.
 - d. Directory signs which list tenants of a property shall be permitted only as

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regulated by Section 1205(2)(B)(m)(2) and 1205(2)(B)(m)(3)(b)(ii)

- 3. New signs are required to be compatible with design guidelines (when and if they are adopted)

Matrix 3: Signs for Multi-Tenanted Lots in Retail-Office Residential (ROR) and Highway Business (HB) Districts

	Directory Sign	Parallel Wall Sign (per store-front)	Window Signs, Awning Signs, Sandwich Board Signs, and Aggregate Sign Area (per storefront)
Storefront Uses Arranged in Strip Fashion (200 ft. of frontage or greater)	May Identify Name and/or Address Under Which Multi-Tenant Lot Operates, as well as tenants; May be Monument, Free-standing Ground, or Wall. Max Dimensions: Free-standing Ground – Height: 14', Area: 4 s.f.; Monument: Height: 10', Area: 50 s.f. Illumination: External	Signs shall be confined within a "sign band", no more than two feet high. The top of the sign band shall not exceed 15' in height. Length of sign band shall not exceed 75% of facade length of each storefront. Illumination: External	(same regulations per storefront as in Matrix 3)
Storefront Uses Arranged in Strip Fashion (less than 200 ft. of frontage)	Same as above, but Max Dimensions: Freestanding Ground – Height Area: 35 s.f.; Monument: Height: 8', Area: 45 s.f. Illumination: External	Signs shall be confined within a "sign band", no more than two feet high. The top of the sign band shall not exceed 15' in height. Length of sign band shall not exceed 75% of facade length storefront. Illumination: External	(same regulations per storefront as in Matrix 3)
Restaurants, Office Buildings, or Residential Buildings Converted into Non-Residential Uses (1 or 2 tenants)	None	At building entrance with 1 or 2 tenants: one (1) wall-mounted sign for each tenant may be installed adjacent to the entrance. Max Area of Sign: 10 s.f. Max Height: 15'.	(same regulations per storefront as in Matrix 3)
Restaurants, Office Buildings, or Residential Buildings Converted into Non-Residential Uses (3+ tenants)	None	At building entrances with 3 or more tenants: one wall-mounted directory sign may be installed, provided, that it is within 15 feet of the building entrance. Maximum area: 20 s.f. Maximum height: 15'	(same regulations per storefront as in Matrix 3)

- C. Signs in the Limited Industrial (LI) District.

- (1) The following signs and no other, shall be permitted without permits:
 - (a) Every sign permitted in any other district; provided that the use to which it refers is permitted in the Limited Industrial District.
 - (b) Every sign advertising any permitted use, or the name of the owner or occupant of the premises, or the activity conducted thereon shall be erected only upon the same lot and shall be subject to the limitations for signs in the ROR and HB Districts.
- (2) The following sign shall require a permit: off-premises, freestanding signs (including billboards). The following regulations apply to these signs:

Matrix 4: Sign in Limited Industrial (LI) District

Zone	Purpose	Form	Restrictions and Guidelines
Limited Industrial	Off-Premises	Freestanding	Maximum Area: 120 s.f.; Maximum Height: 14 ft.; Minimum Setback: 15 ft. from Right-of-Way; Minimum Separation: 500 ft. along one street; Illumination: None

(Ord. 469A, 4/9/1990; as added by Ord. 587, 6/14/2004, §1205)

§27-1207. Conditional Use.

Mural signs may not serve as a form of commercial advertising. Before approving a conditional use for a mural sign, Borough Council shall:

- A. Ensure the proposed sign is appropriate to the style, period, type, size, and scale of the building for which it is proposed.
- B. Consider whether the proposed mural enhances the aesthetics of its local environs, and is a good fit with regards to size, colors, content, and design.
- C. Consider whether the proposed mural depicts a scene or event of natural, social, cultural, or historic significance (see §27-1202. Definitions, "Mural Sign").
- D. Consider testimony from property owners in the vicinity regarding the merits of the proposed mural design and location.

(Ord. 469A, 4/9/1990; as added by Ord. 587, 6/14/2004, §1206)

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§27-1208. Application to Erect a Sign.

1. Unless specified in §27-1205 Signs Exempt from Permits, no person shall erect, after the effective date of this Ordinance, any sign without having first obtained a permit from the Zoning Officer, following the filing of an application on a form to be supplied by the Zoning Officer. Such application shall be accompanied by a fee that shall be fixed according to the schedule adopted by Borough Council. The application shall include:
 - A. A site plan showing the location of the sign in relation to buildings, structures, property lines, and public or private rights-of-way. The width of street frontage(s) at the legal right(s)-of-way on the subject property shall be shown.
 - B. A drawing of the proposed sign showing specific dimensions of all elements of the sign, including sign copy, lettering, words, symbols, and designs to be displayed, along with a written explanation of any illumination or unusual feature of the sign.
2. No permit for a new sign shall be issued unless the proposed sign complies with all the applicable regulations herein.
3. The Borough reserves the right to inspect all signs to ensure structural integrity and promote public safety. The Borough may hire an inspector(s) competent in this field and charge sign owners a fee equal to the cost of inspection.

(Ord. 469A, 4/9/1990; as added by Ord. 587, 6/14/2004, §1207)

§27-1209. Nonconforming and Obsolete Signs.

This Section is intended to eliminate nonconforming signs, except as otherwise specifically set forth in this Section, as rapidly as the police power of the Borough permits. Any lawfully erected sign, the maintenance of which is made unlawful by this Part, may continue to be maintained exactly as such sign existed at the time when the maintenance thereof became otherwise unlawful under the provisions of this Part.

- A. No nonconforming sign shall:
 - (1) Be changed to another nonconforming sign;
 - (2) Be structurally altered so as to prolong the life of the sign or so as to change the shape, size, type, or design of the sign; however, signs may be repainted.
 - (3) Be re-established after the activity, business, usage or land use to which it relates has been discontinued for 90 days or longer; or

- (4) Be re-established after damage or destruction; or be repaired, the sign copy changed, or sign panels replaced, unless:
 - (a) The estimated expense of reconstruction does not exceed 25% of the sign's reproduction cost, as estimated by the Borough Code Enforcement Officer.
 - (b) Such actions do not increase the dimensions of the existing sign, nor in any way increase the extent of the sign's nonconformity.
- B. A sign on a building or structure that does not conform to this Part shall be removed or altered so as to be in conformity with the standards contained herein when the building or structure is demolished or when a building or structure renovation or expansion amounts to over 50% of the market value of the building or structure, as assessed by the Borough Code Enforcement Officer.
- C. The Zoning Hearing Board may permit variances from the requirements of subsection (A) of this Section or variances permitting the maintenance of a nonconforming sign only upon the grounds established by law for the granting of zoning variances and upon a finding that the grant of a variance will reduce the degree of nonconformance of an existing sign or will result in the removal of one or more lawfully nonconforming signs and replacement by a sign or signs more in keeping with the spirit, purpose, and provisions of this Part.
- D. **Obsolete Signs.** It is unlawful to maintain for more than 90 days any sign that has become obsolete because of discontinuance of the business, service or activity that it advertises (including change of tenancy), removal from the location to which it directs, or for any other reason. However, if the same use is re-established within the ninety-day period the sign may remain. The fact that an obsolete sign is nonconforming shall not be construed as modifying any of the requirements of this Section.
- E. A nonconforming sign must be removed within 14 days after notification by the zoning officer or be made to conform to this Part in every respect whenever:
 - (1) It is not securely attached to the ground, wall or roof and can be easily moved.
 - (2) It becomes so deteriorated that it no longer serves a useful purpose of communication and is a nuisance as determined by the Borough.
 - (3) It is abandoned by the owner, or the use is abandoned.

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F. A snipe sign may be removed immediately by the Zoning Officer.

(Ord. 469, 4/9/1990; as added by Ord. 587, 6/14/2004, §1208)

PART 13

OFF-STREET PARKING AND LOADING

§27-1301. Declaration of Legislative Intent.

In expansion of and in addition to the Declaration of Legislative Intent found in Part 1, §102 of this Chapter, and the Statement of Community Development Objectives found in Part 1, §27-103, of this Chapter, it is the intent of this Part to:

- A. Set reasonable standards and provide reasonable controls to assure sufficient parking capacity for the uses or potential uses of land in the Borough.
- B. Provide flexibility in the implementation of these standards by permitting construction of a reduced number of parking spaces under appropriate conditions.
- C. Prevent hazards to public safety caused by the intrusion and congestion of parking upon public rights-of-way.

(Ord. 469A, 4/9/1990, §1300)

§27-1302. Required Off-Street Parking Capacity.

Any building or structure erected, altered, or used, and any lot used or occupied for any of the following purposes shall be provided with the minimum number of parking spaces set forth below, together with adequate driveways and street access in compliance with the requirements of the Rockledge Borough Subdivision and Land Development Ordinance.

Use	Requirement
Dwelling unit, elderly housing	1 space per dwelling unit;
Dwelling unit, all other types	2 spaces per dwelling unit
Places of Assembly such as, church or auditorium	1 space per 3 seats.
Retail Stores	1 space per 100 square feet of gross sales floor area, including those areas occupied by shelves and displays accessible to customers.
Business Offices or Financial Institutions	1 space per 250 square feet of gross floor area.
Laboratory or Industry	The larger of 1 space per employee or 450 square feet of gross floor area.

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Use	Requirement
Services	
Doctor, dentist, or similar type, including out-patient clinics	7 spaces per doctor, dentist, or similar practitioner
Barber, beautician, tailor, or similar type	3 spaces per barber, beautician, or similar practitioner
Plus	1 space per 2 employees not included in A or B, above.
Tourist Home, Rooming House, Bed and Breakfast	2 spaces, plus 1 space per rental unit.
Self-service laundry	1 space per 3 washing and/or dry cleaning machines.
Place of Indoor Amusements (not sports or exercise)	1 space per 100 square feet of gross floor area.
The following uses require 1 space per employee and/or volunteer on the largest shift or during peak periods, plus the number of spaces listed below:	
Library, museum or similar place	1 space per 800 square feet of floor area in public use.
Hotel, motel, or similar use	1 space per rental unit.
Motor vehicle repairs (body or mechanical)	3 spaces per service bay.
Vehicle sales	1 space per 500 square feet of indoor sales area, plus 1 space per 5,000 square feet of outdoor sales area.
Meeting, training, or classroom space as a primary use	1 space per 2 seats of total seating capacity
Restaurants	
Drive-in or fast food	the larger of 1.5 spaces per table or booth, or 1 space per 50 square feet of gross floor area; minimum of 25 spaces.
All others	1 space per 50 square feet of gross floor area.
Indoor sports facility	1.5 spaces per person for maximum court and exercise equipment capacity.
Studio for dance, art, music or photography	1 space per 5 students, and/or 1 space per 300 square feet of gross floor area for non-student patrons.
Day Care Center	1 space per 3 children at maximum capacity.

(Ord. 469A, 4/9/1990, §1301)

§27-1303. Parking Held in Reserve.

If the number of spaces required by §27-1302 herein is substantially larger than the number of spaces anticipated by the applicant, then the concept of parking held in reserve may be used to avoid unnecessary paving while ensuring adequate area for potential parking demands.

- A. Suitable area must be available on the site for 100% of the parking required by §27-1302, above.
- B. The number of spaces which must be paved initially may be reduced by up to 50% by the Borough Council, upon recommendation of the Borough Planning Commission and Engineer.
- C. Suitable area must be reserved for the balance of the total number of spaces required by §27-1302, which spaces shall be constructed by the applicant if and when determined necessary by the Council, upon recommendation of the Borough Planning Commission and Engineer. The Council may require the installation of these parking spaces under the following conditions:
 - (1) Evidence of a continued overflow of parking as installed by the applicant.
 - (2) Re-evaluation of necessary parking capacity upon a change in status of use, ownership, number of employees, and/or size of building or land area used.
- D. A financial guaranty shall be provided by the applicant to cover the cost of installation of the parking spaces held in reserve, for a period of 1 year following installation of the initially constructed parking spaces. The type and dollar value of the guaranty must be approved by the Borough Council upon recommendation of the Borough Solicitor and Engineer.
- E. To qualify for use of the reserve parking concept, the applicant shall provide evidence supporting reduced parking needs to the Borough Planning Commission and engineer for their review and recommendations.

(Ord. 469A, 4/9/1990, §1302)

§27-1304. Additional Requirements.

All parking spaces provided in compliance with this Chapter shall comply with the requirements of the Rockledge Borough Subdivision and Land Development Ordinance [Chapter 22].

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- A. Parking and driveways for non-residential uses shall be paved.
- B. Parking and driveways for single-family detached residential uses need not be paved, but must be of all-weather construction.
- C. Parking and driveways for all other residential uses shall be paved.

(Ord. 469A, 4/9/1990, §1303)

§27-1305. Reduction of Nonresidential Requirements by Special Exception.

The nonresidential parking spaces required herein may be located elsewhere than on the same lot when authorized as a special exception, subject to the following conditions.

- A. The owners of two or more establishments shall submit, with their application for special exception, a site plan showing joint use and location of a common off-street parking area.
- B. Some portion of the common off-street parking area lies within 200 feet of an entrance, regularly used by patrons, into the buildings served thereby.
- C. The Zoning Hearing Board may, in its discretion, reduce the amount of required parking space upon determination that greater efficiency is effected by joint use of a common parking area, but in no case shall the number of off-street parking spaces be reduced by more than 20% of the required number of spaces.

(Ord. 469A, 4/9/1990, §1304)

§27-1306. Design Requirements for Nonresidential Parking Lots.

All nonresidential parking lots shall be operated and maintained in accordance with all of the following conditions:

- A. They shall not be used for the sale, repair, long-term inactive storage or dismantling of any vehicles, equipment, materials or supplies, except where such uses are clearly and customarily incidental to the permitted nonresidential use as specified in this Chapter.
- B. They shall be properly graded for drainage; surface with concrete, asphaltic concrete, asphalt, oil or any dust-free surfacing and maintained in good condition, free of weeds, dust, trash or debris.
- C. They shall be provided with entrances and exist so located to minimize traffic congestion and the effect of headlight glare.

- D. They shall be provided with wheel or bumper guards so located and arranged that no part of any parked vehicles will extend beyond the boundaries of the parking lot.
- E. Lighting facilities shall be so arranged that they neither unreasonably nor unnecessarily disturb occupants or adjacent residential properties not interfere with traffic by either location of glare.
- F. A buffer strip 25 feet in width shall be provided along each property line abutting a residential district. The landscaping requirements of §27-803(F) of this Chapter shall apply to all nonresidential parking lots.
- G. There shall be no more than one attendant shelter building containing not more than 50 feet of gross floor area and set back a distance of not less than 20 feet from any boundary of the parking lot which abuts a Residential District.
- H. A fence not less than 8 feet in height shall be erected along each property line which is adjacent to a residential district. Such fence shall be of a closed or solid construction so designed as to minimize headlight glare, noise and dust.
- I. No parking area shall abut directly upon a public street, but instead shall be separated from the street by curbed planting strips a minimum of 5 feet in depth from the edge of the cartway or sidewalk, with suitable breaks for accessways.
- J. Each property shall have not more than one accessway on each street on which the property abuts; each accessway shall be not more than 30 feet wide.

(Ord. 469A, 4/9/1990, §1305)

§27-1307. Reduction of Facilities.

Off-street parking facilities existing at the effective date of this Chapter or off-street parking facilities provided to comply with the provisions of this chapter shall not subsequently be reduced below the requirements of this Chapter except in accordance with the requirements of §27-1305, herein.

(Ord. 469A, 4/9/1990, §1306)

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§27-1308. Mixed or Multiple Uses.

In the case of mixed or multiple uses within a single structure or building or the use of land, the amount of off-street parking required shall be determined by the sum of the requirements of the various uses computed separately in accordance with §27-1302, herein, except where the applicant(s) qualifies under §27-1305, herein.

(Ord. 469A, 4/9/1990, §1307)

§27-1309. Required Off-Street Loading and Unloading Space.

Off-street loading berths shall be provided and maintained, on the same lot with such buildings, in accordance with the following schedule:

- A. Off-Street Loading Requirements.
 - (1) Schools of 15,000 square feet or more—one loading berth.
 - (2) Offices of 10,000 square feet or more—one loading berth.
 - (3) Commercial and Institutional Uses. One loading berth for the first 5,000 square feet up to a maximum of 10,000 square feet. One additional loading berth for each additional 10,000 square feet or major fraction thereof.
 - (4) Each loading space shall not be less than 12 feet wide, 56 feet long and 14 feet high, and may occupy part of any required side or rear yard, except that portion which is required to be used for buffer area in compliance with Borough requirements.
 - (5) Loading and unloading space shall be separated from the street by a curbed planting strip a minimum of 5 feet in depth, with a suitable break for vehicular access, not more than 30 feet wide.
- B. Outdoor Storage Areas. Areas used for outdoor storage shall not abut existing residential development, a residential street or any residential district and the operation thereof shall be governed by the following provisions and any other conditions as may be required by the Borough Council to protect the public health, safety, comfort, convenience and general welfare, especially with regard to abutting properties and the occupants thereof.
 - (1) Flammable and Explosive Liquids. No highly flammable or explosive liquids, solids or gases shall be stored in bulk above ground. Tanks or drums of fuel directly connecting with heating devices or appliances located on the same premises as the tanks or drums of fuel are excluded from this provision.

- (2) Fencing and Setbacks. All outdoor storage facilities shall be enclosed by a fence or wall adequate to conceal such facilities and the contents thereof from adjacent property. Such walls and fences shall be located not less than 20 feet from all property lines which abut a residential district, a residential street or existing residential development, but in any other case shall be located not less than 10 feet from any property line and shall be located not less than 25 feet from any public road.
- (3) Deposit of Wastes. No materials or wastes shall be deposited on any premises in such form or manner that they may be transferred off such premises by natural causes or forces.
- (4) Other Hazardous Materials. All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible by or otherwise be attractive to rodents or insects shall be stored outdoors only in closed containers.

(Ord. 469A, 4/9/1990, §1308)

PART 14

NONCONFORMING STRUCTURES, USES AND LOTS

§27-1401. Nonconforming Structures, Uses and Lots

1. Continuation. Any lawful nonconforming structure, use, or lot, as defined herein, may be continued except as otherwise provided herein.
2. Extension. Any lawful nonconforming use of a portion of a building may be extended throughout the building and any lawful nonconforming building or any building of which a lawful nonconforming use is made may be extended upon the lot occupied by such building and held in single and separate ownership on the effective date of this Chapter; provided, that the area of such building shall not be increased by more than a total of 25% of the area of such building existing on the date it first became a lawful nonconforming building or a building of which a lawful nonconforming use is made and; provided further, that any structural alteration, extension or addition shall conform with all height, area, width, yard, density and coverage requirements for the district in which it is located, except in the case of a converted dwelling when permitted by special exception issued by the Zoning Hearing Board.
3. Change. Any lawful nonconforming use of a building or land may be changed to another nonconforming use which is equally appropriate or more appropriate to the district in which the property is located and is no more detrimental than the existing nonconforming use. The new nonconforming use shall thereafter not be subject to any further change except to a conforming use, and for such purpose a building may be extended in accordance with subsection (2), hereinabove. Whenever a nonconforming use of a building or land has been changed to a conforming use, such conforming use shall not thereafter be changed to a nonconforming use.
4. Restoration. Any lawful nonconforming structure which has been involuntarily damaged or destroyed by fire, explosion, flooding, windstorm or other similar active cause, to an extent of not more than 75% of its fair market value, may be reconstructed in the same location, provided that the reconstructed building or structure shall not exceed the height area, or volume of the damaged or destroyed building or structure, except as provided in subsection (2) of this Section, hereinabove and reconstruction shall begin with 1 year from the date of damage or destruction and shall be carried on without interruption.
5. Cost Determination. In determining the restoration cost of any structure devoted to a nonconforming use or of a nonconforming structure, there shall not be included in such cost the cost of land or any factors other than the cost of the structure itself.
6. Abandonment. If a lawful nonconforming use of a structure is abandoned or discontinued for a continuous period of 1 year or more, or if a lawful nonconforming

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use of land is abandoned or discontinued for a continuous period of 6 months or more, subsequent use of such structure or land shall be in conformity with the applicable provisions of this Chapter.

7. **Structure Condemned.** A nonconforming structure which has been legally condemned shall not be rebuilt or used except in accordance with the applicable provisions of this Chapter.
8. **Nonconforming Signs.** Every lawful nonconforming sign shall be discontinued and removed, or changed to a conforming sign, within a period of 2 years from the effective date of this Chapter, provided that signs which, at the effective date of this Chapter, are maintained in connection with and upon the same lot as a lawful nonconforming use may be maintained or repaired or replaced with signs similar in size and character so long as such lawful nonconforming use continues, but may not be enlarged or otherwise substantially altered (or changed) except in accordance with the regulations applicable to the district in which such lot is located. All such signs shall comply with the terms of Part 12, herein.

(Ord. 469A, 4/9/1990, §1400)

§27-1402. Nonconforming Lots.

1. When authorized as a variance, a structure may be erected or altered on any nonconforming lot held in single and separate ownership on the effective date of this Chapter which is not of the required minimum area or width or is of such unusual dimensions that the owner would have serious difficulty in satisfying the dimensional requirements for the district in which the lot is situated.
2. The development of two or more contiguous undeveloped nonconforming lots which are held in single ownership, within a subdivision which has been duly recorded prior to the effective date of this Chapter, which are individually not of the required minimum area or width for the district in which they are situated, shall be in accordance with the requirements in Part 4 §27-404, herein.

(Ord. 469A, 4/9/1990, §1401)

§27-1403. Temporary Nonconforming Use.

A temporary nonconforming use, which will benefit the public health or welfare or promote proper development of a district in conformity with the intent of this Chapter, may be permitted for a period of not more than 1 month, on the approval of the Zoning Hearing Board, but any such use to be permitted for a longer period shall require a public hearing thereon, after which a Zoning Hearing Board Certificate may be issued for a period not exceeding 1 year in any case.

(Ord. 469A, 4/9/1990, §1402)

§27-1404. Mapping and Recording of Nonconforming Uses.

The Zoning Officer may perform a survey of the Borough and record and map all uses nonconforming to the district requirements set forth in this Chapter. Such record and map shall be available for inspection at the Borough Municipal Building.

(Ord. 469A, 4/9/1990, §1403)

PART 15
ADMINISTRATION

§27-1501. Zoning Officer.

The provisions of this Chapter shall be enforced by an agent, to be appointed by the Borough Council who shall be known as the Zoning Officer. The Zoning Officer shall be appointed at the first meeting of the Borough Council following the adoption of this Chapter to serve until the first day of January next following and shall thereafter be appointed annually to serve for a term of 1 year and/or until his successor is appointed. The Zoning Officer may succeed himself. He shall receive such fees or compensation as the Borough Council, by resolution, may provide.

(Ord. 469A, 4/9/1990, §1500)

§27-1502. Duties and Powers.

It shall be the duty of the Zoning Officer and he shall have power to:

- A. Keep a report of all plans and applications for permits and all permits issued with notations as to special conditions attached thereto. All records shall be open for public inspection.
- B. Review applications for permits for erections or alterations of structures or changes of use, determine whether such construction or use is in accordance with the general requirements of this Chapter, all other applicable ordinances of the Borough and with the laws and regulations of the Commonwealth of Pennsylvania. The Zoning Officer shall issue no permit unless it conforms with all applicable ordinances, statutes and regulations of the Borough of Rockledge.
- C. Conduct inspections and surveys to determine compliance or noncompliance with the terms of this Chapter. In carrying out such surveys, the Zoning Officer or his representatives may enter upon any land or building within the Borough within the limits of law regarding trespass and illegal search.
- D. Make written orders requiring compliance with the provisions of this Chapter to be served personally or by registered mail.
- E. Institute civil enforcement proceedings for the enforcement of provisions of this Chapter, when acting within the scope of his/her employment.
- F. Maintain a map showing the current zoning classification of all land within the Borough.

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- G. Maintain a map and register showing the registration, identity, location and type of all nonconforming uses within the Borough.
- H. Participate in all proceedings before the Zoning Hearing Board, present facts and information to assist the Board in reaching decisions which shall be compatible with this Chapter.

(Ord. 469A, 4/9/1990, §1501)

§27-1503. Permits.

No building shall be constructed or enlarged in the Borough or use of any building changed, until a zoning permit has been secured from the Zoning Officer. Upon completion of the work authorized by any permit, the applicant for the permit shall notify the Zoning Officer of such completion. No permit shall be considered as complete or as permanently effective until the Zoning Officer has noted on the permit that the work has been inspected and approved as being in conformity with the provisions of this Part.

(Ord. 469A, 4/9/1990, §1502)

§27-1504. Application for Permit.

All applications for zoning permits shall be made in writing by the owner or tenants or authorized agent, and shall be filed with the Zoning Officer. The application shall include a statement as to the proposed use of the buildings, shall be accompanied by a plan, drawn to scale, showing the location of the buildings in relation to all abutting property and street lines, shall include a statement that the side lines of all roads shown on the plan have been located and staked on the premises by a registered professional engineer or registered land surveyor competent to give such location and shall give the name and address of the person who has so located and staked the street lines. In the case of signs, size, the location, and construction shall be shown on the application.

(Ord. 469A, 4/9/1990, §1503)

§27-1505. Expiration of Permits.

A permit issued under the authority of this Chapter shall expire 6 months after date of issuance unless the permittee shall have commenced substantial construction or utilization of the property which is the subject of the permit in accordance with the intent thereof within such period.

(Ord. 469A, 4/9/1990, §1504)

§27-1506. Appeals.

An appeal from the determination of the Zoning Officer shall be taken within the limits and according to the procedures described in the Pennsylvania Municipalities Planning Code.

(Ord. 469A, 4/9/1990, §1505)

§27-1507. Appeal and Application Procedure.

An application for special exception, or for a variance from the terms of this Chapter, or an appeal from a decision of the Zoning Officer may be filed with the Secretary of the Zoning Hearing Board and shall state:

- A. The name and address of the applicant.
- B. The name and address of the owner of the real estate to be affected by the proposed exception or variance.
- C. A brief description and location of the real estate to be affected by such proposed change.
- D. A statement of the present zoning classification of the real estate in question, the improvements thereon, and the present use thereof.
- E. A statement of the Section of this Chapter from which the variance is required, or special exception may be allowed and the reasons why it should be granted.
- F. A reasonably accurate description of the present improvements and the additional intended to be made under the application, indicating the size of the lot and size of improvements now erected and those proposed to be erected thereon.

(Ord. 469A, 4/9/1990, §1506)

§27-1508. Fees.

The applicant for a permit shall, at the time of making the application, pay to the zoning Officer for the use by the Borough, a fee in accordance with a Fee Schedule adopted by ordinance of the Borough Council upon the enactment of this Chapter, or as such schedule may be amended by ordinance of the Borough Council.

(Ord. 469A, 4/9/1990, §1507)

PART 16

ZONING HEARING BOARD

§27-1601. Appointments.

The Borough Council shall appoint a Zoning Hearing Board consisting of three members. The Borough Council shall designate one such member to serve until the first day of January following the effective date of this Chapter, one until the first day of the second January thereafter and one until the first day of the third January thereafter shall appoint three successors on the expiration of their respective terms to serve 3 years and shall fill any vacancy for the unexpired term of any member whose term becomes vacant. The members of the Zoning Hearing Board shall be removable for cause by the Borough Council upon written charges and after a public hearing. The word, "Board," when used in this Part shall mean the Zoning Hearing Board. Alternate members may be appointed by Borough Council in compliance with the Pennsylvania Municipalities Planning Code.

(Ord. 469A, 4/9/1990, §1600)

§27-1602. Jurisdiction.

The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

- A. Substantive challenges to the validity of any land use ordinance, except those brought before the Borough Council pursuant to the curative challenge and amendment process.
- B. Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal filed within 30 days after the effective date of said ordinance.
- C. Appeals from the determination of the Zoning Officer, including the granting or denial of any permit, or failure to act on the application therefor, the issuance of any enforcement notice or the registration or refusal to register any nonconforming use, structure or lot.
- D. Applications for variance from the terms of this Chapter.
- E. Applications for special exceptions under this Chapter.
- F. Appeals from the determination of the Zoning Officer or Borough Engineer in the administration of ordinance provisions for sedimentation and erosion control and stormwater management insofar as the determination does not

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involve an application pursuant to the Subdivision and Land Development Ordinance.

- G. Interpretation upon the words, terms, rules, regulations, provisions and restrictions of this Chapter where there is doubt as to the meaning thereof, including determination in specific instances whether questionable uses are permitted by virtue of being "similar to" or "customarily incidental to" permitted uses as provided by this Chapter.

(Ord. 469A, 4/9/1990, §1601)

§27-1603. Appeals to Board.

In exercising the above-mentioned powers, the Board may reverse or affirm, wholly or in part; may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made and to that end, shall have all the powers of the officer from whom the appeal is taken. Notice of the Board's decision shall forthwith be mailed to the applicant, the property owner and other interested parties, in compliance with the requirements of the Pennsylvania Municipalities Planning Code.

(Ord. 469A, 4/9/1990, §1602)

§27-1604. Rules of Procedure.

The Board may adopt Rules of Procedure in accordance with the several provisions of this Chapter and the requirements of Act 247, "The Pennsylvania Municipalities Planning Code", of Article IX, as amended, as to the manner of filing appeals, applications for special exceptions or for variances from the terms of this Chapter and as to the conduct of the business of the Board.

(Ord. 469A, 4/9/1990, §1603)

§27-1605. Meetings and Hearings.

Meetings and hearings of the Board shall be held at the call of the Chairman and at such times as the Board may determine. The Chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep stenographic record of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.

(Ord. 469A, 4/9/1990, §1604)

§27-1606. Notice of Hearings.

Upon the filing with the Board of an application for a hearing, the Board shall fix a reasonable time and place for a public hearing thereon, not more than 60 days from the date of application, unless the applicant has agreed in writing to an extension of that time period. Public notice shall be given as follows:

- A. By publishing a notice once a week for 2 successive weeks in a newspaper of general circulation in the Borough. Such notice shall state the time and place of the hearing, the particular nature of the matter to be considered at the hearing and the specific ordinance provisions that permit consideration by the Zoning Hearing Board. The first publication shall not be more than 30 days and the second not less than 7 days from the date of the hearing.
- B. By mailing or serving written notice to the record owner, applicant, and applicant's representative.
- C. By conspicuously posting written notice of hearing on the affected tract of land at least 1 week prior to the meeting.
- D. By mailing or serving the notice to adjacent land owners. [Ord. 590]
- E. By mailing or serving notice thereof to the Borough Council, Planning Commission and Zoning Officer.
- F. By mailing a notice to any and all parties in interest who have entered their appearance.
- G. By mailing a notice to any person registered for that purpose.

(Ord. 469A, 4/9/1990, §1605; as amended by Ord. 590, 3/14/2005, §1)

§27-1607. Decision of Zoning Hearing Board.

- 1. The Zoning Hearing Board or hearing officer shall render a written decision or make written findings on the application within 45 days of the last hearing. Each decision shall be accompanied by findings of fact and conclusions based upon findings. Conclusions based on any provision of a Borough ordinance shall contain a reference to the provision.
- 2. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision or findings are final, the Board shall make his report and recommendations available to the parties within 45 days and the parties shall be entitled to make written representations to the Board prior to final decision or entry

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of findings. The Board's decision shall be entered no later than 30 days after the report of the hearing officer.

3. Where the Board fails to render the decision within the required period, or fails to hold the required hearing within 60 days of application, 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.
4. When a decision has been deemed to have been rendered in favor of the applicant because of the failure of the Board to hold a hearing or render a decision as provided, the Board shall give public notice of said deemed decision within ten days from the last day it could have met to render a decision. Such notice shall be given in the manner prescribed by §27-1606 herein. If the Board shall fail to provide such notice, the applicant may do so. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.
5. A copy of the final decision or findings shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, the Board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

(Ord. 469A, 4/9/1990, §1606)

§27-1608. Standards for Zoning Hearing Board Review.

In any instance where the Zoning Hearing Board is required to consider special exceptions or variance from the terms of this Chapter in accordance with the provisions of this Article, the Board shall, among other things:

- A. Consider the suitability of the property for the use desired, assured itself that the proposed change is consistent with the spirit, purpose and intent of this Chapter, the Statement of Community Development Objectives and the adopted Rockledge Borough Comprehensive Plan.
- B. Determine that the proposed change will not substantially injure or detract from the use of neighboring property or from the character of the neighborhood and that the use of the property adjacent to the area included in the proposed change or plan is adequately safeguarded.
- C. Determine that the proposed change will serve the best interests of the Borough, the convenience of the community (where applicable) and the general welfare.

- D. Consider the effect of the proposed change upon the logical, efficient and economical extension of public services and facilities such as public water, sewers, police and fire protection and public schools.
- E. Consider the suitability of the proposed location of a proposed use with respect to probable effects upon highway traffic, and assure adequate access arrangements in order to protect local roads from undue congestion and hazard.
- F. Be guided in its study, review and recommendation by sound standards of subdivision and land development practice where applicable.
- G. Impose such conditions in addition to those required as are necessary to assure that the intent of this Ordinance is complied with, which conditions may include (but are not limited to) harmonious design of buildings, planting and its maintenance as a sight or sound screen, the minimizing of noxious, offensive or hazardous elements, and adequate standards of parking and loading and sanitation.

(Ord. 469A, 4/9/1990, §1607)

§27-1609. Specific Standards for Variances and Special Exceptions.

- 1. Variance. The Board shall hear requests for variances where it is alleged that the provisions of this Chapter inflict unnecessary hardship upon the applicant. The Board 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:
 - A. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions and not the circumstances or conditions generally created by the provisions of this Chapter in the neighborhood or district in which the property is located.
 - B. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Chapter and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
 - C. That the unnecessary hardship has not been created by the applicant.
 - D. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.

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- E. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
 - F. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Chapter.
2. **Special Exceptions.** The Zoning Hearing Board shall hear and decide requests for special exceptions in accordance with the standards and criteria found in the particular section of the zoning ordinance that permits application for said special exception. In granting any special exception, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Chapter. [Ord. 590]
 3. **Burden of Proof.** For variances, the burden of proof shall be on the applicant. For special exceptions, the applicant shall be entitled to the special exception unless others can prove that it would adversely affect the public health, safety, morals or welfare.

(Ord. 469A, 4/9/1990, §1608; as amended by Ord. 590, 3/14/2005, §1)

§27-1610. Advisory Review by Planning Commission.

At least 15 days before the date of hearing required by law for an application before the Zoning Hearing Board, the Secretary of such Board shall transmit to the Planning Commission a copy of the notice of hearing and other information as may have been furnished by the applicant or the Zoning Officer. Following the public hearing the Zoning Hearing Board may transmit to the Planning Commission a transcript of the public hearing and any other briefs presented in evidence.

(Ord. 469A, 4/9/1990, §1609)

§27-1611. Technical Assistance.

1. The Zoning Hearing Board in considering any matter within its jurisdiction may consult with the Rockledge Borough Planning Commission, the Montgomery County Planning Commission or any other consultants or groups having expert knowledge of the matter under consideration.
2. The Board shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any 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 hear-

ing with any party or his representative unless all parties are given an opportunity to be present.

(Ord. 469A, 4/9/1990, §1610)

§27-1612. Expiration of Special Exceptions and Variances.

Unless otherwise specified by the Board, a special exception or variance shall expire if the applicant fails to obtain a building permit within 6 months of the date of authorization thereof.

(Ord. 469A, 4/9/1990, §1611)

§27-1613. Appeal Court.

Any person aggrieved by the decision of the Board may within 30 days thereafter appeal to the Court of Common Pleas of Montgomery County by petition duly verified setting forth the grounds upon which said appeal is taken.

(Ord. 469A, 4/9/1990, §1612)

§27-1614. Fees.

Application before the Zoning Hearing Board as provided for in this Part herein, shall be accompanied by a cash payment to the Borough in accordance with a fee schedule adopted by resolution of the Borough Council.

(Ord. 469A, 4/9/1990, §1613)

PART 17

VIOLATIONS, ENFORCEMENT REMEDIES, FINES AND CHANGES

§27-1701. Violations/Causes of Action.

In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of the Borough's Zoning 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 legal 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 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.

(Ord. 469A, 4/9/1990, §1700)

§27-1702. Enforcement Notice.

1. If it appears to the Borough a violation of this Chapter has occurred, the Borough shall initiate enforcement proceedings by sending an enforcement notice as provided in this section.
2. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record.
3. The enforcement notice shall state at least the following:
 - A. The name of the owner of record and any other person against whom the borough intends to take action.
 - B. The location of the property in violation.
 - C. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the ordinance.
 - D. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.

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- 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 this Chapter. 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 herein.

(Ord. 469A, 4/9/1990, §1701)

§27-1703. Enforcement Remedies and Fines.

1. Any person, partnership, or corporation who or which has violated or permitted the violation of the provisions of this Chapter, shall upon being found liable therefor in a civil enforcement proceeding commenced by the Borough, pay a judgment or not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Borough as a result thereof. No judgment shall commence or be imposed, levied, or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation, further determines that there was a good faith basis for the person, partnership, or corporation violating this Chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this Chapter shall be paid over to the Borough.
2. The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.
3. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the Borough the right to commence any action for enforcement pursuant to this Section.

(Ord. 469A, 4/9/1990, §1702)

§27-1704. Charges.

Charges for applications, permits, certificates, etc., shall be as stated in resolutions adopted by Borough Council, in accordance with applicable laws.

(Ord. 469A, 4/9/1990, §1703)

PART 18
AMENDMENTS

§27-1801. Power of Amendment.

The Borough Council of the Borough of Rockledge from time to time may amend, supplement, change, modify or repeal this Chapter, in whole or in part, including the Zoning Map, by the procedures noted herein; and pursuant to the provisions of the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247, as reenacted and amended.

(Ord. 469A, 4/9/1990, §1800; as amended by Ord. 590, 3/14/2005, §1)

§27-1802. Public Notice.

For any amendment proposed to the Borough Zoning Ordinance, Borough Council shall conduct a public hearing pursuant to public notice, as follows:

- A. At a regular or special meeting, Borough Council shall fix the time and place for the public hearing.
- B. Notice of Hearing. Notice of the hearing shall be published once a week for two successive weeks in a newspaper of general circulation in the Borough. Such notice shall state the time and place of the hearing and particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than seven days from the date of the hearing. The notice shall include reference to the time and place of the hearing as well as the place in the borough where copies of the amendment may be examined without charge or obtained for the cost of reproduction.
- C. Publication of Text. The full text of the proposed amendment, or a reasonably detailed summary prepared by the Borough Solicitor, shall be published once in a newspaper of general circulation in the Borough, no less than seven days and no more than 60 days before a vote of enactment. If the full text is not published:
 - (1) A copy of the full text shall be supplied to the publishing newspaper at the time of publication.
 - (2) An attested copy of the full text shall be filed in the Montgomery County Law Library.

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- D. Mailed Notice. Notice shall be mailed to every person or group who shall have registered with the borough their names and addresses for this purpose.
- E. Perimeter Posting. If the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted along the perimeter of the affected tract by the Borough at least one week prior to the public hearing, at points deemed by the Borough to be sufficient to notify potentially interested citizens.
- F. Change to Amendment. If, after any public hearing, the proposed amendment is changed substantially or is revised to include land not previously affected, the Council shall hold another public hearing, pursuant to public notice, before proceeding to a vote on the amendment.
- G. Notice of Change to Amendment. Where a public hearing is required in accordance with Subsection (F), above, at least 10 days before voting to enact the Council shall publish in a newspaper of general circulation in the Borough, a brief summary setting forth in reasonable detail the provision of the amendment along with a summary of the changed portions of the amendment.
- H. Thirty days prior to the hearing on the proposed amendment, Borough Council shall submit the proposed ordinance to the Montgomery County Planning Commission for review and recommendation.

(Ord. 469A, 4/9/1990, §1801)

§27-1803. Application for Amendment by Citizens.

Every application for amendment of this Chapter shall first be presented to the Zoning Officer, and shall contain the following:

- A. The applicant's name and address and his representative and the interest of every person represented in the application.
- B. A plan showing the extent of the area to be rezoned, streets bounding and intersecting the area, the land use and zone classification of abutting districts and photographs of the area to be rezoned and abutting area.
- C. A statement of the circumstances in the proposed district and the abutting districts and any other factors on which the applicant relies as reasons for supporting the proposed rezoning.
- D. The approximate time schedule for the beginning and completion of development in the area.

- E. A site plan to scale, indicating the locations of structures, uses, areas for off-street parking and loading.
- F. Information about the market area to be served by the proposed development, if a commercial use, including population to be served, effective demand for proposed business facilities, and any other information necessary for Borough Planning Commission and Borough Council to evaluate the proposal.

(Ord. 469A, 4/9/1990, §1802)

§27-1804. Petitions for Amendment.

Whenever the owners of 50% or more of the frontage in any district shall present to the Borough Council a petition, duly signed, and acknowledged, requesting an amendment, supplement, change modification or repeal of the regulations prescribed for, or of the Zoning Map including 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 §27-1802, herein; provided, however, that the Borough Council shall not be required to consider a petition requesting an amendment, supplement, change, modification or repeal of any provision of this Chapter or the Zoning Map, or to hold a public hearing thereon, when the requested change is the same or substantially the same as requested and upon which a public hearing has been held within the previous year. Such petition shall set forth the following facts:

- A. Signature and address of each petitioner, together with the amount of front footage in any District or part thereof.
- B. The petition, if pertaining to the Zoning Map, shall have attached thereto a plot plan of the tract to be affected.

(Ord. 469A, 4/9/1990, §1803)

§27-1805. Opportunity to Be Heard.

At the public hearing, full opportunity to be heard shall be given to any citizen and all parties in interest.

(Ord. 469A, 4/9/1990, §1804)

§27-1806. Referral to Planning Commission.

The Borough Council shall refer each request for change or amendment to the Planning commission for review and recommendation prior to taking final action on such request. The Planning Commission shall consider whether or not the proposed change or

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amendment would be, in the view of the commission, consistent with and desirable in furtherance of the Statement of Community Development Objectives, §27-105, and the adopted Rockledge Borough Comprehensive Plan.

(Ord. 469A, 4/9/1990, §1805)

§27-1807. County Copy.

Within 30 days after enactment, a copy of the amendment shall be forwarded to the Montgomery County Planning Commission.

(Ord. 469A, 4/9/1990, §1806)

§27-1808. Fees.

For the purpose of defraying expenses of advertising etc., applications for amendments shall be accompanied by payment to the Borough in accordance with its adopted fee schedule.

(Ord. 469A, 4/9/1990, §1807)

PART 19

WIRELESS TELECOMMUNICATIONS TOWERS AND ANTENNAS

§27-1901. Purpose.

The purpose of this Part is to establish general guidelines for the siting of wireless communications towers and antennas. The goals of this Part are to: protect residential areas and land uses from potential adverse impacts of towers and antennas, encourage the location of towers in nonresidential areas, minimize the total number of towers throughout the community, strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers, encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal, encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques, enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently, consider the public health and safety of communication towers, and avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures. In furtherance of these goals, Borough of Rockledge shall give due consideration to the borough of Rockledge master plan, zoning map, existing land uses, and environmentally sensitive areas in approving sites for the location of towers and antennas.

(Ord. 469A, 4/9/1990; as added by Ord. 559, 5/22/2000, §1)

§27-1902. Definitions.

As used in this Part, the following terms shall have the meanings set forth below:

ALTERNATIVE TOWER STRUCTURE — manmade trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

ANTENNA — any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

BACKHAUL NETWORK — the lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.

FAA — the Federal Aviation Administration.

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FCC — the Federal Communications Commission.

HEIGHT — when referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.

PREEXISTING TOWERS AND PREEXISTING ANTENNAS — any tower or antenna for which a building permit or special use permit has been properly issued prior to the effective date of this part, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired.

TOWER — any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures and the like. The term includes the structure and any support thereto.

(Ord. 469A, 4/9/1990; as added by Ord. 559, 5/22/2000, §2)

§27-1903. Applicability.

1. New Towers and Antennas. All new towers or antennas in the Borough of Rockledge shall be subject to these regulations, except as provided in subsections (2) through (4), inclusive.
2. Amateur Radio Station Operators/Receive Only Antennas. This Part shall not govern any tower, or the installation of any antenna, that is under 70 feet in height and is owned and operated by a Federally-licensed amateur radio station operator or is used exclusively for receive only antennas.
3. Preexisting Towers or Antennas. Preexisting towers and preexisting antennas shall not be required to meet the requirements of this Part, other than the requirements of §27-1904(6) and (7).
4. AM Array. For purposes of implementing this ordinance, an AM array, consisting of one or more tower units and supporting ground system which functions as one AM broadcasting antenna, shall be considered one tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the towers included in the AM array. Additional tower units may be added within the perimeter of the AM array by right.

(Ord. 469A, 4/9/1990; as added by Ord. 559, 5/22/2000, §3)

§27-1904. General Requirements.

1. Principal or Accessory Use. Antennas and towers may be considered either principal or accessory uses. A different existing use of an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot.
2. Lot Size. For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including but not limited to setback requirements, lot-coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lot.
3. Inventory of Existing Sites. Each applicant for an antenna and/or tower shall provide an inventory of its existing towers, antennas, or sites approved for towers or antennas, that are either within the jurisdiction of Borough of Rockledge or within 1 mile of the border thereof, including specific information about the location, height and design of each tower. The Borough may share such information with other applicants applying for administrative approvals or special use permits under this ordinance or other organizations seeking to locate antennas within the jurisdiction of Borough of Rockledge; provided, however that the Borough is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.
4. Aesthetics. Towers and antennas shall meet the following requirements:
 - A. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.
 - B. 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 them into the natural setting and surrounding buildings.
 - C. If an antenna is installed on a structure other than a tower, the antenna 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.
5. Lighting. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.
6. State or Federal Requirements. All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or Federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this Part shall bring such towers and antennas into compliance with

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such revised standards and regulations within 6 months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or Federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.

7. **Building Codes; Safety Standards.** To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable State or local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the Borough of Rockledge concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have 30 days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said 30 days shall constitute grounds for the removal of the tower or antenna at the owner's expense.
8. **Measurement.** For purposes of measurement, tower setbacks and separation distances shall be calculated and applied to facilities located in borough of Rockledge irrespective of municipal and County jurisdictional boundaries.
9. **Not Essential Services.** Towers and antennas shall be regulated and permitted pursuant to this Part and shall not be regulated or permitted as essential services, public utilities, or private utilities.
10. **Franchises.** Owners and/or operators of towers or antennas shall certify that all franchises required by law for the construction and/or operation of a wireless communication system in borough of Rockledge have been obtained and shall file a copy of all required franchises with the Borough Manager.
11. **Public Notice.** For purposes of this Part, any special use request, variance request, or appeal of an administratively approved use or special use shall require public notice to all abutting property owners and all property owners of properties that are located within the corresponding separation distance listed in §27-1902(2)(E)(2), Table 2, in addition to any notice otherwise required by this Chapter.
12. **Signs.** No signs shall be allowed on an antenna or tower.
13. **Buildings and Support Equipment.** Buildings and support equipment associated with antennas or towers shall comply with the requirements of §27-1908.
14. **Multiple Antenna/Tower Plan.** Borough of Rockledge encourages the users of towers and antennas to submit a single application for approval of multiple towers and/or antenna sites. Applications for approval of multiple sites shall be given priority in the review process.

(Ord. 469A, 4/9/1990; as added by Ord. 559, 5/22/2000, §4)

§27-1905. Permitted Uses.

1. General. The uses listed in this Section are deemed to be permitted uses and shall not require administrative approval or a special use permit.
2. Permitted Uses. The following uses are specifically permitted:
 - A. Antennas or towers located on property owned, leased, or otherwise controlled by Borough of Rockledge provided a license or lease authorizing such antenna or tower has been approved by Borough of Rockledge.

(Ord. 469A, 4/9/1990; as added by Ord. 559, 5/22/2000, §5)

§27-1906. Administratively Approved Uses.

1. General. The following provisions shall govern the issuance of administrative approvals for towers and antennas.
 - A. The Borough Manager may administratively approve the uses listed in this Section.
 - B. Each applicant for administrative approval shall apply to the Borough Manager providing the information set forth in §27-1907(2)(A) and (2)(C) of this Part and a nonrefundable fee as established by resolution of Rockledge Borough Council to reimburse Borough of Rockledge for the costs of reviewing the application.
 - C. The Borough Manager shall review the application for administrative approval and determine if the proposed use complies with §§27-1904(2)(D) and (2)(E) of this Chapter.
 - D. The Borough Manager shall respond to each such application within 60 days after receiving it by either approving or denying the application. If the Borough Manager fails to respond to the applicant within said 60 days, then the application shall be deemed to be approved.
 - E. In connection with any such administrative approval, the Borough Manager may, in order to encourage shared use, administratively waive any zoning district setback requirements in §27-1907(2)(D)(4) or separation distances between towers in §27-1907(2)(E) by up to 50%.
 - F. In connection with any such administrative approval, the Borough Manager may, in order to encourage the use of monopoles, administratively allow the reconstruction of an existing tower to monopole construction.

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- G. If an administrative approval is denied, the applicant shall file an application for a special use permit pursuant to Section 7 prior to filing any appeal that may be available under the Zoning Ordinance.
2. List of Administratively Approved Uses. The following uses may be approved by the Borough manager after conducting an administrative review:
- A. Locating a tower or antenna, including the placement of additional buildings or other supporting equipment used in connection with said tower or antenna, in any industrial or heavy commercial zoning district.
 - B. Locating antennas on existing structures or towers consistent with the terms of subsections (1) and (2) below.
 - (1) Antennas on existing structures. Any antenna which is not attached to a tower may be approved by the Borough Manager as an accessory use to any commercial, industrial, professional, institutional, or multi-family structure of eight or more dwelling units, provided:
 - (a) The antenna does not extend more than 30 feet above the highest point of the structure;
 - (b) The antenna complies with all applicable FCC and FAA regulations; and
 - (c) The antenna complies with all applicable building codes.
 - (2) Antennas on Existing Towers. An antenna which is attached to an existing tower may be approved by the Borough Manager and, to minimize adverse visual impacts associated with the proliferation and clustering of towers, collocation of antennas by more than one carrier on existing towers shall take precedence over the construction of new towers, provided such collocation is accomplished in a manner consistent with the following:
 - (a) A tower which is modified or reconstructed to accommodate the collocation of an additional antenna shall be of the same tower type as the existing tower, unless the Borough manager allows reconstruction as a monopole.
 - (b) Height
 - 1) An existing tower may be modified or rebuilt to a taller height, not to exceed 30 feet over the tower's existing height, to accommodate the collocation of an additional antenna.

- 2) The height change referred to in subsection (c)1) may only occur one time per communication tower.
- 3) The additional height referred to in subsection (c)1) shall not require an additional distance separation as set forth in §27-1907. The tower's premodification height shall be used to calculate such distance separations.

(c) Onsite location

- 1) A tower which is being rebuilt to accommodate the collocation of an additional antenna may be moved onsite within 50 feet of its existing location.
- 2) After the tower is rebuilt to accommodate collocation, only one tower may remain on the site.
- 3) A relocated onsite tower shall continue to be measured from the original tower location for purposes of calculating separation distances between towers pursuant to §27-1907(E). The relocation of a tower hereunder shall in no way be deemed to cause a violation of §27-1907(E).
- 4) The onsite relocation of a tower which comes within the separation distances to residential units or residentially zones lands as established in §27-1307(E) shall only be permitted when approved by the Borough Manager.

C. New Towers in Nonresidential Zoning Districts. Locating any new tower in a nonresidential zoning district other than industrial or heavy commercial, provided a licensed professional engineer certifies the tower can structurally accommodate the number of shared users proposed by the applicant; the Borough Manager concludes the tower is in conformity with the goals set forth in §27-1901 and the requirements of §27-1904, the tower meets the setback requirements in §27-1907(2)(B) and separation distances in §27-1907(2)(E); and the tower meets the following height and usage criteria:

- (1) For a single user, up to 90 feet in height.
- (2) For two users, up to 120 feet in height.
- (3) For three or more users, up to 150 feet in height.

D. Locating any alternative tower structure in a zoning district other than industrial or heavy commercial that in the judgment of the borough Manager is in conformity with the goals set forth in §27-1901 of this Part.

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- E. Installing a cable microcell network through the use of multiple low-powered transmitters/receivers attached to existing wireline systems, such as conventional cable or telephone wires, or similar technology that does not require the use of towers.

(Ord. 469A, 4/9/1990; as added by Ord. 559, 5/22/2000, §6)

§27-1907. Conditional Use Permits.

1. General. The following provisions shall govern the issuance of special use permits:
 - A. If the tower or antenna is not a permitted use under §27-1405 of this Part or permitted to be approved administratively pursuant to §27-1906 of this Part, then a conditional use approval shall be required for the construction of a tower or the placement of an antenna in all zoning districts.
 - B. Applications for conditional use permits under this Section shall be subject to the procedures and requirements of the Borough of Rockledge Zoning Ordinance regarding conditional use applications generally, and as found at section §27-420 thereof.
 - C. In granting a conditional use permit, the Borough may impose conditions to the extent the Borough concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties.
 - D. Any information of an engineering nature that the applicant submits, whether civil, mechanical or electrical, shall be certified by a licensed professional engineer.
 - E. An applicant for a special use permit shall submit the information described in this Section and a non-refundable fee as established by resolution to reimburse Borough of Rockledge for the costs of reviewing the application.
2. Towers.
 - A. Information Required. In addition to any information required for applications for conditional use permits pursuant to this Chapter, applicants for a conditional use permit for a tower shall submit the following information:
 - (1) A scaled site plan clearly indicating the location, type and height of the proposed tower, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities), master Plan classification of the site and all properties within the applicable separation distances set forth in §27-1907(2)(E), adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and any other structures, topography,

parking and other information deemed by the Borough Manager to be necessary to assess compliance with this Part.

- (2) Legal description of the parent tract and leased parcel (if applicable).
- (3) The setback distance between the proposed tower and the nearest residential unit, platted residentially zoned properties and unplatted residentially zoned properties.
- (4) The separation distance from other towers described in the inventory of existing sites submitted pursuant to §27-1904(3) shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s), if known.
- (5) A landscape plan showing specific landscape materials.
- (6) Method of fencing, and finished color and, if applicable, the method of camouflage and illumination.
- (7) A description of compliance with §§27-1904(3)(4)(5)(6)(7)(9)(12)(13), 27-1907(2)(D) and (E) and all applicable Federal, State or local laws.
- (8) A notarized statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennas for future users.
- (9) Identification of the entities providing the backhaul network for the tower(s) described in the application and other cellular sites owned or operated by the applicant in the Borough.
- (10) A description of the suitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower.
- (11) A description of the feasible location(s) of future towers or antennas within the Borough of Rockledge based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected.

B. Factors Considered in Granting Conditional Use Permits for Towers. In addition to any standards for consideration of conditional use permit applications pursuant to this Chapter, the borough shall consider the following factors in determining whether to issue a conditional use permit, although the Borough may waive or reduce the burden on the applicant of one or more of these criteria if the Borough concludes that the goals of this ordinance are better served thereby:

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- (1) Height of the proposed tower.
 - (2) Proximity of the tower to residential structures and residential district boundaries.
 - (3) Nature of uses on adjacent and nearby properties.
 - (4) Surrounding topography.
 - (5) Surrounding tree coverage and foliage.
 - (6) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.
 - (7) Proposed ingress and egress.
 - (8) Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures, as discussed in §27-1907(2)(c) of this Part.
- C. Availability of Suitable Existing Towers, Other Structures, or Alternative Technology. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Borough that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna. An applicant shall submit information requested by the Borough related to the availability of suitable existing towers, other structures or alternative technology. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:
- (1) No existing towers or structures are located within the geographic area which meet applicant's engineering requirements.
 - (2) Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
 - (3) Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
 - (4) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.

- (5) The fees, costs or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
 - (6) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
 - (7) The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.
- D. Setbacks. The following setback requirements shall apply to all towers for which a special use permit is required; provided, however, that the Borough may reduce the standard setback requirements if the goals of this ordinance would be better served thereby:
- (1) Towers must be set back a distance equal to at least 75% of the height of the tower from any adjoining lot line.
 - (2) Guys and accessory buildings must satisfy the minimum zoning district setback requirements.
- E. Separation. The following separation requirements shall apply to all towers and antennas for which a special use permit is required; provided, however, that the Borough may reduce the standard separation requirements if the goals of this Part would be better served thereby.
- (1) Separation from off-site uses/designated areas.
 - (a) Tower separation shall be measured from the base of the tower to the lot line of the off-site uses and/or designated areas as specified in Table 1, except as otherwise provided in Table 1.
 - (b) Separation requirements for towers shall comply with the minimum standards established in Table 1.

Table 1

Single-family or duplex residential units ¹	200 feet or 300% height of tower whichever is greater
Vacant single-family or duplex residentially zoned land which is either platted or has preliminary subdivision plan approval which is not expired	200 feet or 300% height of tower ² whichever is greater

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Table 1

Vacant unplatted residentially zoned lands ³	100 feet or 100% height of tower whichever is greater
Existing multi-family residential units greater than duplex units	100 feet or 100% height of tower whichever is greater
Non-residentially zoned lands or nonresidential uses	None; only setbacks apply

NOTES:

- ¹ Includes modular homes and mobile homes used for living purposes.
- ² Separation measured from base of tower to closest building setback line.
- ³ Includes any unplatted residential use properties without a valid preliminary subdivision plan or valid development plan approval and any multi-family residentially zoned land greater than duplex.

- (2) Separation distances between towers.
 - (a) Separation distances between towers shall be applicable for and measured between the proposed tower and preexisting towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan, of the proposed tower. The separation distances (listed in linear feet) shall be as shown in Table 2.
 - (b) Table 2:

	Existing Towers-Types			
	Lattice	Guyed	Monopole 75 Ft in Height or Greater	Monopole Less Than 75 Ft in Height
Lattice	5000	5000	1,500	750
Guyed	5000	5000	1,500	750
Monopole 75 Ft in Height or Greater	1,500	1500	1,500	750
Monopole Less Than 75 Ft in Height	750	750	750	750

- F. Security fencing. Towers shall be enclosed by security fencing not less than 6 feet in height and shall also be equipped with an appropriate anti-climbing device; provided however, that the Borough may waive such requirements, as it deems appropriate.
- G. Landscaping. The following requirements shall govern the landscaping surrounding towers for which a special use permit is required; provided, how-

ever, that the Borough may waive such requirements if the goals of this ordinance would be better served thereby.

- (1) Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from property used for residences. The standard buffer shall consist of a landscaped strip at least 4 feet wide outside the perimeter of the compound.
- (2) In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived.
- (3) Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.

(Ord. 469A, 4/9/1990; as added by Ord. 559, 5/22/2000, §7)

§27-1908. Buildings or Other Equipment Storage.

1. Antennas Mounted on Structures or Rooftops. The equipment cabinet or structure used in association with antennas shall comply with the following:
 - A. The cabinet or structure shall not contain more than 200 square feet of gross floor area or be more than 10 feet in height. In addition, for buildings and structures which are less than 65 feet in height, the related unmanned equipment structure, if over 100 square feet of gross floor area or 4 feet in height, shall be located on the ground and shall not be located on the roof of the structure.
 - B. If the equipment structure is located on the roof of a building, the area of the equipment structure and other equipment and structures shall not occupy more than 10% of the roof area.
 - C. Equipment storage buildings or cabinets shall comply with all applicable building codes.
2. Antennas Mounted on Utility Poles or Light Poles. The equipment cabinet or structure used in association with antennas shall be located in accordance with the following:
 - A. In residential districts, the equipment cabinet or structure may be located:
 - (1) In a front or side yard provided the cabinet or structure is no greater than 4 feet in height or 100 square foot of gross floor area and the cabinet/structure is located a minimum of 4 feet from all lot lines. The cabinet/structure shall be screened by an evergreen hedge with an ul-

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ultimate height of at least 42-48 inches and a planted height of at least 36 inches.

- (2) In a rear yard, provided the cabinet or structure is no greater than 6 feet in height or 150 square feet in gross floor area. The cabinet/structure shall be screened by an evergreen hedge with an ultimate height of 8 feet and a planted height of at least 36 inches.
 - B. In commercial or industrial districts the equipment cabinet or structure shall be no greater than 10 feet in height or 200 square feet in gross floor area. The structure or cabinet shall be screened by an evergreen hedge with an ultimate height of 8 feet and a planted height of at least 36 inches. In all other instances, structures or cabinets shall be screened from view of all residential properties which abut or are directly across the street from the structure or cabinet by a solid fence 6 feet in height or an evergreen hedge with an ultimate height of 8 feet and a planted height of at least 36 inches.
3. Antennas Located on Towers. The related unmanned equipment structure shall not contain more than 100 square feet of gross floor area or be more than 4 feet in height, and shall be located in accordance with the minimum yard requirements of the zoning district in which located.
 4. Modification of Building Size Requirements. The requirements of subsections (1) through (3) may be modified by the Borough Manager in the case of administratively approved uses or by the Borough in the case of uses permitted by special use to encourage collocation.

(Ord. 469A, 4/9/1990; as added by Ord. 559, 5/22/2000, §8)

§27-1909. Removal of Abandoned Antennas and Towers.

Any antenna or tower that is not operated for a continuous period of 12 months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within 90 days of receipt of notice from the Borough of Rockledge notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within said 90 days shall be grounds to remove the tower or antenna at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

(Ord. 469A, 4/9/1990; as added by Ord. 559, 5/22/2000, §9)

§27-1910. Nonconforming Uses.

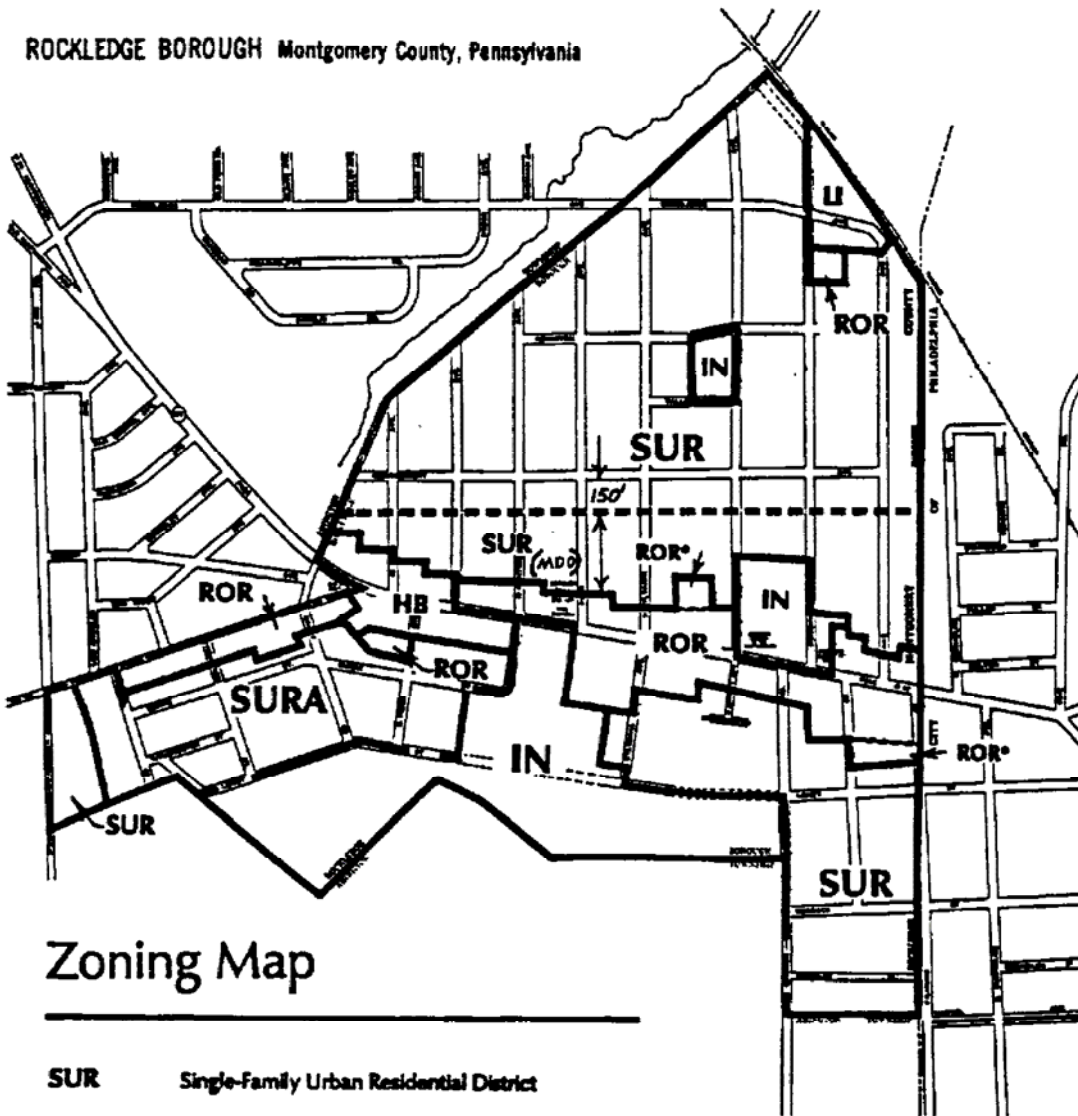
1. Not Expansion of Nonconforming Use. Towers that are constructed, and antennas that are installed, in accordance with the provisions of this ordinance shall not be deemed to constitute the expansion of a nonconforming use or structure.

2. Preexisting towers. Preexisting towers shall be allowed to continue their usage as they presently exist. Routine maintenance (including replacement with a new tower of like construction and height) shall be permitted on such preexisting towers. New construction other than routine maintenance on a preexisting tower shall comply with the requirements of this Part.
3. Rebuilding Damaged or Destroyed Nonconforming Towers or Antennas. Notwithstanding, bona fide nonconforming towers or antennas that are damaged or destroyed may be rebuilt without having to first obtain administrative approval or a special use permit and without having to meet the separation requirements specified in §27-1907(2)(D) and 27-1907(2)(E). The type, height, and location of the tower onsite shall be of the same type and intensity as the original facility approval. Building permits to rebuild the facility shall comply with the then applicable building codes and shall be obtained within 180 days from the date the facility is damaged or destroyed. If no permit is obtained or if said permit expires, the tower or antenna shall be deemed abandoned as specified in §27-1909.

(Ord. 469A, 4/9/1990; as added by Ord. 559, 5/22/2000, §10)

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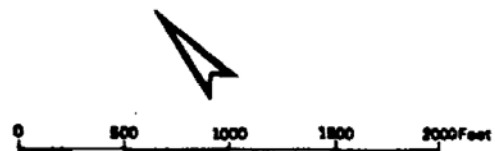
ROCKLEDGE BOROUGH Montgomery County, Pennsylvania



Zoning Map

- SUR** Single-Family Urban Residential District
- SURA** Single-Family Urban Residential Alternate District
- ROR** Retail/Office/Residential District
(ROR*- Restricted to Parking)
- HB** Highway-Business District
- LI** Limited industrial District
- IN** Institutional District

As Adopted April 9, 1990



Prepared by the Montgomery County Planning Commission
Court House, Norristown, Pennsylvania July 1973

The preparation of the map was financed in part through a planning grant from the Department of Community Affairs under the provisions of Act 51-A approved June 26, 1970, as administered by the Bureau of Planning, Pennsylvania Department of Community Affairs.

Note: Limits of MDO, Medium Density Overlay District, shown as - - - - -

PART 20

ZONING MAP AMENDMENTS

§27-2001. Zoning Map Amendments.