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Article 1

General

§14-101. Short Title and Effective Date .

This Part shall be known and may be cited as “The Colledgeville Borough Zoning Ordinance of 1948,” as amended by Comprehensive Amendment enacted April 7, 2004, and may be referred to as “the Zoning Ordinance” or “this Part” throughout this document. It shall become effective upon enactment.

(Ord. 500, 4/7/2004, §1.1; as readopted by Ord. 505, 10/6/2004)

§14-102. Declaration of Legislative Intent .

This Part is enacted for the purpose of promoting the health, safety, morals, and the general welfare of the Borough. The Part is in accordance with a Comprehensive Plan and is designed to lessen congestion on the roads and highways, to promote safety from fire, panic, and other danger, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue congestion of population, to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements, to conserve the value of buildings, and to encourage the most appropriate use of land throughout the Borough.

(Ord. 500, 4/7/2004, §1.2; as readopted by Ord. 505, 10/6/2004)

§14-103. Statement of Community Development Objectives .

This Part is enacted in conformance with the requirements of the Municipalities Planning Code, Act 247, as last amended. It is the intent of this Part to implement the goals and objectives set forth in the Colledgeville Borough Comprehensive Plan of 1972, which is hereby incorporated by reference into this Part. In addition, the following specific objectives are intended to guide the Borough's future development:

A. To guide the future growth and development of the Borough in accordance with the Comprehensive Plan and provide and encourage the following:

- (1) A diversity of residential housing, while regulating development in a pattern compatible with the Borough's street and road network and its ability to provide efficient municipal services for its residents.
- (2) Suitable buffering strips between nonresidential and residential sectors.
- (3) Coordinated and concentrated development plans rather than a proliferation of commercial and industrial uses.
- (4) Innovative plans of land development, especially plans which provide for the preservation of public open space and recreation areas.
- (5) Location of development where the movement of people and goods can best be accommodated by the Borough's street and road network, while preserving and protecting the open space that remains.

B. To assure that new residential development will not place an undue burden on the school system or adversely affect the ability of the Borough to

provide police and fire protection, sanitation control, road maintenance, and other necessary services and facilities.

C. To require commercial and limited industrial development to conform to the following characteristics:

- (1) Sufficient off-street parking in relation to the use of and anticipated traffic from the structures erected.
- (2) Channeled vehicular ingress, egress, and access points to eliminate the creation of traffic hazards on streets and roads.
- (3) Appropriate safeguards to prevent or regulate proposed operations and enterprises which unreasonably interfere with the enjoyment of neighboring properties or are detrimental to the natural environment and property values.

(Ord. 500 , 4/7/2004, §1.3; as readopted by Ord. 505 , 10/6/2004)

Article 2

Definitions

§14-201. Word Usage .

For purposes of this Part, certain words shall be interpreted as follows:

- A. Words used in present tense include the future.
- B. The singular number includes the plural and the plural includes the singular.
- C. The phrase “used for” includes “arranged for,” “designed for,” “intended for,” “maintained for,” and “occupied for.”
- D. The word “person” includes an individual, corporation, partnership, incorporated association, and/or any other similar entity.
- E. The words “include” or “including” shall not limit the term to the specified examples, but are intended to extend the meaning to all other instances of like kind and character.
- F. The words “building” or “structure” shall always be construed as if followed by the words “or part thereof.”
- G. The word “may” is permissive, and the words “shall” and “will” are always mandatory.

(Ord. 500 , 4/7/2004, §2.1; as readopted by Ord. 505 , 10/6/2004)

§14-202. Terms Defined .

Words and terms used in this Part shall have the meanings given in this Article. Unless expressly stated otherwise, any pertinent word or term not a part of this listing, but vital to the interpretation of this Part, 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.

Access drive- a privately owned, constructed, and maintained vehicular access from a public or private right-of-way to off-street parking or loading spaces.

Access strip - a piece of land which provides physical access to, and legal road frontage for a lot, but which does not comply with the minimum lot width regulations of this Part. Access strips provide access to “flag,” “rear,” or “interior” lots. The area of an access strip shall not be included in the minimum lot area required under the provisions of this Part.

Accessory structure or building - a structure or building detached from a principal building on the same lot and customarily incidental and subordinate to the principal building or use.

Accessory use - a use on the same lot and customarily incidental and subordinate to the principal building or use.

Act 247 - see Pennsylvania Municipalities Planning Code.

Addition - an extension or increase in floor area or height of a building or

structure.

Adult day care facility - any premises operated for profit or not for profit in which older adult daily living services, as defined herein, are simultaneously provided for four or more adults who are not relatives of the operator. The following types of adult day care facilities are regulated by this Part:

(1) Adult day care home - any adult day care facility in which services are provided to between four and eight adults, and where the day care areas are being used as a family residence.

(2) Adult day care center - any adult day care facility in which services are provided to eight or more adults, and where the day care areas are not being used as a family residence.

Adult use - any business, club, or other similar operation which permits patrons, clients, visitors, or members to hear, view, read, lease, purchase, trade, exchange, and/or participate in activities, publications, movies, video tapes, and/or live or televised performances which have as their dominant theme or themes explicit sexual activities and/or the exhibition of portions of the human or animal anatomy which are not normally seen in public or in commercial or other club-type operations, including the genital areas, buttocks, and female breasts, and which operations may or may not exclude minors by virtue of age. Included in the term "adult use" are book stores, movie theaters, restaurants, bars, and any other operation which qualifies for inclusion by virtue of the definition above, regardless of the type of other uses or operations which may also be conducted on or in the property or properties involved.

Agriculture - the cultivation of the soil, and the raising and harvesting of products of the soil, including but not limited to, nursery, horticulture and floriculture operations and animal and poultry husbandry. This definition also includes all necessary accessory uses for packing, treating, and storing agricultural products; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities.

Alley - a minor, vehicular right-of-way, public or private, on which no principal structures front, which serves as the secondary means of access to two or more properties which otherwise front on a public street.

Alteration - as applied to building or structure, a change or rearrangement in the structural parts or mechanical equipment, or any enlargement or diminution of a building or structure, whether horizontally or vertically, or the moving of a building or structure from one location to another.

Ancillary use - a subordinate use that is controlled by a larger permitted use. An example is a garage which also sells tires, batteries, and other auto accessories or garden shop controlled by a department store.

Animal hospital - a place where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to the hospital use.

Animal husbandry - the raising and keeping of livestock, fish, fur-bearing animals, honeybees, or poultry for any commercial purpose. The keeping of livestock, fish, fur-bearing animals, honeybees, or poultry as farm pets or for

domestic purposes shall not be construed as animal husbandry.

Antenna - a metallic apparatus for sending or receiving electromagnetic waves.

Antenna height - the vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height. If the antenna or satellite dish is mounted on the roof of a house or other building, the height shall be measured from the peak of the roof to the top of the antenna or satellite dish.

Antenna support structure - any pole, telescoping mast, tower, tripod, or any other structure which supports a device used in the transmitting or receiving of radio frequency energy.

Applicant - a person who has filed an application for approval of subdivision, land development plan, variance, special exception, or conditional use, including his/her heirs, successors, agents, and assigns. The term also includes landowner, developer, builder, and/or other persons responsible for the plans and construction or building or other improvements on any parcel of land.

Aquifer - an underground bed or stratum of earth, gravel, or porous stone that contains water.

Aquifer recharge area - the exposed ground level portion of an aquifer.

Area, gross or net - see acreage, gross or net.

Arcade - a place of business where three or more coin operated video screen or pinball game machines are located.

Assemblage -

(1) The merging of adjacent properties into a single unit of ownership or use.

(2) The property so merged, considered as a unit.

Auditorium - a building containing a stage and seating for meetings and/or performances.

Auto salvage - the dismantling or disassembling of used motor vehicles or recreation vehicles, or the storage, sale, or dumping of dismantled, partially dismantled, obsolete, or wrecked vehicles or their parts.

Automotive service station - any premises used for supplying gasoline and oil, tires, accessories and/or services for motor vehicles at retail direct to the motorist consumer, including the making of automotive repairs.

Bank - financial or fiduciary institution, including Savings and Loan, Finance Companies, Credit Unions, and other similar institutions.

Basement - a space having one-half or more of its floor-to-ceiling height above the average level of the adjoining ground and with a floor-to-ceiling height of not less than 6½ feet. A space which does not meet the above criteria is a "cellar."

Bed and breakfast home - a home occupation that provides one to six rooms (limited to two persons or one family per unit/room) for occasional paying guests on an overnight basis for periods not to exceed 14 days with breakfast being available on the premises at no additional cost. A bed and breakfast home is allowable only in a building originally constructed as a single-family detached

dwelling.

Bed and breakfast inn - a commercial building that provides up to 20 rooms (limited to two persons or one family per unit/room) for paying guests on an overnight basis for periods not to exceed 14 days with breakfast being available on the premises at no additional cost. This use is not permitted in a single-family dwelling.

Block - a unit of land bounded by streets or by a combination of streets and public land, railroad rights-of-way, waterways, or any other barrier to development.

Boarding or rooming house - a building consisting of a single dwelling unit and no more than five rooms or suites, where lodging is provided with or without meals to tenants for periods generally longer than 30 days, for compensation.

Buffer - an area designed and functioning to separate the elements and uses of land which abut it and to ease the transition between them. Unless otherwise specified, "buffer" may be included as part of the required setbacks and yard areas.

Building - any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind or nature. (Also see "accessory building" and "principal building.")

Building code official - the building inspector or other person officially appointed by Borough Council to administer and enforce the Borough building code.

Building coverage - the ratio obtained by dividing the maximum horizontal cross-section of all principal and accessory buildings on a lot (including covered balconies, covered decks, covered porches, carports, and breezeways, but excluding patios) by the total area of the lot upon which the buildings are located.

Building envelope - the area of a lot within which a principal building may be erected. This area is defined by the limits of the minimum front, side, and rear yard areas, and encompasses the area of the lot not found in the yard areas and rights-of-way.

Building inspector - see "building code official."

Building line - the line which serves as the rear boundary of the minimum front yard and which is used for the purpose of measuring lot width (see also, "yard line").

Caliper - tree diameter measured at a depth of breast height (dbh).

Campground - a plot of ground upon which two or more campsites are located, established, or maintained for occupancy by camping units of the general public as temporary living quarters for recreation, education, or vacation purposes.

Care-giver - the person responsible for the direct care, protection, supervision, and guidance of individuals in a day care setting.

Carport - a building open on two or more sides and used in conjunction with a dwelling for the storage of private motor vehicles.

Cartway - the paved portion of a street or highway designed for vehicular traffic.

Cell site - a tract or parcel of land that contains the cellular communication antenna, its support structure, accessory building(s), and parking, and may include

other uses associated with and ancillary to cellular communication transmission.

Cellar - that portion of a building which is partly or completely below grade, and having more than one-half of its height below grade (see "basement").

Cellular telephone - a mobile radio-telephone, often in an automobile, that uses a network of short-range transmitters located in overlapping cells throughout a region, with calls automatically switched from one transmitter to the next as the caller enters an adjoining cell. A central station, known as a cell site, switches the calls and makes connections to regular telephone lines.

Cemetery - land used or intended to be used for the burial of the deceased, including columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with the cemetery and within its boundaries.

Central sewer or water - a sewage disposal network and facilities, or water supply network serving a group or series of property owners in common; may be publicly or privately owned.

Child - a person under 16 years of age.

Child day care facility - the following types of child day care facilities are regulated by this Part:

(1) 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.

(2) Family day care home - any premise other than the child's own home, in which child day care is provided at any one time to 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.

(3) 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.

Church - one or more buildings or structures which by design and construction are primarily intended for the conducting of organized religious services and accessory uses associated therewith.

Closed cup flash point - the temperature at which a liquid sample produces sufficient vapor to flash, but not ignite, when in contact with a flame in a closed cup tester.

Club - a group of people organized for a common purpose to pursue common goals, interests, or activities and usually characterized by certain membership qualifications, payment of fees and dues, regular meetings, and a constitution and/or by-laws.

Common open space - a parcel or parcels of land within a development site designed and intended for the use or enjoyment of the residents of the development, not including streets, off-street parking areas and areas set aside for public facilities. Common open space shall not be part of individual residential lots, and shall be substantially free of structures but may contain such recreational facilities for residents as are shown in the approved development plan.

Common use area - that area which is set aside for public use and enjoyment

as part of a planned commercial center or mixed use office and commercial development, where required by this Part. A common use area may contain green area, recreation facilities, courtyards, plazas, and other public amenities, but shall be substantially free of structures.

Communication antenna - any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service, or any other wireless communications signals, including without limitation omnidirectional or whip antennas and directional or panel antennas, owned or operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate such device. This definition shall not include private residence mounted satellite dishes or television antennas or amateur radio equipment including without limitation ham or citizen band radio antennas.

Communications equipment building - an unmanned building or building addition containing communications equipment required for the operation of communications antennae and covering an area on the ground not greater than 500 square feet.

Communications tower - a structure other than a building, such as a monopole, a self-supporting tower, or a guyed tower, designed and used to support communications antennae.

Comprehensive Plan - the Collegeville Borough Comprehensive Plan and amendments thereto, including maps, charts, and/or descriptive matter officially adopted by the Borough Planning Commission and Borough Council, indicating recommendations for the continuing development of the municipality and including all elements required by the Pennsylvania Municipalities Planning Code.

Conditional use - a form of permitted use, authorized by this Part, under the jurisdiction of the Borough Council. The Borough Council is empowered to grant permission for conditional uses, consistent with the public interest, in compliance with the standards and procedures established in this Part, following thorough examination of the proposal, and under any reasonable safeguards necessary to implement the purposes and intent of this Part and to protect the general welfare of the Borough.

Condominium - real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions, created under either the Pennsylvania Unit Property Act of July 3, 1963, or the Pennsylvania Uniform Condominium Act.

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

Contiguous - sharing a boundary for purposes of this Part, properties on opposite sides of a public right-of-way shall not be considered contiguous.

Conversion - the remodeling or alteration of a structure so as to accommodate more leasable or saleable units or a different use than what had originally been intended for the structure. Includes the alteration of a nonresidential structure into a dwelling unit(s) for at least one family, the modification of a single-family structure to accommodate more units than originally intended, the alteration of existing dwellings into a commercial use, and the alteration of an existing dwelling

into a mixed commercial and residential use.

County - the County of Montgomery, Commonwealth of Pennsylvania.

Culvert - a drain, ditch, or conduit not incorporated in a closed system, that carries drainage water under a driveway, roadway, or paved area.

Curative amendment - an amendment, submitted either by a citizen or by the municipality, to be considered by the Borough Council as a potential cure for a successful challenge to the substantive validity of a land use ordinance.

Curative challenge - a substantive challenge to the validity of the land use ordinance and/or map, brought before the Zoning Hearing Board for consideration.

Day care facility - see child day care facility, adult day care facility.

Deck - an unroofed structure projecting from the front, side or rear wall of a building.

Decibel (dB) - the unit of measurement for sound pressure level at a specific location.

dBA - the A-weighted unit of sound pressure level.

dBC - the C-weighted unit of sound pressure level.

A-weighting - the electronic filtering in sound level meters that models human hearing frequency sensitivity.

C-weighting - the electronic filtering of sound level meters that models a flat response (output = input) over the range of maximum human hearing sensitivity.

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

Deed restriction - a restriction upon the use of a property placed in a deed.

Deed, warranty - 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 accepted therein.

Density - the number of dwelling units per net acre.

Detention basin or pond - a facility for the temporary storage of stormwater runoff.

Detonable materials - materials which decompose by detonation. Such materials include explosives, unstable compounds, and fissionable matter.

Detonation - a rapid build-up of a destructive pressure wave caused by chemical reaction and/or the sudden release of energy.

Development plan - the provisions for guiding development, including a plan of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, parking facilities, ways, common open space, and public facilities.

Development - any man-made change to improved or unimproved real estate

including buildings or other structures, streets and other paving, utilities, mining, dredging, filling, grading, excavation, or drilling operations.

Disposal - the incineration, deposition, injection, dumping, spilling, leaking, or placing of solid waste into or on the land or water in a manner that the solid waste or a constituent of the solid waste enters the environment, is emitted into the air, or is discharged to the waters of the Commonwealth.

Drainage - the natural or manmade features of land that are specifically designed to store or carry surface water runoff.

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

Drive-through window - a customer service facility designed for the convenience of the motoring public accessory to an office, bank, restaurant, or retail establishment which is intended to enable the customer to transact business with a person located within a structure or with a machine without exiting the motor vehicle.

Driveway - a private cartway providing vehicular access between a public street and a lot or property.

Dump - see "solid waste disposal."

Dwelling types - for the purposes of this Part, the following are the definitions of the various types of dwelling units:

(1) Single-family detached dwelling - a dwelling designed for and occupied exclusively as a residence for only one family and not attached to any other building or dwelling units.

(2) 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.

(a) Twin (single-family semi-detached) - a two-family building with dwelling units placed side-by-side, 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.

(b) 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.

(3) 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. Each dwelling unit may be individually lotted, or owned as a condominium. This dwelling type shall include, but not be limited to, dwelling units commonly known as townhouses, rowhouses, triplexes, quadruplexes, and multiplexes.

(a) Townhouse (rowhouse) - a single-family attached dwelling in a row of at least three units, with one dwelling unit from ground to roof, with individual outside access. Although these units are in rows, their design should de-emphasize a "lined up" appearance.

(b) Multiplex - an attached dwelling arranged in a group of no more than six units, in a variety of configurations: side by side, back to back, or vertically. Because of the variety of configurations, a multiplex can be designed to look like a large, single-family detached house; this feature is encouraged.

(4) Multi-family building - a detached residential building containing three or more dwelling units. Units may not be arranged entirely in vertical rows (like townhouses), and are generally located entirely above or below one another. Units may share outside access and/or internal hallways, lobbies, and similar facilities. The dwelling units cannot be individually lotted, but instead, share the lot or tract on which the building containing them is located. The development is usually under one operating unit, as a rental or condominium development. This dwelling type includes, but is not limited to, garden apartments, flats and multi-family conversions, as defined below:

(a) Multi-family conversion - a multi-family dwelling containing not more than four dwelling units, that results from the conversion of a single-family or two-family dwelling.

(5) Apartment - a single dwelling unit in a multi-family building or duplex or a single dwelling unit located above a first floor commercial or office use in a mixed use structure. [Ord. 526]

Dwelling unit - one or more rooms, designed, occupied, or intended to be occupied as separate living quarters, with cooking, sleeping, and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.

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.

Elevation -

- (1) A vertical distance above or below a fixed reference level.
- (2) A flat scale drawing of the front, rear or side of a building.

Explosive material - a material which produces flammable or explosive gases or vapors under ordinary temperature conditions, and includes liquids which have a closed cup flash point of less than 105°F.

Essential services - the erection, construction, alteration, or maintenance by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, steam, water or sewer transmission, or distribution systems, collection, communication, supply, or disposal systems and their essential buildings, excluding communication towers and communication antennas, as defined herein.

Family -

- (1) Any number of individuals living together on a nontransient basis as

a single housekeeping unit and doing their cooking on the premises, when said individuals are related by blood, marriage, or adoption; no more than three unrelated individuals living together as a single 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 herein. The definition of family shall not apply to the occupants of a club, fraternity, or sorority house, lodge, residential club or student home.

(2) Notwithstanding the definition in the preceding subparagraph, a family shall also be deemed to include any number of mentally or physically handicapped persons occupying a dwelling unit as a single, nonprofit housekeeping unit, if such occupants are handicapped persons as defined in Title VIII of the Civil Rights Act of 1968, as amended by the "Fair Housing Amendments Act of 1988." Such unrelated individuals shall have the right to occupy a dwelling unit in the same manner and to the same extent as any family unit as defined in the first subparagraph of this definition.

[Ord. 526]

Farm operation - a premises which is used for the production of agricultural commodities in their unmanufactured state, such as raising livestock, and which shall include those activities which are customarily associated with such production, including the application of manure and/or fertilizers for crop production.

Fast-food restaurant - restaurant where most customers order and are served their food at a counter or in a motor vehicle in packages prepared to leave the premises, or able to be taken to a table or counter to be consumed.

Flammable - subject to easy ignition and rapid flaming combustion.

Floodplain area - a relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourses; and/or any area subject to the unusual and rapid accumulation of surface waters from any source. Those areas subject to inundation by the waters of the 100-year flood as delineated in the Flood Insurance Study for the Borough of Collegeville, Montgomery County, Pennsylvania, of June 1996, as prepared by the Federal Emergency Management Agency.

Floodplain-related terms -

(1) **Base flood** - the flood which has been selected to serve as the basis upon which the floodplain management provisions of this and other ordinances have been prepared. For the purposes of this Part, it shall be the 100-year flood as referenced in the current Flood Insurance Study and delineated on the Flood Insurance Rate Map of the Federal Insurance Administration.

(2) **Base flood elevation** - the 100-year flood elevation as referenced in the Flood Insurance Study. Within the approximated floodplain, alluvial soils floodplain, or other similarly documented areas, the 100-year flood elevation shall be established as a point on the boundary of the floodplain nearest to the construction site in question.

(3) **Completely dry space** - space which will remain totally dry during

flooding; the structure is designed and constructed to permit the passage of water and water vapor.

(4) Essentially dry space - a space which will remain dry during flooding; except for the passage of some water vapor or minor seepage; the structure is substantially impermeable to the passage of water.

(5) FEMA and FIA - the Federal Emergency Management Agency and the Federal Insurance Administration who have jurisdiction over the National Flood Insurance Program and its related studies and regulations. "FEMA" is the parent agency of the "FIA."

(6) Flood - a temporary condition of partial or complete inundation of normally dry land areas.

(7) Flood Insurance Rate Map - the official FIA map which shows special hazard zones and risk areas for insurance rating purposes. For the purposes of this Part, it also delineates floodplain areas.

(8) Flood Insurance Study - the examination and determination of flood hazards by the FIA. The flood elevations contained in this study are used for floodplain management purposes as related to this Part and other ordinances.

(9) Floodplain - a relatively flat or low land area adjoining a stream, river, or watercourse, which is subject to partial or complete inundation during a 100-year flood, or any area subject to the unusual and rapid accumulation of surface water from any source; also referred to as flood-prone area.

(10) Floodplain districts - those floodplain districts specifically designated in this Part as being inundated primarily by the 100-year flood. Included would be areas identified as the Floodway District (FW), Flood-Fringe District (FF), and General Floodplain District (FA).

(11) Floodplain management - the application of a program or activities which may consist of both corrective and preventive measures for reducing flood damages.

(12) Floodproofing - any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents. Such measures are set forth in floodproofing regulations published by the Office of the Chief Engineers, U.S. Army, Publication Number EP 1165 2 314 (June, 1972, and as subsequently amended). Floodproofing measures for all new construction and substantial improvements of structures shall satisfy the requirements of the Completely Dry Spaces (W1) and Essentially Dry Spaces (W2) classes referenced in these regulations. In said publication where reference is made to "below" (or above) the "BFD" (base flood datum) it shall be interpreted as meaning below (or above) the base flood elevation.

(13) Floodway - the channel of a river or other watercourse and the adjacent land area required to carry and discharge a flood of the 100-year magnitude as specifically defined in this Part.

(14) Obstruction - any wall, dam, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel, rectification, culvert, building,

fence, stockpile, refuse, fill, structure or matter in, along, across or projecting into any channel, watercourse or designated floodplain district which may impede, retard or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or is placed where the flow of the water might carry the same downstream to the damage of life and property.

(15) One-hundred year flood - a flood that has one chance in 100 or a 1 percent chance of being equaled or exceeded in any 1 year. For the purposes of this Part, the "100-year flood" (base flood) is as defined by the Federal Insurance Administration in the Flood Insurance Study.

(16) Regulatory flood elevation (RFE) - the 100-year flood elevation plus a freeboard safety factor of 1½ feet.

(17) Substantial improvement - any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either before the improvement or repair is started, or, if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

(a) Any project for improvement of a structure to comply with existing State or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions.

(b) Any alteration of a structure listed on a national register of historic places or a State inventory of historic places.

Floor area, gross - the sum of the gross horizontal areas of the several floors of a building measured from the exterior face of the exterior walls, or from the centerline of a wall separating two buildings, but not including interior vehicular parking or loading, or any space where the floor-to-ceiling height is less than 6 feet.

Floor area, net - the total of all floor areas of a building, excluding stairwells and elevator shafts, equipment rooms, interior vehicular parking and loading, and all floor below the first or ground floor except when used or intended to be used for human habitation or service to the public. The area excluded as unusable may not exceed 15 percent.

Floor area ratio - a ratio derived by dividing the total (gross) floor area of all buildings on a lot by the buildable lot area.

Frontage - the length of the lot line abutting a street right-of-way.

Green area - in a development, green area includes all landscape features such as planters, planted islands, landscaped buffers and screens, lawn areas, woods, hedgerows, and any area that is not covered by buildings or paving. It is available and used for retention and maintenance of natural vegetation and for absorption of stormwater for groundwater recharge. Decorative stone and mulch ground-covers may be included if placed upon an earth surface.

Gross leasable area - the total floor area designed for tenant occupancy and

exclusive use, including basements, mezzanines and upper floors, expressed in square feet and measured from the center line of partitions and from outside wall faces. It is the space for which tenants pay rent, including sales areas and integral stock areas. It does not include public or common areas, such as public toilets, corridors, stairwells, elevator lobbies, or enclosed mall spaces.

Group home for the handicapped - a dwelling with no more than six handicapped persons, excluding resident staff, who live together as a single housekeeping unit and in a long-term, family-like environment in which staff persons provide care, education, and participation in community activities for the residents with the primary goal of development or exercising the residents' basic skills for daily living. As used herein, term "handicapped" shall have the meaning (1) a physical or mental impairment which substantially limits one or more of such person's major life activities so that such person is incapable of living independently, (2) a record of have such an impairment, or (3) being regarded as having such an impairment. However, "handicapped" shall not include current, illegal use of or addition to a controlled substance (as defined in §102 of the Controlled Substance Act, 35 P.S. §780-102), nor shall it include any person whose residency in the home would constitute a direct threat to the health or safety of other individuals. The term "group home for the handicapped" shall not include nursing homes, alcoholism or dry treatment centers, work-release facilities for convicts or ex-convicts or other housing facilities serving as an alternative to incarceration. The term "handicapped" is interchangeable with a person with a disability.

Guest accommodations - see "bed and breakfast," "hotel," and "motel."

Health-care facility - a facility or institution, whether public or private, principally engaged in providing services for health maintenance, diagnosis, or treatment of human disease, pain, injury, deformity, or physical condition, including a general hospital, public health center, diagnostic center, treatment center, rehabilitation center, extended care facility, skilled nursing home, nursing home, intermediate care facility, chronic disease hospital, maternity hospital, outpatient clinic, dispensary, home health care agency, or personal care facility.

Health services - establishments primarily engaged in furnishing medical, surgical, or other services to individuals, including the offices of physicians, dentists, and other health practitioners, medical and dental laboratories, outpatient care facilities, blood banks, and oxygen and miscellaneous types of medical supplies and services.

Height of a communications tower - the vertical distance measured from the ground level to the highest point on a communications tower, including antennas mounted on the tower.

Height of building - the vertical distance measured from the average elevation of the existing grade at the location of the building to the highest point of a flat or multi-level roof, or for gable, hip, or gambrel roofs to the mean height between the eaves and ridge. Chimneys, spires, towers, mechanical penthouses, tanks, and similar projections not intended for human occupancy shall be excluded.

Home occupation - the accessory use of a residence involving the conduct of an art or profession, the offering of a service, the conduct of a business, or the production of handicrafts on a residential site, pursuant to the provisions of Article

8 of this Part. The use is incidental and secondary to the use of the dwelling for residential purposes, and shall not change the character of the residential use or adversely affect the uses permitted in the residential district of which it is a part.

Hotel - an establishment providing transient accommodations, containing a minimum of five rental rooms, and having the following characteristics:

- (1) Access to rooms is provided through a lobby and internal hallways.
- (2) Building height is two or more stories
- (3) Often provides meeting rooms, banquet facilities, and ancillary commercial shops within the building, with internal hallway access.

Impervious coverage - coverage of the site by materials which cannot be penetrated by water and which therefore results in stormwater runoff of 100 percent. Included are:

- (1) All buildings.
- (2) All forms of impervious paving materials used for roads, driveways, parking, loading, walks, courts, patios, etc.

Improvements - the physical additions, installations and changes required to render land suitable for the use proposed, including streets, curbs, sidewalks, utilities, and drainage facilities.

Industry - those fields of economic activity including forestry, construction, manufacturing, transportation, communication, extraction, utility services, and wholesale trade. (See "industry, light" and "industry, heavy.")

Industry, light - industrial activities which are carried on entirely within an enclosed building, and involve no outdoor processes or outdoor storage of primary raw materials.

Industry, heavy - industrial activities which do not meet the definition of "light industry."

Junk - includes refuse, rubbish, debris, and scrap, whether salvable or not and made from any and all material other than solid waste as defined by the Solid Waste Management Act and amendments, as would normally be disposed of at a sanitary landfill as defined herein. (See "salvage," "waste," "recyclable material.")

Junk or salvage yard - any outdoor establishment or place of business which is maintained, used, or operated for storing, keeping, buying, or selling junk, and for the purposes of this Section, the term shall include refuse, rubbish, garbage, and debris whether salvable or not and made of any or all materials. It shall not include, however, refuse or garbage kept in proper containers for the purposes of prompt disposal.

Kennel, animal - any structure or premises in which more than six dogs or domesticated small animals more than 1 year old are housed, groomed, bred, boarded, trained, or sold.

Lakes and ponds - natural or artificial bodies of water which retain water year-round. Artificial ponds may be created by dams, or result from excavation. The shoreline of such water bodies shall be measured from the maximum condition rather than permanent pool if there is any difference. Lakes are bodies of water 2 or more acres in extent. Ponds are any water body less than 2 acres in extent.

Land development -

(1) 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.

(2) Except that the following activities shall not be considered land developments:

(a) The conversion of an existing single family detached dwelling or single family semi-detached dwelling into not more than three residential units, unless such units are intended to be a condominium.

(b) The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building.

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

Loading space - a space, accessible from a street, in a building or on a lot, for the temporary use of vehicles while loading or unloading materials or merchandise.

Lot - a contiguous tract, parcel, or unit of land held by a landowner and/or intended for use, development, lease, or transfer of ownership, and for which a deed description is recorded or is intended to be recorded at the Office of the Recorder of Deeds for Montgomery County.

Lot area, buildable - net lot area contained by the building line, minus the area of any land in a floodplain conservation district, in a steep slope conservation district, or in a wetlands areas.

Lot area, gross - calculated land area contained within the deeded boundaries of a lot.

Lot area, net - gross lot area minus areas of public and private rights-of-way, easements, ultimate rights-of-way and access strips for flag lots.

Lot, corner - a lot having contiguous frontage on two or more intersecting roads. The yard setback for each road frontage shall be the front yard setback for the district in which the lot is located.

Lot, flag - a lot not fronting or abutting a public roadway and where access to the public roadway is limited to a narrow private right-of-way. This definition does not include the commonly used wedge shaped lots located on a cul-de-sac turnaround. [Ord. 508]

Lot line - any property boundary line of a lot, further defined as follows:

(1) Front lot line is the line identical with the street ultimate right-of-way line (also known as "street line").

(2) Rear lot line is the line or lines most nearly parallel or concentric to the front lot line.

(3) Side lot lines are the lines most nearly perpendicular or radial to the front lot line. On a corner lot, the side lot line shall be the line or lines most nearly perpendicular or radial to the higher classification of street, where applicable. The remaining line shall be considered the rear lot line.

(4) A lot which fronts on more than one street shall have a front lot line on each street frontage.

Lot width - the horizontal distance between side lot lines, measured at the building line, parallel or concentric to the ultimate right-of-way line. For a corner lot, lot width shall be measured parallel or concentric to the ultimate right-of-way line of the higher classification of street, where applicable.

Manufacturing - the process or operation of making wares or products from raw materials by hand or by the use of machine(s).

Manufactured or mobile structures - a transportable, structure intended for permanent residential occupancy, office, or place of assembly, contained in one or more sections, built on a permanent chassis, which arrives at a site completed and ready for occupancy except for minor or incidental unpacking and assembly operations, and constructed so that it may be used with or without a permanent foundation. The term includes park trailers, travel trailers, recreational, and other similar vehicles which are placed on a site for more than 180 consecutive days.

Manufactured park - a parcel of land which has been planned and improved for the placement of two or more manufactured structures for nontransient use.

Mobile home - a transportable, single-family dwelling intended for permanent occupancy, contained in one or more units, built on a permanent chassis, 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. It 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. This term does not include recreational vehicles or travel trailers.

Mobile home park - a parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes.

Modular home - a single-family 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-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.

Motel - an establishment providing transient accommodations, containing a minimum of six rental rooms and having the following characteristics:

- (1) Access to rooms is from directly outside the building.
- (2) Building height is only one or two stories.
- (3) The facility is generally served by a central office rather than a lobby.

Motor vehicle sales agency - a commercial use for the sale and repair of motor vehicles, including new and used cars, trucks, recreational vehicles, and/or farm equipment; having both indoor and outdoor display areas, and providing maintenance and repair services for vehicle owners.

Motor vehicles - all vehicles propelled or drawn by power other than muscular power and intended for use on public highways or in agricultural activities.

No-impact home-based business - a business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use of 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.

Noise - any sound of such level and duration as to be or tend to be injurious to human health or welfare, or which would unreasonably interfere with the enjoyment of life or property throughout the municipality or in any portions thereof, but excludes all aspects of the employer-employee relationship concerning health and safety hazards within the confines of a place of employment.

Noise control officer (NCO) - a person qualified in the measurement of sound and empowered to investigate sound levels when requested by the Borough.

Octave band - a means of dividing the range of sound frequencies into octaves in order to classify sound according to pitch.

Older adult daily living services - services provided or arranged for part of a 24-hour day to assist in meeting the needs, including, but not limited to, personal care, social, nutritional, health, and education needs, of a population of persons who are predominantly 60 years of age or older or who are under 60 years of age but who have a dementia-related disease, such as Alzheimer's disease, as a primary diagnosis. The term does not include services provided for persons whose needs are such that they can only be met in a long-term care facility on an inpatient basis, receiving professionally supervised nursing care and related medical and other health services. (see adult day care facility.)

Open space- public or private lands designated for the use and enjoyment of residents of a development and/or the general public, incorporating natural features such as woodlands, streams, or meadows, and including State, County, or Borough parks, trails, and other recreational facilities. Also includes "common open space" as defined below, and other private lands which are available for the use of Borough residents (i.e., through access easements). (See "common open space.")

Park - any area which is predominantly open space, is used principally for active or passive recreation, and is not used for a profit-making purpose.

Parking facilities - outdoor areas or specially designed buildings or garages

used for the storage of vehicles.

Parking space - an open area or an area covered with a dust-free, all-weather surface for the storage of one automobile, accessible via a driveway.

Particulate matter - material other than water which is suspended in or discharged into the atmosphere in a finely divided form, as a liquid or solid.

Pedestrian pick-up window - a window designed to be used by a pedestrian to obtain goods or receive services. Such a window may not be used in conjunction with a motorized vehicle and differs from a drive-through window in that it is to be used only by pedestrians.

Pennsylvania Municipalities Planning Code - the Municipalities Planning Code, originally enacted as Act 247 of 1968, which establishes the basic authority for the exercise of municipal land use controls in Pennsylvania. All subsequent amendments are included. Abbreviated as "MPC" or "Act 247."

Permit - a document issued by the proper authority authorizing the applicant to undertake specified activities.

Personal services - a business which provides a service oriented to personal needs, and not primarily involving retail sales of goods or professional advisory services. Includes barber, beauty salon, tailor, dressmaker, shoe repair, photographer, travel agent, jewelry and watch repair, or similar service uses. It does not include a massage parlor or tattoo parlor.

Plan - a graphic representation of a proposal for subdivision and/or land development, including necessary written notes.

Planning Commission - the Collegeville Borough Planning Commission.

Porch - a roofed structure projecting from the front, side, or rear wall of a building.

Principal building - a building which is considered the principal use of the lot on which it is located.

Principal use - the single dominant use or single main use on a lot.

Processing - any technology used for the purpose of reducing the volume or bulk of municipal or residual waste or any technology used to convert part or all of such waste materials for off-site reuse. Processing facilities include, but are not limited to, transfer facilities, composting facilities, and resource recovery facilities.

Professional office - a building in which services are performed by a member of a profession, including an accountant, architect, author, dentist, engineer, insurance agent, landscape architect, lawyer, notary, optometrist, physician, planner, realtor, or similar occupations.

Property line - a recorded boundary of a lot. Any property line which abuts a street or other public way shall be measured from the right-of-way.

Public hearing - a formal meeting held pursuant to public notice by the governing body, planning commission, or other municipal agency, intended to inform and obtain public comment, prior to taking action in accordance with the Pennsylvania Municipalities Planning Code, as amended.

Public meeting - a forum held pursuant to notice under the Act of July 3, 1986 (P.L. 388, No. 84), known as the "Sunshine Act." ("... any prearranged gathering

of an agency which is attended or participated in by a quorum of the members of an agency, held for the purpose of deliberating agency business or taking official action.”)

Public notice - notice of a public hearing published in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and particular nature of the matter to be considered at the hearing. The publication of a public notice shall be in accordance with the Pennsylvania Municipalities Planning Code, as last amended.

Public utility - a company regulated by the Pennsylvania Public Utility Commission. Cellular communications companies and other companies not defined as a public utility by the Pennsylvania Public Utility Commission shall not be considered a public utility.

Public utilities facility - a building or structure and its equipment, used for the transmission and exchange of telephone, radio telephone, gas, power, sewer, and water facilities, provided, however, that in a residential district these shall not include public business facilities, storage of materials, trucks, or repair facilities, or housing of repair crews.

Public utility transmission tower - a structure, owned and operated by a public utility electric company regulated by the Pennsylvania Public Utility Commission, designed and used to support overhead electricity transmission lines.

Pure tone - any sound that can be judged as a single pitch or set of single pitches by the NCO.

Real property line - either (a) the imaginary line, including its vertical extension, that separates one parcel of real property from another, or (b) the vertical and horizontal boundaries of a dwelling unit that is one in a multi-dwelling unit building.

Receive-only earth station - an antenna and attendant processing equipment for reception of electronic signals from satellites.

Recyclable materials - materials separated from municipal waste which are to be used as raw materials for the development of new usable products. Recyclable materials can include the following items: newsprint, high-grade office paper, glass, aluminum, steel and bimetallic cans, plastic, corrugated paper and leaf wastes.

Recycling operation - an establishment which is maintained or used or operated for the purposes of temporarily storing and preparing scrap and/or discard materials for consumption by other establishments whose operations include producing products from recycled materials.

Relative - a parent, child (including adopted), stepparent, stepchild, grandparent, grandchild, brother, sister, half-brother, half-sister, step-brother, step-sister, first cousin, aunt, uncle, niece, or nephew.

Residential in-fill development - residential development that occurs when an existing, developed lot is further subdivided for one or more building lots.

Restaurant - any establishment, except those fitting the definition of fast food restaurants, at which food is sold for consumption on the premises to patrons seated within an enclosed building, or elsewhere on the premises. However, a snack bar or refreshment stand at a public, semipublic, or community swimming pool,

playground, playfield, or park operated by the agency or group of an approved vendor operating the recreational facilities and for the convenience of the patrons of the facility shall not be deemed to be a restaurant. (Also see "fast food restaurant.")

Reverse frontage lotting - lotting which extends between two streets of differing classifications, with vehicular access provided from the lesser street, in order to promote traffic flow and safety on the greater street.

Salvage - any discarded material or articles, including scrap metallic or nonmetallic items, whole or parts of vehicles and equipment, paper, glass, containers, and structures, which is separated for industrial processing or reprocessing and further used or re-used. (See "junk," "waste," "recyclable materials.")

Sanitary landfill - see "solid waste disposal facility."

Sanitary sewer system - a centralized sanitary sewer system or a comparable common or package sanitary sewer facility approved by the appropriate governmental health agency.

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

Satellite use - a commercial establishment in a shopping center or planned commercial center, located in a free-standing building independent of other buildings, and frequently near the road frontage of the center. Satellite uses are generally characterized by the following:

- (1) A need for nearby parking.
- (2) Rapid customer turnover.
- (3) Vehicular service bays or drive-through services.

Scrap processor - a firm engaged in the business of preparing scrap (metal or rags and paper) for consumption by steel mills or paper companies or other establishments whose purpose it is to use scrap in producing products.

Sewage facilities, central - a sewage disposal system in compliance with all State and local regulations, approved by the Pennsylvania Department of Environmental Resources and applicable sewer authority, and providing service to multiple customers. Includes the following definitions:

(1) Public sewer facilities - the central sewage system operated by the Collegeville/Trappe Municipal Authority.

(2) Common sewage facilities - a sewage disposal system independent of the public sewer system, serving more than one residence or business through a community treatment plant, land application system, or similar "satellite" system.

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 - any object, device, display or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct, or attract attention to an object, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images. Sign types and sign related terms are further defined in Article 23, herein.

Significant gap - as defined by the courts, a significant gap is where the holes in cellular coverage are very limited in number or size (such as the interiors of buildings in a sparsely populated rural area, or confined to a limited number of houses or spots as the area covered by buildings increases), so that the lack of cellular coverage likely will be de minimis so that denying applications to construct towers necessary to fill these holes will not amount to a prohibition of service.

Single and separate ownership - the ownership of a contiguous land area as one or more lots by one owner, whether a person, partnership, corporation, or other legal entity, irrespective of the fact that parts of the land may have been acquired at different times or that the area may have been divided into parts on any plan or plat.

Soil survey - the Montgomery County Soil Survey of 1967, prepared by the Soil Conservation Service of the United States Department of Agriculture.

Solid waste disposal facility - a land use including buildings, land equipment, and any other appurtenances used in the processing of solid waste, resource recovery, cogeneration of energy, recycling, incineration, and/or landfilling as a means of disposal of solid waste.

(1) Dump - a site used primarily for the disposal by abandonment, dumping, burial, burning, or other means, and for whatever purpose of garbage, trash, junk, vehicles or parts thereof, or waste material of any kind.

(2) Sanitary landfill - any outdoor establishment or place of business operated or maintained for the disposal of solid waste by the method known as "landfilling," in accordance with any or all Federal, State, and local landfilling laws, statutes, rules, and regulations. The term "landfill" shall have the same meaning as sanitary landfill.

Special exception - a form of permitted use, authorized by this Part, 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 Part.

Specialized retail - retail shops and stores selling gifts, novelties, flowers, books, periodicals, jewelry, apparel, tobacco, toys, crafts, hobby supplies, cameras and film, stationery, or antiques. Stores in excess of 7,500 square feet in a single structure are not included in this use. Adult uses are excluded from this definition and are defined separately above.

Steep slope- areas with a gradient of 15 percent or greater, as determined by the soil survey or accurate contour mapping.

Story - that portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space

between the floor and ceiling next above it and including those basements used for the principal use.

Street - includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct, and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private.

Street line - a line identical with the front lot line and ultimate right-of-way line.

Street rights-of-way - rights-of-way for street purposes are defined as follows:

(1) Legal right-of-way - the street right-of-way legally in the public domain at the time a plan is submitted. All setbacks are measured from the legal right-of-way line, unless specifically mentioned in an individual district.

(2) Ultimate right-of-way - the street right-of-way projected as necessary for adequate handling of anticipated maximum traffic volumes. The ultimate right-of-way is the legal right-of-way where it has been offered for dedication and accepted by the Borough.

Student - any tenant, as defined herein, or proposed tenant attending or enrolled in a post secondary educational or vocational institution at any time during the period beginning 5 months prior to the first day of his or her lease and ending on the last day of such lease term or any extension thereof; provided, however, that a tenant shall not be deemed a student if the aggregate number of academic or vocational equivalent credit hours enrolled in by such tenant during the aforesaid period is less than 9. [Ord. 526]

Student home - a living arrangement for students, unrelated by blood, marriage or legal adoption, attending or about to attend a college or university or who are on a semester or summer break from studies at a college or university, or any combination of such persons. Student homes shall not include fraternities, sororities or community residential programs. [Ord. 526]

Student residence hall - a structure containing a living arrangement owned or leased by an educational institution and operated as an integral part of that educational institution for the use of its students. [Ord. 526]

Structure - any thing built, constructed, or erected which requires location on the ground or attachment to something located on the ground.

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.

Substantial construction - construction on an approved project is recognized as having begun when foundation footings are poured or other structural supports are installed and such footings or supports have passed any required inspection.

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

occurred.

Swimming pool - any structure that contains water over 24 inches (610 mm) in depth and which is used, or intended to be used, for swimming or recreational bathing. This includes in-ground, above-ground, and on-ground swimming pools, hot tubs, and spas.

Tattoo parlor/body-piercing studio - an establishment whose principle business activity, either in terms of operation or as held out to the public, is the practice of one or more of the following:

(1) Placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin.

(2) Creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration.

Temporary or seasonal occupancy - the use of any premises or structure for living and/or sleeping purposes for less than 100 consecutive days in any calendar year.

Travel trailer - a recreational vehicle requiring a separate power source for pulling, which may include living, sleeping, eating, and sanitary facilities, but which is designed for vacation travel and not for long-term or permanent occupancy.

Ultimate right-of-way line - the dividing line between a lot and the outside limit of the ultimate right-of-way of a public street. Identical with "front lot line" and "street line."

Utility facilities - above-ground structures or facilities (other than buildings, unless such buildings are used for storage incidental to the operation of such structures or facilities) owned by a governmental entity, a nonprofit organization, corporation, or any entity defined as a public utility for any purpose by the Pennsylvania Public Utilities Commission and used in connection with the production, generation, transmission, delivery, collection, or storage of water, sewage, electricity, gas, oil, or communication signals. Excepted are utility transmission lines and supporting structures.

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 Part. Variances are granted only if specific requirements are met, in accordance with the provisions of §14-411.

Vegetative cover - the portion of land devoted to vegetative coverage, including lawns, trees, shrubs, flowers, and gardens.

Vehicle display area - an open area, other than a street or parking area, used for display, sale, or rental of new or used motor vehicles, recreational vehicles, or boats in operable condition, and where no major repairs are done.

Visual screen - a barrier whose purpose is to obscure a view; generally comprised of plant materials suitable for the purpose.

Warehouse - a building or group of buildings primarily used for the commercial

storage, transfer, and distribution of products and materials.

Warehouse, mini - a building or group of buildings situated in a controlled-access compound which are divided into individual separate access units which are rented or leased for the storage of tangible personal property.

Waste - a material whose original purpose has been completed and which is directed to a disposal or processing facility or is otherwise disposed. This term does not include source-separated recyclable materials. Waste is further classified as follows, in accordance with Act 101, the Solid Waste Management Act:

(1) Agricultural waste - poultry and livestock manure, or residual materials in liquid or solid form generated in the production and marketing of poultry, livestock, fur-bearing animals, and their products, if the agricultural waste is not hazardous. The term includes the residual materials generated in producing, harvesting, and marketing of agronomic, horticultural, and silvicultural crops or commodities grown on the premises of a farm operation.

(2) Construction/demolition waste - solid waste resulting from the construction or demolition of buildings and other structures, including wood, plaster, metals, asphaltic substances, bricks, block, and unsegregated concrete. The term also includes dredging waste. The term does not include clean fill separated from other waste.

(3) Clean fill - uncontaminated, nonwater-soluble, nondecomposable inert solid material used to level an area or bring the area to grade. Includes uncontaminated soil, rock, gravel, brick, block, and concrete.

(4) Hazardous waste -

(a) Municipal or agricultural waste which because of its quantity, concentration, physical, chemical, or infectious characteristics may:

1) Cause or significantly contribute to an increase in mortality or an increase in morbidity in either an individual or the total population.

2) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

(b) The term does not include point sources subject to permits under §402 of the Federal Water Pollution Control Act, as amended, or source, special nuclear, or by-product material as defined by the U.S. Atomic Energy Act of 1954, as amended.

(5) Municipal waste - garbage, refuse, industrial lunchroom or office waste, or other material resulting from operation of residential, municipal, commercial, or institutional establishments and from community activities; and sludge not meeting the definitions of residual or hazardous waste from a municipal, commercial, or institutional water supply treatment plant, waste water treatment plant, or air pollution control facility.

(6) Residual waste - garbage, refuse, or other discarded material or waste including solid, liquid, semi-solid, or contained gaseous materials resulting from industrial, mining, and agricultural operations and sludge from an industrial, mining, or agricultural water supply treatment facility, waste water

treatment facility, or air pollution control facility, provided that it is not hazardous.

(7) Solid waste - waste including municipal, residual, or hazardous wastes.

Watercourse - a place intended or used for the directed surface flow of water, including permanent and intermittent streams, brooks, creeks, channels, ditches, swales, and rivers.

Water supply system - a system designed to transmit water from a source to users, in compliance with the requirements of the appropriate state agencies and the local authorities. Includes the following definitions:

(1) Water facilities, common - a water distribution system serving a single neighborhood or development.

(2) Water facilities, public - a water distribution system serving all or a portion of the Borough and operated by a certified public utility.

Wetlands - those areas that are inundated and saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions; includes swamps, marshes, bogs, and similar areas. Development in "wetlands" is regulated by the U.S. Army Corps of Engineers and the Pennsylvania Department of Environmental Resources. Identification of "wetlands" should be based upon the "Federal Manual for Identifying and Delineating Wetlands," an interagency publication of the Corps of Engineers, EPA, Fish and Wildlife Service, and Soil Conservation Service, dated January, 1989.

Wholesale business - places of business primarily engaged in selling merchandise to retailers, to industrial, commercial, institutional or professional business users, or to other wholesalers, or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

Woodlands - areas, groves, or stands of mature or largely mature trees (i.e., greater than 6 inches in caliper) covering an area greater than ¼ of an acre, or groves of mature trees (greater than 12 inches in caliper) consisting of more than 10 individuals.

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 Part. A yard is measured at right angles from the right-of-way or lot line to the nearest building wall. "Yard" is further defined as follows:

(1) Front yard - a yard which extends across the full width of a lot, for a depth equal to the minimum front yard setback distance required by the specific regulations of this Part, measured from the street legal right-of-way line, unless stated otherwise.

(2) Rear yard - a yard which extends across the full width of a lot, for a depth equal to the minimum rear yard setback distance required by the specific regulations of this Part, measured from the rear lot line.

(3) Side yard - a yard which extends along a side lot line from the required front yard to the required rear yard, the minimum width of which

shall be the minimum specified by the regulations of this Part, measured from the side lot line. However, corner lots shall be regarded as having two front yards for the frontage along a street. Therefore the setback for a side yard with street frontage shall be the same as the front yard setback for the district in which the property is located.

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

Zoning Officer - the administrative officer charged with the duty of enforcing the provisions of this Part.

(Ord. 500 , 4/7/2004, §2.2; readopted by Ord. 505 , 10/6/2004; as amended by Ord. 508 , 12/1/2004, §§I, and II; by Ord. 518 , 3/1/2006, §I; by Ord. 519 , 7/12/2006, §I; and by Ord. 526, 3/7/2007, §§I, X)

Article 3

Administration

§14-301. Zoning Officer .

For the administration of this Part, a Zoning Officer, who shall not hold any elective office in the municipality, shall be appointed by Borough Council. The Zoning Officer shall meet qualifications established by the Borough and shall be able to demonstrate to the satisfaction of the Borough a working knowledge of municipal zoning. The Zoning Officer shall administer this Part in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use which does not conform to this Part. Zoning Officers may be authorized to institute civil enforcement proceedings as a means of enforcement when acting within the scope of their employment.

(Ord. 500 , 4/7/2004, §3.1; as readopted by Ord. 505 , 10/6/2004)

§14-302. Duties and Powers .

The Zoning Officer shall have the authority 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 Part, 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 Collegeville Borough.

C. Conduct inspections and surveys to determine compliance or noncompliance with the terms of this Part. In carrying out such surveys, the Zoning Officer or his or her 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 Part to be served personally or by registered mail.

E. Institute civil enforcement proceedings for the enforcement of provisions of this Part, when acting within the scope of his or her employment.

F. Maintain a map showing the current zoning classification of all land within the Borough.

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 Part.

(Ord. 500 , 4/7/2004, §3.2; as readopted by Ord. 505 , 10/6/2004)

§14-303. 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. 500 , 4/7/2004, §3.3; as readopted by Ord. 505 , 10/6/2004)

§14-304. Appeal and Application Procedure .

An application for special exception, or for a variance from the terms of this Part, or an appeal from a decision of the Zoning Officer may be filed with the Borough Manager 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 special 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 Part 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 improvements 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. 500 , 4/7/2004, §3.4; as readopted by Ord. 505 , 10/6/2004)

Article 4

Zoning Hearing Board

§14-401. Appointments .

1. The word "Board" when used in this Article shall mean the Zoning Hearing Board.

2. The membership of the Board shall, upon the determination of the Borough Council, consist of either three or five residents of the Borough appointed by resolution. The terms of office of a three-member board shall be determined by the Municipalities Planning Code, as last amended, and shall be so fixed that the term of office of one member shall expire each year. The terms of office of a five-member board shall expire each year. If a three-member board is changed to a five-member board, the members of the existing three-member board shall continue in office until their term of office would expire under prior law. Borough Council shall appoint two additional members to the Board with terms scheduled to expire in accordance with the provisions of this Section. The Board shall promptly notify the governing body of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other office in the Borough.

3. Any board member may be removed for malfeasance, misfeasance, or nonfeasance in office or for other just cause by a majority vote of the governing body which appointed the member, taken after the member has received advanced notice pursuant to the Municipalities Planning Code of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

(Ord. 500 , 4/7/2004, §4.1; as readopted by Ord. 505 , 10/6/2004)

§14-402. Alternate Members .

The Borough Council may appoint by resolution no more than three residents of the Borough to serve as alternate members of the Board. The term of office of an alternate shall be determined by the Municipalities Planning Code.

A. If, by reason of absence or disqualification of a member, a quorum is not reached, the chairman of the Board shall designate as many alternate members of the Board to sit on the Board as may be needed to provide a quorum. An alternate so designated shall be entitled to participate in all proceedings and discussions of the Board to the same and full extent as provided by law for Board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth in this Article and as otherwise provided by law.

B. Any alternate member of the Board shall continue to serve on the Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Board has made a final determination of the matter or case.

C. Alternate members may hold no other office in the Borough.

(Ord. 500 , 4/7/2004, §4.2; as readopted by Ord. 505 , 10/6/2004)

§14-403. Organization of the Board .

A. The Board shall elect a chairperson from its own membership, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall not be less than a majority of all the members of the Board, but the Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Board as provided in §14-408.

B. If, by reason of absence or disqualification of a member, a quorum is not reached, the chairman of the Board shall designate as many alternate members of the Board to sit on the board as may be needed to provide a quorum. Any alternate member of the board shall continue to serve on the board in all proceedings involving the matter or case for which the alternate was initially appointed until the board has made a final determination of the matter or case. Designation of an alternate pursuant to this Section shall be made on a case-by-case basis in rotation according to declining seniority among all alternates.

C. The Board may make, alter, or rescind rules and forms for its procedure, consistent with ordinances of the municipality and laws of the Commonwealth. The board shall keep full public records of its business, which records shall be the property of the municipality, and shall submit a report of its activities to the governing body as requested by the governing body.

(Ord. 500 , 4/7/2004, §4.3; as readopted by Ord. 505 , 10/6/2004)

§14-404. Jurisdiction .

The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in accordance with the requirements of Article IX of the Municipalities Planning Code, as amended.

(Ord. 500 , 4/7/2004, §4.4; as readopted by Ord. 505 , 10/6/2004)

§14-405. Appeal or Application to Zoning Hearing Board .

Challenges and appeals from decisions made by the Borough Zoning Officer may be filed with the Board in writing by the landowner affected, any officer or agency of the Borough, or any person aggrieved. Requests for variance or special exception may be filed by any landowner or any tenant with permission of the landowner. An appeal or application regarding a matter within the jurisdiction of the Zoning Hearing Board may be filed with the Zoning Officer on forms provided by the Zoning Hearing Board, and shall state:

A. The name and address of the applicant , and of the applicant's representative(s) or agent(s) where applicable.

B. The name and address of the owner of record of the property that is the subject of the application or appeal. Where the applicant is not the owner of record of the subject property, a signed and notarized statement from the owner of record, authorizing the applicant to pursue the specific appeal or application.

C. A copy of the deed to the subject property.

D. A brief description and location of the subject property, along with a survey and/or sketch of the property boundaries.

E. A statement of the present zoning classification of the subject property with the improvements thereon, and the present use thereof.

F. A statement of the Section of this Part under which consideration by the Board is requested, along with a summary of reasons or arguments in support of request.

G. A reasonably accurate description of the improvements or changes intended to be made under the application. In addition there shall be attached a plot plan of the property to be affected, indicating the location and size of the lot, and the size and location of the existing and proposed improvements or changes.

H. A list of all landowners within 500 feet of the applicant's land, to be supplied by applicant, who shall obtain the list at his or her own cost and expense from the Montgomery County Board of Assessment Appeals, or from Collegeville Borough and other municipalities when the adjacent land is outside the Borough.

I. A payment to the Borough in accordance with a fee schedule adopted and amended from time to time by the Borough Council, in accordance with the requirements of the Municipalities Planning Code, as amended.

(Ord. 500, 4/7/2004, §4.5; as readopted by Ord. 505, 10/6/2004)

§14-406. Board Action on Application or Appeal .

1. Immediately upon receipt of an application, the Zoning Officer shall promptly forward the application to the Zoning Hearing Board Solicitor.

2. The Zoning Hearing Board Solicitor, in consultation with the Board's chairperson, shall fix a reasonable time and place for a public hearing on the application. Said hearing shall occur no more than 60 days after the application is made to the Borough, unless the applicant has agreed in writing to an extension of time.

3. A true and correct copy of the application and all related information shall be forwarded to each member of the Zoning Hearing Board, and to the president of the Borough Council, the Borough Manager, and the Borough Solicitor.

(Ord. 500, 4/7/2004. §4.6; as readopted by Ord. 505, 10/6/2004)

§14-407. Notice of Hearing .

The Board shall schedule a public hearing and shall give public notice, as well as written notice as follows:

A. Written notice shall be given to:

- (1) The owner of record, applicant, and applicant's representative.
- (2) Adjacent landowners.
- (3) Borough Council, Solicitor, Manager, and Zoning Officer.
- (4) All parties in interest who have entered their appearance, and any other person registered for that purpose.

B. Written notice shall be conspicuously posted on the affected tract of land at least 1 week prior to the hearing. Written notices must be removed no later than 1 week after the Board has made its final decision, unless directed otherwise by the Board's Solicitor.

(Ord. 500 , 4/7/2004, §4.7; as readopted by Ord. 505 , 10/6/2004)

§14-408. Hearing Procedures .

1. Zoning Hearing Board hearings shall be held at the call of the chairperson and at such times as the Board may determine. The Board shall make a good faith effort to schedule hearings at a time convenient for as many residents as possible.

2. Hearings may be conducted by the Board, which may appoint any member as a hearing officer. The decision or findings shall be made by the Board; however the applicant may, prior to a decision, waive a decision or findings by the Board and accept the decision or findings of the hearing officer as final.

3. The parties to the hearing shall be the Borough, any person affected by the application who has made timely appearance of record before the Board, and any other person including civic or community organizations permitted to appear by the Board. The Board shall have the power to require that all persons who wish to be considered parties enter appearances in writing on forms provided for that purpose.

4. The chairperson or acting chairperson or hearing officer may administer oaths and issue subpoenas to compel the attendance of witnesses and production of relevant documents and papers, including witnesses and documents requested by the parties.

5. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.

6. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.

7. The Board or the hearing officer shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or hearing officer, or shall be paid by the person appealing from the decision of the Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases, the party requesting the original transcript shall bear the cost.

8. The Board or hearing officer shall not, except upon notice and opportunity for all parties to be present, participate, and inspect and contest materials, engage in the any of the following activities:

A. Communicate, directly or indirectly, with any party or his or her representative in connection with any issue involved.

B. Take notice of any communication, reports, staff memoranda, or other materials, except advice from the Solicitor.

C. Inspect the subject site or its surroundings after commencement of hearings with any party or his or her representative.

(Ord. 500 , 4/7/2004, §4.8; as readopted by Ord. 505 , 10/6/2004)

§14-409. Decision of the Zoning Hearing Board .

1. The Zoning Hearing Board or hearing officer shall render a written decision or, when no decision is called for, make written findings on the application within 45 days of the last hearing. When the application is contested or denied, the 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 or her decision or findings are final, the Board shall make his or her 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 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 10 days from the last day it could have met to render a decision. 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 or her not later than the day following its date. To all other persons who have filed their names and addresses 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. 500, 4/7/2004, §4.9; as readopted by Ord. 505, 10/6/2004)

§14-410. General Standards for Board Review

In the consideration of an application, the Board shall:

A. Consider the suitability of the property for the use desired. Assure itself that the proposed change is consistent with the spirit, purpose, and intent of this Part and 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 adjacent property 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 public 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 use with respect to probable effects upon highway traffic, and assure adequate access arrangements in order to protect major 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 and safeguards in addition to those required as are necessary to assure that the intent of this Part and the Comprehensive Plan are 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, loading, and sanitation.

H. The Zoning Hearing Board shall be limited to consideration of applications as they relate to ordinance provisions in effect at the time of the application. The Borough Council shall retain the exclusive right to enact and amend ordinances. (Ord. 500, 4/7/2004, §4.10; as readopted by Ord. 505, 10/6/2004)

§14-411. 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 Part inflict unnecessary hardship upon the applicant. 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 Part 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 Part 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.

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 at issue.

2. Special Exception. 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 this Part that permits application for said special exception, and with the general standards in §14-410 of this Article.

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. 500, 4/7/2004, §4.11; as readopted by Ord. 505, 10/6/2004)

§14-412. Review of Challenges and Appeals

1. Time Limitations on Appeals .

A. All appeals from determinations adverse to the landowner shall be filed by the landowner within 30 days after notice of the determination is issued.

B. Appeals designed to secure reversal or limit the approval of any application for development, preliminary or final , shall be filed with the Board no later than 30 days after the application is approved by an appropriate Borough officer or agency, unless the person filing alleges and proves that he or she had not notice, knowledge, or reason to believe that such approval had been given. If such person succeeded to his or her interest after such approval, he or she shall be bound by the knowledge of his or her predecessor in interest.

2. Effect of Filing . When an appeal is filed, further development or official action pursuant to the appealed determination or approval shall be stayed until issuance of a final decision or findings by the Board. If the Zoning Officer or other Borough agency presents facts to the Board indicating that such a stay would cause imminent peril to life or property, development or official action can only be stayed by restraining order granted by the Board or by a court of competent jurisdiction.

3. Substantive Validity Challenge . A landowner who desires to challenge, on substantive grounds, the validity of a map or ordinance provision which prohibits or restricts the use or development of land in which he or she has an interest, may submit the challenge either to the Zoning Hearing Board or, with a request for curative amendment, to the Borough Council.

A. The written application to the Zoning Hearing Board shall contain the reasons for the challenge.

B. Public notice of the hearing shall include notice that the validity of the ordinance or map is in question, and shall specify the place and time where a copy of the request and its accompanying materials may be examined by the public.

C. Based upon the testimony at the hearing(s), the Board shall determine whether the challenged ordinance or map is defective, as alleged. If the challenge is found to have merit, the decision of the Board shall include recommended amendments to the challenged ordinance which will cure the defects found.

D. In reaching its decision, the Board shall consider the plans and explanatory material submitted by the landowner, and shall also consider:

(1) The impact of the proposal upon roads, sewer facilities, water supplies, schools, and other public service facilities.

(2) If the proposal is for residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of the ordinance or map.

(3) The suitability of the site for the intensity of use proposed, by the site's soils, slopes, woodland, wetlands, floodplains, aquifers, natural resources, and other natural features.

(4) The impact of the proposed use on the site's soils, slopes, woodland, wetlands, floodplains, aquifers, natural resources, and other natural features, the degree to which these are protected or destroyed, the tolerance of the

resources to development, and any adverse environmental impacts.

(5) The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.

E. If the Board fails to act on the request within 45 days of the last hearing, a denial of the request is deemed to have occurred.

(Ord. 500, 4/7/2004, §4.12; as readopted by Ord. 505, 10/6/2004)

§14-413. Expiration .

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

(Ord. 500, 4/7/2004, §4.13; as readopted by Ord. 505, 10/6/2004)

§14-414. Appeal to Court .

Any persons aggrieved by the decision of the Board may within 30 days thereafter appeal to the Court of Common Pleas of Montgomery County in accordance with the provisions of the Municipalities Planning Code, as amended.

(Ord. 500, 4/7/2004, §4.14; as readopted by Ord. 505, 10/6/2004)

Article 5

Violations, Enforcement Remedies, Fines, and Charges

§14-501. 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 or her 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. 500, 4/7/2004, §5.1; as readopted by Ord. 505, 10/6/2004)

§14-502. Enforcement Notice .

1. If it appears to the municipality that a violation of any zoning ordinance enacted under this act or prior enabling laws has occurred, the municipality 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 municipality 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 Part.

D. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.

E. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth in the Part.

F. That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions as described herein.

4. In any appeal of an enforcement notice to the Zoning Hearing Board the municipality shall have the responsibility of presenting its evidence first.

5. Any filing fees paid by a party to appeal an enforcement notice to the Zoning Hearing Board shall be returned to the appealing party by the municipality if the Zoning Hearing Board, or any court in a subsequent appeal, rules in the appealing party's favor.

(Ord. 500, 4/7/2004, §5.2; as readopted by Ord. 505, 10/6/2004)

§14-503. Enforcement Remedies and Fines .

1. Any person, partnership, or corporation who or which has violated or permitted the violation of the provisions of the Borough Zoning Ordinance, shall upon being found liable therefore in a civil enforcement proceeding commenced by the Borough, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Borough as a result thereof.

2. No judgment shall commence or be imposed, levied, or payable until the date of the determination of a violation by the district justice.

3. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure.

4. 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 Part 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.

5. All judgments, costs, and reasonable attorney fees collected for the violation of this Part shall be paid over to the Borough.

6. 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.

7. 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. 500, 4/7/2004, §5.3; as readopted by Ord. 505, 10/6/2004)

§14-504. Charges .

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

(Ord. 500, 4/7/2004, §5.4; as readopted by Ord. 505, 10/6/2004)

Article 6

Amendments

§14-601. Power of Amendment .

The Borough Council of the Borough of Colle geville from time to time may amend, supplement, change, modify, or repeal this Part, in whole or in part, including the Zoning Map, by the procedures noted he rein, or as otherwise required by law.

(Ord. 500, 4/7/2004, §6.1; as readopted by Ord. 505, 10/6/2004)

§14-602. Public Notice .

For any amendment proposed to this Part, 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 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 matte r to be considered at the hearing. All required publication shall be pursuant to the Municipalities Planning Code (MCP), as last amended. The notice shall include reference to the time and place of the hearing as well as the place in the Borough where the amendment may be examined.

C. Publication of Text . Public notice shall include either the full text or a brief summary of the proposed ordinance which lis ts the provisions in reasonable detail and a reference to a place within the Borough where copies of the proposed amendment may be examined. All proposed amendments shall be published once in a newspaper of general circulation in the Borough, pursuant to the Municipalities Planning Code (MPC), as last amended. 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.

D. 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 Boro ugh at least 1 week prior to the public hearing, at points deemed by the Boro ugh to be sufficient to notify potentially interested citizens. Notices shall be take n down 1 week after the final decision by the Board, unless directed otherwise by the Board's Solicitor.

E. Change to Amendment . If, after any public hearing, the proposed amendment is changed substantially or is revised to include land not previously affected, the Borough Council shall hold another public hearing, pursuant to public notice, before proceeding to a vote on the amendment.

F. Thirty days prior to the hearing on the proposed amendment, Borough Council shall submit the proposed ordi nance to the Montgomery County Planning

Commission for review and recommendation.

(Ord. 500 , 4/7/2004, §6.2; as readopted by Ord. 505 , 10/6/2004)

§14-603. Application for Amendment by Citizens .

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

A. The applicant's name and address and his or her 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 zoning 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 upon 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 Council to evaluate the proposal.

(Ord. 500 , 4/7/2004, §6.3; as readopted by Ord. 505 , 10/6/2004)

§14-604. Petitions for Amendment .

Whenever the owners of 50 percent or more of the frontage in any zoning 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 § 14-407, herein. However, the Borough Council shall not be required to consider a petition requesting an amendment, supplement, change, modification, or repeal of any provision of this Part 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 petitions 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. 500 , 4/7/2004, §6.4; as readopted by Ord. 505 , 10/6/2004)

§14-605. 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. 500 , 4/7/2004, §6.5; as readopted by Ord. 505 , 10/6/2004)

§14-606. County Copy .

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

(Ord. 500 , 4/7/2004, §6.6; as readopted by Ord. 505 , 10/6/2004)

§14-607. 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. 500 , 4/7/2004, §6.7; as readopted by Ord. 505 , 10/6/2004)

Article 7

Nonconforming Structures, Uses, and Lots

§14-701. Nonconforming Status .

All buildings, structures, uses of land, uses of buildings, lots, and signs which do not comply with the applicable regulations of the zoning district in which they are located shall be considered nonconforming provided that:

A. They existed on the date of the Collegeville Borough Zoning Ordinance originally ordained and enacted in 1948.

B. They existed on the date of an amendment to the Official Zoning Map or on the date of an amendment to or re-enactment of the text of the Collegeville Borough Zoning Ordinance, originally ordained and enacted in 1948 and such amendment or re-enactment caused the noncompliance.

(Ord. 500 , 4/7/2004, §7.1; as readopted by Ord. 505 , 10/6/2004)

§14-702. Nonconforming Classifications .

Nonconforming status shall be classified and defined as follows:

A. Nonconforming Use . The existing use of land and/or buildings and/or structures upon the land which does not conform to any of the permitted uses of the district in which it is located.

B. Nonconforming Building or Structure . Any existing building or structure that does not conform to the height, location, size, bulk, or other dimensional requirements of the district in which it is located. This does not include signs.

C. Nonconforming Lot . Any existing lot which does not conform to the area and/or width requirements for lots in the district in which it is located.

D. Nonconforming Sign . Any sign, signboard, billboard, or advertising device existing at the time of the passing of this Part that does not conform in use, location, height, or size with the regulations of this Part shall be considered a nonconforming sign and shall also be governed by the requirements of §14-2312 of this Part.

(Ord. 500 , 4/7/2004, §7.2; as readopted by Ord. 505 , 10/6/2004)

§14-703. Nonconforming Regulations .

The following regulations shall govern all properties to which nonconforming status is applied:

A. Nonconforming status shall continue and a property may continue to be used as nonconforming until it complies with the requirements of this Part.

B. Change of Use.

(1) A nonconforming use may be changed to a conforming use. A nonconforming use which has been changed to a conforming use shall lose its nonconforming status.

(2) A nonconforming use may be changed to another nonconforming use

of the same general character provided that the applicant obtains a special exception pursuant to §14-411 of this Part. Where exterior structural alterations or other site modifications are proposed, the following requirements shall apply in addition to the requirements of §14-411 of this Part.

(a) Such use shall not increase the amount of traffic entering and exiting the site.

(b) Such use shall not increase the impervious coverage by more than 10 percent of the area of the impervious coverage existing on the site.

C. Discontinuance . Whenever a nonconforming use, in or on the land, or within a building or structure or portion thereof, has been discontinued for a continuous period of more than 1 year, such discontinuance shall be deemed to be an abandonment of such nonconforming use and any subsequent use thereof shall conform to the applicable provisions of the zoning district in which such use is located, and the prior nonconforming use shall not thereafter be resumed unless a variance is granted by the Zoning Hearing Board in accordance with §14-411 of this Part.

D. Extension or Expansion . A nonconforming use, building or structure, not including signs, may be extended or expanded in compliance with the following requirements:

(1) The lot on which the extension or expansion is proposed shall be limited to only that lot on which the use, building, or structure existed at the time it became nonconforming. Expansion onto adjoining lots is prohibited.

(2) The nonconforming use of a building may be expanded within the building provided that the expansion is limited to 25 percent of the gross floor area occupied by the nonconforming use at the time the use became nonconforming.

(3) A building which houses a nonconforming use may be extended on the same lot, provided that the extension shall be limited to 25 percent of the gross floor area of the building as it existed at the time the use became nonconforming.

(4) A nonconforming use may be extended to a new building on the same lot, provided that the existing nonconforming use continues.

(5) A nonconforming building may be extended on the same lot provided that the extension shall be limited to 25 percent of the gross floor area of the building existing at the time the use became nonconforming.

E. Additional Buildings and Regulations . The following regulations apply to buildings:

(1) When new ordinance provisions are adopted and affect planned construction which has not been completed:

(a) A building under construction as of the date of adoption of the new ordinance provisions, to the extent of completion of footings, may be completed as a nonconforming building, provided that a valid building permit has been issued.

(b) A building approved for development as part of a subdivision or land development which does not conform to the new ordinance provisions

must be built within 5 years from the date of approval of the subdivision or land development plan.

(2) A nonconforming structure which is destroyed or partially destroyed by fire, explosion, or by any other cause to the extent of 75 percent or more of the market value thereof immediately prior to such damage or destruction shall not be repaired or restored to a nonconforming status, but may be reconstructed and used only in conformance with the provisions of this Part.

(3) A nonconforming structure which is destroyed or partially destroyed by fire, explosion, or by any other cause to the extent of 75 percent or less of the market value thereof immediately prior to such damage or destruction may be reconstructed and used as before, provided that:

(a) The reconstructed building shall not exceed the dimensions of the damaged or destroyed building, including height, width, depth, and volume.

(b) Building construction shall be started within 1 year from the date the building was damaged or destroyed, and shall be carried out without interruption.

(c) The building will pose no hazards to safety by virtue of its location.

(4) Legally condemned nonconforming buildings shall not be rebuilt or used except in conformance with this Part.

F. Contiguous Undeveloped Lots . Two or more contiguous lots held in single ownership in subdivision approved prior to the effective date of this Part (where each lot individually does not meet the required minimum area or width for the district in which the lots are located) shall be joined to form one lot which meets the minimum lot area and width required. If all such lots as joined do not meet the area and width requirements, they shall be considered a single nonconforming lot in accordance with §14-702.C above.

G. Nonconforming Signs . If and when a nonconforming sign is replaced, the new sign shall comply with the requirements of Article 23 of this Part. "Replacement" shall not include simply revising the text or color of the sign, but shall refer to structural replacement and/or relocation of the sign.

H. Conforming Uses in Nonconforming Buildings or Lots . The conversion of one conforming use to another conforming use on a lot or in a building that is nonconforming shall be permitted.

(Ord. 500 , 4/7/2004, §7.3; as readopted by Ord. 505 , 10/6/2004)

§14-704. Administration .

Mapping and Recording of Nonconforming Uses, Structures, and Lots . The Zoning Officer may perform a survey of the Borough and record and map all uses, structures, and lots nonconforming to the district requirements set forth in this Part. If the survey, record, or map are not done, or are incomplete, the nonconforming status may be determined when applications for building permits are filed with the Borough.

(Ord. 500 , 4/7/2004, §7.4; as readopted by Ord. 505 , 10/6/2004)

Article 8

General Regulations

§14-801. Intent, Applicability of Regulations .

1. In expansion of the Declaration of Legislative Intent and Statement of Community Development Objectives contained in Article 1 of this Part, the specific intent of this Article is to establish clear standards for activities that may be associated with a variety of zoning districts or types of land use, and to cross-reference provisions in the Collegeville Borough Subdivision and Land Development Ordinance [Part 13] that regulate activities in one or more zoning districts.

2. Except where noted in this Article, these provisions apply to all zoning districts within the Borough. However, if a conflict occurs between the standards of the general regulations and any other standards of this Part then the more restrictive standards shall apply. Subdivision and/or land development proposals are further regulated by the Collegeville Borough Subdivision and Land Development Ordinance [Part 13].

(Ord. 500 , 4/7/2004, §8.1; as readopted by Ord. 505 , 10/6/2004)

§14-802. Lots of Record .

For a lot which is of public record in single and separate ownership at the time of enactment of this Part and which is not of sufficient size or dimensions to permit the erection of a building thereon in accordance with the requirements of this Part, (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, in accordance with the provisions of §14-411 of this Part.

(Ord. 500 , 4/7/2004, §8.2; as readopted by Ord. 505 , 10/6/2004)

§14-803. 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 previously approved under the provisions of the Collegeville Borough Subdivision and Land Development Ordinance [Part 13] shall not be used unless:

A. The minimum and/or maximum regulations of the district are met.

B. A variance is obtained from the Zoning Hearing Board, in compliance §14-411 of this Part.

(Ord. 500 , 4/7/2004, §8.3; as readopted by Ord. 505 , 10/6/2004)

§14-804. Reduction of Lot Area .

No lot which does not qualify for §14-803 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. 500 , 4/7/2004, §8.4; as readopted by Ord. 505 , 10/6/2004)

§14-805. Corner Lots .

A front yard setback shall be required from the legal right-of-way for each lot line abutting a public or private right-of-way.

(Ord. 500 , 4/7/2004, §8.5; as readopted by Ord. 505 , 10/6/2004)

§14-806. Residential Conversions (General Regulations) .

A dwelling may be converted into two or more apartments in the V-2, MSC, and RO Districts pursuant to the following standards:

A. An additional lot area of at least 500 square feet shall be required for each additional dwelling unit for all the above districts except the MSC District. For this district, the requirement does not apply.

B. Regardless of the existing dwelling unit size, the total number of dwelling units in the structure after conversion shall not exceed three, unless more units are permitted elsewhere in this Part.

C. Two off-street parking places for each new dwelling unit shall be provided on the property, meeting all the requirements of Article 9 herein. Parking areas shall not be located in the front yard.

D. No external alteration of the building shall be permitted except as may be necessary for reasons of safety. All fire escapes and outside stairways shall be located to the rear of the building.

E. Rooming Houses. These are allowed in the MSC District as a special exception, provided the following conditions and any others deemed relevant by the Zoning Hearing Board are met.

(1) There shall be no more than six residents.

(2) One off-street parking space shall be provided for each employee per shift and every two residents or each rental unit, whichever is greater.

F. The residential density on a lot shall not exceed 12 dwelling units per acre.

(Ord. 500 , 4/7/2004, §8.6; as readopted by Ord. 505 , 10/6/2004; and as amended by Ord. 519, 7/12/2006, §II)

§14-807. Accessory Uses .

The following accessory uses, shall be permitted, subject to the additional requirements herein:

A. Permitted Residential Accessory Uses and Structures . The following uses are permitted by right, however, approval as a conditional use by the Borough Council shall be required for uses that exceed the stated capacities or sizes, or that would involve use or storage of items other than those listed.

(1) Home occupations and no-impact home-based businesses, subject to the provisions of §14-808, herein.

(2) Private garage, either attached or detached, not to exceed a 950 square foot maximum.

(3) Noncommercial greenhouse and carports, not to exceed a 500 square foot maximum.

(4) Storage sheds for garden equipment, household goods, and/or sporting goods owned and used by the residents of the dwelling, with a total floor area of less than 250 square feet.

(5) Noncommercial swimming pool or other recreational facilities, excluding facilities for use of motorized recreational vehicles provided they are not closer than 6 feet from any property line.

(6) The keeping of farm animals, not in conjunction with agriculture, in accordance with the following:

(a) Minimum lot size shall be 3 acres.

(b) Building setbacks shall be 50 feet from any property line.

(c) Notwithstanding §14-813, "Fences and Walls," all farm animals must be kept in a fenced area. The height of the fence shall be sufficient to provide for the safety of the public.

(d) Such animals may be kept at the following rates:

	On a Minimum 3 Acre Lot	For Each Additional Acre
Horses, cows, or other animals of a similar size	1 animal	1 additional animal
Sheep, goats, or other animals of a similar size	2 animals	2 additional animals
Fowl or other animals of a similar size	5 animals	5 additional animals

(7) Satellite dish or other television or radio antenna, in accordance with the provisions of §14-824, herein.

B. Uses Accessory to Noncommercial Recreational Use. Customary recreation, refreshment, and service uses and buildings in any noncommercial recreational area.

C. Other Accessory Uses Accessory uses other than those listed may be permitted in compliance with the requirements for principal uses in the district in which they are located and which they are accessory to.

D. Accessory Structure Setback, Including Detached Garages, Storage Sheds, Greenhouses and Carports. All structures shall be 5 feet from any side or rear property lines, unless a greater distance is specifically stated. No structures are allowed in the front yard area, defined as the area between the legal right-of-way and a building's front facade. Corner properties are defined as having two facades.

E. Off-Street Parking of Commercial Vehicles in Residential District

(1) Routine off-street parking of not more than two commercially registered vehicles with not more than four wheels each, which are used regularly or frequently for business purposes shall be permitted. Routine parking of more than two such vehicles shall constitute a business operation and shall not be permitted in a residential district, unless in an enclosed building.

(2) Routine off-street parking of one commercially registered vehicle with

(3) Home occupation must be conducted entirely within the dwelling or accessory structures.

(4) No more than 500 square feet of building area may be used for the home occupation.

(5) The home occupation shall not have any business related exterior storage or display of goods and/or merchandise.

(6) There shall be no sale of retail goods on the premises.

(7) Home occupations shall be limited to the employment on the premises of not more than two paid or unpaid assistants or employees at any one time.

(8) The accessory home occupation shall not generate more than five vehicle trips per day in excess of that which is required for primary use.

(9) There shall be no regular deliveries to or from a home occupation from a vehicle with more than two axles.

(10) No home occupation shall require trash pick-up in excess of that required normally in single-family residential areas.

(11) Clients are permitted by appointment between the hours of 8 a.m. and 9 p.m. only.

(12) The home occupation shall in no way cause the residential appearance or character of the premises to differ from the surrounding residential area.

(13) Home occupations shall not use noxious, combustible, explosive, or other types of materials that could endanger the health and safety of the occupants and the surrounding residents.

(14) Home occupations shall not produce noise, dust, vibration, glare, smoke, odor, electrical interference, fire hazard, traffic, or any other nuisance not typically experienced in the zoning district where the property is located.

(15) Home occupations shall not include auto-related service, clinic, hospitals, animal hospitals, restaurants, cafes, hotels, boarding houses, or storage yards for construction or landscaping materials, equipment, or vehicles as defined in §14-807.E of this Part, or similar uses.

(16) No use shall require internal or external construction features or the use of electrical, mechanical, or other equipment that would change the fire rating of the structure or in any way significantly increase the fire danger to neighboring structures or residences.

(17) Only one sign per residence shall be permitted, conforming to the provisions of Article 23 of this Part.

(18) Adequate off-street parking shall be required for any home occupation that has employees that are not residents of the dwelling or has regular visits by clients, salesman, etc., the amount needed will be determined by the Borough's staff.

(19) Family day care homes and group day care facilities are not classified as home occupations and are regulated by §14-818 of this Part.

(Ord. 500, 4/7/2004, §8.8)

§14-809. Bed and Breakfast Accommodations.

Bed and breakfast homes and inns are permitted in the V-2 and MSC Districts pursuant to the following regulations:

A. *Regulations for a Bed and Breakfast Home.*

(1) A bed and breakfast home is allowed only in a single-family detached dwelling.

(2) A bed and breakfast home must be run as a home occupation and shall not have more than six guest rooms.

(3) No guest can stay for more than 14 days.

(4) One off-street parking space for each guest bedroom shall be provided in a side or rear yard, in addition to any other required parking. There shall be no parking allowed in the front yard.

(5) Owners shall comply with all Federal, State, and local requirements for the preparation, handling, and serving of food.

(6) Owner shall maintain a current guest register.

(7) Bed and breakfast accommodations may only serve alcoholic beverages to guests.

(8) Any modifications, additions, alterations, fire escapes, etc., are allowed only to the side and rear of the structure. The structure's facade shall be maintained to appear as a single-family dwelling.

(9) Signs, pursuant to the sign ordinance requirements.

(10) Each bed and breakfast facility shall be equipped with smoke detectors and fire extinguishers in accordance with the requirements of the Pennsylvania Department of Labor and Industry and with the Borough Fire Code. Guests shall be provided with information regarding the floor plan of the building and the location of emergency exits.

(11) No cooking is allowed in guest rooms.

(12) All bed and breakfast homes must be licensed by the Borough, with the license to be renewed each year.

(13) All bed and breakfast homes will be inspected yearly by the Borough's Building Inspectors.

B. *Regulations for a Bed and Breakfast Inn.*

(1) A bed and breakfast inn is not permitted as a home occupation.

(2) No more than 20 guest rooms are allowed.

(3) No guest can stay for more than 14 days.

(4) Owners shall comply with all Federal, State, and local requirements for the preparation, handling, and serving of food.

(5) Owner shall maintain a current guest register.

(6) Bed and breakfast accommodations may only serve alcoholic beverages to guests.

(7) Each bed and breakfast facility shall be equipped with smoke detectors and fire extinguishers in accordance with the requirements of the

Pennsylvania Department of Labor and Industry and with the Borough Fire Code. Guests shall be provided with information regarding the floor plan of the building and the location of emergency exits.

(8) No cooking is allowed in guest rooms.

(9) All bed and breakfast inns must be licensed by the Borough, with the license to be renewed each year.

(Ord. 500, 4/7/2004, §8.9)

§14-810. Exemptions from the Requirements of this Part.

1. *Public Utilities.* This Part 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 the 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 public. It shall be the responsibility of the Pennsylvania Utility Commission to ensure that both the corporation and the municipality in which the building or proposed building is located have notice of the hearing and are granted an opportunity to appear, present witnesses, cross-examine witnesses presented by other parties and otherwise exercise the rights of a party to the proceedings.

2. *Federal, State, County of Municipally Owned Property.* Wherever Federal, State, or county owned property is included in one or more zoning districts, it shall be subject to the provisions of this Part only insofar as is permitted by the Constitution and Laws of the United States of America and of the Commonwealth of Pennsylvania. In the case of municipally owned property, the provisions of this Part shall not apply. (Ord. 500, 4/7/2004, §8.10)

§14-811. Effect of Private Covenants.

Nothing herein contained shall be construed to render inoperative any enforceable restriction established by covenants running with the land, and which restrictions are not prohibited by or are not contrary to the regulations herein established.

(Ord. 500, 4/7/2004, §8.11)

§14-812. Access to Public Street.

1. Unless otherwise specified in this Part, all lots shall abut a public or private street. Pre-existing landlocked parcels zoned residential may be developed with one single-family detached house provided they contain an access easement of at least 20 feet and provided that the non-access portion of the lot otherwise complies with the lot size and dimensional requirements of the district in which it is located.

2. *Flag Lots.* These are permitted only by special exception granted by the Zoning Hearing Board, pursuant to the standards contained in §§14-410 and 14-411 and the following:

A. Flag lots are only permitted in the R-1 and R-2 Districts.

B. Single-family detached dwellings are the only housing type permitted on a flag lot.

- C. A 30 foot wide access strip is required from a public street to the flag lot.
- D. The flag lot must be 10% larger than the required lot size for the zoning district in which it is located. The access strip shall not be used for calculating lot size.
- E. The driveway within any access strip must be at least 6 feet from any property line.
- F. The front and rear yard setbacks for the zoning district in which the flag lot is located must be met. For side yards, regardless of the zoning district, each side yard setback shall not be less than 40 feet.
- G. All property lines within the flag area shall be screened by a softening buffer as defined in the Collegeville Borough Subdivision and Land Development Ordinance [Part 13]. However the Board, at their discretion, may require additional landscaping. They also may require landscaping along the access strip.
- H. Access strips are not permitted to adjoin each other and shall be separated by the minimum lot width for single-family detached dwellings for the zoning district in which the flag lot is located.
- I. Multiple flag lots shall not be used to avoid the creation of a new road.
- J. Any other conditions deemed necessary by the Board.

(Ord. 500, 4/7/2004, §8.12)

§14-813. Height Limitations of Fences and Walls.

Unless otherwise specified in this Part, all fences and freestanding walls shall comply with the standards in this Section.

A. Specific Requirements.

(1) *Fences.* Notwithstanding any specific fencing requirements contained elsewhere in this Part for buffers, screenings, or public safety:

(a) Maximum Height for Fences on Improved Lots.

1) Yard area between the front wall of a principal structure and the legal right-of-way of the street toward which the wall is oriented: 4 feet. For corner lots, the side yard facing the street shall have this height restriction extending to the rear wall of the principal structure.

2) For non-corner lots, fences in the yard area between the front wall of a principal structure and the rear lot line: 6 feet.

(b) Maximum Height for Fences on Unimproved Lots. It shall not exceed 6 feet in all districts except the M&I, SC, and GC Districts where it shall not exceed 10 feet.

(2) Walls.

(a) In all districts: freestanding walls shall not exceed 3 feet in the yard area between the front wall of a principal structure and the street toward which this front wall of the structure is oriented. For corner lots, this would also apply to the side yard facing the street extending to the rear wall of the principal structure.

(b) For non-corner lots, walls shall not exceed 6 feet in the yard area between the front wall of a principal structure and the rear lot line.

B. No fence or freestanding wall shall be permitted to obstruct sight distance at a street or driveway intersection.

C. No opaque fence shall be permitted in the area between the front wall of a principal structure and the legal right-of-way of the street, toward which the wall is oriented. For corner lots, this would also apply to the side yard facing the street extending to the rear wall of the principal structure.

D. Fences and freestanding walls are not required to comply with front, side, and rear yard building setbacks.

E. Fences and freestanding walls shall not be located within the legal right-of-way of any street or road.

(Ord. 500, 4/7/2004, §8.13)

§14-814. Projections into Required Yards.

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

A. An unenclosed porch, not more than 14 feet in height, provided that in no case shall it extend into such front or rear yard more than one-half of the required depth of the yard.

B. A terrace, patio, deck, platform, or landing place, 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 side or rear yard a distance of not more than 12 feet provided that it shall not extend into such yard more than 40% of the required depth or width of the yard.

C. A carport may be erected over an existing driveway in a required side yard, provided that such structure is:

(1) Not more than 12 feet in height and 20 feet in length.

(2) Entirely open on at least three sides, exclusive of the necessary supporting columns and customary architectural features.

(3) At least 5 feet from the side or rear lot line.

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 window, and balconies may project no more than 3 feet into a required rear yard.

(Ord. 500, 4/7/2004, §8.14)

§14-815. Adult Use and Tattoo Parlor; Standards and Criteria.

These uses are only permitted in the M&I Industrial District and are regulated pursuant to §14-2204 of the M&I District.

(Ord. 500, 4/7/2004, §8.15)

§14-816. Performance Standards.

Unless otherwise noted, the following performance standards apply to all uses in all districts in the Borough:

A. *Air Pollution Controls.* All uses shall comply with the standards of the Air Pollution Control Act, 35 P.S. §§4001-4015 as amended, and the following standards:

(1) *Smoke.* Visible air contaminants shall not be emitted in such a manner that the opacity of the emissions is equal to or greater than 10% for a period or periods aggregating more than 3 minutes in any 1 hour; or equal to or greater than 30% at any time, and shall comply with Pa.Code Title 25, Chapter 127.A(7), or its most recent update.

(2) *Particulate, Vaporous, and Gaseous Emissions.*

(a) No emission shall be made which can cause any damage to health, to animals, or vegetation or other forms of property, or which can cause any excessive soiling at any point.

(b) No emission of particulate matter shall exceed 0.0115 grams per dry standard cubic foot, corrected to 7% oxygen. Provisions must be made to reduce dew point cycling and resulting damage to particulate control devices.

(c) For measurements of the amount of particles in gases resulting from combustion, standards correction shall be applied to a stack temperature of 500°F and 50% excess air.

(3) *Hazardous Air Emission.* All emissions shall comply with National Emissions Standards for Hazardous Air Pollutants promulgated by the United States Environmental Protection Agency under the Federal Clean Air Act (42 U.S.C.A., §7412) as promulgated in 40 CFR, Part 61, or its most recent update.

B. *Noise.*

(1) *Sound Measurement Procedures:*

(a) Insofar as practicable, sound will be measured while the source under investigation is operating at normal, routine conditions and, as necessary, at other conditions including, but not limited to, design, maximum, and fluctuating rates.

(b) Prior to taking noise measurements the investigator shall explore the vicinity of the source in question to identify any other sound sources that could affect measurements to establish the approximate location and character of the principal sound source and to select suitable locations from which to measure the sound from the source in question.

(c) When measuring continuous sound, or sound that is sustained for more than one second at a time, the SLM shall be set for A-weighting, slow meter response speed, and the range (if the SLM is designed to read levels over different ranges of SPLs) shall be set to that range in which the meter reads closest to the maximum end of the scale. When the measured sound level is variable or fluctuating over a range greater than 3 dBA using the slow meter response speed, the fast meter response speed shall be used. In either case, both the minimum and maximum

readings shall be recorded to indicate the range of monitored values.

(d) The SLM shall be placed at a minimum height of 3 feet above the ground or from any reflective surface. When hand held, the microphone shall be held at arm's length and pointed at the source at the angle recommended by the SLM manufacturer.

(e) If extraneous sound sources, such as aircraft flyovers or barking dogs, that are unrelated to the measurements increase the monitored sound levels, the measurements should be postponed until these extraneous sounds have become of such a level not to increase the monitored sound levels of interest.

(2) *Sound Measurement Procedures.* No person shall cause, suffer, allow, or permit the operation of any sound source on a private property or any public space or right-of-way in such a manner as to create a sound level that exceeds the background sound level by at least 10 dBC during daytime (7 a.m. to 9 p.m.) hours and by at least 5 dBC during nighttime (9 p.m. to 7 a.m.) hours when measured at or within the property line of the receiving property except as provided in subsection .B(1)(a).

(a) If the background sound level cannot be determined, the absolute sound level limits set forth in Table 1 shall be used.

Source Property	Residential		Commercial or Industrial
	7 a.m. to 9 p.m.	9 p.m. to 7 a.m.	All Times
Residential	55	45	65
Commercial or Industrial	60	45	65

(b) If the sound source in question is a pure tone, the limits of Table shall be reduced by 5 dBA.

(c) Non-repetitive impulsive sound source shall not exceed 80 dBC at or within a residential real property line using the fast meter response speed.

(d) In multi-dwelling unit buildings, if the background sound level cannot be determined, the daytime limit is 46 dBA and the nighttime limit is 35 dBA for sounds originating in another dwelling within the same building.

(3) *Exemptions.*

(a) Noise from emergency signaling devices.

(b) Noise from an exterior burglar alarm of any building provided such burglar alarm shall terminate its operation within 5 minutes of its activation.

(c) Noise from domestic power tools, lawn mowers, and agricultural equipment when operated between 8 a.m. and 8 p.m. on weekdays and between 9 a.m. and 8 p.m. on weekends and legal holidays, provided they generate less than 85 dBA at or within any real property line of a

residential property.

(d) Sound from church bells and chimes when a part of a religious observance or service.

(e) Noise from construction activity provided all motorized equipment used in such activity is equipped with functioning mufflers, except as provided in subsection (f).

(f) Noise from snow blowers, snow throwers, and snow plows when operated with a muffler for the purpose of snow removal.

C. *Odor Control.*

(1) No person shall cause, suffer, or permit the emission into the outdoor atmosphere of any malodorous air contaminants from any source in such a manner that the malodors are detectable outside the property of the person where the source is being generated.

(2) The prohibition on odors shall not apply to odor emissions arising from the premises of a farm operation.

(3) Any process which causes an odor emission shall be operated in a manner such that escaping odors are eliminated. Backup odor reduction equipment shall be maintained to support primary odor reduction equipment.

D. *Glare or Heat Control.* 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.

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

F. *Control of Radioactivity or Electrical Disturbance.* There shall be no activities which emit dangerous or harmful radioactivity. There shall be no electrical disturbance adversely affecting the operation of any equipment located beyond the property boundary of the creator of such disturbance.

G. *Fire and Explosive Hazards.* Flammable and explosive materials shall be stored, used, and transported in accordance with the applicable state and federal regulations regarding such materials and associated storage vessels.

H. *Outdoor Storage and Waste Disposal.*

(1) All outdoor storage facilities for fuel, flammable or explosive materials and raw materials shall be enclosed by a fence adequate to prevent the access of children and other members of the general public.

(2) No materials or wastes shall be deposited upon a lot in such form or manner that they may be transferred off the lot by natural causes or forces.

(3) All material 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 only in closed, sealed containers.

(4) No materials or wastes of any form may be stored in a floodplain area.

(5) No use shall be conducted in such a way as to discharge any treated or untreated sewage except as shall be approved by the Department of Environmental Protection and/or the County Health Department, as

appropriate; nor shall industrial wastes be stored, discharged, incinerated, or otherwise disposed of except in conformance with the applicable state and federal regulations regarding solid and hazardous wastes.

(*Ord. 500, 4/7/2004, §8.16*)

§14-817. Procedure for Consideration of a Conditional Use Application.

An application for any conditional use as specified in the various Articles of this Part shall be considered by the Borough Council according to the following procedures:

A. Application.

(1) The application shall be submitted in writing to the Borough during regular Borough business hours, with a fee as required by the Borough's fee schedule.

(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 Part; a tentative sketch plan of the proposed development shall be included.

(3) The Borough Planning Commission may submit one copy of the application to the Montgomery County Planning Commission for its advisory review, one copy to the Borough Council, 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 pursuant to the Municipalities Planning Code.

(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. In allowing a conditional use, the Borough Council may attach such reasonable conditions and safeguards, in addition to those expressed in the ordinance, as it may deem necessary to implement the purposes of this Part.

(3) In deciding all applications for conditional uses the Borough Council shall be guided by the following standards and criteria:

(a) The proposed use shall be one permitted by conditional use and one that will conform to the applicable regulations of the district in which it is located.

(b) The proposed use shall be considered in light of the general standards for Zoning Hearing Board decisions in §14-410 of this Part.

(4) The Borough Council shall render a written decision on the application pursuant to the Municipalities Planning Code.

(5) Where the Borough Council fails to render a decision or fails to hold the required hearing within the time prescribed by the Municipalities Planning Code, 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.

(Ord. 500, 4/7/2004, §8.17)

§14-818. Day Care Facilities.

Day care facilities, as defined in this Part, are permitted by right in compliance with the requirements of this Section.

- A. Family day care homes are allowed in any zoning district provided that:
 - (1) They only allowed in a single-family detached dwelling.
 - (2) They can demonstrate that they have a safe loading/unloading area for children that is located off of a public or private street.
 - (3) That they have a safe and secure outdoor play area.
- B. Group day care centers are allowed in any zoning district provided that:
 - (1) They are only allowed in a single-family detached dwelling.
 - (2) They can demonstrate that they have a safe loading/unloading area for children that is located off of a public or private street.
 - (3) That they have a safe and secure outdoor play area.
 - (4) That they are located in a dwelling on a lot of at least 1 acre in size.
- C. Day care centers are permitted in the GC, C-O, and V-1 Districts.
- D. Adult day care homes are allowed in any zoning district provided that:
 - (1) They are only allowed in a single-family detached dwelling on lots of at least 1 acre in size.
- E. Adult day care centers are permitted in any zoning district proved that they are not located in a residential building.

(Ord. 500, 4/7/2004, §8.18)

§14-819. Lighting.

Lighting of property that causes a hazard or a nuisance to abutting roads and/or properties is a violation of this Part, and shall not be permitted.

A. When lighting appears to be a potential hazard or nuisance along public roads, the Borough Zoning Officer shall determine the need to relocate, diminish, reorient, shield, or remove the light fixtures in question, with the advice of the Borough Engineer. The determination shall be made mainly in terms of the effect of the lighting on traffic safety, such as from glare or brightness interfering with a driver's ability to see safely.

B. When lighting appears to be a potential hazard or nuisance to an abutting property, the owner or tenant of the affected property may notify the Zoning Officer, who shall then determine the need to relocate, diminish, reorient, shield, or remove the light fixtures in questions, with the advice of the Borough Engineer. The following shall be used as criteria:

- (1) No light shall shine directly into the windows of a building on abutting property.
- (2) No light shall shine directly from a light source onto the ground or improvements of an abutting property, although incidental light may be

permitted to fall on abutting property.

(3) Where the abutting property is residentially zoned or used, nonresidential uses shall direct light fixtures toward the nonresidential development and shield the residential properties from direct lighting or glare. An intensely lit nonresidential use shall also be required to install a landscaped screen buffer along any residential property line. The effectiveness and design of this buffer shall be determined by the Borough.

(4) Light fixtures closer to a side or rear lot line than the side or rear yard setback shall be no more than 10 feet high, and shall be so constructed that all light shall be aimed perpendicular to the side or rear lot line and in the direction of the nonresidential development.

(5) All light fixtures for nonresidential uses shall use the most current lighting industry technology to ensure that these performance standards are satisfied.

C. The person(s) responsible for the lighting violation shall be required to correct the violation, in conformance with §14-501 of this Part.

(Ord. 500, 4/7/2004, §8.19)

§14-820. Kennels.

Kennels are subject to the following provisions:

A. A minimum lot size of 5 acres shall be provided.

B. No animal shelter or run shall be permitted within 100 feet of any property line or 200 feet of any other dwelling on adjacent properties.

C. A screening buffer, as defined in the Subdivision and Land Development Ordinance [Part 13], shall be provided along all property boundaries with residential uses, to control noise and odor.

D. The total number of dogs per acre shall not exceed five per acre, not including dogs under 6 months old.

(Ord. 500, 4/7/2004, §8.20)

§14-821. Traffic Impact Study.

A traffic impact study may be required at the discretion of the Borough Council for Zoning Map or text amendments, special exceptions, conditional uses, variances, preliminary plans for subdivisions and/or land developments, and/or any other pertinent proposal. The scope of this study shall be determined by Council, based upon the recommendations of the Borough Engineer or other Borough consultants.

(Ord. 500, 4/7/2004, §8.21)

§14-822. Satellite Dishes, Antennas, and Towers.

The following regulations apply to all satellite dishes, antennas, antenna support structures, and towers. Satellite dishes are hereinafter referred to as dishes.

A. *Size.*

(1) A dish or antenna up to 6 feet in diameter and 6 feet in height is

permitted by right in any zoning district.

(2) A dish or antenna more than 6 feet in diameter or 6 feet in height is permitted by special exception in any zoning district, pursuant to the standards contained in §§14-410 and 14-411 and any additional conditions required by the Zoning Hearing Board.

B. *Nuisance.* All antenna and support structures shall be designed and located so that surrounding areas will not be negatively affected by support structure failure, falling ice or other debris, electromagnetic fields, or radio frequency interference.

C. *Public Safety.* Any ground mounted dishes or antenna support structures more than 6 feet in diameter or 6 feet in height shall be enclosed by a fence or fitted with an anti-climbing device, as approved by the manufacturer.

D. Antenna support structures shall not exceed 150 feet in height should be painted silver or have a galvanized finished retained, in order to reduce the visual impact. Support structures may be painted green up to the height of nearby trees. Antenna support structures shall meet all FAA regulations. No antenna support structure may be artificially lit except when required by the FAA.

E. *Advertising.* No advertising shall be affixed to any dish, antenna, antenna supporting structure, or tower.

(Ord. 500, 4/7/2004, §8.22)

§14-823. Regulations for Communications Antennae.

The following regulations apply to all communications antennas and their support structures (hereinafter referred to as towers).

A. *Location.*

(1) Communications antennas are permitted by right in any zoning district pursuant to the requirements of subsection .B below.

(2) Communication towers are permitted by conditional use in the M&I Industrial District, on municipal or school district owned property, and in the Institutional Overlay District, provided that they are located on a property that is at least 20 acres.

B. *Regulations for Communications Antennae.*

(1) Communications antennae shall not exceed the height of the structure on which they are mounted, such as existing or proposed communications towers, public utility transmission towers, smoke stacks, water towers, buildings, church steeples, silos, light standards, and nonresidential buildings by more than 20 feet.

(2) Omni-directional or whip communications antennae shall not exceed 20 feet in height or 7 inches in diameter.

(3) Directional or panel communications antennae shall not exceed 5 feet in height or 3 feet in width.

(4) All antennas must be painted and designed to blend harmoniously with the structure/building on which they are located.

(5) Any applicant proposing communications antennae that will be

mounted on a building or other structure shall submit the following information:

(a) Evidence from a Pennsylvania registered professional engineer certifying that the proposed installation will not exceed the structural capacity of the building or other structure, considering wind and other loads associated with the antennae location.

(b) Detailed construction and elevation drawings indicating how the antennae will be mounted on the structure, for review by the Borough Code Enforcement Officer for compliance with the Borough building code and other applicable regulations.

(c) Evidence of agreements and/or easements necessary to provide access to the building or structure on which the antennae are to be mounted so that installation and maintenance of the antennae and communications equipment can be accomplished.

C. *Regulations for All Communications Towers.*

(1) Communication towers shall only be permitted by conditional use when the following conditions have been met:

(a) The applicant demonstrates that it has contacted the owners of tall buildings, structures, and towers within a ¼ mile radius of the proposed site, asked for permission to install the antenna on those buildings, structures, and towers, and was denied for one of the following reasons:

1) The proposed antennae and related equipment would exceed the structural capacity of the existing building, structure, or tower, and its reinforcement cannot be accomplished at a reasonable cost.

2) The proposed antennae and related equipment would cause radio frequency interference with other existing equipment for that existing building, structure, or tower and the interference cannot be prevented at a reasonable cost.

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

4) A commercially reasonable agreement could not be reached with the owners of such building, structure, or tower.

(b) The applicant agrees that the communications tower shall be dismantled and removed at a cost to them if the tower remains unused for a period of 12 consecutive months. Such dismantling and removal shall occur within 6 months of the expiration of the 12 month period.

(c) The applicant agrees that, in order to reduce the number of communication towers needed in Collegeville Borough in the future, the proposed communications tower shall be designed to accommodate at least three other communication companies and emergency service organizations.

(2) The applicant shall demonstrate that the proposed height of the

communications tower is the minimum height necessary to perform its function. In no case shall the height of communication towers exceed 120 feet.

(3) The foundation and base on any communications tower shall be set back from property lines:

(a) The minimum building setback of the underlying zoning district.

(b) One hundred feet from any residential property lines.

(c) Fifty feet from other property lines.

(4) The applicant shall submit certification from a Pennsylvania registered professional engineer that a proposed communications tower will be designed and constructed in accordance with current structural standards for steel antenna towers and antenna supporting structures, published by the Electrical Industrial Association/Telecommunications Industry Association and applicable requirements of the Commonwealth's building code.

(5) All towers shall be fitted with anti-climbing devices, as approved by the manufacturers.

(6) A security fence shall be required around the communications tower and other equipment. The fence shall be at least 8 feet in height.

(7) Communications towers shall be painted silver or have a galvanized finish in order to reduce the visual impact. However, stealth towers are exempt from this.

(8) All guy wires associated with a guyed communications tower shall be clearly marked so as to be visible at all times and shall be located within a fenced enclosure. Guy wires and their anchors must be set back at least 25 feet from property lines.

(9) No signs or lights shall be mounted on a communications tower, except as may be required by the Federal Communications Commission, the Federal Aviation Administration, or other governmental agency which has jurisdiction or which may be needed for emergency repair.

(10) Property line buffers and site element screens shall be provided to screen the base of the tower, in accordance with the Borough's Subdivision and Land Development Ordinance [Part 13].

(11) A communications tower may be located on a lot occupied by other principal structures provided the tower and its accompanying communications equipment building are set back at least 25 feet from all other buildings and structures on the lot.

(12) A communications tower may occupy a leased area within a lot that meet the minimum lot size and other requirements of the zoning district in which it is located, unless specified elsewhere in this Section.

(13) All towers shall be designed to accommodate at least three communication companies and emergency service organizations.

(14) The applicant may be required to construct a stealth tower.

(15) The applicant must demonstrate that the proposed tower must be located where proposed to fills a significant gap in their ability to provide

service.

D. *Regulations for all Communication Antenna and Towers.*

(1) The owner or operator of communications antennae shall be licensed by the Federal Communications Commission to operate such antennae.

(2) One off-street parking space shall be provided for a communication antenna, communications equipment building, and/or communications tower.

E. *Regulations for Communications Equipment Buildings.*

(1) Communications equipment buildings shall meet the height and setback requirements for principal buildings in the zoning district in which the building is located.

(2) Property line buffers and site element screens shall be provided to screen the building, in accordance with the Borough's Subdivisions and Land Development Ordinance [Part 13].

(3) The building shall be within a fenced area or secured in a manner that is acceptable to the Borough.

(Ord. 500, 4/7/2004, §8.23)

§14-824. Group Home for the Handicapped.

Pursuant to the definition in Article 2 and the following, group homes are permitted by right in all zoning districts.

A. The facility shall be certified by the appropriate State agency. The license or certification shall be obtained prior to issuance of an occupancy permit by the Borough. A copy of an annual report with evidence of continuing certification shall be submitted to the zoning officer in January of each year.

B. Twenty-four hour supervision shall be provided by staff qualified by the sponsoring governmental agency.

C. No kitchen facilities shall be located in any bedroom.

D. The number of residents occupying the group home, excluding staff, shall not exceed four persons.

E. Any medical or counseling service provided shall be done only for residents of the group home.

F. The use of the dwelling shall comply with all other Borough ordinances, including Borough and property maintenance.

G. The group home must maintain the appearance of a single-family home.

H. One off-street parking space shall be provided for each staff member per shift.

(Ord. 500, 4/7/2004, §8.24)

§14-825. Modification of Front Yard Requirements.

Where an unimproved lot of record is situated on the same road frontage between two abutting improved lots or between 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 abutting front yards on improved lots and the required front

yard.

(*Ord. 500, 4/7/2004, §8.25*)

§14-826. Setback from Road Legal Right-of-way.

In all districts the minimum building setback from the legal right-of-way of all public roads shall be equal to the minimum front yard setback for the district.

(*Ord. 500, 4/7/2004, §8.26*)

§14-827. Obstruction to Vision at Intersections.

On any corner lot, no physical improvement, tree(s), or planting area shall be erected or altered within the vicinity of the intersection that would cause obstruction to driver vision from the abutting intersection. All development and use of land shall comply with the Colledgeville Subdivision and Land Development Ordinance [Part 13].

(*Ord. 500, 4/7/2004, §8.27*)

§14-828. Condominium Development.

Development proposed under the condominium form of ownership shall be required to satisfy the dimensional requirements of the zoning district in which it is located, for the types of dwelling units proposed. For dwelling units that are otherwise regulated by minimum lot areas, lot widths, and yards, plans shall show equivalent lotted areas, lot widths, and yard areas as dashed lines to show that the proposed development would comply with the dimensional standards required for those dwelling units under a fee-simple lotted plan.

(*Ord. 500, 4/7/2004, §8.28*)

§14-829. Height of Structures.

For any permitted structure not otherwise regulated herein, additional height above the limit specified in the individual zoning districts may be permitted as a conditional use when approved by the Borough Council, provided that the setback from any property line is at least equal to the height of the structure and the structure will not regularly be entered by people. This provision is intended to regulate miscellaneous structures including chimneys, steeples, clock towers, water towers, and windmills.

(*Ord. 500, 4/7/2004, §8.29*)

§14-830. Solid Waste Disposal Facilities.

Outside rubbish storage areas, for all commercial, industrial, institutional and multi-family uses, shall be fully enclosed and concealed from view. Opaque fencing and/or landscaping may be used. These areas shall also not be permitted within any parking space or aisle, but shall be located to provide easy access for pickup.

(*Ord. 500, 4/7/2004, §8.30*)

§14-831. Principal Structure or Building.

In any zoning district, no more than one principal structure or building is permitted on an individual lot.

(*Ord. 500, 4/7/2004, §8.31*)

Article 9

Off-Street Parking

§14-901. Declaration of Legislative Intent.

It is the specific intent of this Article 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 of parking upon public rights-of-way and provide suitable facilities for off-street parking.

D. Provide design standards that will minimized the impact of parking lots on adjoining property owners.

(Ord. 500, 4/7/2004, §9.1)

§14-902. Required Off-Street Parking Facilities.

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 Collegeville Borough Subdivision and Land Development Ordinance [Part 13]. The required spaces below are in addition to any state or federal handicapped space requirements or part thereof.

Use	Requirement
A. Dwellings	
(1) Single-family detached, two-family, multifamily	2 spaces per dwelling unit
(2) Single-family attached (townhouse)	2.5 spaces per dwelling unit
B. Places of assembly (theater, church, stadium, auditorium, etc.	1 space per 3 seats
C. Freestanding retail stores	1 space per 200 square feet of gross sales floor
D. Shopping centers	1 space per 200 square feet of gross leasable floor area
E. Offices	1 space per 275 square feet of gross usable office space, halls, bathrooms, stairway, elevators, utility rooms, and floor area
F. Industry (excluding those specifically listed below)	1 space per employee for the largest shift

Use	Requirement
(1) Laboratory	1 space per 450 square feet of gross floor area
(2) Warehouse or storage	1 space per 1,500 square feet of gross floor area
G. Services	
(1) Doctor, dentist, or similar type including out-patient clinics	7 spaces per practitioner, plus 1 space per additional employee
(2) Barber, beautician, tailor, or similar type	2 spaces per 250 square feet of gross floor area plus 1 space per any other employee
H. Tourist home, rooming house, bed and breakfast	2 spaces, plus 1 space per rental unit
I. Self-service laundromat	1 space per 3 washers and/or dryers
J. Place of indoor amusements (not sports or exercise)	1 space per 100 square feet of gross floor area
K. 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:	
(1) Library, museum, or similar place	1 space per 500 square feet of floor area
(2) Hospital, in-patient clinic, sanitarium, nursing home	1 space per 1 bed
(3) Hotel, motel, or similar use	1 space per rental unit, plus 1 space per 200 square feet of gross floor area in common or public use (lobby, bar, meeting rooms, etc.
(4) Restaurants	
(a) Drive-in or fast food	1 space per 100 square feet of gross floor area, minimum 25 spaces
(b) All others	1 space per 100 square feet of gross floor area
(5) Motor vehicle repairs (body or mechanical)	3 spaces per service bay
(6) Vehicle sales	1 space per 500 square feet of indoor sales area, plus 1 space per 5,000 square feet of outdoor sales area
(7) Indoor sports facility	
(a) Bowling alley	5 spaces per lane
(b) Racquet sports	2 spaces per court

Use	Requirement
(cc) Health spa	1 space per 250 square feet of gross floor area
(8) Studio for dance, art, music, or photography	1 space per 5 students and 1 space per 300 square feet of gross floor area
(9) Post office or wholesale business	1 space per 500 square feet of gross floor area
(10) Bank, financial institution	
(a) Without drive-in service	6 spaces per teller window
(b) With drive-in service	6 spaces per indoor teller window
(c) Plus	3 spaces per automated teller
(11) Day care or pre-school facilities	Additional capacity determined on a case-by-case basis
L. Retirement Complex. The following minimum parking standards shall apply to any age restricted development in the Borough.	
(1) Independent dwelling units (single-family or multifamily dwellings)	1 space for each independent dwelling unit to be used primarily by the residents of the units and 1 additional space for every 5 independent units to be used primarily by visitors
(2) Skilled care facilities and personal care congregate facilities	1 space for every 2 beds in skilled care facilities and personal care congregate facilities
(3) Staff parking	1 space for each staff doctor
(4) Employee parking	1 space for each employee working on the largest shift
M. Schools	
1. Elementary or intermediate	2 spaces per classroom
2. High school	8 spaces per classroom
N. Any use not specifically listed in this Part shall provide parking spaces in compliance with the parking generation manual of the institute of transportation engineers (ITE) as last amended.	

(Ord. 500, 4/7/2004, §9.2)

§14-903. Parking Held in Reserve.

If the number of spaces required by §14-902 is substantially larger than the number of spaces anticipated by the applicant, then the applicant may hold some of the parking in reserve in order 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 §14-902 above.

B. The number of spaces which must be paved initially may be reduced by up to 50% by the Borough Council, upon the recommendation of the Borough Planning Commission. All stormwater engineering shall be designed based on total parking requirements, including the reserve.

C. Suitable area must be reserved for the balance of the total number of spaces required by §14-902; these spaces shall be constructed by the applicant if and when determined necessary by Council, upon the recommendation of the Borough Zoning Officer. The Council may require the installation of these parking spaces when there is evidence of a continued overflow of parking.

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 18 months following the installation of the initially constructed parking spaces. The type and dollar value of the guaranty must be approved by 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. 500, 4/7/2004, §9.3)

§14-904. Additional Requirements.

1. All parking lots must meet the requirements of the Borough Subdivision and Land Development Ordinance [Part 13].

2. Parking lots shall not be used for the sale, repair, or dismantling of any vehicles, equipment, materials, or supplies.

3. All commercial, industrial, and institutional uses shall provide adequate off-street loading/unloading space.

4. All schools or churches may designate an area of level lawn or field for overflow parking for special events.

(Ord. 500, 4/7/2004, §9.4)

§14-905. Shared Parking.

1. The parking spaces required under §14-902 above may be reduced when two or more establishments share the same parking area, whether on the same lot or abutting lots, according to the following formula:

A. Determine the required amount of parking for each proposed land use as if it were a separate use.

B. For each determined amount, plug into appropriate general category in the following formula. Either plug in zeros for the not relevant categories or delete them from the formula.

Formulas:

(1) Formula (1) Weekday 9 a.m. - 4 p.m.:

[(required office or industrial spaces) x 1] + [(required retail or public comm. fac. spaces) x .6]
+ [(required hotel or motel spaces) x .75] + [(required restaurant spaces) x .5]

+ [(required entertainment or recreation spaces) x .4] = a

(2) Formula (2) Weekday 6 p.m. - Midnight:

[(required office or industrial spaces) x .1] + [(required retail or public comm. fac. spaces) x .9]

+ [(required hotel or motel spaces) x 1] + [(required restaurant spaces) x 1]

+ [(required entertainment or recreation spaces) x 1] = b

(3) Formula (3) Weekend 9 a.m. - 4 p.m.:

[(required office of industrial spaces) x .1] + [(required retail or public comm. fac. spaces) x 1]

+ [(require hotel or motel space) x .75] + [(required restaurant spaces) x 1]

+ [(required entertainment or recreation spaces) x .8] = c

(4) Formula (4) Weekend 6 p.m. - Midnight:

[(required office of industrial spaces) x .05] + [(required retail or public comm. fac. spaces) x .7]

+ [(require hotel or motel space) x 1] + [(required restaurant spaces) x 1]

+ [(required entertainment or recreation spaces) x 1] = d

C. The formula with the highest value (either (1), (2), (3), or (4)) is the shared parking requirement.

2. When shared parking is used, sufficient area shall be set aside for the remainder of the required spaces, according to the requirements of §14-903 above.

3. Residential uses are not allowed to be part of these calculations.

4. All parties using the shared parking arrangement shall enter into a contractual agreement regarding rights and obligations.

(Ord. 500, 4/7/2004, §9.5)

§14-906. Off-Street Loading.

In addition to required off-street parking, off-street loading spaces shall be required for all commercial and industrial uses requiring regular delivery or shipping of goods, merchandise, or equipment by semi-trailer truck. Off-street loading areas shall comply with the following:

A. Required loading areas shall not be used for storage of vehicles or materials or as off-street parking.

B. The location and size of loading areas shall be adequate for the safe parking of trucks and maneuvering space shall be provided so that ingress and egress can occur on the lot without backing out onto a public street.

C. Two or more establishments may use common loading area if it meets the requirements of subsection .B, above.

(Ord. 500, 4/7/2004, §9.6)

§14-907. Off-Street Parking.

The nonresidential parking spaces required herein may be located elsewhere than on the same lot when authorized as a special exception by the Zoning Hearing Board, pursuant to §§14-410 and 14-411 and to the following conditions:

A. That 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. That some portion of the common off-street parking area lies within 400

feet of an entrance, regularly used by patrons, into the buildings served thereby.

C. That 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. 500, 4/7/2004, §9.7)

Article 10**Zoning Districts****§14-1001. Districts.**

For the purpose of this Part, the Borough is hereby divided into 13 districts, which shall be designated as follows:

R-1	Low Density Residential
R-2	Medium Density Residential
R-3	High Density Residential
R-4	High Density and Multifamily Residential
V-1	Village One
V-2	Village Two
R-O	Residential-Office
MSC	Main Street Commercial
GC	General Commercial
SC	Shopping Center
M&I	Manufacturing and Industrial
C-O	Planned Commercial-Office
INST	Institutional

(*Ord. 500, 4/7/2004, §10.1*)

§14-1002. Overlay Districts.

For the purposes of this Part, the following districts are applied over the mapped districts listed in §14-1001, herein. These districts serve the intent and purposes identified in the individual overlay districts, which relate primarily to the prevention of hazards and degradation of the natural environment, as well as protection of environmental amenities.

FP	Floodplain Conservation District
SS	Steep Slope Conservation District

(*Ord. 500, 4/7/2004, §10.2*)

§14-1003. Zoning Map.

The boundaries of said districts shall be shown upon the map attached to and made part of this Part, which shall be designated the Collegeville Borough Zoning Map. The said map and all notations, references, and other things shown thereon shall be made part of this Part, as if the matters, references, and things shown by said map were all fully described herein.

(*Ord. 500, 4/7/2004, §10.3*)

§14-1004. Boundaries of Districts.

Where uncertainty exists with respect to the boundaries of the various districts, as shown on the Zoning Map, the following shall apply:

A. The district boundaries are centerline of road unless otherwise shown.

B. Where the district boundaries are not shown to be roads, the boundaries shall be construed to be property lines or dimensions from streets or roads.

(Ord. 500, 4/7/2004, §10.4)

Article 11**R-1 Low Density Residential District****§14-1101. Declaration of Legislative Intent.**

In expansion of the Declaration of Legislative Intent and the Statement of Community Development Objectives contained in Article 1 and the specific intent of this District is to:

- A. Promote the maintenance, stability, and continued viability of the Borough's low-density residential neighborhoods.
- B. Provide for appropriate infill and new development, along with appropriate redevelopment.

(Ord. 500, 4/7/2004, §11.1)

§14-1102. Permitted Uses.

In the R-1 District a building may be erected or used or occupied and a lot may be used or occupied for any of the following purposes and no other:

- A. Single-family detached dwelling.
- B. Public park, playground, and other outdoor recreational areas not operated commercially for profit and owned by a governmental or nonprofit agency.
- C. Family day care home in compliance with §14-818 of this Part.
- D. Accessory uses, in compliance with §14-807 of this Part.

(Ord. 500, 4/7/2004, §11.2)

§14-1103. Area Regulations.

1. *Minimum Lot Area.* 20,000 square feet.
2. *Minimum Lot Width at Building Line.* 100 feet.
3. *Maximum Building Coverage.* 20% of lot area.
4. *Maximum Impervious Surface Coverage.* 35% of lot area.
5. *Yards.* Front, side, and rear yards shall be provided on each lot as follows:
 - A. *Front Yard.* One yard not less than 60 feet in depth, measured from the ultimate right-of-way to the building line.
 - B. *Side Yards.* For every dwelling, two yards not less than 30 feet in aggregate width and neither less than 12 feet; except that in the case of a corner lot, the yard abutting a street shall be equal to the minimum required front yard.
 - C. *Rear Yard.* One yard not less than 40 feet in depth.

(Ord. 500, 4/7/2004, §11.3)

§14-1104. Height Regulations.

No principal building shall exceed 35 feet in height. Accessory uses may not exceed a maximum of 15 feet.

(*Ord. 500, 4/7/2004, §11.4*)

§14-1105. Parking and Signs.

All parking spaces and all signs erected in the R-1 Residential District shall be in accordance with Article 9, "Off-Street Parking," and Article 23, "Signs," of this Part.

(*Ord. 500, 4/7/2004, §11.5*)

Article 12

R-2 Medium Density Residential District

§14-1201. Declaration of Legislative Intent.

In expansion of the Declaration of Legislative Intent and the Statement of Community Objectives contained in Article 1 and the specific intent of this District is to:

- A. Provide reasonable standards and regulations.
- B. To promote the maintenance, stability, and continued viability of the Borough’s medium-density single-family and two-family residential neighborhoods.
- C. To provide for infill and new development, along with appropriate redevelopment.

(Ord. 500, 4/7/2004, §12.1)

§14-1202. Permitted Uses.

In the R-2 District a building may be erected or used or occupied and a lot may be used or occupied for any of the following purposes and no other:

- A. Single-family detached dwelling.
- B. Single-family semi-detached dwelling (twin), provided that the dwelling with which it has a party wall in common is erected at the same time.
- C. Public park, playground, and other outdoor recreational areas not operated commercially for profit and owned by a governmental or nonprofit agency.
- D. Family day care home in compliance with §14-818 of this Part.
- E. Accessory uses, in compliance with §14-807 of this Part.

(Ord. 500, 4/7/2004, §12.2)

§14-1203. Area Regulations.

1. *Lot Area.* Minimum lot areas shall be regulated by the following:

Type of Building	Lot Area
Single-family semidetached dwelling	9,000 square feet (per dwelling unit)
Single-family detached dwelling	12,000 square feet

2. *Lot Width.* Each lot shall have a width at the building line of not less than 50 feet for an individual unit in a semi-detached dwelling and 75 for detached dwellings and other permitted structures.

3. *Building Area.* For a single-family detached dwelling a maximum of 30 percent of the lot area may be occupied by buildings. For a single-family semi-detached dwelling a maximum of 40% of the lot may be occupied by buildings.

4. *Maximum Impervious Surface Coverage.* For a single-family detached dwelling no more than 45% of the lot area, and for a single-family semi-detached dwelling no more than 55% of the lot are shall be covered by impervious surfaces.

5. *Yards.* Front, side, and rear yards shall be provided on each lot as follows:
- A. *Front Yard.* One yard not less than 40 feet in depth, measured from the legal right-of-way to the building line.
- B. *Side Yards.*
- (1) In the case of a detached dwelling, 2 yards not less than 23 feet in aggregate width, and neither less than 10 feet, except that, in the case of a corner lot, the yard abutting a street shall be equal to the minimum required front yard.
- (2) In the case of a semi-detached dwelling, there shall be one side yard, the width of which shall be not less than 10 feet, except that, in the case of a corner lot, the yard abutting a street shall be equal to the minimum required front yard.
- C. *Rear Yard.* One yard not less than 40 feet in depth.

(Ord. 500, 4/7/2004, §12.3)

§14-1204. Height Regulations.

No building shall exceed 35 feet in height. Accessory uses may not exceed a maximum of 15 feet.

(Ord. 500, 4/7/2004, §12.4)

§14-1205. Parking and Signs.

All parking spaces and all signs erected in the R-2 Residential District shall be in accordance with Article 9, "Off-Street Parking," and Article 23, "Signs," of this Part.

(Ord. 500, 4/7/2004, §12.5)

Article 13

R-3 High Density Residential District

§14-1301. Declaration of Legislative Intent.

In expansion of the Declaration of Legislative Intent and the Statement of Community Development Objectives contained in Article 1 and the specific intent of this District is to:

- A. Promote the maintenance, stability, and continued viability of the Borough’s low-density residential neighborhoods.
- B. Provide for appropriate infill and new development, along with appropriate redevelopment.

(Ord. 500, 4/7/2004, §13.1)

§14-1302. Permitted Uses.

In the R-3 District, a building may be erected, altered, or used and a lot may be used or occupied for any of the following purposes and no other:

- A. Single-family detached dwelling.
- B. Single-family semi-detached dwelling (twin), provided that the dwelling with which it has a party wall in common is erected at the same time.
- C. Two-family detached dwelling (duplex).
- D. Single-family attached dwelling, provided that such row dwellings shall be constructed in series of not more than six dwelling units and that all units of the series shall be constructed at the same time.
- E. Mobile home park, pursuant to §14-1306 of this Article.
- F. Public park, playground, and other outdoor recreational areas not operated commercially for profit and owned by a governmental or nonprofit agency.
- G. Attached duplex.
- H. Family day care home in compliance with §14-818 of this Part.
- I. Accessory uses, in compliance with §14-807 of this Part.

(Ord. 500, 4/7/2004, §13.2)

§14-1303. Area Regulations.

The following dimensional regulations shall apply:

	Minimum Lot Area per DU	Lot Width @ Bldg Line per DU	Front Yard Depth	Side Yard		Rear Yard	% Coverage	
				Aggregate	Each		Building	Impervious
Single-family	8,000 SF	60'	30'	20'	8'	30'	40%	55%

	Minimum Lot Area per DU	Lot Width @ Bldg Line per DU	Front Yard Depth	Side Yard		Rear Yard	% Coverage	
				Aggregate	Each		Building	Impervious
Single-family semi-detached (twin)	6,000 SF	40'	30'	NA	12'	30'	40%	55%
Two-family duplex and other	8,000 SF	50'	30'	20'	8'	30'	40%	55%
Townhouse (if fee simple ownership)	2,000 SF	20'	30'	NA	8'	30'	80%	(1)
Townhouse (if other than fee simple ownership)	NA	NA	30'	See §14-1305 for standards				
Attached Duplex (if fee simple ownership)	2,000 SF	20'	30'	NA	8'	30'	65%	80%
Attached duplex (if other than fee simple ownership)	NA	NA	30'	See §14-1305 for standards				

(1) No impervious coverage. Open space requirements of §14-1305.D must be met.

(Ord. 500, 4/7/2004, §13.3)

§14-1304. Height Regulations.

No building shall exceed 35 feet in height.

(Ord. 500, 4/7/2004, §13.4)

§14-1305. Standards for Townhouses and Attached Duplex Dwellings.

These standards apply to all such developments unless listed.

A. Building Setbacks.

(1) For other than fee simple ownership; property line other than a street property line or street right-of-way: 30 feet.

(2) *For All Types of Ownership.*

(a) *From Primary Arterial Road.* 60 feet.

(b) *From Collector Road.* 50 feet.

(c) *From Residential Road.* 25 feet.

(d) *From Private Road.* 25 feet.

(e) *From Parking Areas Other than Driveway or Garage.* 20 feet.

(3) *Adjoining Building Front.* No more than two adjoining building facades to have same setback; minimum difference between two facades shall

be 4 feet.

B. *Building Length.* 150 feet, but in no event greater than six dwelling units per building.

C. *Spacing Between Buildings.*

- (1) *Front to Front.* 60 feet.
- (2) *Side to Side (without windows).* 20 feet.
- (3) *Side to Side (with windows).* 30 feet.
- (4) *Side to Front/Back.* 40 feet.
- (5) *Back to Back.* 60 feet.

D. *Open Space.* Forty percent of the site area, half of which must be usable passive or active recreation areas, exclusive of front or side yards and stormwater basins. Preservation of existing natural amenities is encouraged. Open space should be interconnected. Maintenance shall be secured and funded by the lot owners individually or through a homeowner's association.

E. *Buffer Yard.*

(1) There shall be a landscaped buffer yard established between the perimeter of the tract to be developed and the dwellings. The minimum width of this buffer yard shall be 25 feet. The purpose of the buffer yard is to adequately buffer the development from adjoining properties. The landscaping in this buffer yard shall be continuous and uninterrupted except for streets, driveways, or sidewalks.

(2) Existing healthy trees, shrubs, or woodlands may be substituted for part of all of the required buffer yard at the discretion of the Borough Council upon the recommendation of the Planning Commission. The minimum quantities and/or visual effect of the existing vegetation shall be equal to or exceed the required buffer or screen.

F. *Parking Areas.* Parking areas shall be set back at least 30 feet from all perimeter boundaries.

(Ord. 500, 4/7/2004, §13.5)

§14-1306. Mobile Home Park Developments.

Mobile home parks are permitted by conditional use pursuant to the following regulations:

A. *Residential Uses.* A mobile home park may include single- or double-width mobile homes, single-family detached modular homes, conventional single-family detached dwellings, or a combination of these, but shall not include travel trailers or motor homes.

(1) No more than 40% of the total number of dwelling units in a mixed mobile home park may consist of conventional single-family detached dwellings. All conventional single-family detached dwellings within a mobile home park shall meet the standards of the R-3 District of this Part, including standards set forth for lot area, setbacks, building coverage, and height.

(2) Customary accessory structures shall be permitted on individual

lots, according to the standards of this Section.

(3) Nothing in this Section shall be considered to prohibit the rental, sale, or resale of a mobile home located on a mobile home stand and connected to all utilities. Similarly, a model or display area is permissible on a temporary basis, provided that models are developed in accordance with all applicable regulations of this Article, and that use of the models for sales or rental promotion ceases when the project is fully developed.

(4) All mobile home parks shall have a minimum tract size of 5 acres.

(5) All mobile home lots shall have a minimum of 5,000 square feet when on-lot parking is provided. Where common parking is provided, this may be reduced to 4,500 square feet.

(6) All mobile home lots shall be at least 55 feet wide at the building setback line. All mobile home lots shall have at least 25 feet of frontage to a public street or equivalent right-of-way line or edges of pavement, as applicable.

(7) No mobile home or accessory building shall be located closer than 4 feet to the side or rear lot line of an individual mobile home lot. Accessory buildings may be located on the lot line if physically joined to each other with a common wall located on the property line.

(8) Mobile homes are encouraged to use the minimum setback and to be placed off-center on the lots so as to provide a large, usable open yard space in one section of the lot.

(9) Mobile homes and roofed structures or areas attached thereto shall be separated from each other, and from other buildings and structures, other than accessory structures, at their closest points by a minimum of 20 feet; provided, however, that whenever two mobile homes have their longest sides parallel or essentially parallel to each other for more than 25% of the length of either, the minimum distance between the mobile homes shall be 30 feet. The sides shall be considered to be essentially parallel if they form an angle of less than 45 degrees when extended to intersect.

(10) The maximum coverage of any individual mobile home lot by primary and accessory buildings and structures, such as decks or patios, shall be 25%.

(11) The maximum density of any mobile home park shall be five units to the acre, regardless of housing type.

(12) No mobile home shall exceed a height of one story.

(13) In order to allow clustering of lots designed to encourage flexibility in site design, preservation of natural features, and to maximize creation of accessibility of recreation areas, distance between structures, minimum lot width, and minimum lot size may be reduced up to a maximum of 10% upon approval of the Borough Council, provided that at least 50% of all lots so reduced shall directly abut part of the common open space for a distance of at least 20 feet. An area equal to that by which each lot is reduced shall be added to the minimum common open space specified in this Section.

(14) All access drives or roads shall be set back 20 feet from any property

line.

B. *Common Open Space.* At least 20% of the site area of the mobile home development must be held as common open space, as defined in this Section. No more than one-third of the common open space may be the required buffer area. The permanent open space shall comply with the following standards.

(1) *Ownership.* The open space shall be conveyed in accordance with one or more of the following methods, as approved by the Borough Council:

(a) Dedication in fee-simple to Collegeville Borough.

(b) Conveyance of title (including beneficial ownership) to an association, condominium, conservancy, corporation, funded community trust, individual or other legal entity for maintenance purposes.

(c) Fee-simple ownership with conveyance of restrictive covenants, conservation easements, or other suitable legal device to Collegeville Borough, an association, condominium, conservancy, corporation, funded community trust, individual or other legal entity for maintenance purposes. The terms of such instrument of conveyance shall include provisions to the Borough for guaranteeing the continued use of such land for open space and recreation.

(2) *Design.* The open space shall not include stormwater basins, shall have adequate pedestrian and vehicular access, and shall be designed in one or more of the following ways, as approved by the Borough Council:

(a) Buffer area, to buffer the impact of new development from existing, adjacent development.

(b) Preservation of natural features, such as woodlands, stream valleys, wetlands, or steep slopes.

(c) Central green or parkway, which shall be located in a central position in the neighborhood, surrounded by streets and/or building lots on a least three sides, and designed and landscaped as a space for common neighborhood use.

(d) Recreation area provided to meet the anticipated needs of the residents of the development. Recreation areas should be of a size, shape, and relief that is conducive to active and passive recreation.

C. *Buffers.*

(1) *Buffers.* A landscaped buffer at least 20 feet in width shall be provided along all property boundary lines, except those that abut another mobile home park. The adequacy of this buffer shall be determined by Borough Council based upon the recommendations of the Borough Planning Commission or other Borough agencies chosen by Council.

(2) All common refuse facilities shall be screened from the view of public streets or neighboring properties.

(3) Any outdoor lighting proposed for common areas or parking lots shall not cast glare onto adjacent properties or cause a traffic hazard.

D. *Additional Requirements.*

(1) *Roadways* All Borough standards for the construction of streets

contained in this Part shall be adhered to for all public streets in and abutting mobile home parks.

(2) *Access Limitations.* Mobile home lots may have direct access only onto streets internal to the development. Direct access from a mobile home lot shall not be permitted onto the streets from which the mobile home park gains primary access.

(3) *Open Space and Recreation.* The common open space shall be designed as a contiguous area unless the applicant can demonstrate to the satisfaction of the township that two or more separate areas would be preferable. The open space shall also have easily identifiable pedestrian and visual accessibility to all residents of the mobile home park, although all units do not have to abut the open space.

(4) *Mobile Home Stands* a concrete pad, properly graded, placed, and compacted so as to be durable and adequate for the support of the maximum anticipated loads during all seasons shall be used for all mobile homes.

(5) *Public Water and Sewer.* All mobile home parks shall be served by public sewer and water systems.

(6) *Anchoring.* Every mobile home placed within a mobile home development shall be anchored to the mobile home stand where it is located prior to the unit being occupied or used in any other way. The anchoring system shall be designed to resist a minimum wind velocity of 90 miles per hours.

(7) *Skirts.* All mobile homes placed within a mobile home development shall, prior to the occupancy or other use, have skirts installed to protect the utility connection and to complement the appearance of the mobile home.

(8) *Preservation of Natural Features.* No multifamily development shall be located in any of the following areas:

(a) Within the Floodplain Conservation District of Collegeville Borough.

(b) On land having a natural grade of 15% or greater.

(c) On land that formerly had a natural slope of 15% or greater, but has been graded to a lesser percentage slope.

E. *Registration and Administration.*

(1) *Registration.* It shall be unlawful to operate a mobile home park within the Borough unless it has been registered with the Code Enforcement Officer, who may inspect the premises with reasonable notice.

(2) *Transfer of Registration.* Registration is not transferable. The Borough Council shall be notified in writing within 10 days after the sale, transfer, lease, or other change in the controlling interest of a mobile home park, and the registration shall be renewed following inspection.

(Ord. 500, 4/7/2004, §13.6)

§14-1307. Parking and Signs.

All parking spaces and all sign erected in the R-3 Residential District shall be in

accordance with Article 9, "Off-Street Parking," and Article 23, "Signs," of this Part.
(*Ord. 500, 4/7/2004, §13.7*)

Article 14**R-4 High Density and Multifamily Residential District****§14-1401. Declaration of Legislative Intent.**

In expansion of the Declaration of Legislative Intent and the Statement of Community Development Objectives contained in Article 1 and the specific intent of this District is to:

- A. Encourage an appropriate mix of dwelling types and densities in Collegeville Borough.
- B. Promote a variety of income levels, age groups, and housing opportunities within the Borough.
- C. Establish standards of performance and promote the desirable benefits which garden apartments may have upon the community.

(Ord. 500, 4/7/2004, §14.1)

§14-1402. Permitted Uses.

A building may be erected, altered, or used and a lot may be used or occupied for any of the following purposes and no other:

- A. Single-family detached dwelling.
- B. Garden apartment house or complex.
- C. Public park, playground, and other outdoor recreational areas not operated commercially for profit and owned by a governmental or nonprofit agency.
- D. Family day care home in compliance with §14-818 of this Part.
- E. Accessory uses, in compliance with §14-807 of this Part.

(Ord. 500, 4/7/2004, §14.2)

§14-1403. Single-family Detached Dwelling Developments.

All single-family detached dwellings shall comply with the following requirements:

- A. *Minimum Lot Area.* 8,000 square feet.
- B. *Minimum Lot Width at Building Line.* 60 feet.
- C. *Minimum Building Coverage.* 35%.
- D. *Maximum Impervious Surface Coverage.* 45%.
- E. Yards. Front, side, and rear yards shall be provided on each lot as follows:
 - (1) *Front Yard.* One yard not less than 30 feet in depth, measured from the ultimate right-of-way to the building line.
 - (2) *Side Yard.* For every dwelling, two yards not less than 20 feet in aggregate width and neither less than 8 feet; except that in the case of a corner lot, the yard abutting a street shall be equal to the minimum required front yard.
 - (3) *Rear Yard.* One yard not less than 25 feet in depth.

(Ord. 500, 4/7/2004, §14.3)

§14-1404. Garden Apartment Developments.

All garden apartments shall comply with the following requirements:

A. *Dimensional Regulations.*

- (1) *Maximum Density.* Eight units per acre.
- (2) *Minimum Tract Size.* Each multifamily development shall have a minimum gross area of 10 acres.
- (3) *Minimum Setback from Any Property Line.* 50 feet.
- (4) *Minimum Distance Between Any Two Principal Buildings.* 50 feet.
- (5) *Maximum Building Coverage.* 30% of lot area.
- (6) *Maximum Impervious Surface Coverage.* 50% of lot area.
- (7) *Zoning District Boundary Setback.* A minimum setback of 75 feet is required between any principal multifamily building in this district and any township boundary or boundary of a residential zoning district. This setback may be part of a required yard area, and shall include landscaping and/or berming. The adequacy of this buffer shall be decided by Borough Council based upon the recommendations of the Borough Planning Commission or other Borough agencies chosen by Council.
- (8) *Maximum Height.* 35 feet for a principal building, 15 feet for any accessory buildings.
- (9) *Parking Area Setback.* A minimum 30 foot setback shall be required between any parking area of six or more spaces and any side or rear lot line or tract boundary. This parking area setback may be part of a zoning district boundary. If the parking area is shared by two or more lots, the setback shall not be required from the common lot line(s).
- (10) *Maximum Building Length.* 200 feet.

B. *Additional Regulations.*

- (1) Parking shall not interfere with driveways, accessways, sidewalks, or pedestrian walkways.
- (2) The use of natural building materials, such as brick, stone, stucco, or wood, is strongly encouraged.
- (3) All refuse facilities shall be screened from the view of all public streets and neighboring properties.
- (4) Any outdoor lighting proposed for common areas or parking lots shall not throw glare onto adjacent properties or cause a traffic hazard.
- (5) All access drives or roads shall be set back 20 feet from any property line.
- (6) All developments shall be served by public sewer and water systems.

C. *Open space Regulations.* A minimum of 20% of the site area of the multifamily development shall be permanent open space. No more than one-third of the open space may be part of the required tract boundary setback. The

permanent open space shall comply with the following standards:

(1) *Ownership*. The open space shall be conveyed in accordance with one or more of the following methods, as approved by the Borough Council:

(a) Dedication in fee simple to Collegeville Borough.

(b) Conveyance of title (including beneficial ownership) to an association, condominium, conservancy, corporation, funded community trust, individual, or other legal entity for maintenance purposes.

(c) Fee simple ownership with conveyance of restrictive covenants, conservation easements, or other suitable legal device to Collegeville Borough, an association, condominium, conservancy, corporation, funded community trust, individual, or other legal entity for maintenance purposes. The terms of such instrument of conveyance shall include provisions to the Borough for guaranteeing the continued use of such land for open space and recreation.

(2) *Design*. The open space shall not include stormwater basins, shall have adequate pedestrian and vehicular access, and shall be designed in one or more of the following ways, as approved by the Borough Council:

(a) Buffer area, to buffer the impact of new development from existing, adjacent development.

(b) Preservation of natural features, such as woodlands, stream valleys, wetlands, or steep slopes.

(c) Central green or parkway, which shall be located in a central position in the neighborhood, surrounded by streets and/or building lots on at least three sides, and designed and landscaped as a space for common neighborhood use.

(d) Recreation area provided to meet the anticipated needs of the residents of the development. Recreation areas should be of a size, shape, and relief that is conducive to active and passive recreation.

(Ord. 500, 4/7/2004, §14.5)

§14-1405. Parking and Signs.

All parking and all signs erected in the R-4 Residential District shall be in accordance with Article 9, "Off-Street Parking" and Article 23, "Signs," of this Part.

(Ord. 500, 4/7/2004, §14.5)

Article 15**V-1 Village District****§14-1501. Declaration of Legislative Intent.**

1. The V-1 Village District is intended and designed to provide certain areas of the Borough for the development of professional and low intensity business offices in areas where residential dwellings currently predominate. This district is intended to include older, established types of development designed mainly for residential purposes, but where changing conditions have made limited offices suitable and not incompatible with the basic residential character of the district.

2. This district is intended to encourage the preservation of the existing historic houses where road widenings are not needed, and adequate rights-of-way where they are needed, and the residential appearance of the areas. It is also intended to encourage the sharing of parking and vehicular circulation and the limiting of vehicular access onto Route 29. The V-1 District is also intended to protect the adjoining residential neighborhoods from any impacts of the types of land uses permitted herein.

(Ord. 500, 4/7/2004, §15.1)

§14-1502. Use Regulations.

1. The following uses are permitted:

- A. Single-family detached dwellings.
- B. Twin dwellings.
- C. Duplex dwellings.
- D. Multi-family conversions, pursuant to §14-806 of this Part.
- E. Office for the professional practice of medicine, law, engineering, accounting, architecture, real estate, insurance, financial consultation, and similar activities.
- F. Places of worship.
- G. Child day care centers.
- H. Studios of art, dance, music, or photography.
- I. Municipal or governmental offices.
- J. Uses of similar intensity and scale.
- K. Accessory uses, in compliance with §14-807 of this Part.

2. Any of the permitted uses which require new construction of a building or more than four new parking stalls shall be permitted as a conditional use when authorized by the Borough Council subject to compliance with the provisions of this Article and to the standards set forth in §14-817 of this Part.

(Ord. 500, 4/7/2004, §15.2)

§14-1503. Conditional Use Standards.

1. Access shall be shared with abutting properties similarly zoned for non-

residential use. This shall be accomplished by offering an irrevocable offer of cross-easement to abutting similarly zoned properties. Access to any major highways (such as Route 29) shall be closed upon the opening of shared access with an abutting property.

2. Parking shall not be located in the front of the principal building.

3. Any new building shall be similar to the scale, massing, and general design of the existing buildings.

(Ord. 500, 4/7/2004, §15.3)

§14-1504. Excluded Uses.

The following uses are excluded: retail sales, drive-in restaurants, fast food restaurants, barber/beauty shops, other personal services uses (such as dry cleaning, tailors, etc.).

(Ord. 500, 4/7/2004, §15.4)

§14-1505. Site Development Standards.

1. *Minimum Lot Size.* 7,500 square feet.

2. *Minimum Lot Width.* 75 feet.

3. *Yard Requirements.*

A. *Front Yard.* The minimum distance shall be 15 feet or the average of the existing front yards on either side of the property for a distance of 100 feet, whichever is less. The maximum distance shall be 30 feet.

B. *Side Yard.* Minimum 10 feet if abutting a non-residential zoning district, 20 feet if abutting a residential district.

C. *Rear Yard.* 25 feet if abutting a nonresidential district, 30 feet if abutting a residential district.

4. *Height.* Maximum 35 feet.

5. *Impervious Coverage.* Maximum 50% of lot.

(Ord. 500, 4/7/2004, §15.5)

§14-1506. Bonus Provisions.

Bonuses will be permitted as follows:

A. If a building built prior to 1900 is used and the front and side facades and front porch (if any) are preserved, the maximum impervious coverage shall be 60%.

B. If parking and internal vehicular circulation is to be shared with abutting non-residentially zoned properties, the maximum impervious coverage shall be 75% and parking lot landscaping may be considered landscaping for the purposes of §14-1507. This sharing shall be accomplished by the applicant providing Council with proof that an irrevocable offer of cross-easement to abutting properties has been made, and it is shown on the plans. The easement shall provide for a driveway with vehicular access with sufficient width and turning radius for two-way traffic.

C. If a property or properties abut a non-residentially zoned property and

an irrevocable offer of dedication is made for an ultimate right-of-way width of 50 feet from the centerline of the street, the maximum impervious coverage shall be 75%.

D. If subsection .A and .B are both met, the maximum impervious coverage shall be 85% and parking lot landscaping may be considered landscaping for the purposes of §14-1507.

E. If subsection .C and .D are both met, the maximum impervious coverage shall be 85% and parking lot landscaping may be considered landscaping for the purposes of §14-1507.

(Ord. 500, 4/7/2004, §15.6)

§14-1507. Landscaping.

1. A minimum of 15% of lot shall be landscaped open space, excluding parking lot landscaping except as permitted in §14-1506.

2. Where abutting a residentially zoned parcel, there shall be a 20 foot landscaped buffer required along the property line. This may include side, front, and rear yards setbacks. The adequacy of this buffer shall be decided by Borough Council based upon the recommendations of the Borough Planning Commission or other Borough agencies chosen by Council.

3. Parking in side or rear yards shall be screened from the street by a low hedge, fence, or wall.

4. Parking in side or rear yards shall be separated from adjacent properties by a 10 foot buffer strip. The buffer shall be designed pursuant to the Collegeville Subdivision and Land Development Ordinance [Part 13].

(Ord. 500, 4/7/2004, §15.7)

§14-1508. Lighting.

1. All exterior lighting shall not unreasonably or unnecessarily disturb adjacent property owners or interfere with traffic by either location or glare.

2. No lighting fixture shall exceed a 20 foot mounting height, unless it is in the setback area, than the requirements of §14-819 apply.

3. Lighting facilities, poles, etc., shall not be permitted within any parking space or aisle.

4. Lighting fixtures shall be of the character consistent with the architecture of the structure and surrounding properties.

(Ord. 500, 4/7/2004, §15.8)

§14-1509. Design Standards.

1. Pedestrian pathways abutting properties and between the rear of a property and the street frontage are encouraged and shall not be considered as part of the impervious coverage.

2. All wall surfaces shall be finished in a manner consistent with the front facades of the building.

3. New buildings should be designed to be compatible with other buildings in this

district in terms of scale, massing, and building materials.

4. Any lot with more than one building shall be designed as a compact, unified development with common parking and signage and internalized circulation.

(*Ord. 500, 4/7/2004, §15.9*)

§14-1510. Parking and Signs.

All parking and all signs erected in the V-1 Village District shall be in accordance with Article 9, "Off-Street Parking," and Article 23, "Signs," of this Part.

(*Ord. 500, 4/7/2004, §15.10*)

Article 16**V-2 Village District****§14-1601. Declaration of Legislative Intent.**

It is the specific intent of this Article to:

- A. Permit, by right, single-family detached dwellings.
- B. Allow, by conditional use, limited commercial and office uses that are low traffic generators.
- C. Provide special rights and benefits for buildings that are designated historic.
- D. Provide incentives, in the form of development bonuses, that encourage shared parking facilities, limited curb cuts, and proper floodplain management.
- E. Preserve the Perkiomen Creek corridor through a riparian setback.

(Ord. 500, 4/7/2004, §16.1)

§14-1602. Use Regulations.

On any lot in the V-2 District, the following use, and no other, is permitted:

- A. Single-family detached dwelling.

(Ord. 500, 4/7/2004, §16.2)

§14-1603. Conditional Uses.

On any lot in the V-2 District, any of the following uses, and no other, may be permitted by Borough Council as a conditional use, according to the requirements of §14-817 of this Part and §14-1607 of this Article:

- A. Office for the professional practice of medicine, law, engineering, accounting, architecture, real estate, insurance, financial consultation, and similar activities.
- B. Studios for art, dance, music, or photography.
- C. Antique, consignment, or second-hand thrift shop.
- D. Repair shop for professional, scientific, musical, or electronic instruments and the limited sale of these instruments provided that any sales are a secondary feature of the shop and are limited only to the items being repaired.
- E. The following uses, provided that they are on a lot of at least 34,000 square feet:
 - (1) Bed and breakfast home.
 - (2) Restaurant, café, or similar establishment serving food or beverage.

(Ord. 500, 4/7/2004, §16.3)

§14-1604. Prohibited Uses.

- 1. Drive-in uses.

2. Drive-through window.
3. Fast food restaurants.

(Ord. 500, 4/7/2004, §16.4)

§14-1605. Designated Historical Buildings.

In the V-2 District, any building that has been designated historic by either the Borough, State, or Federal government, is permitted use bonuses as an incentive to preserve the structure. If the property owner restores and/or preserves the front and side facades and roof line, any of the conditional uses listed in §14-1603 and the uses listed below are permitted by right. Such uses may be separated or combined throughout the building. If the building is not preserved, the owner is still allowed the permitted or conditional uses of this Part provided the necessary requirements are satisfied.

- A. Hotel.
- B. Tavern.
- C. Apartments.
- D. Bed and breakfast inn, pursuant to §14-807 of this Part.
- E. Banquet or reception hall.

(Ord. 500, 4/7/2004, §16.5)

§14-1606. Development Standards.

The following standards shall apply to all uses, except where otherwise specified in the V-2 District:

- A. *Minimum Lot Area.* 15,000 square feet.
- B. *Minimum Lot Width.* 40 feet, to be measured at the building setback.
- C. *Yard Requirements.*
 - (1) *Front Yard.* The minimum distance shall be 15 feet, to be measured from the ultimate right-of-way line.
 - (2) *Side Yard.* The minimum distance shall be 15 feet from each yard.
 - (3) *Rear Yard.* The minimum distance shall be 40 feet.
- D. *Maximum Height Requirements.* 35 feet.
- E. *Accessory Structures.*
 - (1) *Property Line Setback.* 10 feet.
 - (2) *Maximum Height.* 15 feet.

F. *Impervious Surface Coverage.* A minimum of 80% of the lot shall be landscaped open space. However, lots that are not eligible for the bonus provision §14-1607.A because of their location and can demonstrate through an engineering survey that no impervious surface coverage is within a floodplain are only required to provide 60% landscaped open space on a lot.

G. *Stream Corridor Setback.* 35 feet from the edge of any stream corridor. This setback shall apply to all buildings, parking areas, and access drives. The area shall remain in a natural state. The stream corridor is defined as the area

containing the waterway, its bank, and contiguous sloping land.
(*Ord. 500, 4/7/2004, §16.6*)

§14-1607. Bonus Provisions.

The following shall apply to all lots, where applicable, in the V-2 District:

A. If a property owner reforests the stream corridor setback area with native floodplain trees and shrubs, then the landscape coverage requirement in §14-1606.F shall be reduced to 70% of the lot area. To qualify for this reduction, a landscape plan must be submitted to the Borough for review by the Planning Commission and the Shade Tree Commission. The plan shall demonstrate that the trees, at maturity, will create a canopy over the stream corridor setback area and that shrubs are interspersed between the trees. The applicant should consult with a landscape architect or horticulturist for a list of approved native floodplain trees and shrubs.

B. If a property shares one common access drive with one or more properties and the other access drives are permanently closed, then the impervious/landscape coverage requirement in §14-1606.F shall be reduced to 55% of the lot area.

C. If both subsection .1 and .2 are followed, then the landscape coverage requirement in §14-1606.F shall be reduced to 40% of the lot area.

(*Ord. 500, 4/7/2004, §16.7*)

§14-1608. Conditional Use Standards.

The following shall apply to all conditional uses in the V-2 District:

A. If a new structure is being built for any conditional use, it shall be designed to be compatible with the pre-1940 buildings in the district. Traditional building materials and design motifs such as peaked roofs, sash windows, and varied facades with bays and porches are recommended.

B. Parking shall be to the rear of the building, or in the side yard behind the line of the building's front facade or the minimum front yard setback line, whichever is greater.

C. Any conditional use applicant shall grant an irrevocable cross-access easement and an interconnection drive, where feasible, to all adjacent properties.

(*Ord. 500, 4/7/2004, §16.8*)

§14-1609. Buffering and Lighting.

The following shall apply to all uses in the V-2 District:

A. All parking lots shall be screened by a landscaped buffer from all adjacent properties or streets. The buffer shall be at least 10 feet wide. The adequacy of this buffer shall be determined by Borough Council based upon the recommendations of the Borough Planning Commission or other Borough agencies chosen by Council.

B. Opaque fences and walls are not permitted in the floodplain area.

C. all exterior lighting shall not unreasonably or unnecessarily disturb adjacent property owners or interfere with traffic by either location or glare. Lighting on fixtures shall not exceed 20 feet, unless it is in the setback area, then

the height criteria of §14-819 of this Part must be met.
(*Ord. 500, 4/7/2004, §16.9*)

§14-1610. Parking Areas and Signs.

The following shall apply to all uses in the V-2 District:

A. All parking and all signs erected in the V-2 Village Commercial District shall be in accordance with Article 9, "Off-Street Parking," and Article 23, "Signs," of this Part.

(*Ord. 500, 4/7/2004, §16.10*)

Article 17**R-O Residential-Office District****§14-1701. Declaration of Legislative Intent.**

It is the specific intent of this Article to:

- A. Permit, by right, single-family detached and semi-detached dwellings.
- B. Allow by conditional use, limited non-residential conversions that are low traffic generators and compatible with the existing residential character of the area.
- C. Maintain the existing residential streetscape of this section of Main Street through regulations that allow these conversions only when front facades and porches are preserved and only if building additions and parking areas are not constructed between the public street and the front facade of the principal structure.

(*Ord. 500, 4/7/2004, §17.1*)

§14-1702. Permitted Uses.

The following are permitted by right in the R-O District:

- A. Single-family detached dwellings.
- B. Single-family semi-detached dwellings provided that the dwelling with which it has a party wall in common that is erected at the same time.
- C. Accessory uses, in compliance with §14-807 of this Part.

(*Ord. 500, 4/7/2004, §17.2*)

§14-1703. Conditional Use.

The following may be permitted by a conditional use in the R-O District by Borough Council in accordance with §14-817 of this Part and §14-1705 of this Article.

- A. Business or professional office.
- B. Studio for photography, music, dance, or art studio.
- C. Multi-family conversions, in compliance with §14-806 of this Part. However, an existing structure exceeding 5,000 square feet which is located on a lot of at least 15,000 square feet, is permitted by conditional use to have more dwelling units provided the parking standards in Article 9 and all applicable building codes relating to size of a dwelling unit are met.
- D. Private clubs, fraternal organizations, and lodge halls, provided that they are on lots of at least 20,000 square feet.

(*Ord. 500, 4/7/2004, §17.3*)

§14-1704. Area Regulations.

Each permitted use or conditional use in the R-O District shall comply with the following area regulations:

A. *Lot Area and Width.*

(1) A lot area of not less than 6,000 square feet and a lot width of not less than 40 feet for a detached dwelling.

(2) A lot area of not less than 4,000 square feet and a lot width of not less than 30 feet for each side of a semi-detached dwelling.

B. *Yards.*

(1) *Front Yard.* One yard not less than 25 feet in depth, to be measured from the legal right-of-way line; except where a building line has been established, then the building line of the majority of the buildings on that side of the block shall be used.

(2) *Side Yards.*

(a) For every detached dwelling, two side yards not less than 20 feet in aggregate width and neither less than 8 feet.

(b) For every semi-detached dwelling, one side yard not less than 8 feet.

(3) *Rear Yard.* One yard not less than 15 feet in depth.

(4) *Building Area.* Not more than 40% of each lot.

(5) *Impervious Coverage.* Not more than 55% of each lot.

(6) *Building Height.* The maximum building height shall be 35 feet.

(Ord. 500, 4/7/2004, §17.4)

§14-1705. Conditional Use Standards.

The following standards shall apply to all conditional uses in the R-O District:

A. All conditional uses must have their primary facade oriented toward Main Street.

B. The conditional use must preserve, utilize, and maintain an existing building in a manner that is consistent with the historic character of this section of Main Street. If an existing building is demolished, then no conditional use will be permitted.

C. The conditional use must preserve and maintain the front facade and, if existing, the front porch. Any building addition shall be located to the rear and shall be compatible with the existing building in size, scale, and materials. Stairways, fire escapes, and other structural alternations shall be located to the rear or side of the building.

D. The conditional use must preserve the existing front yard as a landscaped open space. The only impervious coverage in the front yard will be sidewalks or pedestrian access paths or driveways. The landscaping shall be the type traditionally found in the Main Street area (shade trees, foundation plantings, grass, etc.).

E. All refuse facilities must be screened from the view of public streets and neighboring properties.

(Ord. 500, 4/7/2004, §17.5)

§14-1706. Additional Use Dimensional Standards.

The following standard shall apply to all conditional uses in the R-O District:

A. The maximum impervious coverage of a lot is 55%. However, if two or more adjacent property owners use common parking facilities and a shared access drive pursuant to Article 9 of this Part, then the impervious coverage for each lot may be increased to 80%.

(Ord. 500, 4/7/2004, §17.6)

§14-1707. Parking Lot Requirements.

In addition to the requirements found in Article 9, "Off-Street Parking," the following requirements shall apply to all uses in the R-O District:

A. There shall be no parking permitted between the front wall of a principal structure and the curb of the street toward which that wall is oriented.

(Ord. 500, 4/7/2004, §17.7)

Article 18**MSC - Main Street Commercial District****§14-1801. Declaration of Legislative Intent.**

In expansion of the Declaration of Legislative Intent and the Statement of Community Objectives contained in Article 1, the specific intent of this district is to:

- A. Preserve the traditional late 19th and early 20th Century character of Main Street.
- B. To allow for new buildings or additions that reflect the existing architecture of the street.
- C. To allow for a mix of use at a scale and intensity found along a small-town Pennsylvania Main Street.
- D. Prohibit uses that are more appropriate in the Borough's other commercial districts.

(*Ord. 500, 4/7/2004, §18.1*)

§14-1802. Permitted Uses.

The following uses are permitted by right on any lot in the MSC District:

- A. Retail store for sale of: dry goods, variety merchandise, books and stationary, clothing, food, beverages, flowers and plants, furnishings or other household supplies, antiques, consignment or second-hand thrift shop, and/or similar goods.
- B. Retail stores for sales and repair of: jewelry, clocks, optical goods, cameras, household items, electronic equipment, scientific and professional instruments, and/or similar goods.
- C. Restaurants, retail bakery, confectionery or ice cream shop, other places serving food and beverages (excluding drive-through windows).
- D. Personal service shop, including but not limited to: barber shops, hairdresser, shoe repair, tailor, dry cleaner (drop-off service only), and/or similar uses.
- E. Business or professional office.
- F. Studio for photography, dance, art, etc.
- G. Art gallery.
- H. Bed and breakfast home or inn, pursuant to §14-809 of this Part.
- I. Apartments, provided that they are above a non-residential use.
- J. Residential conversion, pursuant to §14-806 of this Part.
- K. Accessory uses.
- L. Pedestrian pick-up windows.
- M. Outdoor dining, food service or merchandise sales, provided it does not block the legal right-of-way of any sidewalk.

N. Single-family detached dwelling or semi-detached dwelling (twin) pursuant to the appropriate regulations of §14-1303 of this Part.

(Ord. 500, 4/7/2004, §18.2)

§14-1803. Special Exceptions.

The following use is permitted by special exception, pursuant to §§14-411 and 14-806 of this Part.

A. Rooming house.

(Ord. 500, 4/7/2004, §18.3)

§14-1804. Prohibited Uses.

The following uses are not permitted in the MSC District:

A. Fast food restaurants.

B. Drive-through window.

C. Gas station, auto repair, or body shop or gasoline sales of any kind.

D. Drive-in use.

E. Car wash.

(Ord. 500, 4/7/2004, §18.4)

§14-1805. Dimensional Regulations.

The following regulations shall apply to all buildings in the MSC District.

A. *Yard Requirements.*

(1) *Front Yard.* For existing buildings, the setback in place when this Part was adopted shall be used. Additions shall only be permitted to the rear or side of an existing building. For any new structure, the setback of the nearest adjacent building fronting Main Street shall be used. If a conflict arises over which is the nearest adjacent building, then the setback of the building closest to Main Street shall be used.

(2) *Side Yard.* 10 feet.

(3) *Rear Yard.* 25 feet.

B. *Coverage Requirements.*

(1) *Maximum Building Coverage.* 70%.

(2) *Impervious Coverage.* 85%.

C. *Height.*

(1) *Maximum Building Height.* 35 feet.

(Ord. 500, 4/7/2004, §18.5)

§14-1806. Conditional Uses.

Any new construction of a building, which is considered a land development by Act 247 and is not a de minimis land development, as defined by the Borough's Subdivision and Land Development Ordinance [Part 13], shall be only permitted as a conditional use when authorized by Borough Council subject to §14-817 of this Part and the

standards set forth in §14-1807 of this Article, unless the construction meets the requirements of §14-1808 of this Article.

(*Ord. 500, 4/7/2004, §18.6*)

§14-1807. Conditional Use Standards.

The following shall apply to all conditional uses:

A. Any new structure shall be designed to be compatible with the pre-1950 buildings found along Main Street. Building materials traditionally found along Main Street shall be used and design motifs such as pitched roofs, sash windows, and varied facades with bays and porches are required.

B. All conditional uses must have their primary facade oriented toward Main Street.

C. Borough Council may require design changes or modifications to address safety issues upon the advice of the Borough Engineer.

(*Ord. 500, 4/7/2004, §18.7*)

§14-1808. Building Replacement Provisions.

When a principal building is destroyed owing to a fire, natural disaster, or other acts of God or is razed because of a structural instability not caused by neglect or lack of maintenance, the owner is allowed by right, to replace the building, provided the following standards are satisfied:

A. The new structure must be built within the existing building footprint for the front and side yards. Rear extensions are permitted provided they conform to the dimensional standards in §14-1805 for rear yards, and where applicable, side yards.

B. Any facade that faces a public street must be constructed of building materials typically found along Main Street. It shall also be similar to the scale, bulk and massing, fenestration, and overall character of the demolished structure. An exact replica is not required but rather design details commonly found along the Main Street corridor shall be used.

C. Borough Council may require design changes or modifications to ensure the building's design is harmonious with the existing buildings along Main Street.

(*Ord. 500, 4/7/2004, §18.8*)

§14-1809. Parking Lot and Loading Areas.

The following shall apply to all uses with parking lot and loading areas:

A. Parking shall be to the rear of the principal building or in the side yard, behind the building's front setback line.

B. Access drives to Main Street are only permitted when the applicant can demonstrate that no other alternative is possible.

C. When an applicant believes that their parking needs are less than those required by §14-902 of this Part, they may petition Borough Council to reduce the requirements up to 50%. When considering this petition Council may consult with the Borough Planning Commission, Engineer, and staff.

D. Any use or property that is within 250 feet of a publicly owned parking lot is exempted from the parking requirements of §14-902 of this Part.

(Ord. 500, 4/7/2004, §18.9)

Article 19**GC General Commercial District****§14-1901. Declaration of Legislative Intent.**

It is the specific intent of this Article to:

- A. Provide for development of a wide range of commercial uses in the Borough.
- B. Take advantage of access and visibility from the major roadway.
- C. Provide regulations for continued commercial use opportunities in areas of existing commercial development.
- D. Establish standards for the orderly and well planned development and expansion of commercial facilities.
- E. Relate specific types of uses to appropriate minimum lot sizes to ensure adequate land area relative to use classifications and intensities.
- F. Provide regulations that minimize conflicts between commercial facilities and adjacent residential properties.
- G. Assure suitable design to protect the character and property values of adjacent neighborhoods.
- H. Provide regulations that minimize congestion, hazardous traffic conditions and potential noise, glare and pollution, resulting from commercial development.
- I. To provide incentives to encourage shared access points, public meeting areas, and having buildings built to the edge of the public right-of-way.

(*Ord. 500, 4/7/2004, §19.1*)

§14-1902. Permitted Uses.

A building may be erected, altered, or used and a lot may be used or occupied for any of the following purposes and no other:

- A. Retail store for sale of: dry goods, variety merchandise, books and stationery, clothing, food, beverages, flowers and plants, drugs (excluding drive-through windows), furnishings or other household supplies, and/or similar goods.
- B. Retail stores for sales and repair of: jewelry, clocks, optical goods, cameras, home appliances, electronic equipment, scientific and professional instruments and/or similar goods.
- C. Personal service shop, including but not limited to: barber shops, hairdresser, shoe repair, tailor, dry cleaner (drop-off service only), self-service laundry, and/or similar uses.
- D. Restaurants, retail bakery, confectionary or ice cream shop other places serving food and beverages (excluding drive-through windows and drive-in restaurants).
- E. Business or professional office.

- F. Bank, savings and loan association, financial institution (provided no drive-through window is provided).
- G. Indoor athletic facility.
- H. Dance, exercise, music or art studio/gallery.
- I. Funeral home.
- J. Any use similar to those listed above.

(Ord. 500, 4/7/2004, §19.2)

§14-1903. Conditional Uses.

The following may be permitted as a Class One conditional use in the GC District by Borough Council in accordance with §14-817 of this Part and §14-1905 of this Article.

- A. Automatic or self-service car wash.
- B. Garden supply, nursery.
- C. Building materials and home equipment supplies.
- D. Wholesale sales in conjunction with retail sales.
- E. Indoor theater, bowling alley, pool hall, arcade, or other place of indoor amusement or recreation.
- F. Any permitted or conditional use that is proposing a drive-through window either as a land development under Act 247 or as an addition to an existing building.
- G. Fast food restaurant.
- H. Automobile sales and service, gasoline sales, parts and supply center with automobile service as an ancillary use.
- I. Any use similar to those listed above.

(Ord. 500, 4/7/2004, §19.3)

§14-1904. Dimensional Regulations.

1. *Minimum Lot Size.* 10,000 square feet.
2. *Minimum Lot Width.* 50 feet.
3. *Yard Setbacks.*
 - A. *Front* - 15 feet from the legal right-of-way.
 - B. *Side* - 10 feet.
 - C. *Rear* - 15 feet.
4. *Maximum Building Coverage.* 45%; however, coverage may be increased provided the regulations of §14-1906 below are met.
5. *Maximum Impervious Coverage.* 60%; however, coverage may be increased provided the regulations of §14-1906 below are met.

(Ord. 500, 4/7/2004, §19.4)

§14-1905. Conditional Use Standards.

The following standards shall apply, where applicable, to all conditional uses:

A. All car washes and automobile service, parts, and supply centers shall meet the following:

- (1) No repairs to vehicle shall be performed outside.
- (2) Parking spaces shall be designated for vehicles being serviced.
- (3) No unregistered or unlicensed vehicles shall be permitted on the premises.
- (4) Any bays for services or wash areas shall not be located on a street frontage.
- (5) No gasoline sales.
- (6) No trucks over 1-ton payload shall be repaired or serviced.

B. Drive-through windows shall meet the following:

- (1) A minimum of six automobile waiting spaces are to be provided for all drive-through bank windows, including each bank teller, remote teller window, or drive-in automatic teller machine.
- (2) A minimum of eight automobile waiting spaces are to be provided for all drive-through restaurant windows, including the space at the pick-up window.
- (3) These spaces shall not interfere with other parking spaces or the internal circulation of the site.

C. Borough Council reserves the right to place any reasonable restriction upon any conditional use. In considering any conditional use request, they may consider the potential effect the use could have on any adjacent use or residential neighborhood.

D. *Design Standards.* All conditional uses in the GC District shall meet the following:

- (1) All principal buildings shall avoid long monotonous, uninterrupted walls or roof planes. Building wall offsets, such as projections, recesses, and demarcated changes in floor levels shall be used. Roof planes shall be broken up through dormers, gables, cupolas, or other architectural features.
- (2) All walls of the principal buildings that face public streets shall contain windows.
- (3) All principal buildings shall be constructed with traditional materials such as brick, wood, or stucco. If synthetic materials are used, they must be of a quality so that they appear to be constructed with traditional materials.
- (4) Flat roofs are prohibited unless hidden by a decorative parapet and cornice. All parapets and cornices must contain architectural features to avoid a long, monotonous, uninterrupted appearance.
- (5) The scale and massing of all principal buildings shall relate to neighboring properties.

(Ord. 500, 4/7/2004, §19.5)

§14-1906. Bonus Provision.

1. If an applicant provides an irrevocable cross access easement to an adjacent nonresidential property for the purpose of a connected internal vehicular access, the maximum building coverage shall be 50% and impervious coverage shall be 75%.

2. If, in addition to subsection .1 above, the applicant constructs the principle structure to the front setback line, building coverage is raised to 65% and impervious to 85%.

3. If, in addition to subsection .1 above, the applicant provides a public space, the building coverage is raised to 65% and impervious to 85%. Such a space shall be landscaped and/or hardscaped, pursuant to §14-1909 below.

(Ord. 500, 4/7/2004, §19.6)

§14-1907. Parking.

1. All parking lots shall be 10 feet from any legal right-of-way.

2. All parking lots shall be 15 feet from any other property line.

3. Access drives shall be at least 5 feet from any adjacent properties.

(Ord. 500, 4/7/2004, §19.7)

§14-1908. Additional Regulations.

1. *Outdoor Display and Storage.* All uses, except for parking and loading areas shall be completely enclosed within a building. No merchandise, goods, articles, or equipment shall be stored, displayed or offered for sale outside the building except seasonal articles. Any outdoor display areas shall be considered to be sales floor area for the purposes of computing building coverage and for computing parking requirements.

2. *Refuse Areas.* The design of buildings in the GC General Commercial Retail District shall either include a provision for the storage of refuse outside the building(s) or within an outdoor area enclosed by either walls or opaque fencing. Any refuse area outside the building shall be designed to be architecturally compatible with the building(s) and shall not interfere with nor be visible from circulation within the parking lot, such walls or fencing shall be designed to shield the refuse areas from direct view of any adjacent property and must be at least 6 feet high. No trash storage area shall be located within 10 feet of an adjacent non-residential property line nor within 20 feet of a road right-of-way or residential property line.

3. *Off-Street Loading.* Adequate off-street loading and unloading space with property access from a street, highway or common service driveway shall be provided for all commercial properties. All areas for loading and unloading of delivery trucks and other vehicles and for the servicing of establishments or shops by refuse collection, fueled and other service vehicles shall have adequate and unobstructed access from a street or service driveway and shall be so arranged that they may be used without blocking or otherwise interfering with the use of automobile access ways, parking facilities, or pedestrian ways. They shall also be so arranged that they may be used without backing out onto a street. Service areas shall be screened from view from any abutting roadway, customer parking area or residential property line. All off-street loading areas shall be at least 20 feet from any residential zoning district.

4. *Landscaping Buffers.* Landscape buffers, at least 15 feet in depth, shall be

provided when a commercial property abuts a residential district. The adequacy of this buffer shall be determined by Borough Council, upon the recommendations of the Borough Planning Commission or other Borough agency chosen by Council.

5. *Exterior Lighting.* All exterior lighting shall be designed for fixtures that do not exceed 20 feet, unless it is in the setback area, then the height standards of §14-819 of this Part apply.

(Ord. 500, 4/7/2004, §19.8)

§14-1909. Public Space Requirements.

To qualify as a public space as permitted in §14-1906 above, the area must contain 350 square feet, be located along a public street's frontage, and contain at least two of the following:

- A. Benches.
- B. Kiosk for public notices.
- C. Fountain.
- D. Public art, provided it is weatherproofed, low maintenance, and vandal-resistant.
- E. Clock tower.
- F. Period streetlights.
- G. Any other similar features provided it is acceptable to Borough Council.

(Ord. 500, 4/7/2004, §19.9)

Article 20**SC Shopping Center District****§14-2001. Declaration of Legislative Intent.**

The purpose of the Shopping Center District is as follows:

A. To provide sufficient space and appropriate locations to meet current and anticipated regional needs for large site commercial development, appropriate to the community.

B. Encourage commercial development that will benefit the community and the region, economically and aesthetically, by permitted investment in a planned facility that will provide for co-existence of commercial establishments in order to insure efficient integration and consolidation of access to existing and planned roadways and utilities.

C. Provide Borough Council with a manner in which to review proposals and to permit the development of those facilities which, in addition to demonstrating a contribution to the community in the region, incorporate design innovations in building and landscaping that would mitigate adverse impacts on adjacent residential and institutional districts.

D. Utilize the benefits that would accrue with the development of a unified tract, designed to integrate various commercial establishments.

(Ord. 500, 4/7/2004, §20.1)

§14-2002. Use Regulations.

1. A tract of land proposed for the shopping center district shall be in a single entity or ownership responsible for the operation of the individual lot/pad/footprint and evidence shall be presented of a written agreement between the parties and owners involved that said development and management will be in accordance with a single plan with common authority and common responsibility in owner-occupancy, rental, cooperative, or condominium ownership.

2. A building or buildings may be erected, altered or used, and a lot may be used or occupied on individual lots/pads/footprints for any of the following purposes and no other:

A. *Retail Uses.*

(1) Retail store for sale of: dry goods, variety merchandise, clothing, food, beverages, flowers and plants, drugs, furnishings or other household supplies, and/or similar goods.

(2) Retail stores for the sale or repair of: jewelry, clocks, optical goods, cameras, home appliances, electronic equipment, scientific and professional instruments, and/or similar goods.

(3) Personal service shop, including but limited to: barber shop, hairdresser, shoe repair, tailor, dry cleaner, self-service laundry, and/or similar uses.

- (4) Bank or other financial institution.
 - (5) Telephone or public utility offices.
 - (6) Restaurant, bar or tavern.
 - (7) Municipal, governmental, or community facilities.
 - (8) Dance, exercise, music or art studio.
 - (9) Day care center.
 - (10) Indoor theater.
 - (11) Garden supply, nursery.
 - (12) Building materials and home equipment supplies.
 - (13) Wholesale sales in conjunction with retail sales.
 - (14) Automobile service, parts, and supply center with automobile service as an ancillary use, provided that:
 - (a) No repairs to vehicles shall be performed outside.
 - (b) Parking spaces shall be designated for vehicles being serviced.
 - (c) No unregistered or unlicensed vehicles shall be permitted on the premises.
 - (d) Any bays for service areas shall not be located on street frontage.
 - (e) No gasoline sales.
 - (f) No trucks over 1-ton payload.
 - (g) Parking in rear or side shall have designated spaces.
 - (h) A buffer shall be provided which shall mitigate the visual impact of the bay door.
 - (i) Three-car maximum per bay.
 - (j) Three-bay maximum.
- B. *Office Uses.* Professional, business, or administrative office.
- C. *Satellite Uses.* As defined as structures of less than 10,000 square feet of gross floor area.
- (1) *Satellite Use Standards.*
 - (a) Up to 50% of building coverage used for free-standing satellite used.
 - (b) A satellite use must meet the following requirements:
 - 1) Location at least 200 feet from any building(s).
 - 2) Only one commercial use is permitted in a satellite building
 - 3) Gross floor area of the use may not exceed 10,000 square feet.
 - (c) Access to satellite uses shall be from interior drives only, with no independent access to exterior streets.
 - (d) Satellite uses shall be integrated into the overall design and

layout of the development, in accordance with the standards of this Article.

(Ord. 500, 4/7/2004, §20.2)

§14-2003. Height Regulations.

The maximum height of any building or other structure erected or used in this district shall be 40 feet.

(Ord. 500, 4/7/2004, §20.3)

§14-2004. Area and Yard Requirements.

1. *Area.* A tract area of not less than 10 acres.

2. *Building Setback.* All buildings, other than office buildings, shall be set back a minimum of 75 feet from the legal right-of-way line of any street. Office buildings shall be set back a minimum of 50 feet from the legal right-of-way.

A. *Satellite Use Setback.* 50 feet.

B. *Rear Yard Setback.* 35 feet.

C. *Side Yard Setback.* 40 feet.

D. *From Boundary of Residential District of Greater than Three Contiguous Acres.* 80 feet.

E. *From Boundary of Other Districts.* 40 feet.

F. *From Main Entrance of the Development Where it Intersects the Street.* 50 feet.

3. *Parking, Internal Road, and Service Area Setbacks.* From a residential zoning district 20 feet. These setbacks shall be reduced to 10 feet on the common boundary where cross-easements are provided if the property owners provide Council with proof that irrevocable cross-easements are offered to adjoining property owners and shown on the plan; providing for an access road and/or driveway of sufficient width for two-way traffic and adequate turn lanes, designed and constructed to borough specifications, leading from one development to the other, with easements providing access off both properties to public highways.

4. *Building Area.* Maximum building coverage - 20% of net lot area.

5. *Open Space Area.* Minimum open space area - 30% of net lot area.

6. *Buffer Area and Fences.*

A. *Buffer.* A buffer area, at least 10 feet in depth, shall be provided along any or all property lines with the exception of street frontage. Where any uses permitted in this district about a residential district the buffer or berm shall be a minimum of 20 feet in depth. This 20-foot buffer may be reduced to 10 feet if the property owners provide Council with proof that irrevocable cross-easements are offered to adjoining property owners and shown on the plan; providing for an access road and/or driveway of sufficient width for two-way traffic and adequate turn lanes constructed to Borough specifications, leading from one development to the other with easements providing access off both properties to public highways.

B. *Fence.* A fence of 6 feet in height shall be provided within the buffer area

along the boundary of a residential district of greater than three contiguous acres. Such fence shall conform with existing fence regulations, and shall be maintained at the sole cost and expense of the property owner. The fence shall be placed at a minimum distance of 2 feet from the property line.

7. *Lighting Facilities.* All exterior lighting shall be designed for fixtures that do not exceed 20 feet, unless they are in the setback area, then they must meet the height requirements of §14-819 of this Part.

8. *Parking.* All uses shall provide the required amount of parking as mandated in Article 9 of this Part.

9. *Access, Layout, and Circulation Controls.*

A. At least 10% of all parking areas shall consist of landscaped areas; the landscaping along the perimeter of the parking area shall be included in the said 10%.

B. Parking spaces shall be broken by landscaped islands at least equal in size to one parking space, planted with a shade or flowering tree and low shrubs and/or groundcover. No more than 22 parking spaces may be located in an uninterrupted row. Any greater number of parking spaces shall be broken up by landscaped islands.

C. Any development shall be permitted no more than one access point to the street per street frontage, unless otherwise required by regulatory agencies for emergency use.

D. Entrance driveways shall not direct traffic to the storefront driveway, but to an outer driveway from which vehicles can “filter” down parking aisles toward stores, with the least interference with pedestrian traffic.

E. Pedestrian circulation shall be considered in the development’s design. Walkways shall be planned for linkages to an existing or future pedestrian network of trails or sidewalks.

F. Where public transportation facilities are or will be available, a pickup area shall be designated with shelter and benches.

10. *Design Standards.*

A. Any development shall be designed according to a unified architectural scheme, to include building facades, street furniture, signs, and lighting standards.

B. Abutting walls of individual buildings shall share a common party wall or be separated by a distance of no less than the height of the taller building.

C. The use of traditional building materials such as local stone and wood is encouraged.

(Ord. 500, 4/7/2004, §20.4)

Article 21**C-O Planned Commercial-Office District****§14-2101. Declaration of Legislative Intent.**

In expansion of the Declaration of Legislative Intent contained in Article 1, the intent of the Planned Commercial-Office District is to encourage development that will benefit the community and surrounding area by permitting limited commercial and office development as an integrated whole on a large tract rather than a small lot by lot basis. The district also provides incentives for property owners who design buildings that are oriented toward the street, and, in particular, the intersection of First Avenue and Main Street. Such buildings shall evoke, through design features and details, the Victorian and/or early 20th Century appearance of the Main Street Commercial Area. (*Ord. 500, 4/7/2004, §21.1*)

§14-2102. Permitted Uses.

1. Business or professional office.
2. Banks, savings and loan association, financial institution (excluding drive-through windows).
3. Municipal office, telephone central office, public utility office.
4. Retail establishment for the sale of dry goods, variety and general merchandise, clothing, food, drugs (excluding drive-through windows), flowers, furnishings or other household supplies, sale and repair of jewelry, watches, clocks, optical goods, or musical, professional, or scientific instruments.
5. Personal service shop, including tailor, barber, beauty salon, shoe repair, dressmaking, or similar shop.
6. Restaurants, retail bakery, confectionery or ice cream shop or other places serving food and beverages (excluding drive-in and fast food restaurants and drive-through or pick-up windows).
7. Dance, music or art studio.
8. Day care center.
9. Repair and maintenance of office equipment, computer, and electronic products.
10. Indoor athletic facility.
11. Apartments, provided:
 - A. There are no more than six apartments in one building.
 - B. All apartments are located above a non-residential use.
 - C. Apartment entrances and outdoor living areas are screened and buffered from non-residential loading and service areas.
12. Dependent care facility, such as a nursing home or an assisted living facility.
13. Multi-family independent elderly housing.
14. Hotel.

(Ord. 500, 4/7/2004, §21.2)

§14-2103. Conditional Use.

The following may be permitted as a conditional use in the C-O District by Borough Council in accordance with §14-817 of this Part and §14-2104 of this Article:

- A. Banks, savings and loan associations, or financial institutions using a drive-through window.
- B. Drug stores using a drive-through window.

(Ord. 500, 4/7/2004, §21.3)

§14-2104. Conditional Use Standards.

The following, where applicable, shall apply to all conditional uses in the C-O District:

A. *Drive-through Window Standards.*

(1) Banks, savings and loan, or financial institutions shall provide the following:

(a) A minimum of a six-car stacking lane must be provided for each window, including the space at the window.

(b) These spaces shall not interfere with other parking spaces or the internal circulation of the site.

(c) These windows shall not be attached to a facade that abuts a street, road or right-of-way and features shall be incorporated into their design to screen them from any street, road or right-of-way.

(2) *Drug Store.*

(a) A minimum of a three-car stacking lane must be provided for each window, including the space at the window.

(b) These spaces shall not interfere with other parking spaces or the internal circulation of the site.

(c) These windows shall not be attached to a facade that abuts a street, road or right-of-way and features shall be incorporated into their design to screen them from any street, road or right-of-way.

B. *Additional Conditional Use Requirements.*

(1) All conditional uses shall be designed in accordance with the development incentives contained in §14-2108.A of this Article. If these are met then an applicant will be permitted to utilize the regulations contained in §14-2108.B of this Article.

(Ord. 500, 4/7/2004, §21.4)

§14-2105. Prohibited Uses.

The following uses are prohibited in the C-O District:

- A. Any use using a drive-through window which is not listed in §14-2104 of this Part.

B. Fast food restaurant.

(Ord. 500, 4/7/2004, §21.5)

§14-2106. Master Plan Approval.

1. Any development of a tract in the Planned Commercial-Office District shall be contingent on the submission and approval of a master plan that indicates all subdivisions, land developments, and public improvements contemplated for the tract.

2. No construction on any part of the tract shall commence until the master plan for the tract has received preliminary plan approval. Also, final land development plan approval is necessary for any individual building or lot.

3. After the master plan has been submitted, any further subdivisions, land developments, or conveyance of land will be allowed only if the unity of the master plan is assured through cross easements, restrictive covenants, or other legal devices that are acceptable to the Borough on the advice of the Borough Solicitor.

(Ord. 500, 4/7/2004, §21.6)

§14-2107. Dimensional Standards.

Dimensional standards for standard tract development:

A. *Minimum Tract Area.* 3 acres.

B. *Minimum Lot Size.* Provided that all the requirements of §14-2106 are followed, all tracts may be subdivided into individual lots having a minimum size of 20,000 square foot lots; however, when two or more properties share a common driveway, then the minimum lot size may be decreased to 10,000 square feet.

C. *Maximum Building Coverage.* 20%.

D. *Maximum Impervious Surface.* 45%.

E. *Maximum Height of Building.* 35 feet.

F. *Maximum Height of Structures or Accessory Towers That Are Not Regularly Occupied by People.* 65 feet.

G. *Minimum Building Setback from Street Ultimate Right-of-way Lines.* 15 feet.

H. *Minimum Building Setback from Property Lines.* 20 feet.

I. *Minimum Spacing Between Buildings.* One-half height of taller building or 15 feet, whichever is greater.

J. Where the property abuts a residential zoning district, all buildings shall be setback at least 30 feet from the zoning district line. Also, a 15 foot buffer along the zoning district line is required. This buffer may be included in the side, front, or rear yard setback and shall be designed pursuant to the requirements of the landscape buffer regulations of the Collegeville Subdivision and Land Development Ordinance [Part 13].

K. Any lots in existence at the time they were zoned C-O Planned Commercial-Office, which do not meet the 3 acre minimum tract size, shall be permitted to be developed as a conforming lot, provided all other requirements of the C-O District are met; however, existing tracts under 2 acres do not have to

submit a master plan.

(Ord. 500, 4/7/2004, §21.7)

§14-2108. Development Incentives.

Buildings in the C-O District, which are oriented toward all public streets and evoke Victorian and/or early (pre-1940) 20th Century commercial building styles are allowed increased development density and reduced setbacks.

A. In order to qualify for those density and setback modifications, the following should be met:

(1) All facades on any public street, road, or right-of-way must contain windows. In particular, all windows shall not be faux windows and their design and/or fenestration shall be compatible and consistent with the architecture of the building. In particular, at least 35% of the total facade shall be devoted to windows.

(2) Any building with a pitched, hip, mansard, or similar roof shall have the roof line interrupted with such architectural features as gables, dormers, steeples, chimneys, windows, copulas, etc.

(3) Any building with a flat roof shall have that roof completely screened from view by a decorative parapet and cornice. Such a parapet shall be periodically interrupted by stepped gables, corbeling, crenelation, battlements, or other decorative features.

(4) Any HVAC or other roof-mounted functional elements shall be screened from view with decorative features that are architecturally compatible with the building as a whole.

(5) It is not the intent that any building be a recreation of an historic style but rather a post-modern design that incorporates historic detailing and other design features common to commercial building styles between 1850 and 1940 such as, but not limited to, the Italianate, Romanesque, Colonial Revival, Neo-Classical, and Period Revival styles. Street facades shall be interrupted with such elements as staggered setbacks, bay windows, and/or various types of wall facings. Traditional building material such as brick, stone veneer, metal, stucco, and wood must be used. Synthetic materials may be used only if they are designed in a manner that resembles traditional materials.

B. Borough Council shall determine if the applicant has met the intent of these requirements. The bonuses are as follows:

(1) Maximum building coverage is replaced by a floor area ratio of .5, which is calculated from the acreage of the original tract prior to any subdivision.

(2) Maximum impervious coverage is increased to 75%, which is calculated from the acreage of each proposed lot.

(3) Building setbacks from all property lines is decreased to 15 feet.

(4) Maximum building height is increased to 50 feet, provided that this building has at least part of its footprint in a floodplain.

(Ord. 500, 4/7/2004, §21.8)

§14-2109. Parking Requirements.

1. Off-street parking and loading areas shall conform to the provisions of Article 9 of this Part.

2. Any parking located underneath a structure and visible from any public street, shall be screened with architectural screening designed to be compatible with the building as a whole.

(Ord. 500, 4/7/2004, §21.9)

§14-2110. Landscaping and Screening.

1. Landscaping shall be provided where possible around buildings and within common use areas. Use of native plant materials and naturalistic design is encouraged.

2. All loading, service areas, and outside parking, shall be screened from the view of adjacent streets or residences by a landscaped screen buffer. Where vegetation is not feasible, architectural barriers, such as decorative masonry walls, may be used, preferably in conjunction with landscape material. The adequacy of this buffer shall be determined by Borough Council, upon the recommendations of the Borough Planning Commission or other Borough agency chosen by Council.

3. Any existing natural screening, such as vegetation and topography, shall be retained wherever possible. When such natural screening is present, the applicant may use it in place of the required screen.

(Ord. 500, 4/7/2004, §21.10)

§14-2111. Signs.

All signs shall meet the requirements of §14-2308 of this Part.

(Ord. 500, 4/7/2004, §21.11)

§14-2112. Lighting.

1. No lighting fixture shall exceed a 20 foot mounting height, however, if the fixture is located in the setback area then the requirements of §14-819 shall be met regarding height limitations.

2. Illumination of parking areas and walkway areas shall provide a minimum level of illumination of ½ horizontal foot-candle on the ground surface.

3. Lighting fixtures shall be of the character consistent with the architecture of the structure and surrounding properties.

4. All exterior lighting shall not permit glare onto adjacent properties or public rights-of-way.

(Ord. 500, 4/7/2004, §21.12)

Article 22**M&I Manufacturing and Industrial District****§14-2201. Declaration of Legislative Intent.**

It is the specific intent of this Article to:

- A. Permit, by right, industrial uses appropriate for an established Borough.
- B. To regulate the operation of such uses to minimize traffic congestion, noise, glare, air, and water pollution.
- C. To ensure that such uses will not create fire and safety hazards.
- D. To allow the conversion of older industrial buildings to alternate uses to ensure their economic viability and preservation.

(Ord. 500, 4/7/2004, §22.1)

§14-2202. Permitted Uses.

In the M&I District a building may be erected, used, or occupied and a lot may be used or occupied for any of the following purposes and no other:

- A. Automotive repair and service, including a body shop, provided that all work is done within an enclosed structure.
- B. Business or professional office.
- C. Contractor's office and storage.
- D. Scientific or industrial research, engineering, training, testing, experimental laboratory, or similar establishment.
- E. Printing, publishing, lithography, or similar processes.
- F. Warehouse.
- G. Wholesale sales of industrial products and equipment.
- H. Gymnasiums, health or tennis clubs, or similar facility.
- I. Manufacturing, fabrication, assembly, processing and packaging of natural and manmade materials, chemicals, synthetics and other organic or inorganic products, except those uses specifically prohibited in §14-2203 below.
- J. Mini-storage facilities provided that they are on lots of at least 3 acres.
- K. Car washes provided that they only take access from a road classified as a principal arterial and provide a stacking distance for at least eight cars.
- L. The following uses are permitted only in an existing industrial building in the M&I District:
 - (1) Art gallery.
 - (2) Retail sales of dry goods, variety merchandise, books, antiques, consignment or second hand thrift shop, and/or similar goods.
 - (3) Studio for photography, music, or dance.
 - (4) Apartments.
- M. Accessory use on the same lot and customarily incidental to any of the

above-permitted uses including, but not limited to:

(1) Storage within an enclosed building or fenced area, meeting the requirements of §14-2208, herein.

(2) Repair shop or maintenance facilities normally required for the conduct of industrial operations.

(3) Cafeteria, recreation facility or other service facility located within a permitted use and operated solely for the occupants of the building.

(Ord. 500, 4/7/2004, §22.2)

§14-2203. Prohibited Uses.

In the M&I District the following uses are prohibited:

- Abattoirs.
- Acetylene gas manufacture.
- Acid manufacture.
- Ammonia, bleaching powder, or chlorine manufacture.
- Arsenal.
- Asphalt manufacture or refining.
- Automobile junk or dismantling yards, including wrecking and storage yards.
- Blast or reverberatory or foundry.
- Breweries.
- Celluloid manufacture.
- Cement, including cement mixing plant, concrete mixing plant, lime, gypsum, plaster or plaster of paris manufacture.
- Coke ovens.
- Creosote treatment or manufacture.
- Dead animal or offal reduction.
- Disinfectants manufacture.
- Distillation of bones, coal, grain, or wood.
- Drop hammer.
- Dyestuff manufacture.
- Exterminator and insect poison manufacture.
- Emery cloth and sand paper manufacture.
- Fat rendering; manufacturing of vegetable, animal, or mineral fats and oils.
- Fertilizer manufacture.
- Fireworks and explosive manufacture or storage.
- Fish smoking and curing.
- Flour mill.
- Foundry; forge plant.
- Glue, size, or gelatine manufacture.

Raising or keeping livestock or animal husbandry.

Incineration, reduction, storage or dumping of slaughterhouse refuse, rancid fats, garbage, dead animals, or offal.

Lime kiln.

Match manufacture.

Meat packing.

Mining.

Oil cloth or linoleum manufacture.

Oiled or rubbed goods manufacture.

Ore reduction.

Paint, shellac, varnish, and lacquer.

Plating works.

Potash works.

Power forge (riveting, hammering, punching, chipping, drawing, rolling or tumbling of iron, steel, brass, or copper, except as a necessary incident to manufacture of which those processes form a minor part and which are carried on without objectionable noise outside the plant and permitted as a special exception).

Pyroxylin manufacture.

Quarrying or removal of soil or mineral deposits in any form, including blasting operations.

Rubber, caoutchouc or gutta-percha manufacture or treatment, tire recapping and vulcanizing.

Sauerkraut manufacture.

Shoeblicking manufacture.

Smelters.

Soap and detergent manufacture.

Soda and compound manufacture.

Steel furnace, blooming or rolling mill.

Stockyards.

Tallow, grease, or lard manufacture or refining.

Tanning, curing, or storage of leather, rawhides, or skins.

Tar distillation or manufacture.

Vinegar manufacture.

Wool pulling or scouring.

Any other use which is or may be noxious or offensive by reason of odor, dust, fumes, smoke, gas, vibration, illumination or noise, or harmful radiation or which is or may be dangerous to the public health, welfare or safety, or which constitutes or may constitute a public hazard, whether by fire, explosion, or otherwise.

(Ord. 500, 4/7/2004, §22.3)

§14-2204. Special Exception Uses.

1. *Adult Uses.* Adult uses are permitted by special exception pursuant to §§14-410 and 14-411 and the following regulations:

A. No such adult uses shall be allowed within 1,000 feet of another adult use.

B. No such adult use shall be located within 250 feet of any residential district.

C. No such adult use shall be located within 500 feet of any pre-existing school, day care or preschool, park or playground, or place of worship.

D. All adult uses shall conform to the off-street parking and loading and sign regulations of this Part.

E. No adult use shall be conducted in any manner that permits the observation of any material depicting, describing, or relating to “specified sexual activities” or “specific anatomical areas,” from any public way or from any property not registered as an adult use. These provisions shall apply to any display, decoration, sign, show window, or other opening.

2. *Tattoo Parlors.* Tattoo parlors are allowed by special exception pursuant to §§14-410 and 14-411 and the following regulations:

A. No such tattoo parlor shall be allowed within 1,000 feet of another tattoo parlor.

B. No such tattoo parlor shall be allowed within 100 feet of a residential district.

C. No such tattoo parlor shall be allowed within 100 feet of a pre-existing school, day care or preschool, park or playground, or place of worship.

D. All tattoo parlors shall conform to the off-street parking and loading and sign regulations of this Part.

(Ord. 500, 4/7/2004, §22.4)

§14-2205. Area Regulations.

1. *Lot Area.* 20,000 square feet, unless specified elsewhere in this Article.

2. *Lot Width.* 100 feet.

3. *Building Coverage.* 40% of the lot area.

4. *Maximum Impervious Surface Coverage.* 75% of the lot area.

5. *Yards.*

A. *Front Yard* - one yard not less than 30 feet in depth, measured from the ultimate right-of-way.

B. *Side Yard* - there shall be two side yards, neither of which shall be less than 20 feet wide.

C. *Rear Yard* - one yard not less than 40 feet in depth.

(Ord. 500, 4/7/2004, §22.5)

§14-2206. Parking and Off-Street Loading.

All parking spaces or lots and all off-street loading in the M&I District shall be in accordance with Article 9, "Off-Street Parking," of this Part. Both shall be setback at least 10 feet from any property line or legal right-of-way.

(Ord. 500, 4/7/2004, §22.6)

§14-2207. Signs.

All signs erected in the M&I District shall be in accordance with Article 23, "Sign Regulations," of this Part.

(Ord. 500, 4/7/2004, §22.7)

§14-2208. Additional Development Regulations.

1. *Access.* A planned system of efficient ingress, egress, and internal circulation of traffic shall be required. Loading and unloading areas shall be provided to the rear of the proposed use and arranged so that they may be used without blocking or interfering with the use of driveways, parking areas, or streets.

2. *Lighting.* All lighting fixtures shall not exceed 20 feet, however when they are located in a setback area, the height standards of §14-819 of this Part must be met.

3. *Service.* Areas for refuse collection and recycling shall be provided. A plan for disposal of solid waste materials shall be required. All solid waste material shall be stored in covered containers, no closer than 15 feet from any property line. Refuse collection areas shall be shielded from the direct view of any adjacent property or public street by a wall or a fence, which is at least 6 feet in height.

4. *Buffer Landscaping.* A landscape buffer shall be provided whenever an M&I property abuts a residential district. The adequacy of this buffer shall be determined by Borough Council, upon the recommendation of the Borough Planning Commission or any other Borough agency chosen by Council.

5. *Fire and Explosive Hazards.* Flammable and explosive materials shall be stored, used, and transported in accordance with the applicable State and Federal regulations regarding such materials and associated storage vessels.

6. *Outdoor Storage.*

A. All outdoor storage facilities for fuel, flammable or explosive materials, and raw materials shall be enclosed by a fence adequate to prevent the access of children and other members of the general public pursuant to §14-813 of this Part.

B. No materials or wastes shall be deposited upon a lot in such form or manner that they may be transferred off the lot by natural causes or forces.

C. 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 only in closed, sealed containers.

D. No materials or wastes of any form may be stored in a floodplain area unless the storage facility has been flood-proofed pursuant to Article 25 of this Part and to the satisfaction of the Borough Engineer.

7. *Waste Disposal.* Industrial wastes shall not be stored, discharged, incinerated, or otherwise disposed of except in conformance with the applicable State and Federal regulations regarding solid and hazardous wastes.

8. *Fire Detection and Suppression Devices.* Fire detection and suppression devices shall be installed when required by Borough Council upon the recommendations of the Borough Fire Chief.

9. *Health and Safety Hazards.* All uses in the M&I District shall comply with all local, state, and federal regulations regarding health and safety hazards, including the reporting of potential hazards.

10. *Public Utilities.* All uses shall be capable of being served by public sewer and water facilities. All sewer or water facilities shall be subject to all local, State, and Federal regulations and are subject to approval by Borough Council upon the recommendations of the Borough Engineer.

11. All the applicable performance standards of this Part shall be followed.
(*Ord. 500, 4/7/2004, §22.8*)

Article 23**Signs****§14-2301. Declaration of Legislative Intent.**

It is recognized that signs perform an important function in identifying properties, businesses, services, residences, events, and other matters of interest to the public. It is hereby found and declared, however, that control of signs is necessary to promote the health, safety, and general welfare by:

- A. Lessening hazards to pedestrian and vehicular traffic.
- B. Preserving property values.
- C. Preventing unsightly and detrimental development which has a blighting influence upon residential, business, and industrial areas.
- D. Preventing signs from reaching such excessive size that they obscure one another to the detriment of all concerned.
- E. Securing certain fundamentals of design for the Borough.

(Ord. 500, 4/7/2004, §23.1)

§14-2302. Definitions.

Sign - a structure, building wall or other outdoor surface, or any device used for visual communication which is used for the purpose of bringing the subject thereof to the attention of the public, or to display, identify and publicize the name and product or services of any person, exclusive of supporting members that bear no message.

Sign area -

A. The area of a sign shall mean the area of all lettering, wording, and accompanying designs, logos, and symbols, together with the background on which they are displayed (whether such background is open or enclosed), but excluding any supporting framework and bracing which are solely incidental to the display itself provided the same do not contain any lettering, wording, or symbols.

B. Where the sign consists of individual letters, designs or symbols attached to a building, awning, wall, or window, the area shall be that of the smallest rectangle which encompasses all of the letters, designs, and symbols.

C. Where a sign consists of a double-face, only one side shall be considered in the calculation of area.

Sign height - the distance from the highest portion of the sign to the mean grade at the base of the sign.

Sign types -

A. *Advertising sign* - an off-premises sign which advertises or otherwise directs attention to a commodity, business, industry, home occupation, or other similar activity which is sold, offered, or conducted elsewhere than on the lot upon which the sign is located.

B. *Animated sign* - a sign with action or motion, flashing, or color changes requiring electrical energy, but not including window displayed computer monitors

or wind-actuated elements such as flags, banners, or novelty items.

C. *Awning sign* - a sign painted on, printed on, or attached flat against the surface of an awning.

D. *Business sign* - an on-premises sign which advertises or otherwise directs attention to a business, commodity, service, industry, or other activity which is sold, offered, or conducted, other than incidentally, on the premises upon which the sign is located, or to which it is affixed.

E. *Directory sign* - a sign on which the names and location of the occupants or the use of a building is given, including office building and church directories.

F. *Freestanding sign* - a self-supporting sign resting on, or supported by means of poles or standards, either on the ground or on the roof of a building.

G. *Identification sign* - a sign whose copy is limited to the name of a building, institution, or person and/or to the activity or occupation being identified.

H. *Incidental sign* - a directional sign of a public service nature which contains no advertising.

I. *Marquee sign* - any sign attached to or supported by a marquee structure.

J. *Obscene sign* - any sign or symbol which displays or contains obscene matter. The matter shall be considered obscene if:

(1) The average person, applying contemporary community standards would find the sign or symbol, taken as a whole, appeals to prurient interest.

(2) The sign or symbol depicts or describes, in a patently offensive way, sexual conduct specifically defined by applicable State law.

(3) The sign or symbol, taken as a whole, lacks serious literary, artistic, political or scientific value.

K. *Off-premises sign* - a sign structure advertising an establishment, merchandise, service, or entertainment, which is sold, produced, manufactured, or furnished at a place other than on the property on which said sign is located; a sign which advertises or otherwise directs attention to an activity not on the same lot where the sign is located, e.g., billboards, outdoor advertising, subdivision directional sign, and real estate sign.

L. *On-premises sign* - a sign which advertises or otherwise directs attention to an activity on the same lot where the sign is located.

M. *Painted wall sign* - any sign which is applied with paint or similar substances on the face of a wall.

N. *Parallel wall sign* - a sign mounted parallel to a wall or other vertical building surface, but does not extend beyond the edge of any wall, roof line, or other surface to which it is mounted, and does not project more than 10 inches from the surface to which it is mounted.

O. *Personal expression sign* - a sign which displays an individual's political, religious or personal belief, provided such sign is not considered obscene or offensive to an individual race, gender, or religious beliefs.

P. *Projecting wall sign* - any sign mounted to a wall or other vertical surface other than a parallel sign, but does not project more than 7 feet from the surface to which it is mounted, nor project above the wall, roof line, or surface to which it

is mounted, nor in any way interfere with normal pedestrian or vehicular traffic.

Q. *Revolving sign* - any sign which revolves 180 degrees or more.

R. *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.

S. *Snipe sign* - a permanent or temporary sign or poster affixed to a tree, fence, utility pole, or upon rocks or natural features.

T. *Temporary sign* - a sign which advertises community or civic projects, construction projects, real estate for sale or lease, or other special events on a temporary basis. The following types of signs shall be considered temporary signs:

(1) *Banner sign* - a temporary sign intended to be hung either with or without frames, possessing characters, letters, illustrations, or ornamentations applied to paper, plastic, or fabric of any kind. National flags, flags of political subdivisions, and symbolic or decorative flags of any institution, residential use or business shall not be considered banners for the purpose of this Part.

(2) *Construction sign* - any sign giving the name or names of principal contractors, subcontractors, architects, and lending institutions responsible for construction on the site where the sign is placed.

(3) *Development sign* - an on-premises sign on a building or lot which announces the nature, purpose, or name of the prospective building/enterprise.

(4) *Political sign* - a temporary sign used in connection with a local, county, state, or national election or referendum.

(5) *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; menu and sandwich board signs; balloons used as signs; 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. Portable signs shall not be illuminated unless a conditional use is granted by the Borough Council.

(6) *Real estate sign* - a temporary sign which advertises the sale, lease, or rent of the property on which the sign is placed. Open house signs for property which is for sale shall be considered real estate signs.

(7) *Special event signs* - on-premises window signs, banners, or commemorative flags which advertise a grand opening or other special event.

(8) *Street banner sign* - any banner sign which is stretched across and hung over a public right-of-way.

(9) *Subdivision sign* - an on-premises or off-premises directional sign advertising to the public the name of the subdivision project and the nature of the product offered.

(10) *Window sign* - any sign affixed to or visible through a window and intended to be viewed from the outside.

U. *Trailer sign* - any sign which is erected upon a structure having wheels or rollers facilitating movement from one location to another.

V. *Vehicular sign* - any vehicle to which a sign is affixed in such a manner that the carrying of the sign is no longer incidental to the vehicle's purpose, but becomes a primary purpose in itself. An example is an empty tractor trailer with advertising painted on its side, left for an extended period of time in front of the business premises that is advertised on the trailer.

W. *Window sign* - any sign affixed to or visible through a window.

(Ord. 500, 4/7/2004, §23.2)

§14-2303. Applicability.

Any sign erected after the effective date of this Part shall conform to the following regulations.

(Ord. 500, 4/7/2004, §23.3)

§14-2304. Administration.

1. *Sign Permits.* It shall be unlawful to erect, construct, or significantly alter any sign which requires a sign permit without first filing with Collegeville Borough an application, in writing, in order to obtain a formal permit.

2. Signs not requiring sign permits and are permitted in any zoning district:

A. Government signs (i.e. traffic signs, parking signs, etc.).

B. Legal notices.

C. Public monument, plaque, historic identification sign erected by a government agency.

D. Government flag, insignia, or decorative banners.

E. Public service and information signs advertising availability of public restrooms, telephones, or similar public conveniences, not exceeding 3 square feet in area.

F. Address signs, not exceeding 2 square feet.

G. Name plates and identification signs provided that characters do not exceed 3 inches in height and an area not exceeding 2 square feet.

H. Vending machine signs, where a product name is an integral component of the vending machine.

I. Incidental signs, provided that the aggregate area of incidental signs on a property does not exceed 4 square feet; incidental sign area in excess of 4 square feet shall be included in the calculation of a property's permitted sign area.

J. Home security signs, not exceeding 1 square foot.

K. Real estate signs.

L. Yard sale signs.

M. Personal expression signs, provided that they either are freestanding, wall or window signs. Such signs may not exceed 6 square feet and, in the case of freestanding signs, 6 feet in height. They also cannot be illuminated or placed

within the legal right-of-way or clear site triangle of a road.

3. *Sign Permit Review.* The Zoning Officer shall either approve or deny the application, or refer the application back to the applicant in any instance where insufficient information has been submitted.

4. *Fees.* All applications for permits for the erection, construction, or alteration of signs shall, at the time of making application, be paid to the Borough, in accordance with the respective fee schedule adopted by the Borough Council from time to time. (Ord. 500, 4/7/2004, §23.4)

§14-2305. General Sign Regulations for All Districts.

In all districts the following sign regulations shall apply:

A. *Prohibited Signs.* The following types of signs or illumination of signs shall be prohibited in the Borough:

- (1) Animated signs.
- (2) Flashing, moving, or reflective signs.
- (3) Illuminated temporary signs.
- (4) Revolving signs.
- (5) Roof signs.
- (6) Vehicular signs.
- (7) Obscene signs.
- (8) Snipe sign.

B. *Permitted Signs.* The following types of signs are permitted throughout the Borough:

(1) Trespassing signs and signs indicating private ownership of roadways or other property, on the same premises therewith, provided that the total area of any one side of such sign shall not exceed 4 square feet.

(2) Real estate signs as follows:

(a) For advertising the sale or rental of the premises upon which the sign is erected, provided that the total area on any one side of such signs on any one street frontage of any property in single or separate ownership shall not exceed 4 square feet.

(b) For temporary advertising, on the premises, the sale or development of homes within a subdivision, provided that the area of any one side of any such sign shall not exceed 35 square feet, and provided that not more than two such signs shall be erected within any such subdivision.

(3) Directional subdivision sign (off-premises), provided that the area of any one side of any such sign shall not exceed 6 square feet, and provided that such signs shall be spaced at intervals of not less than 500 feet of street frontage. A maximum of three off-premises directional signs shall be permitted for one development. Permission must be obtained in advance from the property owner where the sign is to be placed. Signs shall not be erected more than 60 days prior to the beginning of the actual construction of the

project, and shall be removed within 10 days after the date of the sale or rental of the final unit in such development.

(4) Temporary signs of contractors, mechanics, painters, and artisans erected and maintained on the premises where the work is being performed during the period in which such work is being performed, provided that the area of any one side of any such sign shall not exceed 6 square feet, and provided that not more than one such sign shall be erected on any property in single and separate ownership, and provided that such sign shall be removed upon completion of the work.

(5) Construction sign, provided that the area of any one side of the sign not exceed 35 square feet and that the height is no more than 15 feet. One such sign per street frontage is permitted. Signs shall not be erected more than 60 days prior to the beginning of the actual construction of the project and shall be removed 10 days after the date of the sale or rental of the final unit in the development.

(6) For sale of agricultural products, signs indicating the name of the owner or occupant and the product sold, provided that the total sign area shall not exceed 16 square feet.

(7) *Open House Signs* (on- and off-premises). There shall be a maximum of one on-premises open house sign for each property line of street frontage.

(a) A maximum of two off-premises directional open house signs shall be permitted for each home or development.

(b) Signs shall not exceed 4 square feet per side, and may not be illuminated.

(c) Off-premises directional signs must have permission in advance from the property owner where the sign is to be placed. Signs cannot be placed in the legal right-of-way.

(d) Freestanding open house and directional signs shall not exceed a height of 6 feet.

(e) All open house signs are allowed only on the day of the showing and must be taken down immediately after the showing.

(8) Signs which advertise public auctions for the disposal of real estate, property, or merchandise.

(a) Signs shall not exceed 9 square feet in area, at a maximum height of 6 feet, and shall be placed only on the property where the stated auction is being conducted.

(b) Signs may be erected not earlier than 60 days prior to the advertised auction, and shall be removed within 10 days after the auction.

(9) *Political Signs*. Political signs may be erected not earlier than 45 days before the date of the election. All political signs shall be removed within 7 days after the election date.

(10) *Special Event Signs or Banners*. Special event signs or banners for public or quasi-public events shall comply with the following standards:

(a) *Regulations for All Public Event Signs or Banners.* Signs or banners shall not be posted earlier than 1 month prior to the event and must be removed with 7 days after the day of the event.

(b) *Special Event Banners.*

1) Such banners shall be affixed to a building or some other appropriate sturdy structure.

2) The permitted size of any street banner shall be determined on a case-by-case basis by the Borough Code Enforcement Officer.

3) If the banner is to be strung across a State-owned road, the sponsoring organization must receive necessary approvals from the PADOT.

(c) *Special Event Signs.* Off-premises directional signs, not exceeding 10 square feet in area and 6 feet in height, shall be permitted for any special event, provided that permission has been obtained from the property owner where the sign is to be placed.

(11) Official street and traffic signs and any signs required by law.

(12) Incidental signs for the convenience and safety of the public (for example, signs identifying parking areas, telephones, restrooms, loading docks, etc.) provided that they contain no advertising.

C. No sign shall be placed in such a position as to endanger traffic on a street by obscuring a clear view or by confusion with official street signs or signals.

D. No sign, other than official municipal street or directional signs, street banner signs, or political signs shall be erected or maintained within the legal street right-of-way.

E. No sign shall be erected or maintained so as to prevent free ingress and egress to or from any door, window, or fire escape.

F. No signs shall be placed on utility poles.

G. Property owners shall assume the cost of relocating any sign within the ultimate right-of-way of a street which is widened.

H. All signs shall be constructed of durable materials and shall be maintained in good condition and repair at all times.

I. *Illumination Standards.*

(1) Signs may be illuminated, unless otherwise specified herein. Illumination of any sign shall be so shielded that the source of the light shall not be visible from any point off the lot on which the sign is erected and so that only the sign is directly illuminated. No more than ½ foot candle of light shall be detectable along the boundary of any adjacent property. Illumination of signs shall be subject to the National Electrical Code.

(2) The source of light must be concealed by translucent covers.

J. *Sign Location Requirements.* No freestanding sign can occupy a designated parking area or intended parking area, walkway, cartway, driveway, or area designated for any other use.

K. Any sign which does not so conform with the provisions of this Section at the time of adoption of the Part is hereby declared a non-conforming sign.

L. *Removal of Signs.*

(1) The Borough shall have the authority to require the removal and/or demolition of signs under the following circumstances:

(a) When it is determined that the sign has deteriorated to the point of becoming a danger to the public.

(b) When a sign is erected without an approved sign permit.

(c) When a sign is erected which does not comply with the requirements of this Part.

(d) A non-conforming sign which has not been removed or brought into conformity pursuant to §14-2311 of this Article.

(2) In all of the above circumstances the removal procedure will be initiated by a letter to the owner or lessee by the Zoning Officer requiring the removal of such sign within 30 days.

(3) Owner or lessee's remedial action for each circumstance.

(a) Deteriorated/hazardous sign - rehabilitation/repair of sign within 30 days.

(b) No sign permit - obtain permit within 30 days.

(c) Prohibited sign or non-conforming sign required to be brought into conformity pursuant to §14-2310 of this Article.

M. *Interior Signs.* Any sign located entirely within an enclosed building is exempt from the standards of this Part, provided its location does not pose a safety risk or hazard.

N. *Development Sign.* A ground mounted freestanding sign identifying the name of a residential development. Such a sign can not exceed 50 square feet.

(Ord. 500, 4/7/2004, §23.5)

§14-2306. Signs Permitted in Residential Districts.

The following number and types of signs are permitted for any one lot located in the R-1, R-2, R-3, and R-4 Districts:

A. Any sign permitted in §14-2304.2 of this Article.

B. Professional, accessory use, home occupation, or name signs on the same lot with, and indicating the name, profession, or activity of the occupant of the dwelling, provided that the area of any one side shall not exceed 2 square feet, and provided that not more than one such sign shall be erected for each permitted use or dwelling.

(Ord. 500, 4/7/2004, §23.6)

§14-2307. Signs Permitted in the MSC, R-O, V-1 and V-2 Districts.

The following number and types of signs are permitted for any one lot:

A. Any sign permitted in §14-2304.2 of this Article.

B. *Residential Uses.* Residential uses are allowed any of the signs permitted in §14-2306 of this Article.

C. *Commercial or Other Nonresidential Uses.* The following signs are permitted:

(1) One freestanding business or identification sign per street frontage or building, if more than one principal building is on a lot.

(2) One of the following types of signs for each side of the building which faces a street or a parking lot located on the same property:

- (a) Awning sign.
- (b) Identification sign.
- (c) Marquee sign.
- (d) Painted wall sign.
- (e) Parallel wall sign.
- (f) Window sign.
- (g) Projecting wall sign.

(3) One of the following types of temporary signs:

- (a) Portable signs.
- (b) Special event signs or banners.

D. Dimensional standards for signs in the MSC, V1, V2, and R-O Districts.

(1) *Total Signage for Any Non-residential Use.* 35 feet to be divided up between one or more signs.

(2) Additionally, window signs are permitted provided they do not exceed 30% of the glazed area of any window which faces a public street.

(3) Properties with multiple tenants are allowed one directory sign which must be mounted on the building and each tenant is allowed a sign of no more than 3 square feet with the total sign area not to exceed 24 feet.

(4) No projecting sign shall project more than 7 feet from the surface to which it is mounted, nor project over the wall, roof line, or surface to which it is mounted.

(5) The outer-most portion of a projecting sign shall project no closer than 5 feet from a curblin or shoulder of a public street.

(6) There shall be a minimum clearance of 10 feet between the bottom of the projecting sign and a public sidewalk or walkway.

(7) No sign shall be placed within 5 feet of a property line.

(8) Special event signs, banners, portable signs, or commemorative flags for businesses announcing a grand opening, going out of business sale, or other special promotional event shall comply with the following standards:

(a) The property or business shall display only one special event sign, banner, portable sign, or commemorative flag at any one time.

(b) A special event sign, banner, or commemorative flag for a business shall be displayed no more than four times during the calendar year for periods of time not exceeding 30 calendar days. Portable signs

may be displayed for a period of time not exceeding 60 days per calendar year.

(Ord. 500, 4/7/2004, §23.7)

§14-2308. Signs Permitted in the GC, C-O, and M&I Districts.

Regardless of those signs permitted under §14-2305.B, the following number and type of signs are permitted for any one lot or building located in the GC, C-O, and M&I Districts:

- A. Any sign permitted in §14-2304.2 of this Article.
- B. Any applicable sign permitted in §14-2307 of this Article.
- C. Gas stations are allowed one additional freestanding sign per street frontage for advertising gas prices, provided this sign is attached to a freestanding sign and does not exceed 16 square feet.
- D. Total signage for any use in this district. Fifty-five feet to be divided up between one or more signs.
- E. Shopping centers are permitted one freestanding center sign, provided it does not exceed 70 square feet per side and is not more than 25 feet in height.

(Ord. 500, 4/7/2004, §23.8)

§14-2309. Signs Permitted in the SC Shopping Center District.

1. Any sign permitted in §14-2304.2 of this Article.
2. Any applicable sign permitted in §14-2307 of this Article.
3. *Center Sign.* One freestanding center sign, not to exceed 150 square feet per side. This sign may not exceed 25 feet in height.
4. Individual businesses are allow wall, projecting signs, and awnings provided they meet the following:
 - A. *Storefronts up to 30 Feet.* 35 square feet, to be divided up between one or more signs.
 - B. *Storefronts over 30 Feet.* 50 square feet, to be divided up between one or more signs.
 - C. *Stores Containing over 20,000 Square Feet but Not More than 35,000 Square Feet.* 80 square feet, to be divided up between one or more signs.
 - D. *Stores over 35,000 Square Feet.* 100 square feet, to be divided up between one or more signs.
 - E. Stores who do not front on a public street are allowed one additional freestanding or wall sign provided it does not exceed 15 square feet and is placed on the shopping centers property.
 - F. Every business is also entitled to the signs and their dimensional requirements permitted in §§14-2307.D(2) and 14-2307.D(8).
 - G. Projecting or hanging signs shall be at least 8 feet above the sidewalk, not project more than 7 feet from the wall of a building and shall be located so it does not interfere with any pedestrian or traffic movements.

(Ord. 500, 4/7/2004, §23.9)

§14-2310. Signs Permitted for the Institutional Overlay District.

1. Any sign permitted in §14-2304.2 of this Article.
2. One freestanding or wall sign per street frontage provided that it does not exceed 55 square feet and in the case of a freestanding sign, 10 feet in height.
3. Identification signs for an individual building are exempt from this Part provided they are attached or adjacent to the building they identify.

(Ord. 500, 4/7/2004, §23.10)

§14-2311. Off-Premises Advertising Signs.

Off-premises advertising signs are permitted only in the M&I District as a special exception pursuant to the special exception regulations, §14-411 of this Part, and the following:

A. If the provisions with respect to location, use, size, or height of signs are more restrictive in the building code adopted by the Collegeville Borough or any Acts of Assembly of the Commonwealth of Pennsylvania Department of Transportation, those restrictions shall take precedence over the regulations and conditions as set forth in this Part.

B. An off-premises advertising sign may be double-faced with two advertising surfaces. However, both surfaces shall be the same size and shape, and the total length of the sign structure shall not exceed 20 feet and the total height of the copy areas shall not exceed 18 feet, with a total copy area not exceeding 100 square feet.

C. Off-premises advertising signs may not be attached or painted on a building.

D. Off-premises advertising signs shall be located 15 feet from the ultimate right-of-way, or 20 feet from any property line.

E. An open space of not less than 4 feet shall be maintained between the lower edge of the off-premises advertising sign display surface and the ground.

F. No portion of the supporting structure shall be visible above any advertising display area.

G. No off-premises advertising sign shall be located closer than 500 feet to the nearest off-premises sign on the same side of the roadway, regardless of the size of the sign.

H. No off-premises advertising sign shall be allowed within 100 feet of the nearest public or private elementary, middle, or high school, or religious institution.

I. All off-premises advertising signs shall be erected on permanent footings or support structures designed by a registered structural engineer.

J. The applicant for any sign permit shall present a written statement from the owner of the property, that the applicant has the right to use the property to erect a sign as well as maintain the sign during the time that the sign is erected. The owner must further verify in writing that it will, at its sole cost and expense, cause the sign to be removed at such time as there is no further use of the sign.

(Ord. 500, 4/7/2004, §23.11)

§14-2312. Non-Conforming Signs.

1. Signs legally in existence at the time of the adoption of this Part which do not conform with the requirements of this Part shall be considered non-conforming signs.

2. All such non-conforming signs shall be removed or altered so as to be in conformity with the standards contained herein at such time when:

A. Collegeville Borough approves an application for a sign permit in cases where the non-conforming sign is to be significantly altered. Changes to the sign copy or the replacement of a sign panel of an existing establishment's non-conforming sign shall not be considered a significant alteration. If more than 50% of a sign is damaged, it shall be repaired to conform with this Part.

B. The property in which the non-conforming sign is located undergoes a change of land use requiring the issuance of either a use and occupancy permit or a change of use and occupancy permit by Collegeville Borough.

3. To determine the legal status of existing signs, in each of the two cases listed in subsection .2, the applicant shall submit the following information to the Borough Zoning Officer:

A. Type(s) of existing sign(s) located on the property.

B. The area and height of all signs.

C. For freestanding signs, the distance the outer most portion of the sign is setback from the legal right-of-way.

D. Type of sign illumination.

E. The material of which the sign is constructed.

F. The building length along public street frontage.

4. Prior to the events listed in subsection .2, non-conforming signs may be repainted, repaired up to 50%, the sign copy may be changed, or sign panels may be replaced, provided that such actions do not increase the dimensions of the existing sign, nor in any way increase the extent of the sign's non-conformity.

5. Under the following conditions, non-conforming signs shall be exempt from the provisions of subsection .2:

A. The non-conforming sign possesses documented historic value.

B. The non-conforming sign is of an unique nature or type by virtue of its architectural value or design.

C. For a change of owner when a business name is retained.

(Ord. 500, 4/7/2004, §23.12)

Article 24**IN Institutional District****§14-2401. Declaration of Legislative Intent.**

In expansion of the declaration of legislative intent and community development objectives contained in Article 1 of this Part, the specific intent of this district is:

A. To permit institutional uses on appropriate properties in the Borough, with locational, dimensional, and development standards specific to the type of use proposed.

B. To provide design and regulatory standards for institutional facilities which will minimize any adverse impacts (such as noise, glare, and pollution) on surrounding properties.

C. To control traffic generated by institutional uses.

D. To ensure that institutional uses will be designed to be adequately served by public safety and emergency management services.

(Ord. 500, 4/7/2004, §24.1)

§14-2402. Permitted Uses.

1. *Class 1 Neighborhood Level Uses.*

A. Place of worship, including associated residences but excluding schools or monasteries.

B. Public library, museum, gallery, or historic site.

C. Cemetery, graveyard, mausoleum provided no graves, burial vaults, etc., are located within 40 feet of a property line.

D. Emergency service institution, firehouse, ambulance station, or police station.

E. Active recreation areas, provided that they are an accessory use to a place of worship.

2. *Class 2 Community Level Uses.*

A. School, public or private, sectarian or non-sectarian, elementary or secondary, excluding a college or university.

B. Places of worship in conjunction with a school and/or convent, monastery.

C. Active recreation areas, provided that they are an accessory use to a school or place of worship.

3. *Class 3 Regional Level Uses.*

A. Medical, surgical, and rehabilitation hospital.

B. College or university.

C. Active recreation areas, provided that they are an accessory use to a college or university.

(Ord. 500, 4/7/2004, §24.2)

§14-2403. Conditional Uses.

1. All permitted uses shall require conditional use approval when the following is involved:

A. *Class 1 Neighborhood Level.*

(1) The construction of a building or structure that exceeds 3,000 square feet.

(2) The construction of an addition to an existing building or structure that exceeds 1,000 square feet.

B. *Class 2 Community Level.*

(1) The construction of a building or structure that exceeds 3,000 square feet.

(2) The construction of an addition to an existing building or structure that exceeds 1,000 square feet.

C. *Class 3 Regional Level.*

(1) The construction of a building or structure that exceeds 3,000 square feet. However, if the building or structure is identified on a master plan that has been approved by Borough Council, at a public hearing after review by the Borough’s Planning Commission and any other agency or consultant deemed necessary by Council, then conditional use is not required.

(2) The construction of an addition to an existing building or structure that exceeds 1,000 square feet. However, if the addition to this building or structure is identified on a master plan that has been approved by Borough Council, at a public hearing after review by the Borough’s Planning Commission and any other agency or consultant deemed necessary by Council, then conditional use is not required.

2. All conditional uses shall meet the requirements of §14-2405 of this Article and §14-817 of this Part.

(Ord. 500, 4/7/2004, §24.3)

§14-2404. Dimensional Standards.

1. Each class of use shall comply with the following dimensional regulations:

	Class 1 Uses	Class 2 Uses	Class 3 Uses
Minimum lot size	2 acres	8 acres	20 acres
Maximum total building coverage	20%	–	–
Maximum total impervious coverage	35%	40%	35%
Minimum building setback from any property line	30 feet	60 feet	150 feet ⁽¹⁾
Minimum parking and service area setback	15 feet	30 feet	75 feet

(1) For any building over 40 feet in height, buildings are allowed up to a height of 60 feet provided that for every 5 feet over 40 feet, they are setback an additional 10 feet beyond the required 150 feet. Architectural features, such as clock towers or mechanical or utility features are allowed an additional 20 feet in height (to 80 feet) provided these areas are not intended for human occupancy.

2. *Building or Structure Height.*

A. *All Class One Uses.* 35 feet, however, steeples or bell towers are allowed to exceed this by 20 feet provided that they contain no habitable/usable space.

B. *All Class Two Uses.* 35 feet, however, steeples or bell towers are allowed to exceed this by 20 feet provided that they contain no habitable/usable space.

C. *All Class Three Uses.* 40 feet, however buildings are allowed to exceed this requirement by 20 feet (to 60 feet) provided that for every 5 feet over 40 feet, they are setback an additional 10 feet from any property line. Architectural features, such as clock towers or mechanical or utility features are allowed an additional 20 feet in height (to 80 feet) provided these areas are not intended for human occupancy and are designed to be architecturally compatible with the building.

3. *Recreation Areas.* All recreation areas shall have the following setback from any property line:

A. Class 1 use - 20 feet.

B. Class 2 use - 65 feet.

C. Class 3 use - 100 feet.

Borough Council may require that this setback contain buffer landscaping. This landscaping shall contain, at least, a mix of conifers and deciduous shrubs and trees. (*Ord. 500, 4/7/2004, §24.4*)

§14-2405. Development Regulations.

1. Classes 1 and 2 uses must have access to a road of collector status or greater.

2. Class 3 uses must have access to a road of primary arterial status or greater.

3. *All Classes of Uses.*

A. All development shall comply with the parking and loading requirements of Article 9 and the sign regulations of Article 23 of this Part.

B. All uses shall be connected to the Borough by a safe and convenient pedestrian circulation system.

C. Service and loading areas, dumpsters, and similar site elements shall not be located within the view of a public street, and shall be adequately screened from view.

D. Increased planting buffers, wooden fences, or other measures may be required by Borough Council to minimize potential conflicts, or to reduce anticipated levels of noise caused by the following: loading docks, trash receptacles, parking lots, service driveways, active recreation areas or large nonresidential buildings adjacent to neighborhoods or open space areas without adequate buffering.

(*Ord. 500, 4/7/2004, §24.5*)

§14-2406. Conditional Use Regulations.

All classes of uses shall meet the following:

A. Borough Council may require a traffic impact study, pursuant to §14-821 of this Part.

B. All buildings shall avoid a long, monotonous, uninterrupted walls or roof planes. In keeping with the character of the Borough of Collegeville, the scale and massing of the structure shall be designed to create a structure that is in keeping with the traditional appearance of Collegeville and the region. Architectural features such as staggered setbacks, bay windows, gables, dormers, decorative parapets or chimneys, and various types of wall facings may be used to achieve this.

(Ord. 500, 4/7/2004, §24.6)

Article 25**FP Floodplain Conservation District****§14-2501. Declaration of Legislative Intent.**

In addition to the Declaration of Legislative Intent and Statement of Community Development Objectives found in Article 1 of this Part of the Borough of Colledgeville, the specific intent of this district shall be to protect the areas of floodplains subject to and necessary for the containment of flood waters, and to permit and encourage the retention of open space land uses which will be so located and utilized as to constitute a harmonious and appropriate aspect of the continuing physical development of the Borough. Furthermore, in light of the Borough's certification as eligible for Federal flood insurance, it is the intent of this district to provide adequate protection for flood prone properties within the Borough of Colledgeville. In advancing these principles and the general purpose of this Part and Comprehensive Plan, the following shall be specific objectives of the FP Floodplain Conservation District:

- A. To combine with present zoning requirements, certain restrictions made necessary for flood prone areas to promote the general health, welfare, and safety of the Borough.
- B. To prevent the erection of structures in areas unfit for human usage by reason of danger from flooding, unsanitary conditions, or other hazard.
- C. To minimize danger to public health by protecting the quality and quantity of surface and subsurface water supplies adjacent to and underlying flood hazard areas and promoting safe and sanitary drainage.
- D. To permit only those uses which can be appropriately located in the floodplain as herein defined and which will not impede the flood or storage of flood waters, or otherwise cause danger to life and property at, above, below their locations along with floodplain.
- E. To protect those individuals who might choose, despite the flood dangers, to develop or occupy land on a floodplain and those who currently occupy such land.
- F. To protect adjacent landowners and those both upstream and downstream from damages resulting from development within a floodplain and the consequent obstruction or increase in flow of flood waters.
- G. To protect the entire Borough from individual uses of land which may have an effect upon subsequent expenditures for public works and disaster relief and adversely affect the economic well-being of the Borough.
- H. To maintain undisturbed the ecological balance between those natural systems elements, including wildlife, vegetation, and marine life, dependent upon watercourses and water areas.
- I. To protect other municipalities within the same watershed from the impact of improper development and the consequent increased potential for flooding.
- J. To provide areas for the deposition of flood-borne sediment.

K. To require that uses vulnerable to floods be developed so as to be protected from flood damage in accordance with the requirements of the Federal Flood Insurance Program P.L. 90-448, and the Pennsylvania Floodplain Management Act P.L. 851, No. 166 of 1978, and as either is amended.

(Ord. 500, 4/7/2004, §25.1)

§14-2502. Definition and Establishment of Floodplain Conservation District.

The Floodplain Conservation District is defined and established as those areas of the Borough subject to flooding as defined in this Section. The most extensive of these areas described in the following sources shall determine the outer most boundary of the Floodplain Conservation District.

A. Those areas subject to inundation by the waters of the 100-year flood as delineated in the Flood Insurance Study for the Borough of Collegeville, Montgomery County, Pennsylvania, of June 1996, as prepared by the Federal Emergency Management Agency (FEMA) with any subsequent amendment thereto. Said floodplains shall be comprised of the following:

(1) *FW (Floodway Area)*. The areas identified as “floodway” in the AE zone in the flood insurance study prepared by the FEMA. The term shall also include floodway areas which have been identified in other available studies or sources of information for those floodplain areas where no floodway has been identified in the flood insurance study.

(2) *FF (Flood-Fringe Area)*. The remaining portions of the 100-year floodplain in those areas identified as an AE zone in the Flood Insurance Study, where a floodway has been delineated.

(3) *FA (General Floodplain Area)*. The areas identified as zone A in the FIS for which no 100-year flood elevations have been provided. When available, information from other Federal, State and other acceptable sources shall be used to determine the 100-year elevation, as well as a floodway area, if possible. When no other information is available, the 100-year elevation shall be determined by using a point on the boundary of the identified floodplain area which is nearest the construction site in question.

In lieu of the above, the Borough may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic engineering professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computation, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Borough.

(Ord. 500, 4/7/2004, §25.2)

§14-2503. Overlay Concept.

The Floodplain District shall be deemed an overlay on any zoning district now or hereafter applicable to any lot.

A. Should the Floodplain Conservation District be declared inapplicable to any tract by reason of action of (1) the Borough Council in amending this Part; or

(2) the Zoning Officer, the Zoning Hearing Board, or any court of competent jurisdiction in interpreting the same; or (3) the Zoning Hearing Board or any court of competent jurisdiction in determining a legal effect of the same; the zoning applicable to such lot shall be deemed to be the district in which it is located without consideration of this district.

B. Should the zoning of any parcel or any part thereof in which the Floodplain Conservation District is located be changed through any legislative or administrative actions or judicial discretion, such change shall have no effect on the Floodplain District unless such change was included as part of the original application.

C. Except where such conditions as defined in §14-2502 herein prescribe a greater setback, the minimum setback of all structures in the FA General Floodplain area from the top of bank of all watercourses in any zoning district, shall be 50 feet.

(Ord. 500, 4/7/2004, §25.3)

§14-2504. Permitted Uses.

1. The following uses and no other will be permitted in a Floodplain Conservation District:

A. Cultivation and harvesting of crops in accordance with the recognized soil conservation practices.

B. Pasture and grazing land in accordance with recognized soil conservation practices.

C. Outdoor plant nursery or orchard in accordance with recognized soil conservation practices.

D. Wildlife sanctuary, woodland preserve, arboretum; and passive recreation or parks, including hiking, bicycle and bridle trails, but including no facilities subject to damage by flooding.

E. Forestry, lumbering, and reforestation in accordance with recognized natural resource conservation practices, but permitting no structures.

F. Utility transmission lines.

G. Sealed public water supply wells with the approval of the Borough Water Committee.

H. Sanitary sewers, with the approval of the Collegeville-Trappe Municipal Authority.

I. Front, side, or rear yards, and required lot area, for any district, provided such yards are not to be used for onsite sewage disposal systems or any other structures.

J. Fences which are capable of allowing unrestricted passage of flood waters and most debris; for example, barbed wire.

2. All permitted uses are subject to flood proofing regulations in applicable codes. Any of the uses or development activities in subsection .1 above shall not be permitted within the designated floodway unless the effect of such proposed activity on flood heights is fully offset by accompanying stream improvements.

(Ord. 500, 4/7/2004, §25.4)

§14-2505. Prohibited Uses.

The following uses shall be specifically prohibited in a Floodplain Conservation District, and shall not be subject to further consideration, in accordance with the Pennsylvania Floodplain Management Act, P.L. 851, No. 166 of 1978, and as amended.

A. Sanitary landfills, dumps, junkyards, outdoor storage of vehicles and materials and any new or substantially improved structure which will be used for the production or storage of any of the following dangerous materials or substances.

(1) Will be used for any activity requiring the maintenance of a supply or more than 550 gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises.

(2) Will involve the production, storage, or use of any amount of radioactive substances.

(3) Shall be subject to the provisions of this Section, in addition to all other applicable provisions. The following list of materials and substances are considered dangerous to human life:

- (a) Acetone.
- (b) Ammonia.
- (c) Benzene.
- (d) Calcium carbide.
- (e) Carbon disulfide.
- (f) Celluloid.
- (g) Chlorine.
- (h) Hydrochloric acid.
- (i) Hydrocyanic acid.
- (j) Magnesium.
- (k) Nitric acid and oxides of nitrogen.
- (l) Petroleum products (gasoline, fuel oil etc.).
- (m) Phosphorus.
- (n) Potassium.
- (o) Sodium.
- (p) Sulphur and sulphur products.
- (q) Pesticides (including insecticides, fungicides, and rodenticides).
- (r) Radioactive substances, insofar as such substances are not otherwise regulated.

(4) The construction, enlargement, or expansion of all manufactured home parks, and manufactured home subdivisions; hospitals (public and private); nursing homes (public and private); and jails or prisons.

(5) Stripping of top soil; ground cover, vegetation, or removal of trees

within 20 feet of a stream bank if said distance falls within the floodway.

(6) Onsite sewage disposal systems.

(7) Private water supply wells.

(*Ord. 500, 4/7/2004, §25.5*)

§14-2506. Conditional Uses.

The following conditional uses shall be allowed or denied by the Borough Council after recommendations by the Planning Commission pursuant to the standards set forth in this district:

A. Game farm, fish hatchery, or hunting and fishing preserve, for the protection or propagation of wildlife, but permitting no structures.

B. Commercial recreation use, whether open to public or restricted to private membership, such as parks, camps, picnic areas, golf courses, fishing, sport or boating clubs; not to include enclosed structures excepting toilet facilities, but permitting piers, docks, floats or shelters usually found in developed outdoor recreational areas. Any toilet facilities provided shall be connected to public water and sewage systems, and subject to the flood proofing regulations in applicable Borough ordinances.

C. Storm sewers or impoundment basins with the approval of the Borough Engineer and subject to the flood proofing regulations in applicable Borough Ordinances.

D. Outlet installations for sewage treatment plants and sewage pumping stations, with the approval of the Collegeville-Trappe Municipal Authority, and subject to the flood proofing regulations in applicable Borough Ordinances.

E. Dams, bridges, and culverts, approved by the Commonwealth of Pennsylvania, Department of Environmental Protection or the Power and Water Resources Board, if the same has jurisdiction over the watershed in question.

F. Roads, driveways, and parking lots.

G. Grading or regrading of lands, including the depositing of top soils and the grading thereof, and the construction of retaining walls, when proposed as a necessary element of a plan to use the land for a principal use otherwise allowed under §§14-2504.1 or 14-2506.A through .J above. In addition, an application for approval of a conditional use shall also be accompanied by a plan indicating the deposition of any fill or material proposed to be deposited by the grading or regrading of land; such fill or other materials shall be protected against erosion by rip-rap, vegetation cover or bulkheading.

H. Freestanding structures, buildings, manufactured homes, and retaining walls. Manufactured home subdivisions and manufactured home parks are prohibited.

I. The relocation of any watercourse subject to the approval of the Pennsylvania Department of Environmental Protection if the same has jurisdiction over the watershed in question. In addition, all adjacent communities and the Pennsylvania Department of Community and Economic Development shall be notified prior to the alternation or relocation of a watercourse. Copies of such notification shall be sent to the Federal Emergency Management Agency. The flood

carrying capacity within the altered or relocated portion shall be maintained.

J. Other uses similar to the above.

(*Ord. 500, 4/7/2004, §25.6*)

§14-2507. General Provisions for Conditional Uses.

1. No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the municipality, and until all required permits or approvals have been first obtained from the Department of Environmental Protection, Bureau of Dams, Waterways, and Wetlands.

In addition, the Federal Emergency Management Agency and Pennsylvania Department of Community and Economic Development shall be notified prior to any alteration of relocation of any watercourse.

2. Any new construction, development, uses or activities allowed within any identified floodplain area, shall be undertaken in strict compliance with the provisions contained in this Part and any other applicable codes, ordinances, and regulations.

(*Ord. 500, 4/7/2004, §25.7*)

§14-2508. Special Requirements for FW and FA Areas.

1. With any FW (Floodway Area), the following provisions apply:

A. Any new construction, development, use, activity, or encroachment that would cause any increase in flood heights shall be prohibited.

B. No new construction or development shall be allowed, unless a permit is obtained from the Department of Environmental Protection, Bureau of Dams, Waterways, and Wetlands.

C. Any new construction or development, which would cause any increase in flood heights shall be prohibited within any floodway area.

2. With any FA (General Floodplain Area), the following provisions apply:

A. No new construction or development shall be located within the area measured 50 feet landward from the top of bank of any watercourse, unless a permit is obtained from the Department of Environmental Protection, Bureau of Dams, Waterways, and Wetlands.

(*Ord. 500, 4/7/2004, §25.8*)

§14-2509. Application Procedures.

1. In a floodplain, as defined in §14-2502 herein, a zoning permit shall be required for any manmade change to improve or unimproved real estate including, but not limited to, buildings or other structures, the placement of mobile homes, streets and other paving, utilities, mining, dredging, filling, grading excavating or drilling operations. Application for a zoning permit shall be filed with the Zoning Officer who shall make an initial determination on the application. For a use other than those prohibited in §14-2505 an application seeking approval of a conditional use shall be forwarded to the Borough Council along with required studies or information and the findings of the Zoning Officer.

2. The application for conditional use shall be accompanied by the following:

A. Detailed engineering studies indicating the effects on drainage and streams on all adjacent properties as well as the property in question, when the application is for a use within the designated floodway.

B. Supporting documents or studies as required by the Borough Engineer when the application is for a use within the designated Floodplain Conservation District.

C. An application for amending the boundaries of the Floodplain Conservation District if the boundaries will be affected by the proposed conditional use.

(*Ord. 500, 4/7/2004, §25.9*)

§14-2510. Procedures for Consideration of a Conditional Use.

Applications for approval of a conditional use shall be considered using standards listed in §14-2511.

A. The Borough Council shall hold a public hearing pursuant to the Municipalities Planning Code (MPC), as last amended, after an application is filed pursuant to public notice.

B. The Borough Council shall request, at least 30 days prior to a public hearing, the review and recommendations of the Borough Planning Commission.

C. The Borough Council shall request, at least 30 days prior to a public hearing; the review and recommendation of technical agencies, such as the Montgomery County Planning Commission, or other planning agencies, to assist in determining the impact of the proposed use.

D. The Borough Council shall render a decision pursuant to the Municipalities Planning Code (MPC) as last amended, after the public hearing before Council. In rendering a decision, the Borough Council may impose special measures or conditions as deemed necessary and appropriate for the use to conform with the intent of the Part.

(*Ord. 500, 4/7/2004, §25.10*)

§14-2511. Standards for Consideration of Conditional Uses.

The Borough Council shall exercise discretion in allowing only those uses which are substantially in accord with the stated objectives in §14-2501 herein. The Borough Council, in considering conditional use applications, shall be guided by the following standards and criteria:

A. The effect of the use shall not substantially alter the cross section profile of the stream and floodplains at the location of the proposed use.

B. Lands abutting the waterway, both upstream and downstream, shall not be unreasonably affected by the proposed use.

C. The general welfare or public interest of the Borough of Collegeville or of other municipalities in the same watershed shall not be adversely affected.

D. Any new structures permitted by conditional use shall be constructed and placed on the lot, so as to offer the minimum obstruction to the flow of water, and shall be designed to have a minimum effect upon the flow and height of flood

water.

(1) Residential structures shall be elevated in accordance with the provisions contained in the Borough of Collegeville Building Code, as amended.

(2) All other structures shall be elevated to the greatest extent possible according to the provisions contained in the Borough of Collegeville Building Code, as amended. However, any portion of the structure not so elevated shall be flood proofed, also in accordance with the Borough Building Code, as amended.

E. Any additions to existing structures permitted as a conditional use shall be elevated to the greatest extent possible according to the provisions contained in the Borough of Collegeville Building Code, as amended. However, any portion of the structure not so elevated shall be flood proofed, also in accordance with the Borough Building Code, as amended.

F. For any structure permitted as a conditional use, the following shall apply:

(1) All such structures shall be firmly anchored, in accordance with accepted engineering practices, to prevent flotation, collapse, or lateral movement.

(2) All air ducts, large pipes, storage tanks and other similar objects or components located below the regulatory flood elevation shall be securely anchored or affixed to prevent flotation.

(3) All such structures shall be constructed so as to prevent the entrance of flood waters into the water supply and waste treatment systems as well as other utility and facility systems. In addition, waste treatment systems shall be designed to prevent discharges from the systems into the flood waters.

(4) Storm drainage facilities shall be designed to convey the flow of storm water runoff in a safe and efficient manner. The system shall insure proper drainage along streets, and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.

G. *Storage.* All materials that are buoyant, flammable, explosive, or in times of flooding, could be injurious to human, animal, or plant life, and not listed in §14-2505, "Development Which May Endanger Human Life," shall be stored at or above the regulatory flood elevation and/or flood proofed to the maximum extent possible.

H. Roads, driveways, and parking facilities permitted as a conditional use shall be governed by the following:

(1) Roads and driveways shall not be permitted if alternative alignments outside the floodplain are feasible and provide an equivalent of better access or site design.

(2) No parking facilities shall be permitted unless satisfactory evidence is submitted that such parking will not be utilized during periods of flood flow, thus posing no threat to the safety of the vehicles, their uses and/or to downstream properties. Temporary parking for periods not to exceed one

hour, and/or parking for recreation uses, would be examples of such exceptions.

(3) Any new street shall be no more than 1 foot below the regulatory flood elevation.

I. An affirmative decision shall not be issued by the Borough Council for an application within the designated floodway unless the effect of such proposed activity on flood heights is fully offset by accompanying stream improvements.

J. The Borough Council shall notify the applicant in writing over the signature of community officials that (i) the issuance of a decision to allow construction of a structure below the base flood elevation will result in increased premium rates for flood insurance; (ii) such construction below the base flood elevation increases risks to life and property. Such notification shall be maintained with a record of all decisions as required in subsection .J of this Section.

K. The Borough Council shall (i) maintain a record of all decisions including justification for their issuance, and (ii) report such decisions issued in its annual report submitted to the Federal Emergency Management Agency.

(Ord. 500, 4/7/2004, §25.11)

§14-2512. Standards for Approval of Uses by Variance.

A property owner of a lot of record, as of the date of the enactment of this Article, who is able to prove that the strict enforcement of this Article would create undue hardship by denying a reasonable use of an existing lot which is situated either wholly or partially in the Floodplain Conservation District, may seek relief by applying for a variance from the Zoning Hearing Board.

A. The Zoning Hearing Board, after deciding upon the merits of the application, may permit the application to make some reasonable use of the property in question, while ensuring that such use will not violate the basic objectives of this District as specified in §14-2501 herein.

B. In considering a use as a variance, the Zoning Hearing Board shall consider those standards and criteria contained in §14-2511 herein regarding conditional uses.

C. Requests for variances shall be considered by the Zoning Hearing Board in accordance with the following:

(1) Affirmative decisions shall only be issued by the Zoning Hearing Board upon (a) a show of good and sufficient cause; (b) a determination that failure to grant the appeal would result in exceptional hardship to the applicant; and (c) a determination that the granting of an appeal will not cause an unacceptable or prohibited increase in the 100 year flood elevation, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.

(2) Affirmative decisions shall only be issued upon determination that it is the minimum necessary, considering the flood hazard, to provide relief.

(3) In granting any variance, the Zoning Hearing Board shall attach whatever reasonable conditions and safeguards it considers necessary in order

to protect the public health, safety, and welfare, and to achieve the objectives of this Part.

(4) Whenever a variance is granted, the Zoning Hearing Board shall notify the applicant in writing that:

(a) The granting of the variance may result in increased premium rates for flood insurance.

(b) Such variances may increase the risks to life and property.

(5) The Borough shall (i) maintain a record of all decisions including sufficient justification for their issuance, and (ii) report such decisions issued in its annual report submitted to the Federal insurance administration.

(Ord. 500, 4/7/2004, §25.12)

§14-2513. Changes in Identification of Area.

The identified floodplain area may be revised or modified by the Borough Council where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any such change, approval must be obtained from the Federal Emergency Management Agency.

(Ord. 500, 4/7/2004, §25.13)

§14-2514. Boundary Disputes and Appeals Procedure.

1. In cases of any dispute concerning the boundaries of a Floodplain Conservation District, initial determination shall be made by the Borough Zoning Officer.

2. Any party aggrieved by the decision of the Zoning Officer as to the boundaries of the Floodplain District as defined above, which may include the grounds that the said map referred to therein is or has become incorrect because of changes due to the natural or other causes, or changes indicated by future detailed hydrologic and hydraulic studies, may appeal to the Zoning Hearing Board as provided in §14-405 of this Part and §14-2512 herein. The burden of proof in such an appeal shall be on the appellant.

3. Insofar as various natural conditions, including the Floodplain District as herein defined, may change, such changes may be validated by detailed onsite survey techniques approved by the U.S. Army Corps of Engineers, Philadelphia District. Whether a proposed use is within the Floodplain Conservation District Map shall upon appeal from the decision of the Zoning Officer be determined by the Zoning Hearing Board upon receipt of the findings of the detailed onsite survey by the petitioner. The Zoning Hearing Board, in addition to other evidence and standards, may consider the recommendations of the Borough Planning Commission and the validation of the U.S. Army Corps of Engineers, Philadelphia District and/or other municipal agencies.

4. All changes to the boundaries of the Floodplain District are subject to the review and approval of the Federal Emergency Management Agency, with the exception of alluvial soil floodplains.

(Ord. 500, 4/7/2004, §25.14)

§14-2515. Uses and/or Structures Rendered Non-conforming by the Adoption of this District.

Following the adoption of this Article, any use or structure which is situated within

the boundaries of the Floodplain Conservation District and which does not conform to the permitted uses specified in §14-2504 herein, shall become a non-conforming use or structure, regardless of its conformance to the District in which is located without consideration of this Article.

A. The expansion of a non-conforming use or structure which is non-conforming with respect to the District in which it is located without consideration of this Article, shall be governed by the requirements of Article 7, §14-703.D of this Part. However, the Zoning Hearing Board shall ensure that the standards contained in §14-2501 herein, are applied to the expansion of said non-conforming use or structure.

B. The expansion of a non-conforming use or structure which is rendered non-conforming by the adoption of this District shall be governed by the standards contained in §14-2509 herein. The Zoning Hearing Board shall ensure that these standards are enforced with respect to said non-conforming use or structure.

(*Ord. 500, 4/7/2004, §25.15*)

§14-2516. Warning and Disclaimer of Liability.

The degree of flood protection sought by the provisions of this Part is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur. Flood heights may be increased by manmade or natural causes, such as ice jams and bridge openings restricted by debris. This Part does not imply that areas outside any identified floodplain areas, or that land uses permitted within such areas will be free from flooding and flood damages. The grant of a zoning permit or approval of a subdivision plan in the Floodplain Conservation District shall not constitute a representation, guarantee or warranty of any kind by the Borough, or by any official or employee thereof of the practicability or safety of the proposed use and shall create no liability upon the Borough, its officials or employees.

(*Ord. 500, 4/7/2004, §25.16*)

Article 26**SSC Steep Slope Conservation District.****§14-2601. Declaration of Legislative Intent.**

In expansion of the Statement of Community Development Objectives found in Article 1 of this Part, the specific intent of the Steep Slope Conservation (SSC) District is to:

A. To combine with other zoning requirements, as an overlay, certain restrictions for steep slope areas to promote the general health, safety, and welfare of the residents of the Borough of Colledgeville.

B. To prevent inappropriate development of steep slope areas, in order to avoid potential dangers for human usage caused by erosion, stream siltation, soil failure leading to structural collapse or damage, and/or unsanitary conditions and associated hazards.

C. To minimize danger to public health and safety by promoting safe and sanitary drainage.

D. To permit only those uses that are compatible with development of steep slope areas in order to avoid accelerated erosion, soil failure, accelerated seepage, or other conditions which may create a danger to life and/or property.

E. To permit only those uses in steep slope areas that are compatible with the preservation of existing natural features, including vegetative cover, by restricting the grade of steep slope areas.

F. To promote the ecological balance among those natural system elements (such as wildlife, vegetation, and aquatic life) that could be adversely affected by inappropriate development of steep slope areas.

G. To prevent development that would cause excessive erosion and siltation, and a resultant reduction in the water-carrying capacity of the watercourses which flow through or around the Borough with the consequences of increased flood crests and flood hazards within the Borough and to both up-river and down-river municipalities.

H. To prevent landowners in the Borough and/or other municipalities from the possible harmful effects of inappropriate grading and development on steep slope areas.

I. To protect the entire Borough from inappropriate development on steep slope areas, which could have an effect upon subsequent expenditures for public works and disaster relief and, thus, adversely affect the economic well-being of the Borough.

J. To promote the provision of safe and reliable accessways, parking areas and utility systems serving developments on or around steep slope areas, where most sensitive grading and siting is essential.

K. To assist in the implementation of pertinent state laws concerning erosion and sediment control practices including but not limited to Clean Streams Law, P.L. 1987, and any subsequent amendments thereto, as administered by the

Pennsylvania Department of Environmental Resources (PADER) and the Montgomery County Conservation District.

(*Ord. 500, 4/7/2004, §26.1*)

§14-2602. Definition and Establishment of SSC District.

1. The SSC District is defined and established as those areas of the Borough having steep slopes, as defined in Article 2 of this Part.

2. *Dispute Procedures.* Should any dispute arise as the applicability of the SSC District regulations, the following procedures shall apply:

A. Any party aggrieved by the decision of the Zoning Officer, either because of an interpretation of the exact location of the SSC District boundary or because of criteria used in delineating the boundary as set forth in subsection .1 of this Section, is or has become incorrect because of changes due to natural or other causes, may appeal said decision to the Zoning Hearing Board as provided for in Article 4 of this Part.

B. The burden of proving the incorrectness of the Zoning Officer's decision shall be on the applicant.

(*Ord. 500, 4/7/2004, §26.2*)

§14-2603. SSC District Overlay Concept.

The SSC District shall be deemed to be an overlay on any zoning district(s) now hereafter enacted to regulate the use of land in the Borough of Collegeville.

A. The SSC District shall have no effect on the permitted uses in the underlying zoning district(s), except where said uses intended to be located within the boundaries of the SSC District, and defined herein, are in conflict with the permitted uses set forth in this Article.

B. In those areas of the Borough of Collegeville where the SSC District applies, the requirements of the SSC District shall supersede the requirements of the underlying zoning district(s).

C. Should the SSC District boundaries be revised as a result of legislative or administrative actions or judicial decision, the zoning requirements applicable to the area in question shall revert to the requirements of the underlying zoning district(s) without consideration to this Article.

D. Should the zoning classification(s) of any parcel or any part thereof on which the SSC District is an overlay be changed as a result of legislative or administrative actions or judicial decision, such change(s) in classification shall have no effect on boundaries of the SSC District, unless an amendment to said boundaries was included as part of the proceedings from which the subsequent change(s) originated.

(*Ord. 500, 4/7/2004, §26.3*)

§14-2604. Land Use and Development Regulations in the SSC District.

On those lands having a slope of 15% or more, as defined in Article 2, the SSC District shall apply and only those uses permitted in §§14-2605 and 14-2606 shall be permitted. Furthermore, all applications for development of said areas as permitted in

§14-2606 shall be accompanied by an erosion and sediment control plan notwithstanding the minimum acreage requirements of the Clean Steam Law, P.L. 1987 and any subsequent amendments thereto. The plan shall comply with the erosion and sediment control practices set forth in the Erosion and Sediment Pollution Control Program Manual of PADER, 1990, as well as other recognized conservation practices.

A. In evaluating any proposed development plan, the erosion and sediment control plan and any additional information submitted by the applicant in support of the application, the Borough Planning commission, the Borough Engineer, and the Borough Council (where appropriate) shall consider the following factors:

- (1) The percentage of slope on the site.
- (2) The extent and proposed disturbance of the existing vegetative cover on the site.
- (3) The soil types and underlying geology of the site.
- (4) The length and extent of the slope both on the site in question and on adjacent lands within 200 feet of the site.
- (5) Evidence that the proposed development, any impervious ground cover and the resultant disturbance to the land and existing vegetative cover will not cause excessive runoff and/or related environmental problems.
- (6) The standards contained in the Subdivision and Land Development Ordinance [Part 13], §13-321.

(Ord. 500, 4/7/2004, §26.4)

§14-2605. Conservation Uses Permitted Throughout the SSC District.

The following uses and no other shall be permitted without the submission of an erosion and sediment control plan:

- A. Wildlife sanctuary, woodland preserve, arboretum, and passive recreation areas, including parks, but excluding enclosed structures.
- B. Game farm or hunting preserve to the protection and propagation of wildlife but excluding enclosed structures.
- C. Forestry and reforestation in accordance with recognized soil conservation practices, as contained in the Soil Conservation Service's Technical Guide.
- D. Pasture and controlled grazing of animals in accordance with recognized soil conservation practices, as contained in the Soil Conservation Service's Technical Guide.
- E. Recreation uses, such as parks, with such activities as hiking, bicycling, and bridle trails, camps, picnic areas, but excluding enclosed structures.
- F. Outdoor plant nursery or orchard in accordance with recognized soil conservation practices as contained in the Soil Conservation Service's Technical Guide.
- G. Cultivation and harvesting of crops in accordance with recognized soil conservation practices, as contained in the Soil Conservation Service's Technical Guide.
- H. Non-structural accessory uses (except swimming pools), necessary for the

operation and maintenance of the above-permitted uses.

I. Similar uses to the above which are in compliance with the intent of this Article.

(Ord. 500, 4/7/2004, §26.5)

§14-2606. Uses Permitted in Areas of Precautionary Slope Permitted by Conditional Use.

The following uses are permitted by conditional use in areas of precautionary slopes upon submission of an erosion and sediment pollution control plan and supporting evidence as set forth in §14-2609:

A. Front, side and rear yard and required lot area in the underlying zoning district(s) provided that such yards are not to be used for an on-site sewage disposal system, unless the said system meets the applicable requirements of §14-2606.D.

B. Sealed public water supply wells with the approval of PADER.

C. Sanitary or storm sewers and stormwater detention basin with the approval of the Borough Engineer and PADER, as applicable.

D. *Underground Utility Transmission Lines.* On-site sewer disposal systems, when constructed in compliance with the Act 208 amendments to Act 537, the Pennsylvania Sewage Facilities Act.

E. Extractive uses and barrow pits, when permitted in the underlying zoning district(s), and when operated in accordance with recognized soil conservation practices, as specified by PADER.

F. Roads, access driveways, and parking facilities, when no viable alternative is feasible, upon the determination of the Borough.

G. Similar uses to the above which are in compliance with the intent of this Article.

(Ord. 500, 4/7/2004, §26.6)

§14-2607. Prohibited Uses.

The following uses are prohibited in the SSC District:

A. Freestanding structures, buildings and retaining walls, or swimming pools, unless the applicant can demonstrate to the Borough Council that the proposal will be sound from architectural, engineering and environmental perspectives, the proposal will have no adverse impacts on the health, safety, and welfare of the community, and there are no viable alternatives. If the applicant can so demonstrate, the use may be permitted by conditional use (§14-2605 above).

B. The filling or removal of topsoil except when related to an activity related to an approved special exception use.

C. Solid waste disposal or recycling uses.

D. Junkyards or other outdoor storage uses.

(Ord. 500, 4/7/2004, §26.7)

§14-2608. Single and Separate Ownership of a Lot: Steep Slopes Provisions Not Applicable.

The provisions of this steep slope ordinance shall not apply to lots which were held in single and separate ownership as of the effective date of this Article, unless and until such lots become the subject of a subdivision or land development application, in which event the provisions of this Article shall apply to such subdivision and land development. Development of land with slopes in excess of 15% on lots in single and separate ownership after the effective date of this Steep Slope Ordinance, which are not the subject of a subdivision or land development application or the issuance of a granting permit on terms determined by the Borough Engineer, are not affected by this Part.

(Ord. 500, 4/7/2004, §26.8)

§14-2609. Administration.

Administration of this Article is governed by Article 3 of this Part. In addition, the following requirements shall apply:

A. *Application Procedures.* Before a permit is issued for any construction or land disturbance activity on land within or affecting the SSC District, the following material, in full or in pertinent parts, shall be submitted for review by the Borough:

(1) An earthmoving plan of the property which indicates existing grades with contour lines at 2 foot intervals and proposed grades within the area of any proposed activity, disturbance, or construction. All areas of prohibitive and/or precautionary slope shall be shaded accordingly.

(2) A site plan indicating existing and proposed structures, other impervious surfaces, storm drainage facilities and retaining walls. The site plan also shall locate and identify existing vegetation and ground cover within areas of prohibitive and precautionary slopes, as well as proposed landscaping material to be installed.

(3) Architectural plans, elevations, and sections.

(4) A statement, signed and sealed by a registered architect or engineer, explaining the building methods to be used in overcoming foundation and other structural problems created by slope conditions, preserving the natural watersheds and preventing soil erosion and excessive surface water runoff to neighboring properties and/or streets.

(5) Plan, profile, and typical cross-section of any proposed street, emergency access or driveway within areas of steep slopes, with the seal of a registered professional engineer thereon.

(6) A statement, signed by the owner or future occupant at the time of subdivision, land development or building permit application, that there is a full understanding of any difficulties associated with access stemming from steep slopes. No zoning permit shall be issued by the Zoning Officer, and no conditional use shall be granted by the Borough Council, without the Borough Engineer's review of this material and his recommendations thereon.

B. *Standards and Criteria for Review of Conditional Use Applications.* In evaluating any application for conditional use within areas of steep slopes, the

Borough Council shall determine consistency of the proposal with the following:

(1) Disturbance to particularly sensitive features on the site shall be minimized; special emphasis in planning for the site should be given to the protection of:

(a) The steepest areas of slope, i.e., those approaching 25%.

(b) Soils with seasonal high water table.

(c) Underlying geology which comprising, or contributes to, a major groundwater resource including the flow of existing springs.

(2) Disturbance shall be minimized where the length or area of steep slope, both on the site and on adjacent lands within 200 feet of the slope, is extensive.

(3) The proposed development, any impervious ground cover and the resultant disturbance to the land and existing vegetative cover will not cause runoff and/or related environmental problems off the site.

(4) Removal of, or disturbance to, existing vegetation on the site shall be minimized. The proposed impacts on existing vegetation shall be evaluated in terms of the potentially detrimental effects on slope stability, transportation and recharge of stormwater, aesthetic and traditional characters of the landscape, and existing drainage patterns. Mitigation measures may be required by Borough Council as it deems appropriate.

(5) Important visual qualities of the site shall, to the maximum extent feasible, be retained; in addition to vegetation, these may include hill-tops/ridgelines, rock outcroppings and the natural terrain and contours of the site.

(6) Road construction shall follow the natural topography, with cuts and grading minimized.

(7) Innovative, imaginative building techniques that are well-situated to slope conditions, shall be encouraged, consistent with other applicable codes and regulations.

(8) The equilibrium of the slope, as characterized by the existing inter-relationships among the soil, water, and vegetation, shall be disturbed as little as possible.

C. *Uses and / or Structures Rendered Non-conforming by the Adoption of this District.* Following the adoption of this Article, any use or structure which is situated within the boundaries of the SSC District and which does not conform to the permitted uses specified in §§14-2605 and 14-2606 of this Article shall become a non-conforming use or structure, regardless of its conformance to the District in which it is located without consideration of this Article. The expansion or continuance of said non-conforming use or structure shall be governed by the requirements of Article 7 of this Part. However, the Zoning Hearing Board shall also ensure that the standards contained in subsection .B of this Section are applied to the expansion or continuance of said non-conforming use or structure.

(Ord. 500, 4/7/2004, §26.9)