

Chapter 27

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Part 1**Purpose, Districts and Administration****§27-101. Title.**

This Chapter shall be known and may be cited as the “Borough of Millbourne Zoning Ordinance of 2001.”

(*Ord. 407B, 2/12/2001, §100*)

§27-102. Purposes.

The zoning regulations and districts set forth in this Chapter are designed to achieve the following purposes as stated in the Pennsylvania Municipalities Planning Code, Act 247 of 1968, 53 P.S. §10101 *et seq.*, as amended.

A. To promote, protect and facilitate any or all of the following: the public health, safety, morals and the general welfare; coordinated and practical community development and proper density of population; guidance, protection and improvement of amenity, convenience and future governmental processes and functions; guidance on uses of land and structures, types and location of streets, roadways, public grounds and facilities; the provision of adequate light, water and air; access to incidental solar energy, police and fire protection, transportation, sewerage and schools; and preservation of the natural, scenic and historic values in the environment.

B. To prevent one or more of the following: overcrowding of land; blight; danger and congestion in travel and transportation; and loss of health, life or property from fire, flood, panic or other dangers.

C. To provide for the use of land within the Borough for residential housing of various dwelling types and a reasonable range of multi-family dwellings in various arrangements.

D. To accommodate reasonable overall community growth, including population and employment and opportunities for development of a variety of residential dwelling types and nonresidential uses.

(*Ord. 407B, 2/12/2001, §101*)

§27-103. Community Development Objectives.

1. The zoning regulations and districts set forth in this Chapter are based on the goals and objectives that are stated in the Millbourne Borough Comprehensive Plan of 1997. This Chapter is intended to implement these principles and policies and to guide and regulate orderly growth and development of the Borough of Millbourne.

2. In compliance with the 2000 amendments to the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.*, this Chapter is generally consistent with the Borough’s Comprehensive Plan.

(*Ord. 407B, 2/12/2001, §102*)

§27-104. Establishment of Districts.

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|-------|--|
| R-1 | Medium Density Residential District |
| R-2 | Medium - High Density Residential District |
| NBD | Neighborhood Business District |
| GBD | General Business District |
| PCD | Planned Commercial District |
| C-INS | Commercial-Institutional District |

(Ord. 407B, 2/12/2001, §103)

§27-105. Establishment of Controls.

1. *Minimum and Uniform Regulations.* Unless specifically indicated otherwise, the regulations set forth in this Chapter shall be minimum regulations and shall apply uniformly to each class or kind of structures or land.

2. *Proposed Uses and Structures.* In all zoning districts, after the effective date of this Chapter, any new buildings or other structures or any tract of land shall be constructed, developed and used only in accordance with the regulations specified herein, except where a variance has been authorized by the Zoning Hearing Board.

3. *Existing Uses and Structures.* In all districts, after the effective date of this Chapter, any lawfully existing building or other structure or any tract of land which is not in conformity with the regulations of the district in which it is located shall be deemed to be nonconforming and subject to the regulations of this Chapter.

(Ord. 407B, 2/12/2001, §104)

§27-106. Zoning Map, District Boundary Lines and Tolerances.

1. The zoning district locations and boundaries are those that exist on the legally adopted official Zoning Map, a copy of which is attached hereto and made a part of this Chapter. The original Zoning Map shall be kept on file in the office of the Borough Code Enforcement Officer (CEO). Whenever changes are made in the boundaries or other items included on the said Zoning Map, such changes shall be made within 5 days after the amendment has been approved by Borough Council. In interpreting the language of this Chapter to determine the extent of the restriction upon the use of the property, the language shall be interpreted, where doubt exists as to the intended meaning of the language written and enacted by the Borough Council, in favor of the property owner and against any implied extension of the restriction.

2. The boundaries between districts shall follow natural or man-made boundaries and lines. Unless otherwise indicated, boundaries shall be the centerline or extension of the centerline of a street, alley or highway, railroad rights-of-way, streams or other natural or man-made features which can form logical boundaries to districts.

3. Where a district boundary line divides a lot held in single and separate ownership on the effective day of this Chapter, the regulations of the less restricted district shall extend over the portion of the more restricted district a distance of not more than 50 feet from the district boundary.

4. Boundaries indicated as appearing to follow platted lot lines shall be construed

as following such lot lines. Distances not specifically indicated on the official Zoning Map shall be determined by the scale of the map. In any other circumstances not covered or in the event of any uncertainty as to the boundary of any district, the Zoning Hearing Board shall interpret the district boundary or boundaries.

(Ord. 407B, 2/12/2001, §105)

§27-107. Interpretation.

In the interpretation and application of the provisions of this Chapter, the said provisions shall be held to be the minimum requirements for the promotion and the protection of the public health, welfare and safety. Where the provisions of this Chapter impose greater restrictions than those of any other ordinance or regulation, the provisions of this Chapter shall be controlling. Where the provisions of any statute or other ordinance or regulation impose greater restrictions than this Chapter, the provisions of such statute, ordinance or regulations shall be controlling. In interpreting the language of this Chapter to determine the extent of the restriction on the use of the property, the language shall be interpreted, where doubt exists as to the intended meaning of the language, in favor of the property owner and against any implied extension of the restriction.

(Ord. 407B, 2/12/2001, §106)

§27-108. Municipal Liability.

The grant of a permit or approval under this Chapter shall not constitute a representation, guarantee or warranty of any kind by the Borough as to the safety of the proposed use and shall create no liability upon the Borough, its officials or employees.

(Ord. 407B, 2/12/2001, §108)

Part 2**Definitions****§27-201. Interpretation of Language.**

Unless otherwise expressly stated, the following words and phrases shall be construed throughout this Chapter to have the meaning indicated herein. Words used in the present tense include the future. The singular shall include the plural, and the plural shall include the singular. The word “building” includes the word “structure.” The phrase “used for” includes “arranged for,” “designed for,” “intended for,” “maintained for” or “occupied for.” The word “person” includes an individual, corporation, partnership, incorporated association or any other similar entity. The words “includes” or “including” shall not limit the term to the specified examples but are intended to extend their meaning to all other instances of like kind and character. The words “shall” and “will” are mandatory and not discretionary, and the word “may” is permissive. Terms not defined herein shall have the meaning customarily assigned to them.

(Ord. 407B, 2/12/2001, §200)

§27-202. Definition of Terms.

In this Chapter, words, terms and phrases shall have the following meanings:

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

Accessory use—a use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with such principal use.

Adult day-care center—a use operated for profit or non-for-profit in which daily living services are simultaneously provided for four or more nonresident older adult clients, who are not relatives of the operator, for part of a 24-hour day. Services provided to clients may include nursing, personal care, nutrition, social services, activities and emergency care. Adult day-care centers are regulated by the Pennsylvania Department of Aging. [Ord. 451]

Alteration—a change or rearrangement in the structural parts of an existing building or an enlargement, whether by extending on a side or increasing the height.

Apartment building—a structure containing three or more apartment units.

Apartment unit—One or more rooms with private bath and kitchen facilities comprising an independent, self-contained dwelling unit in a building.

Basement—an enclosed area partly or completely below grade. A basement shall be considered a story for the purpose of height measurement if the basement ceiling is 5 feet or more above the average grade level around the building.

Billboard—a sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.

Buildable area—the area of a lot remaining after the minimum (required) yard and open space requirements of this Chapter have been met.

Building—any structure used or intended for supporting or sheltering any use or occupancy.

Building coverage—the ratio obtained by dividing the ground floor of all principal and accessory buildings on a lot by the total area of the lot upon which buildings are located.

Building height—the vertical distance measured from the average level of the ground surrounding the structure to the top of the highest point of the roof for flat roofs and to the ridge of the gable, hip and gambrel roofs. Chimneys, spires, towers, mechanical equipment, penthouses, tanks, antennas and similar projections of the buildings not intended for human occupancy shall not be included in calculating the height.

Building line—a line parallel to the street right-of-way line which establishes the actual location of the front wall of the principal building on the lot.

Building setback line—a line parallel to the street right-of-way line at a distance therefrom at least equal to the depth of the front yard required for the district in which the lot is located.

Certificate of occupancy—a document issued by a duly authorized local authority allowing the occupancy or use of a building and certifying that the structure or use has been constructed or will be used in compliance with all applicable local codes and ordinances.

Club or lodge—a social, professional, philanthropic or similar organization characterized by the payment of dues, regular meetings and a constitution or by-laws. A building is used for club or lodge purposes when it serves as a meeting place for such organization and is not an adjunct to or operated by or in connection with a public tavern, café or similar public place.

Community residence facility, family-based—a dwelling, licensed by the appropriate State agency, shared by persons requiring special care and their supervisors who live together as a single housekeeping unit in a family-like environment. This facility is designed to create a residential environment for the developmentally disabled, mentally ill or retarded, handicapped or similar groups unable to live without the supervision. The maximum number of residents and supervisors in a facility shall not exceed five, which is the maximum number of unrelated persons permitted in a “family.” See definition of “family.”

Community residence facility, group-based—a licensed home or facility designed for persons unable to live without supervision, such as the handicapped, developmentally disabled, mentally ill and their supervisors. Unlike a family-based facility, the group-based facility shall be an institutional facility. This facility may also accommodate persons recovering from alcohol, drugs or similar addictions and provide for counseling, rehabilitation and supervision designed to mainstream residents back into society, enabling them to live independently.

Convenience store—a one-story retail store containing less than 3,500 square feet of gross floor area and being open 15 to 24 hours per day. It is designed to attract and depends upon a large volume of traffic. Examples of convenience stores

are the Wawa and 7-11 chains.

Conversion—a change in the use of a building; for example, the change of a single-family dwelling into a multi-family dwelling or the change of a retail use to office use. Such change may be accomplished without subdivision or the introduction of a new owner. Where the use and dimensional regulations of the Ordinance permit, such conversion may be accomplished by appropriate alteration upon the issuance of the necessary permits.

Day care center—a facility which is licensed to provide care for seven or more children unrelated to the operator, where the child care areas are not being used as a family residence.

Density—unless otherwise stipulated in this Chapter, the term “density” shall mean the maximum number of dwelling units per gross acre.

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

Development—any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, streets and other paving, utilities, dredging, filling, grading, excavation or drilling operations and the subdivision of land.

Dwelling—a building or unit designed and constructed for residential use.

Dwelling, single-family attached (town/rowhouse)—a single-family dwelling unit within a building which has at least one party wall in common with other dwelling units in the same row; a townhouse or rowhouse. After the effective date of this Chapter, no building shall have more than six attached units.

Dwelling, single-family detached—a building designed for and occupied exclusively as a residence for only one family with yards on all sides of the dwelling.

Dwelling, single-family semi-detached (twin)—two dwelling units, each accommodating one family, which are attached side by side by means of a party wall, with each dwelling unit having only one side yard.

Dwelling, two-family detached (detached duplex)—a dwelling unit designed or occupied exclusively as a residence for two families living independently of one another with yards on all side of the dwelling.

Dwelling unit—one or more rooms designed, occupied or intended for occupancy 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.

Existing court development—the section of the R-2 Residential District generally bounded by Aster Road to the east, Wister Drive to the west, Wister Drive to the north and Garden Court Road to the south in which the rear yards of the developed dwelling units are arranged in a courtyard fashion, divided by a shared walkway, for the purpose of providing open space.

Family—any number of individuals living together as a single housekeeping unit when said individuals are related by blood, marriage or adoption, including foster children; or no more than five unrelated individuals living together as a

single housekeeping unit with single kitchen facilities.

Family day care home—a home other than the child's own home, operated for profit or not-for-profit, in which childcare is provided at any one time to four, five or six children unrelated to the operator.

Flood—a temporary inundation of normally dry land area.

Flood hazard area—the 100-year floodway and that maximum area of land that is likely to be flooded by a 100-year flood, as shown on the floodplain maps as noted in §27-903.

Flood, one hundred-year—a flood that, on average, is likely to occur only once every 100 years; that is, one that has a 1 percent likelihood of occurring each year but may occur more than once in any 100-year period.

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

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

Floodway—the designated area of a floodplain required to carry and discharge flood waters of a given magnitude. The floodway shall be capable of accommodating a flood of the 100-year magnitude.

Floor area, gross—the sum of the gross horizontal areas of the several floors of a building measured from the exterior face of exterior walls or from the centerline of a wall separating two buildings, but not including interior parking spaces, loading space for motor vehicles or any space where the floor-to-ceiling height is less than 6 feet. Gross floor area also includes, but is not limited to, the following:

- (1) Elevator shaft, stairwell and attic space providing headroom of 6 or more feet.
- (2) The floor areas of roofed terraces, exterior balconies, breezeways or porches where over 50 percent of the perimeter is enclosed.
- (3) Any floor space used for dwelling purposes no matter where located within a building.

Freeboard—a margin of safety, expressed in feet above the 100-year flood elevation.

Freestanding building—any building located within a development site which is separate from any group or cluster development on such site and which shall comply with the regulations of the district in which it is located.

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

Gasoline station, self-service—a properly and/or place of business where

flammable or combustible liquids used as motor fuels are stored and dispensed from fixed equipment into the fuel tanks of motor vehicles by a person other than the service station attendant.

Identified floodplain area—the floodplain areas specifically identified in this Chapter as being inundated by the 100-year flood. Included are areas identified as Floodway (FOP) and Flood-Fringe (FF).

Impervious coverage or surface—the coverage of the lot area or tract area by materials that prevent the percolation of water into the soil and generate stormwater runoff, such as buildings, streets, parking areas, driveways and any other similar surfaces.

Landscaped planting area—an area landscaped with grass, ground cover, shrubs or similar plantings placed where required by this Chapter and permanently maintained. See §27-1214.

Loading space—an accommodation off the street for loading and unloading of trucks in the form of one or more truck berths located either within or outside a building on the same lot. Such spaces shall comply with §27-1007.

Lot—a parcel of land which is or may be occupied by a building and/or accessory structure or use, including open spaces and setbacks as are required within the district in which the lot is located.

Lot area—the total horizontal area within the lot lines of a lot.

Lot, corner—a lot bounded by streets on at least two sides. Both yards adjacent to streets shall be considered front yards.

Lot depth—the distance along a straight line measured from the midpoint of the front lot line to the midpoint of the rear lot line.

Lot line—a line of public record bounding a lot which divides one lot from another lot or from a public or private street or any other public space.

Lot line, front—the line separating the lot from the street right-of-way.

Lot line, rear—any lot line, except the front lot line, which is parallel to, or within 45 degrees of being parallel to, and does not intersect any street line, except in the case of corner lots.

Lot line, side—any lot line that is not a front or rear lot line.

Lot, minimum area of—the lot area established by the Ordinance on which a use or structure may be located in a particular district.

Lot width—the horizontal distance between the side lot lines measured at right angles to the lot depth at the building line.

Multi-tenant building—a building designed or converted to accommodate three or more commercial tenants. Each tenant shall operate a use that is permitted in the district where the building is located.

New construction—structures for which the “start of construction” commenced on or after the effective date of this Chapter and includes any subsequent improvements to such structures.

Nonconforming building or structure—a building or structure which does not comply with the provisions of this Chapter, as amended, where such building or structure lawfully existed prior to the effective date of this Chapter or of

amendments thereafter.

Nonconforming lot—any lawful lot which does not conform to one or more of the applicable provisions of the district in which it is located either on the effective date of this Chapter or of amendments thereafter.

Nonconforming use—a use, whether of land or a structure, which does not comply with the applicable provisions of this Chapter, where such use was lawfully in existence prior to the effective date of this Chapter or amendments thereafter.

Parking space—a reasonably level space, having a surface slope not exceeding 6 percent. Such space shall have an area as listed in Part 10, which shall be exclusive of passageways, driveways or other means of circulation or access.

Pennsylvania Municipalities Planning Code—Pennsylvania Act 247 of 1988 (P.L. 805), as amended, also cited as 53 P.S. 10101 *et seq.*, or any subsequent Act of the Commonwealth of Pennsylvania which replaces, supplements or repeals any or all of the provisions of Act 247.

Permit—written municipal permission issued by the appropriate local official empowering the holder thereof to do some act not forbidden by law, but not permitted without such authorization.

Planted visual screen—a strip of trees or hedges adjacent to the boundary of a property which, at time of planting, shall be not less than 6 feet high and of sufficient density to constitute an effective visual screen and thereby give visual protection to abutting properties. Such screen shall consist primarily of dense evergreens which shall be planted not farther than 7 feet from one another. Such screens shall be permanently maintained. Deciduous trees may be added to create interest and variety.

Principal building or use—a building or use which is the primary building or use on a lot as distinguished from a building or buildings relating to an accessory, incidental or subordinate use. The primary purpose for which land, a building or a subordinate structure or the use thereof is designed, arranged or intended.

Recreational area—a place designed and equipped for the conduct of sports, leisure time activities and other customary and usual recreational activities.

Regulatory flood elevation—the 100-year flood elevation plus a freeboard as established by the Federal Emergency Management Agency (FEMA).

Restaurant, drive-through (fast food)—any premises used for the sale of food, refreshments and nonalcoholic beverages, the design or method of operation of which includes the serving of food and beverages in disposable containers where food or beverages are not normally delivered to the customer's table by an employee of the restaurant. Such restaurant may also include the delivery of food and beverages directly from the restaurant to the customer in his or her motor vehicle.

Restaurant, standard or sit-down—any premises used for the sale, dispensing and/or serving of food, refreshments or beverages where the customer is normally involved with an individual menu and is served by a restaurant employee at the table, booth or counter at which said items are consumed.

Right-of-way (row)—land acquired by reservation, dedication, prescription, condemnation or other legal manner and occupied or intended to be occupied by a street, crosswalk, electric transmission line, oil or gas pipeline, water line,

watercourse or similar uses.

Right-of-way line—the line that forms the boundary of a right-of-way.

Satellite antenna—an antenna together with all attachments and parts, the purpose of which is to receive communication from orbiting satellites. Such antennas shall comply with §27-1209.

Setback—the distance between the street right-of-way line or a lot line and any building on a lot.

Setback, required—the minimum distance from the street right-of-way line or any other lot line that establishes the area, commonly known as the “building envelope,” within which the principal structure must be erected or placed.

Shed—an accessory structure for the storage of household and garden related items, automotive parts or similar items, products, tools or equipment.

Shopping center—a group of commercial establishments planned, constructed and managed as a total entity, including both attached buildings and freestanding buildings with customer and employee parking provided on site.

Shopping center development—a group of commercial establishments planned, constructed and managed as a total entity, where each establishment has an individual entrance from the parking area or street, and where customer and employee parking is shared and provided on-site. [Ord. 442]

Sign—any object, device, display or illustration which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, numbers or symbols.

Sign, accessory use—a sign which identifies a home occupation.

Sign, advertising cloth—a sign which has its letters or design applied to cloth, canvas or other flexible material which is durable and weather resistant.

Sign area—the entire face of a sign including the advertising surface and framing, trim or molding, but not including the supporting structure.

Sign, awning or canopy—a sign that is mounted or painted on or attached to an awning, canopy or other fabric, plastic or structural protective cover over a door, entrance, window or outdoor service area.

Sign, changeable copy—a sign or portion thereof with characters, letters or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than 8 times per day shall be considered an animated sign and not a changeable copy sign for purposes of this Chapter. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be considered a “time and temperature sign” and not a changeable copy sign for purposes of this Chapter.

Sign, curb or sidewalk—a movable sign which is not secured or attached permanently to the ground.

Sign, directional—a sign limited to directional messages principally for pedestrians or vehicular traffic, such as “entry” or “exit,” “one way,” “loading” or “service area,” “fire lanes,” “parking” or a similar sign incidental to the primary use

and not itself advertising or naming that use except as required by law.

Sign face—the area or display surface used for the message.

Sign, freestanding—a detached sign which shall include any sign placed upon or in the ground, supported by a post, stake, etc., and not attached to any building.

Sign, ground—a freestanding sign other than a sign supported by a post or pylon placed upon or supported by the ground independent of any other structure. The top edge of the sign shall not exceed a height of 6 feet.

Sign, identification—a sign giving the nature, logo, trademark or other identifying symbol, address or any combination of the name, symbol and address of a building, business, development or establishment on the premises where it is located.

Sign, illuminated—a sign lighted by or exposed to artificial lighting either by lights on or in the sign or directed towards the sign.

Sign, incidental—a sign, generally informational, that has a purpose secondary to the use of the property on which it is located, such as “no parking,” “entrance,” “loading only,” “telephone” and other similar directives. No sign with a commercial message legible from a position off the lot on which a sign is located shall be considered incidental.

Sign, menu—a sign which depicts the menu of food and/or drink for sale at an eating or drinking establishment.

Sign, nameplate—a sign indicating only the name and/or profession and address of the person(s) residing or legally occupying the premises.

Sign, projecting—a sign that is wholly or partly dependent upon a building for support and which projects more than 12 inches from such building

Sign, sales or price change—a type of temporary sign that has a high turnover, such as those advertising “sales” and frequent price changes. These signs are most commonly found on windows/doors of supermarkets, grocery stores and beverage distributors. In most cases, these signs are constructed of paper, cardboard or other lightweight materials.

Sign structure—the supports, uprights, braces and framework of the sign.

Sign, temporary—a sign that is used in connection with an event, situation or circumstance that is designed or intended to take place or be completed within 30 days after the permit for the sign was issued or is intended to remain on the location where it is placed or erected for not more than 30 days.

Sign, wall—a sign posted on, painted on, suspended from or otherwise affixed to a wall or vertical surface of a building which does not project more than 12 inches from the wall or vertical surface to which it is attached.

Sign, window—a sign attached or affixed to a window or door.

Special exception—a use permitted in a particular district(s) pursuant to review by the Zoning Hearing Board, in accordance with Articles VI and IX of the Municipalities Planning Code, 53 P.S. §§10601 *et seq.*, 10901 *et seq.*, and Parts 13 and 14 of this Chapter.

Street—a public or private way used or intended to be used as a means of vehicular and pedestrian travel, access to abutting properties and space for public

utilities which is improved to the satisfaction of the Borough.

Street line (street right-of-way)—the line dividing the street and the abutting property. The street line shall be the same as the right-of-way line.

Structure—anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground.

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

Substantial improvement—any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred “substantial damage” regardless of the actual repair work performed. This term does not, however, include either:

(1) Any project for improvement of a structure to correct existing violations of State or local health, sanitary or safety code specifications which have been identified by the local CEO and which are the minimum necessary to assure safe living conditions.

(2) Any alteration of an “historic structure,” provided that the alteration is undertaken in compliance with the standards set forth in the Secretary of the Interior’s *Standards for Rehabilitation* (available for viewing at the Delaware County Planning Department), and that any such alteration will not preclude the structure’s continued designation as an “historic structure.”

Swimming pool (private)—any body of water, tank or receptacle of water having a depth at any point of more than 2 feet used or intended to be used for swimming or bathing solely by the owner, his family and guests of the household and constructed, installed, established or maintained outside any building in or above the ground upon any premises as an accessory use to the residence.

Townhouse building—a building containing single-family attached dwelling units (townhouse units) in which each townhouse unit is attached only by a party wall or walls to one or two other townhouse units. Townhouse buildings erected after the effective date of this Chapter shall contain not more than six attached units.

Tract—an area, lot, parcel, site or property which is the subject of a subdivision and/or land development.

Tract area—the total acreage of a subdivision or land development. Tract area shall be measured to the ultimate right-of-way line of public streets.

Variance—relief granted pursuant to Articles VI and IX of the Pennsylvania Municipalities Planning Code, 53 P.S. §§10601 *et seq.*, 10901 *et seq.*, and Part 14 of this Chapter.

Yard—an unobstructed open space on the same lot with a principal building which extends from a street line or lot line inward to the principal building.

Yard, front—a yard extending the full width of the lot, the depth of which extends from the front lot line to the nearest point of the principal building.

Yard, rear—a yard extending the full width of the lot, the depth of which extends from the rear lot line to the nearest point of the principal building.

Yard, required—the open space between a lot line and the buildable area within which no structure shall be located except as provided in this Chapter.

Yard, side—a yard extending between the inside lines of the front and rear yards and extending in width from the side lot line to the nearest point of the principal building.

(*Ord. 407B*, 2/12/2001, §201; as amended by *Ord. 442*, 4/14/2014, §3; and by *Ord. 451*, 11/17/2015, §I)

Part 3**R-1 Residential District****§27-301. Purposes.**

The purposes of this District are to permit and preserve single-family, medium-density residential development, to create and maintain open space and to provide for certain uses by special exception.

(*Ord. 407B, 2/12/2001, §300*)

§27-302. Uses Permitted by Right.

Land, buildings or premises shall be permitted by right for only one or more of the following uses:

- A. Single-family detached dwellings.
- B. Single-family semi-detached dwellings (twin).
- C. Park, playground or recreational area.
- D. Community residence facility, family-based, subject to §27-1212.

(*Ord. 407B, 2/12/2001, §301*)

§27-303. Uses Permitted by Special Exception.

The following uses shall be permitted by special exception only, subject to the applicable provisions of Parts 12 and 13:

- A. Municipal or public use.
- B. Public utility, except high impact uses such as garages and storage areas.

(*Ord. 407B, 2/12/2001, §302*)

§27-304. Accessory Uses and Structures.

The following accessory uses and structures shall be permitted:

- A. Fence, subject to §27-1206.
- B. Private swimming pool, by special exception, subject to §27-1304.
- C. Satellite antenna, subject to §27-1209.
- D. Storage or utility shed, subject to §27-1210.
- E. Deck, subject to §27-1211.
- F. Off-street parking, subject to Part 10.
- G. Signs, subject to Part 11.
- H. Any accessory use on the same lot with and customarily incidental to any use permitted in this District and not detrimental to the neighborhood.

(*Ord. 407B, 2/12/2001, §303*)

§27-305. Area and Bulk Regulations.

Unless specifically stated otherwise, the following shall be minimum requirements:

- A. *Single-Family Detached Dwelling.*
- (1) Lot area—5,000 square feet.
 - (2) Lot width and frontage—50 feet.
 - (3) Front yard—25 feet; 10 feet on the long side of a corner lot.
 - (4) Side yard—20 feet aggregate and 8 feet minimum.
 - (5) Rear yard—20 feet.
 - (6) Building coverage—35 percent, maximum.
 - (7) Impervious surface—55 percent, maximum.
 - (8) Height—30 feet or 2 stories, maximum.
- B. *Single-Family Semi-Detached Dwelling.*
- (1) Lot area—2,500 square feet.
 - (2) Lot width—25 feet.
 - (3) Front yard—25 feet; 10 feet on the long side of a corner lot.
 - (4) Side yard—8 feet.
 - (5) Rear yard—20 feet.
 - (6) Building coverage—40 percent, maximum.
 - (7) Impervious surface—60 percent, maximum.
 - (8) Height—30 feet or 2 stories, maximum.

(Ord. 407B, 2/12/2001, §304)

Part 4**R-2 Residential District****§27-401. Purposes.**

The purposes of this District are to protect, preserve and maintain existing medium- and high-density residential development in the District, to provide for adequate standards and open spaces to assure that proposed development will produce a desirable living environment and not create excessive traffic and to provide for continued development with a variety of dwelling types.

(*Ord. 407B, 2/12/2001, §400*)

§27-402. Uses Permitted by Right.

Land, buildings or premises shall be permitted by right for only one or more of the following uses:

- A. Single-family semi-detached dwellings (twin).
- B. Single-family attached dwellings (rowhouse).
- C. Two-family detached dwellings (detached duplex).
- D. Community residence facility, family-based, subject to §27-1112.
- E. Park, play or recreational area.

(*Ord. 407B, 2/12/2001, §401*)

§27-403. Uses Permitted by Special Exception.

The following uses shall be permitted by special exception only. In structures where courtyards make up the rear yards, uses permitted by special exception shall only be located in the front yards. All special exceptions are subject to the provisions of Parts 12 and 13.

- A. All uses permitted by special exception in the R-1 Residential District.

(*Ord. 407B, 2/12/2001, §402*)

§27-404. Accessory Uses and Structures.

The following accessory uses and structures shall be permitted:

- A. All accessory uses and structures as permitted in the R-1 Residential District.

(*Ord. 407B, 2/12/2001, §403*)

§27-405. Accessory Structures for Existing Court Developments.

Accessory uses and structures situated in existing court developments (as defined in Part 2) shall be permitted only by special exception in the front yards. This is required because the “existing court developments” consist of attached duplex dwellings where main pedestrian entrances face an interior courtyard, and the rear entrances face the public street. For the purpose of preserving the integrity of the open space of the courtyards, no accessory structure shall be permitted in the rear yards of said

developments. See Part 13, parts of which relate to accessory structures in the existing court developments.

(Ord. 407B, 2/12/2001, §404)

§27-406. Area and Bulk Regulations.

Unless specifically stated otherwise, the following shall be minimum requirements:

A. *Single-Family Semi-Detached Dwellings (Twin).*

- (1) Lot area—2,500 square feet.
- (2) Lot width—30 feet.
- (3) Front yard—15 feet.
- (4) Side yard—10 feet.
- (5) Rear yard—25 feet.
- (6) Building coverage—50 percent, maximum.
- (7) Impervious—70 percent, surface maximum.
- (8) Height—35 feet or 3 stories, maximum.

B. *Single-Family Attached Dwellings (Rowhouse / Townhouse).*

- (1) Lot size—1,700 square feet.
- (2) Lot width—20 feet.
- (3) Front yard—15 feet.
- (4) Side yards—10 feet on each side of row.
- (5) Rear yard—25 feet.
- (6) Building coverage—55 percent, maximum.
- (7) Impervious surface—75 percent, maximum.
- (8) Units in row—6 maximum.
- (9) Height—35 or 2 stories, maximum.

C. *Two-Family Detached Dwellings (Detached Duplex).*

- (1) Lot area—4,250 square feet.
- (2) Lot width—50 feet.
- (3) Front yard—15 feet.
- (4) Side yards—20 feet aggregate and 8 feet minimum.
- (5) Rear yard—25 feet.
- (6) Building coverage—30 percent, maximum.
- (7) Impervious surface—55 percent, maximum.
- (8) Height—35 feet or 2 stories, maximum.

(Ord. 407B, 2/12/2001, §405)

Part 5**NBD Neighborhood Business District****§27-501. Purpose.**

The purpose of this District is to promote, protect, maintain and preserve the existing variety of retail, service and other commercial uses in this District, which is intended to serve local customers.

(*Ord. 407B, 2/12/2001, §500*)

§27-502. Uses Permitted by Right.

Land, buildings or premises shall be permitted by right for only one or more of the following uses:

A. Retail store, including general merchandise, hardware or variety store, electronics store, gift shop, pharmacy or similar establishment, provided that the activity is in an enclosed building.

B. Personal services shop, including barber, beautician, shoe repair, tailor, fitness salon, laundromat or laundry (where actual cleaning and pressing are done off premises) and related personal services.

C. Eating and drinking establishments, including standard restaurant, pizza shop, delicatessen or tavern. Drive-through fast-food eateries shall not be permitted.

D. General service and repair such as furniture, watches, radio, television or appliance repair, excluding the service or repair of heavy items/equipment, automobiles and similar items, provided that the activity is conducted in an enclosed building.

E. Professional or business office, except medical office.

F. Mixed use, where offices and/or apartments are located above retail establishments or apartments are above offices.

G. Any use of the same general character as any of the uses permitted above.

H. Drive-in or drive-through establishments shall not be permitted.

(*Ord. 407B, 2/12/2001, §501*)

§27-503. Uses Permitted by Special Exception.

The following uses shall be permitted by special exception only, subject to the applicable provisions of Parts 13 and 14:

A. Food store, including grocery store, bakery, confectionery or similar establishment where goods are sold at retail, except for convenience stores, subject to §27-1312.

(*Ord. 407B, 2/12/2001, §502*)

§27-504. Accessory Uses and Structures.

The following accessory uses and structures shall be permitted:

A. All accessory uses and structures permitted in the R-1 Residential District, except swimming pools.

B. Any accessory use on the same lot with and customarily incidental to any of the uses permitted above and not detrimental to the neighborhood.

(Ord. 407B, 2/12/2001, §503)

§27-505. Area and Bulk Regulations.

Unless specifically stated otherwise, the following shall be minimum requirements:

A. Lot area—6,250 square feet.

B. Lot width—50 feet.

C. Street frontage—50 feet.

D. Front yard—

(1) In built up block—not less than the prevailing front yard setback distance on the block.

(2) In other areas—10 feet.

E. Side yards—

(1) Detached structures—10 feet on both sides.

(2) Semi-detached structures—10 feet.

(3) Attached structures—10 feet on each side of row.

F. Rear yard—25 feet.

G. Building coverage—60 percent, maximum.

H. Impervious surface—80 percent, maximum.

I. Height—40 feet or 3 stories, maximum.

(Ord. 407B, 2/12/2001, §504)

§27-506. Special Development Regulations.

1. Each permitted use shall provide and maintain attractively landscaped grounds and include screening necessary to protect adjacent residential properties.

2. Screening and landscaping shall be provided in accordance with all applicable provisions of §§27-1213 and 27-1214.

3. Any new construction or addition to the facade of a building shall be in harmony with the architectural character of nearby buildings in terms of style, size, proportion and materials.

4. All signs, lighting, benches and similar structures shall be designed and built in keeping with the architectural character and theme of buildings in the NBD Neighborhood Business District.

5. All applicable provisions of Parts 10, “Parking,” and 11, “Signs,” shall be followed.

(Ord. 407B, 2/12/2001, §505)

Part 6**GBD General Business District****§27-601. Purposes.**

The purposes of this District are to provide for a range of highway-oriented retail, automotive and service type business activities which ordinarily require main highway locations and serve transient as well as regional and local customers and to provide sufficient space for automobile-related merchandising, including the provision of off-street parking facilities. Provisions are also included to allow and regulate uses with greater impacts that are permitted by special exception.

(Ord. 407B, 2/12/2001, §600)

§27-602. Uses Permitted by Right.

Land, buildings or premises shall be permitted by right for only one or more of the following uses:

- A. All uses permitted by right or special exception in the NBD Neighborhood Business District, except mixed-use arrangements.
- B. New automobile dealer, including sales, leasing and service facilities.
- C. Convenience store, as defined in Part 2.
- D. Drive-through establishment, such as a restaurant, bank, camera film developing center or similar drive-through uses.
- E. Medical, dental or similar office or clinic.
- F. Newspaper or printing establishment or similar use.
- G. Tradesman's shop, including carpenter, plumber, electrician or similar use.
- H. Insurance or real estate office.
- I. Bank or other financial institution.
- J. Club, lodge or nonprofit organization, as defined in Part 2 of this Chapter.
- K. Permitted uses may be developed on individual lots or on larger tracts in shopping center fashion.

(Ord. 407B, 2/12/2001, §601)

§27-603. Uses Permitted by Special Exception.

The following uses shall be permitted by special exception only, subject to the applicable provisions of Parts 13 and 14:

- A. Automobile maintenance and repair shop, subject to §27-1310.
- B. Funeral home or mortuary, subject to §27-1311.
- C. Gasoline service station and car wash, subject to §§27-1308 and 27-1309, respectively.

(Ord. 407B, 2/12/2001, §602)

§27-604. Accessory Uses and Structures.

The following accessory uses and structures shall be permitted:

A. All accessory uses and structures permitted in the NBD Neighborhood Business District.

B. Any accessory use on the same lot with and customarily incidental to any of the uses permitted above and not detrimentally to the neighborhood.

(Ord. 407B, 2/12/2001, §603)

§27-605. Area and Bulk Regulations.

Unless specifically stated otherwise, the following shall be minimum requirements:

A. *Nonresidential Uses.*

(1) Tract area—22,500 square feet.

(2) Tract width—150 feet.

(3) Lot area—7,500 square feet.

(4) Lot width—70 feet.

(5) Front yard—

(a) In built up block—not less than the prevailing front yard setback on the block.

(b) In other areas—10 feet.

(6) Side yards—

(a) Detached structures—10 feet on each side.

(b) Semi detached structures—10 feet.

(c) Attached structures—10 feet on each side of row.

(7) Distance between buildings—20 feet.

(8) Rear yard—15 feet, which shall be increased to 25 feet where the lot abuts a residential use or district.

(9) Building coverage—50 percent, maximum.

(10) Impervious surface—80 percent, maximum.

(11) Height—40 feet or 3 stories, maximum.

(Ord. 407B, 2/12/2001, §604)

§27-606. Special Development Regulations.

1. Each permitted use shall provide and maintain attractively landscaped grounds and include screening necessary to protect adjacent residential or institutional properties in accordance with §§27-1213 and 27-1214.

2. Any new construction or addition to the facade of a building shall be in harmony with the architectural character of nearby buildings in terms of style, size, proportion and materials.

3. All uses except parking lots shall be completely enclosed in a building.

4. All parking areas, driveways and loading areas shall be provided with a lighting system to adequately meet the needs of the area. All lighting shall be shielded

from traffic on any public right-of-way.

5. All signs, lighting, benches and similar structures shall be designed and built in keeping with the architectural character and theme of buildings in the NBD Neighborhood Business District and adjacent residences, as recommended in the Millbourne Comprehensive Plan of 1997.

6. No plan or proposal shall be approved which is likely to create substantial traffic hazards. Safety requirements that may be required shall include traffic control devices, acceleration or deceleration lanes, turning lanes, traffic and lane markings and signs.

7. All applicable provisions of Part 10, "Parking," and Part 11, "Signs," shall be followed.

(Ord. 407B, 2/12/2001, §605)

Part 7**PCD Planned Commercial District****§27-701. Purposes.**

The primary purpose of this District is to provide for commercial and office establishments intended to serve the neighborhood, local community and neighboring communities by allowing commercial and office uses on individual lots or on a tract arranged in shopping center or office park fashion. It is hoped that the development of this District will be transit oriented, taking advantage of the SEPTA Market Street Elevated Line, to allow for uses consistent with the public transportation system and which will encourage greater usage of the public transportation system. Specific development standards are provided to control and guide development in the district. (*Ord. 407B*, 2/12/2001, §700; as amended by *Ord. 424*, 7/20/2009, §1)

§27-702. Uses Permitted by Right.

Land, buildings or premises shall be permitted by right for only one or more of the following uses:

- A. Retail store, including general merchandise, hardware, home improvement, electronic products, apparel or pharmacy.
- B. Food store, including grocery, delicatessen, supermarket and bakery.
- C. Eating and/or non-alcoholic drinking establishment, including sit down restaurant and fast-food restaurant, provided that it is attached to a group of stores.
- D. Personal service shop, including barber, beauty shop, shoe repair, tailor, dry cleaning, laundromat or laundry where actual cleaning and pressing are done off premises.
- E. Office, office building, studio, bank or other financial institution.
- F. Medical or dental office.
- G. Place of indoor amusement or recreation, including casino or slots parlor.
- H. Health club or spa.
- I. Hotel.
- J. Mixed use, with retail uses on the ground floor and office uses above the ground floor.
- K. Shopping center development with attached commercial/office uses consisting of some or all the above-state uses.

(*Ord. 407B*, 2/12/2001, §701; as amended by *Ord. 424*, 7/20/2009, §1)

§27-703. Uses Permitted by Special Exception.

The following uses shall be permitted by special exception only, subject to the applicable provisions of Parts 13 and 14:

- A. Public parking indoor garage combined mixed use with any use by right

permitted by §27-702, subject to §27-1315.

B. Any use of the same general character as §27-702, subject to the requirements of Part 13.

(*Ord. 407B*, 2/12/2001, §702; as amended by *Ord. 424*, 7/20/2009, §1)

§27-704. Accessory Uses and Structures.

The following accessory uses and structures shall be permitted:

A. Parking, subject to Part 10 and provided that such parking is in support of the use permitted by §§27-702 or 27-703 and is provided without charge.

B. Signs, subject to Part 11.

C. Storage facilities, subject to §27-706.4 below.

D. Satellite antenna, subject to §27-1209.

E. Restaurant, gift shop or similar use as accessory to hotel, provided that such accessory use is within the hotel and does not stand alone.

(*Ord. 407B*, 2/12/2001, §703; as amended by *Ord. 424*, 7/20/2009, §1)

§27-705. Area and Bulk Regulations.

Unless specifically stated otherwise, the following shall be minimum requirements:

A. *Individual Lots.*

(1) Lot area—1½ acres.

(2) Street frontage—175 feet.

(3) Front yard—50 feet.

(4) Side yards—25 feet each.

(5) Rear yard—30 feet unless it abuts residential property, in which case such yards shall be 50 feet.

(6) Building coverage—25 percent maximum.

(7) Height—3 stories or 50 feet.

B. *Shopping Center Development.* Shopping center development shall refer to development in accordance with unified architectural, building and land use standards with either attached, detached or both types of buildings.

(1) Tract area—5 acres.

(2) Tract width—200 feet at the building line.

(3) Building setbacks—50 feet from the street line and from side and rear property lines.

(4) Distance between buildings—50 feet.

(5) Building coverage—25 percent coverage of the lot or tract, maximum.

(6) Impervious surface—65 percent of the lot or tract, maximum.

(7) Height—3 stories or 50 feet, maximum.

(*Ord. 407B*, 2/12/2001, §704)

§27-706. Special Development Regulations.

1. *Planted Buffer.*

A. There shall be a planted buffer area adjacent to the property line between this District and any residential use or district. Such planted buffer area, consisting of evergreen trees and shrubs with the evergreen trees planted at not less than 8-foot intervals, shall be not less than 8 feet wide, with the trees being not less than 5 feet high at the time of planting.

B. An existing wooded area or similar natural barrier may take the place of the required buffer.

2. *Landscaping.*

A. Landscaping, consisting of shrubs, trees or other plantings, shall be provided in front of all buildings on individual lots or, in the case of commercial establishments arranged in attached fashion, between the parking lot and the building(s). Such landscaping area shall not be less than 4 feet wide.

B. Landscaping shall also be provided in high visibility areas such as along exterior and interior roadways, between individual parking areas and to break up continuous rows of parking. Such landscaping shall be provided in accordance with a landscaping plan approved by Borough Council and the Borough Engineer.

C. Any portion of a lot or tract which is not used for buildings or other structures, loading or parking spaces or aisles or designated storage areas shall be landscaped in accordance with a landscaping plan approved by Borough Council and the Borough Engineer.

3. *Interior Circulation, Access and Traffic Control.*

A. The entrance road from the exterior roadway shall be not less than 30 feet wide.

B. The interior circulation of traffic on a lot or tract shall be designed so that no driveway or street providing parking spaces shall be used as a through street. If parking spaces are indicated by lines with angles other than 90 degrees, then traffic lanes shall be restricted to one-way to permit head-in parking. No driveway or street used for interior circulation shall have traffic lanes less than 10 feet in width.

C. Areas provided for loading and unloading of delivery trucks and other vehicles and for the servicing of shops by refuse collection, fuel and other service vehicles shall be adequate in size and shall be so arranged that they may be used without blockage or interference with the use of accessways or automobile parking facilities.

D. All accessways to any public street or highway shall be located at least 200 feet from the intersection of any two street lines and shall be designed in a manner conducive to safe ingress and egress. Where practicable, exits shall be located on minor, rather than major, streets or highways.

E. No plan or proposal shall be approved which is likely to create substantial traffic hazards endangering the public safety. Safety requirements that may be imposed, where appropriate in such a review, shall include traffic control devices, acceleration or deceleration lanes, turning lanes, traffic and lane markings and signs. The developer shall be responsible for the construction of such traffic control devices.

4. *Storage.*

A. No storage or display of merchandise, articles or equipment shall be permitted outside of a building, unless authorized as a special exception.

B. When such outside storage is authorized as a special exception, such material shall be screened by opaque ornamental fencing, walls or evergreen planting so that it cannot be seen from adjoining streets or parking areas when viewed by a person standing at ground level.

5. *Refuse.* All rubbish shall be contained in vermin-proof containers that shall be screened from public view.

6. *Lighting.* All parking areas, driveways and loading areas shall be provided with a lighting system designed to adequately meet the needs of the area. All direct lighting shall be completely shielded from traffic on any driveway or street and from any residential district.

7. *Building Design.*

A. All buildings designed and arranged in attached fashion shall follow a unified architectural scheme.

B. All pedestrian entrances shall be paved with an all-weather surface. Curbing shall be provided to separate parking, access, streets and driveways.

C. All signs shall be designed so as to be harmonious and consistent, in terms of size, design and color scheme, with those of nearby uses or buildings, particularly in the case of shopping center development.

(Ord. 407B, 2/12/2001, §705)

Part 8**C-INS Commercial-Institutional District****§27-801. Purposes.**

The purposes of this District are to provide for a wide range of highway-oriented commercial uses that usually require main highway locations and to allow a variety of institutional uses which are limited in size and primarily intended to provide locations for institutional uses to serve the needs of the local population.

(*Ord. 407B, 2/12/2001, §800*)

§27-802. Uses Permitted by Right.

Land, buildings or premises shall be permitted by right for only one or more of the following uses:

A. All uses permitted by right in the GBD General Business District, subject to the regulations of Part 6.

B. Municipal building or other public or quasi-public use, such as a civic center or library.

(*Ord. 407B, 2/12/2001, §801*)

§27-803. Uses Permitted by Special Exception.

The following uses shall be permitted by special exception only, subject to the applicable provisions of Parts 13 and 14:

A. All uses permitted by special exception in §27-603 of the General Business District.

B. Church or other place of worship, subject to §27-1316.

C. School, subject to §27-1316.

D. Day care center, subject to §27-1317.

E. Adult day-care center, subject to §27-1318. [*Ord. 451*]

F. Any legitimate use not otherwise provided for elsewhere in this Chapter. [*Ord. 451*]

(*Ord. 407B, 2/12/2001, §802; as amended by Ord. 451, 11/17/2015, §II*)

§27-804. Accessory Uses and Structures.

The following accessory uses and structures shall be permitted:

A. Storage or utility shed, subject to §27-1210.

B. Fence, subject to §27-1206.

C. Off-street parking, subject to Part 10.

D. Satellite antenna, subject to §27-1209.

E. Signs, subject to Part 11.

(*Ord. 407B, 2/12/2001, §803*)

§27-805. Area and Bulk Regulations.

Unless specifically stated otherwise, the following shall be minimum requirements:

- A. Lot area—5,000 square feet.
- B. Lot width—50 feet.
- C. Front yard—10 feet.
- D. Side yards—
 - (1) Detached structures—10 feet on each side.
 - (2) Semi-detached structures—10 feet.
 - (3) Attached structures—10 feet on each side of row.
- E. Rear yard—15 feet.
- F. Building coverage—60 percent, maximum.
- G. Impervious surface—85 percent, maximum.
- H. Height—40 feet or three stories, maximum.

(Ord. 407B, 2/12/2001, §804)

§27-806. Special Development Regulations.

1. Each permitted use shall provide and maintain landscaped grounds and include screening in accordance with the applicable provisions of §§27-1213 and 27-1214.

2. Refuse disposal shall comply with §27-1207.

3. The applicable provisions of Part 10, “Parking,” and Part 11, “Signs,” shall be followed.

4. Lighting shall be designed, arranged and placed to adequately illuminate walkways and parking areas for the safety and convenience of motorists and pedestrians and to protect the street and neighboring residential properties from excessive glare and hazardous interference.

(Ord. 407B, 2/12/2001, §805)

Part 8A**Transit Oriented Development (TOD) Overlay District****§27-8A01. Purpose.**

1. To encourage transit-oriented development of Borough tracts in proximity to train stations including Millbourne Station, 63rd Street Station, and 69th Street Transportation Center, adjacent roadways, and the Cobbs Creek into integrated, transit oriented, mixed-use developments including commercial, residential, institutional and civic uses, and recreational and open spaces.

2. To improve the economic competitiveness of the area by building on existing transit assets, Millbourne's centralized location relative to the City of Philadelphia and the urbanized eastern portions of Delaware and Montgomery Counties, and proximity to Cobbs Creek Park.

3. To create a pedestrian-friendly environment that directly connects commercial and residential uses, the train stations and nearby or adjacent roads, and trails, thereby encouraging walking, bicycling and transit use.

4. To create small neighborhood or area identities with compact development oriented towards public transportation that promotes pedestrian activities, human interaction, safety and livability.

5. To preserve open space, even in small pockets, and the scenic amenities and recreational potential of Millbourne and the immediately surrounding area.

(*Ord. 407B*, 2/12/2001, §800-A; as added by *Ord. 442*, 4/14/2014, §1)

§27-8A02. Applicability.

1. The Transit Oriented Development (TOD) Overlay District is an overlay that shall apply to tracts of land in the Planned Commercial District (PCD), General Business District (GBD), and the Commercial-Institutional District (C-INS).

2. In this TOD-Overlay District development shall be subject to the provisions of this Part as well as the provisions of the underlying zoning district. Where there is a conflict between the provisions of this Part and those of the underlying district the provisions of this Part shall apply.

3. Development in the Overlay shall be subject to the provisions for land development in the latest adopted version of the Delaware County Subdivision and Land Development Ordinance, and all applicable municipal codes and ordinances.

(*Ord. 407B*, 2/12/2001, §801-A; as added by *Ord. 442*, 4/14/2014, §1)

§27-8A03. Review Procedure.

Development within the TOD-Overlay District shall occur according to the following procedures:

A. A sketch plan, (SP), for any proposed development may be submitted to the Borough Council to advise them of the general scope and characteristics of said development.

(1) The sketch plan shall contain and denote those items, features and

characteristics of the site and proposed development as required for land developments in the latest adopted version of the Delaware County Subdivision and Land Development Ordinance and all applicable municipal codes and ordinances.

(2) The Borough Council shall review the sketch plan and advise the applicant/developer of any comments and desired revisions.

B. A preliminary development plan (PDP) for any proposed development may be submitted to the Borough Council after approval of the sketch plan. The PDP shall contain and denote those items, features and characteristics of the site and proposed development as required for land developments in the latest adopted version of the Delaware County Subdivision and Land Development Ordinance and all applicable municipal codes and ordinances. The PDP shall also contain the following additional items:

(1) Real estate market analysis of the development potential of the site. The analysis shall consider potential demand for, residential and commercial (retail, service and office) uses.

(2) Analysis of potential impacts of the development and projected infrastructure needs.

(3) A traffic study.

C. The Borough Council shall review the PDP and advise the applicant/developer of any comments and desired revisions.

D. A final development plan (FDP) shall be submitted to the Borough Council for approval. The FDP shall contain and denote those items, features and characteristics of the site and proposed development as required for land developments in the latest adopted version of the Delaware County Subdivision and Land Development Ordinance and applicable municipal codes and ordinances.

E. Building and/or construction permits for specific land development and subdivision plans for all or portions of the site or phases of development shall be issued pursuant to consistency with the approved FDP.

(*Ord. 407B, 2/12/2001, §802-A; as added by Ord. 442, 4/14/2014, §1*)

§27-8A04. Uses Permitted by Right.

The following uses, and no others, shall be permitted by right in this district:

- A. Those uses permitted by-right in the underlying zoning district.
- B. Farmers markets and community gardens.
- C. Nursery, agricultural products, home and garden store or similar establishment.
- D. Municipal government offices and facilities.
- E. Civic, cultural and community facilities.
- F. Transit stations and associated parking and infrastructure, including bicycle parking facilities.
- G. Park, open space, and outdoor recreational facilities such as playgrounds or tot-lots, sports fields and facilities, and multi-use trails accommodating walkers,

bikers and other recreational users.

H. Townhouse residences.

I. Apartment units and/or apartment buildings.

J. Mixed-uses with retail or other commercial uses on the ground-floor and offices and apartment units on the upper stories.

(*Ord. 407B*, 2/12/2001, §803-A; as added by *Ord. 442*, 4/14/2014, §1)

§27-8A05. Uses Permitted by Special Exception.

The following uses shall be permitted by special exception only, subject to the applicable provisions of Parts 13 and 14:

A. Those uses permitted by special exception in the underlying zoning district.

(*Ord. 407B*, 2/12/2001, §804-A; as added by *Ord. 442*, 4/14/2014, §1)

§27-8A06. Conditional Uses.

Unattached, free-standing uses, shopping center development, and apartment buildings with more than three stories and greater than 40 feet in height.

(*Ord. 407B*, 2/12/2001, §804-B; as added by *Ord. 442*, 4/14/2014, §1)

§27-8A07. Accessory Uses and Structures.

1. Those uses and structures permitted in the underlying zoning district.

2. Plazas, squares, courtyards and urban gardens or other green space.

3. Outdoor seating and dining areas for eating and drinking establishments.

4. Any accessory use on the same lot with and customarily incidental to the principal use(s) on the property and not detrimental to the area.

(*Ord. 407B*, 2/12/2001, §805-A; as added by *Ord. 442*, 4/14/2014, §1)

§27-8A08. Development Standards.

Development may occur in the TOD–Overlay District on individual lots or in a planned fashion with more than one or a series of buildings and uses on a lot or tract in a unified manner. Unless specifically stated otherwise, the following shall be minimum requirements:

A. *Commercial and Other Non-residential Uses:*

(1) *Unattached, Freestanding Uses.*

| | |
|-----------------|---|
| Lot Area | 1.5 acres |
| Street Frontage | 175 feet |
| Building Height | 3 stories and 40 feet, maximum |
| Building Width | 30 feet |
| Building Size | 25,000 square feet ground floor area, maximum |
| Setback | |

| | |
|---------------------|--|
| Front | 0 feet, minimum and 10 feet, maximum. May be increased to 25 feet, maximum when a courtyard, plaza, square, outdoor seating or dining area is incorporated adjacent to the street |
| Side | 12 each side, unless adjacent to a residential use in which case the setback shall be 50 feet |
| Rear | 30 feet unless it abuts a residential use, in which case such yards shall be 50 feet |
| Lot Coverage | 30 percent, maximum |
| Impervious Coverage | 65 percent, maximum |

(2) *Shopping Center Development.*

| | |
|---------------------|--|
| Tract Area | 5 acres. |
| Tract Width | 200 feet at the building line |
| Building Height | 3 stories and 40 feet , maximum |
| Building Size | 25,000 square feet ground floor area, maximum |
| Setbacks | |
| Front | 0 feet, minimum and 10 feet, maximum. May be increased to 25 feet, maximum when a courtyard, plaza, square, outdoor seating or dining area is incorporated adjacent to the street. |
| Side | 50 from property lines or another abutting building |
| Rear | 50 from property line |
| Lot Coverage | 30 percent, maximum |
| Impervious Coverage | 65 percent of the tract, maximum |

B. *Residential Uses.*

(1) *Townhouses.*

| | |
|-----------------|--------------------------------|
| Building Width | 20 feet |
| Building Height | 3 stories and 35 feet, maximum |

Yard

| | |
|------------------------|-----------------------------|
| Front | 10 feet |
| Side | 10 feet on each side of row |
| Rear | 20 feet |
| Number of units in row | 6, maximum |
| Density | 12 units per acre, maximum |
| Impervious Coverage | 65 percent, maximum |

(2) Apartment Buildings.

| | |
|----------------------------|--|
| Building Width | 50 feet |
| Building Height | 3 stories and 35 feet, maximum |
| Setbacks | 15 feet from interior or exterior roads or parking areas |
| Distance between buildings | 45 feet |
| Density | 24 units per acre, maximum |
| Impervious Coverage | 65 percent, maximum |

(Ord. 407B, 2/12/2001, §806-A; as added by Ord. 442, 4/14/2014, §1)

§27-8A09. Design Standards.

1. *Buildings.* All buildings in this district shall be subject to the following standards:

A. *Building Orientation and Entrances.*

(1) In order to interrelate the transit and other uses in the TOD–Overlay District, the location of buildings shall be appropriately oriented toward the nearest train station, bus stops, and sidewalks or streets and away from vehicular driveways, loading areas and parking areas.

(2) Each building in this district shall have a principal entrance in the front of the building facing the sidewalk.

(3) All primary building entrances shall be accentuated to be a prominent feature of the facade. Entrances permitted include: recessed, protruding, canopy, portico, and overhang.

B. *Walls and Windows.*

(1) Blank walls shall not be permitted along any exterior wall facing a street, parking area or walking area. Exterior walls in these locations shall meet the following criteria:

(a) The ground floor front facades of retail commercial uses, personal service businesses and restaurants shall consist of at least 40 percent window area, with views provided through these windows into the business.

(b) All other ground floor walls facing a street, parking area or walking area shall contain at least 25 percent window area but not more than 75 percent window area, with views provided through these windows into the building.

(c) Dark tinted glass, reflective glass, or permanently closed sunscreens, shades, or blinds in windows are prohibited.

(2) Facades over 50 feet in length shall be divided into shorter segments by means of façade modulation, repeating window patterns, changes in materials, canopies or awnings, varying roof lines and/or other architectural treatments.

(3) All buildings shall articulate the line between the ground and upper levels with a cornice, canopy, balcony, arcade or other visual device.

2. *Sidewalks and Walkways.*

A. Sidewalks shall be constructed along the frontage of all streets.

B. Sidewalks shall be a minimum of 5 feet in width and meet the requirements of the Federal Americans with Disabilities Act (ADA).

C. Sidewalks are required to connect the street frontage to all front building entrances, parking areas, train stations, bus stops, central open spaces and any other destinations that generate pedestrian traffic.

D. Sidewalks shall connect to existing sidewalks on abutting tracts and roads, to other nearby pedestrian points, and to transit stops.

E. Walkways that cross parking, loading, or driveway areas must be clearly identifiable through the use of elevation changes, speed bumps, different paving materials or other similar method.

3. *Parking.*

A. Off-street surface parking facilities for all uses shall be located at the rear or side of buildings.

B. The design of off-street parking facilities and loading areas and the screening and landscaping of such facilities shall meet the requirements of §§27-1005, 1007, and 1008.

C. Shared parking is encouraged. Where applicable, a shared parking plan may be approved by the Borough as per §27-1006.

D. A waiver from the minimum parking ratios required in §27-1004 may be allowed by the Borough if requested by the developer and adequate parking capacity can be demonstrated utilizing lower ratios, shared parking arrangements, off-site parking accommodations, or other alternative means.

E. The provision of on-street parking spaces is encouraged and may be incorporated into roadway design and proposed spaces will be reviewed as part of the development plan review process.

4. *Bicycle Parking.*

A. Bicycle parking shall be provided according to the provisions below:

(1) Apartments and town homes—one space per four dwelling units.

(2) Commercial and other non-residential—one space per 5,000 square feet

of gross floor area.

B. Bicycle parking facilities must be located in a secure, lockable and well-lighted area. Covered bicycle parking facilities at residential locations are encouraged.

C. All bicycle racks, lockers or other facilities shall be securely anchored to the ground or to the structure.

5. *Signs.* Signs in the TOD Overlay District shall comply with the sign requirements in Part 11 of this Chapter, including all requirements of the Neighborhood Business District of the Borough, with the following additional restrictions:

A. No sign shall extend higher than the height of the ground story.

B. No façade sign shall exceed 25 percent of the ground floor wall area. No other sign shall exceed 25 square feet in area. Signs may be double sided.

C. All signs within the district shall be complimentary in their use of color, shape and material.

6. *Lighting.* Exterior lighting should be designed to enhance the site, emphasize a building's architecture and entrances, and provide safety and security for pedestrians, transit users, bikers, and drivers.

A. Light fixtures for parking lots are required to be a minimum of 20 feet high and a maximum of 30 feet high.

B. Light fixtures for pedestrian architecture and entrances are required to be a minimum of 14 feet high and a maximum of 30 feet high, to provide safety and security for pedestrians.

7. *Landscaping.* Street trees, buffers, parking lot landscaping, detention basin landscaping and landscaping around non-residential buildings shall be provided, in accordance with the landscaping provisions of this Part,, the Municipal Shade Tree Ordinance of the Borough of Millbourne [Chapter 25], this Chapter, and the latest adopted version of the County Subdivision and Land Development Ordinance.

8. *Streetscapes.*

A. Street trees shall be planted by the developer along all public rights-of-way. Street trees shall be planted at intervals of no more than 60 feet. Tree species shall be selected that require minimal maintenance and are of native vegetation, and shall meet the requirements of the Municipal Shade Tree Ordinance of the Borough of Millbourne [Chapter 25].

B. Pedestrian amenities such as benches, trash receptacles, recycling receptacles, planters, and public art, etc., are encouraged and shall be located along sidewalks, and in landscaped areas, open spaces and plazas.

C. All new utilities shall be placed underground.

(Ord. 407B, 2/12/2001, §807-A; as added by Ord. 442, 4/14/2014, §1)

Part 9**Floodplain Overlay District****§27-901. Purposes.**

The purposes of this Part are to promote the general health, welfare and safety of the community, to encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future, to minimize danger to public health by protecting water supply and natural drainage, to reduce financial burdens imposed on the community, its governmental units and its residents by preventing excessive development in areas subject to flooding and to comply with Federal and State floodplain management requirements.

(Ord. 407B, 2/12/2001, §900)

§27-902. Administration.**1. Issuance of a Building Permit.**

A. The CEO shall issue a building permit only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this and all other applicable codes and ordinances.

B. Prior to the issuance of any building permit, the CEO shall review the application for the permit to determine if all other necessary government permits required by State and Federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act, 35 P.S. §750.1 *et seq.*; the Pennsylvania Dam Safety and Encroachments Act, 32 P.S. §693.1 *et seq.*; the Pennsylvania Clean Streams Act, 35 P.S. §691.1 *et seq.*; and, the U.S. Clean Water Act, §404, 33 U.S.C. §1344. No permit shall be issued until this determination has been made.

C. 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 Borough and until all required permits or approvals have been first obtained from the Department of Environmental Protection, Bureau of Dams, Waterways and Wetlands.

D. In addition, FEMA and the Pennsylvania Department of Community and Economic Development shall be notified by the Borough prior to any alteration or relocation of any watercourse.

E. 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.

2. Application Procedures and Requirements.

A. Application for such a building permit shall be made, in writing, to the CEO on forms supplied by the Borough. Such application shall contain the following:

- (1) Name and address of the applicant.
- (2) Name and address of the owner of land on which proposed

construction is to occur.

- (3) Name and address of the contractor.
- (4) Site location.
- (5) Listing of other permits required.
- (6) Brief description of proposed work and estimated cost.

(7) A plan of the site showing the exact size and location of the proposed construction as well as any existing buildings or structures.

B. If any proposed construction or development is located entirely or partially within any identified floodplain area, applicants for building permits shall provide all the necessary information in sufficient detail and clarity to enable the CEO to determine that:

(1) All such proposals are consistent with the need to minimize flood damage and conform with the requirements of this and all other applicable codes and ordinances.

(2) All utilities and facilities, such as sewer, gas, electrical and water systems, are located and constructed to minimize or eliminate flood damage.

(3) Adequate drainage is provided so as to reduce exposure to flood hazards.

C. Applicants shall file the following minimum information plus any other pertinent information as may be required by the CEO to make the above determination:

(1) A completed building permit application form.

(2) A plan of the entire site, clearly and legibly drawn at a scale of 1 inch equal to 100 feet or less, showing the following:

(a) North arrow, scale and date.

(b) Topographic contour lines, if available.

(c) All property and lot lines including dimensions and the size of the site expressed in acres or square feet.

(d) The location of all existing and proposed buildings, structures and other improvements, including the location of any existing or proposed subdivision and land development.

(e) The location of all existing streets, drives and other accessways.

(f) The location of any existing bodies of water or watercourses, identified floodplain areas and, if available, information pertaining to the floodway and the flow of water, including direction and velocities.

(3) Plans of all proposed buildings, structures and other improvements, drawn at a suitable scale showing the following:

(a) The proposed lowest floor elevation of any proposed building, based upon the National Geodetic Vertical Datum of 1929.

(b) The elevation of the 100-year flood.

(c) If available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a 100-

year flood.

(d) Detailed information concerning any proposed floodproofing measures.

(4) The following data and documentation:

(a) A document, certified by a registered professional engineer, which states that the proposed construction or development has been adequately designed to withstand the pressures, velocities, impact and uplift forces associated with the 100-year flood. Such statement shall include a description of the type and extent of floodproofing measures that have been incorporated into the design of the structure and/or the development.

(b) Detailed information needed to determine compliance with §27-904.3.F, "Storage," and §27-904.4, "Development Which May Endanger Human Life," including:

1) The amount, location and purpose of any materials or substances referred to in §27-904.3.F and 904.4 which are intended to be used, produced, stored or otherwise maintained on site.

2) A description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed in §27-904.4 during a 100-year flood.

(c) The appropriate component of the Department of Environmental Protection's "Planning Module for Land Development."

(d) Where any excavation or grading is proposed, a plan to implement and maintain erosion and sedimentation control which meets the requirements of the Department of Environmental Protection.

3. *Review by the County Conservation District.* A copy of all applications and plans for any proposed construction or development in any identified floodplain area to be considered for approval shall be submitted by the CEO to the County Conservation District for review and comment prior to the issuance of a building permit. The recommendations of the Conservation District shall be considered by the CEO for possible incorporation into the proposed plan.

4. *Review of Application by Others.* A copy of all plans and applications for any proposed construction or development in any identified floodplain area to be considered for approval may be submitted by the CEO to any other appropriate agencies and/or individuals (e.g., Planning Commission, Borough Engineer, etc.) for review and comment.

5. *Changes.* After the issuance of a building permit by the CEO, no changes of any kind shall be made to the application, permit or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the CEO. Requests for any such change shall be in writing and shall be submitted by the applicant to the CEO for consideration.

6. *Placards.* In addition to the building permit, the CEO shall issue a placard which shall be displayed on the premises during the time construction is in progress. This placard shall show the number of the building permit, the date of its issuance and be signed by the CEO.

7. *Inspection and Revocation.*

A. During the construction period, the CEO or other authorized official shall inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable municipal laws and ordinances. He shall make as many inspections during and upon completion of the work as are necessary.

B. In the discharge of his duties, the CEO shall have the authority to enter any building, structure, premises or development in the identified floodplain area, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this Chapter.

C. In the event that the CEO discovers that the work does not comply with the permit application or any applicable laws and ordinances or that there has been a false statement or misrepresentation by any applicant, the CEO shall revoke the building permit and report such fact to Council for whatever action it considers necessary.

D. A record of all such inspections and violations of this Part shall be maintained.

(Ord. 407B, 2/12/2001, §901)

§27-903. Identification of Floodplain Areas.

1. *Identification.* The identified floodplain area shall be those areas of the Borough of Millbourne, Community Number 420418, which are subject to the 100-year flood, as identified in the Flood Insurance Study (FIS) dated September 30, 1993, and the accompanying map panels 0025 and 0026 prepared for the Borough by FEMA, or the most recent revision thereof.

2. *Description of Floodplain Areas.* The identified floodplain area shall consist of the following specific areas:

A. *FW (Floodway Area).* The areas identified as “Floodway” in the AE Zone in the FIS prepared by 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 FIS.

B. *FF (Flood-Fringe Area).* The remaining portions of the 100-year floodplain in those areas identified as an AE Zone in the FIS where a floodway has been delineated. The basis for the outermost boundary of this area shall be the 100-year flood elevations as shown in the flood profiles contained in the FIS.

3. *Changes in Identification of Area.* The identified floodplain area may be revised or modified by 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 Insurance Administration (FIA).

4. *Boundary Disputes.* Should a dispute concerning any identified floodplain boundary arise, an initial determination shall be made by the Borough Planning Commission, and any party aggrieved by this decision or determination may appeal to Council. The burden of proof shall be on the appellant.

(Ord. 407B, 2/12/2001, §902)

§27-904. Technical Provisions.1. *Special Requirements for FW.*

A. Within any FW (Floodway Area), the following provisions apply:

(1) *Permitted Uses.* The following uses and activities are permitted, provided that they are in compliance with the provisions of the underlying district, are not prohibited by any other ordinance and do not require structures, fill or storage of materials and equipment:

(a) Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming and wild crop harvesting.

(b) Public and private recreational uses and activities such as parks, day camps, picnic grounds, golf courses, boat launching and swimming areas, hiking and horseback riding trails, wildlife and nature preserves, game farms, fish hatcheries, trap and skeet game ranges and hunting and fishing areas.

(c) Accessory residential uses such as yard areas, gardens, play areas and parking areas.

(d) Accessory industrial and commercial uses such as yard areas, parking and loading areas, etc.

(2) *Uses Permitted by Special Exception.* The following uses and activities may be permitted by special exception; provided, that they are in compliance with the provisions of the underlying district and are not prohibited by any other ordinance:

(a) Utilities, public facilities and improvements such as railroads, streets, bridges, transmission lines, stormwater management facilities, water and sewage treatment plants and other similar or related uses.

(b) Water-related uses and activities such as marinas, docks, wharves, piers, etc.

(c) Extraction of sand, gravel and other materials.

(d) Temporary uses such as circuses, carnivals and similar activities.

(e) Other similar uses and activities, provided that they cause no increase in flood heights and/or velocities. All uses, activities and structural developments shall be undertaken in strict compliance with the floodproofing provisions contained in all other applicable codes and ordinances.

(3) Any new construction, development, use, activity or encroachment that would cause any increase in flood heights shall be prohibited.

(4) 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.

2. *Elevation and Floodproofing Requirements.*

A. *Residential Structures.* Where permitted within any identified floodplain area, any new construction or substantial improvement of a residential structure

shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation.

B. Nonresidential Structures.

(1) Where permitted within any identified floodplain area, any new construction or substantial improvement of a nonresidential structure shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation or be designed and constructed so that the space enclosed by such structure shall remain either completely or essentially dry during any flood up to that height.

(2) Any nonresidential structure or part thereof having a lowest floor which is not elevated to at least 1½ feet above the 100-year flood elevation shall be floodproofed in a completely or essentially dry manner in accordance with the WI or W2 space classification standards contained in the publication entitled "Flood-Proofing Regulations" published by the U.S. Army Corps of Engineers (June 1972, as amended March 1992) or with some other equivalent standard. All plans and specifications for such floodproofing shall be accompanied by a statement certified by a registered professional engineer which states that the proposed design and methods of construction are in conformance with the above referenced standards.

C. Space Below the Lowest Floor.

(1) Fully enclosed space below the lowest floor (including basement) is prohibited.

(2) Partially enclosed space below the lowest floor (including basement) which will be used solely for the parking of a vehicle, building access or incidental storage in an area other than a basement shall be designed and constructed to allow for the automatic entry and exit of flood waters for the purpose of equalizing hydrostatic forces on exterior walls. The term "partially enclosed space" also includes crawl spaces. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

(a) A minimum of two openings having a net total area of not less than 1 square inch for every square foot of enclosed space.

(b) The bottom of all openings shall be no higher than 1 foot above grade.

(c) Openings may be equipped with screens, louvers, etc., or other coverings or devices, provided that they permit the automatic entry and exit of flood waters.

D. Accessory Structures. Structures accessory to a principal building need not be elevated or floodproofed to remain dry, but shall comply, at a minimum, with the following requirements:

(1) The structure shall not be designed or used for human habitation but shall be limited to the parking of vehicles or to the storage of tools, material and equipment related to the principal use or activity.

(2) The structure will have a low damage potential.

(3) The structure will be located on the site so as to cause the least

obstruction to the flow of flood waters.

(4) Power lines, wiring and outlets will be at least 1½ feet above the 100-year flood elevation.

(5) Permanently affixed utility equipment and appliances such as furnaces, heaters, washers, dryers, etc., are prohibited.

(6) Sanitary facilities are prohibited.

(7) The structure shall be adequately anchored to prevent flotation or movement and shall be designed to automatically provide for the entry and exit of flood water for the purpose of equalizing hydrostatic forces on the walls. Designs for meeting this requirement must be certified by a registered professional engineer or meet or exceed the following minimum criteria:

(a) A minimum of two openings having a net total area of not less than 1 square inch for every square foot of enclosed space.

(b) The bottom of all openings shall be no higher than 1 foot above grade.

(c) Openings may be equipped with screens, louvers, etc., or other coverings or devices, provided that they permit the automatic entry and exit of flood waters.

3. *Design and Construction Standards.* The following minimum standards shall apply for all construction and development proposed within any identified floodplain area:

A. *Fill.* If fill is used, it shall:

(1) Extend laterally at least 15 feet beyond the building line from all points.

(2) Consist of soil or small rock materials only—sanitary landfills shall not be permitted.

(3) Be compacted to provide the necessary permeability and resistance to erosion, scouring or settling.

(4) Be no steeper than 1 vertical to 2 horizontal feet unless substantiated data justifying steeper slopes are submitted to, and approved by, the CEO.

(5) Be used to the extent to which it does not adversely affect adjacent properties.

B. *Drainage Facilities.* Storm drainage facilities shall be designed to convey the flow of storm water runoff in a safe and efficient manner. The system shall ensure 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.

C. *Water and Sanitary Sewer Facilities and Systems.*

(1) All new or replacement water and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of flood waters.

(2) Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.

(3) No part of any on-site sewage system shall be located within any identified floodplain area except in strict compliance with all State and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it or contamination from it during a flood.

D. *Other Utilities.* All other utilities such as gas lines or electrical and telephone systems shall be located, elevated and constructed to minimize the chance of impairment during a flood.

E. *Streets.* The finished elevation of all new streets shall be no more than 1 foot below the regulatory flood elevation.

F. *Storage.* All materials that are buoyant, flammable, explosive or, in times of flooding, could be injurious to human, animal or plant life and are not listed in subsection 4, "Development Which May Endanger Human Life," shall be stored at or above the regulatory flood elevation and/or floodproofed to the maximum extent possible.

G. *Placement of Buildings and Structures.* All buildings and structures shall be designed, located and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of flood water.

H. *Anchoring.*

(1) All buildings and 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.

I. *Floors, Walls and Ceilings.*

(1) Wood flooring used at or below the regulatory flood elevation shall be installed to accommodate a lateral expansion of the flooring perpendicular to the flooring grain without causing structural damage to the building.

(2) Plywood used at or below the regulatory flood elevation shall be of a "marine" or "water-resistant" variety.

(3) Walls and ceilings at or below the regulatory flood elevation shall be designed and constructed of materials that are "water-resistant" and will withstand inundation.

(4) Windows, doors and other components at or below the regulatory flood elevation shall be made of metal or other "water-resistant" material.

J. *Paints and Adhesives.*

(1) Paints and other finishes used at or below the regulatory flood elevation shall be of "marine" or "water-resistant" quality.

(2) Adhesives used at or below the regulatory flood elevation shall be of a "marine" or "water-resistant" variety.

(3) All wooden components (doors, trim, cabinets, etc.,) shall be finished with a "marine" or "water-resistant" paint or other finishing material.

K. *Electrical Components.*

(1) Electrical distribution panels shall be at least 3 feet above the 100-year flood elevation.

(2) Separate electrical circuits shall serve lower levels and shall be dropped from above.

L. *Equipment.* Water heaters, furnaces, air conditioning and ventilating units and other electrical, mechanical or utility equipment or apparatus shall not be located below the regulatory flood elevation.

M. *Fuel Supply Systems.* All gas and oil supply systems shall be designed to prevent the infiltration of flood waters into the system and discharges from the system into flood waters. Additional provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.

4. *Development Which May Endanger Human Life.*

A. In accordance with the Pennsylvania Flood Plain Management Act, 32 P.S. §679.101 *et seq.*, and the regulations adopted by the Department of Community and Economic Development as required by the Act, any new or substantially improved structure which:

(1) Will be used for the production or storage of any of the following dangerous materials or substances.

(2) Will be used for any activity requiring the maintenance of a supply of more than 550 gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises.

(3) Will involve the production, storage or use of any amount of radioactive substances.

(4) 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) Sulfur and sulfur products.
- (q) Pesticides (including insecticides, fungicides and rodenticides).
- (r) Radioactive substances, insofar as such substances are not otherwise regulated.

B. Within any identified floodplain area, any structure of the kind described in paragraph .A above shall be prohibited.

5. *Special Requirements for Manufactured Homes.* Within any identified floodplain area, manufactured homes shall be prohibited.

(Ord. 407B, 2/12/2001, §903)

§27-905. Activities Requiring Special Permits.

In accordance with the administrative regulations promulgated by the Department of Community and Economic Development to implement the Pennsylvania Flood Plain Management Act, 32 P.S. §679.101 *et seq.*, the following activities shall be prohibited within any identified floodplain area:

A. The commencement of any of the following activities or the construction, enlargement or expansion of any structure used, or intended to be used, for any of the following activities:

- (1) Hospitals.
- (2) Nursing homes.
- (3) Jails or prisons.

B. The commencement of or any construction of a new manufactured home park or manufactured home subdivision or substantial improvement to an existing manufactured home park or manufactured home subdivision.

(Ord. 407B, 2/12/2001, §904)

§27-906. Existing Structures in Identified Floodplain Areas.

1. *Existing Structures.* The provisions of this Part do not require any changes or improvements to be made to lawfully existing structures. However, when an improvement is made to any existing structure, the provisions of subsection .2 shall apply.

2. *Improvements.* The following provisions shall apply whenever any improvement is made to an existing structure located within any identified floodplain area:

A. No expansion or enlargement of an existing structure that would cause any increase in the elevation of the 100-year flood shall be allowed within any floodway area.

B. No expansion or enlargement of an existing structure that would, together with all other existing and anticipated development, increase the 100-year flood elevation more than 1 foot at any point shall be allowed within any identified floodplain area.

C. Any modification, alteration, reconstruction or improvement of any kind to an existing structure to an extent or amount of 50 percent or more of its market

value shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this Chapter.

D. Any modification, alteration, reconstruction or improvement of any kind to an existing structure to an extent or amount of less than 50 percent of its market value shall be elevated and/or floodproofed to the greatest extent possible.

(Ord. 407B, 2/12/2001, §905)

§27-907. Variances.

1. *General.* If compliance with any of the requirements of this Part would result in an exceptional hardship to a prospective builder, developer or landowner, the Borough Zoning Hearing Board may, upon request, grant relief from the strict application of the requirements.

2. *Variance Procedures and Conditions.* Requests for variances shall comply with the applicable provisions of Part 14, "Zoning Hearing Board," and the following:

A. No variance shall be granted for any construction, development, use or activity that would cause any increase in the 100-year flood elevation within any FW area.

B. No variance shall be granted for any construction, development, use or activity that would, together with all other existing and anticipated development, increase the 100-year flood elevation more than 1 foot at any point within any FF area.

C. In any identified floodplain area, no variance shall be granted for activities that are otherwise prohibited by this Chapter.

D. If granted, a variance shall involve only the least modification necessary to provide relief.

E. In granting any variance, the Borough 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 Chapter.

F. Whenever a variance is granted, the Borough shall notify the applicant in writing that:

(1) The granting of the variance may result in increased premium rates for flood insurance.

(2) Such variance may increase the risks to life and property.

G. In reviewing any request for a variance, the Borough shall consider, at a minimum, the following:

(1) There is good and sufficient cause.

(2) Failure to grant the variance would result in exceptional hardship to the applicant.

(3) The granting of the variance will neither (a) result in an unacceptable or prohibited increase in flood heights, additional threats to public safety or extraordinary public expense, nor (b) create nuisances, cause fraud on or victimize the public or conflict with any other applicable State or local ordinances and regulations.

H. A complete record of all variance requests and related actions shall be maintained by the Borough. In addition, a report of all variances granted during the year shall be included in the annual report to the FIA.

I. Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the 100-year flood.

(Ord. 407B, 2/12/2001, §906)

Part 10**Parking****§27-1001. Purposes.**

The purposes of this Part are to adequately provide for the parking needs of all uses in the Borough, to reduce traffic congestion on public streets by getting parking off streets and to allow faster emergency access. The secondary purposes include providing for special parking needs of handicapped drivers and providing flexibility in meeting the Borough's parking needs by methods such as common parking arrangements.

(Ord. 407B, 2/12/2001, §1000)

§27-1002 Applicability.

1. *Basic Requirements.* Off-street parking shall be provided in accordance with the requirements in §27-1004 below. All such off-street parking areas shall be provided on the same parcel of land as the use or building they serve, except as modified by §27-1006.

2. *Existing Structures and Uses.* No building or use of land lawfully in existence prior to the effective date of this Chapter shall be subject to the requirements of §27-1004, so long as the kind or extent of use is not changed so as to require additional parking.

3. *Provision and Retention of Facilities.* All required parking facilities shall be provided and maintained so long as the use exists which the facilities were designed to serve. Off-street parking facilities shall not be reduced in total extent except when such reduction is in conformity with this Part.

4. *Change or Extension of Use.* Whenever a structure is altered or a use is changed or extended which increases the parking requirements of §27-1004, then the total additional parking required for the alteration, change or extension shall be provided in accordance with §27-1004.

(Ord. 407B, 2/12/2001, §1001)

§27-1003. General Regulations for Off-Street Parking.

1. If the computation of the parking ratios listed in §27-1004 of this Chapter results in a fraction, an additional parking space shall be required.

2. All parking areas, loading areas and driveways shall be graded and surfaced with asphalt or other suitable materials to prevent dust and erosion. Such areas shall also be drained in conformance with municipal standards to prevent excessive water flow onto streets or adjoining properties.

3. In off-street parking areas with 5 or more spaces, each space shall be clearly line-stripped and maintained.

4. Freestanding establishments located within shopping centers shall have adequate parking as required in §27-1004 and will not rely on common parking to meet the aforementioned requirements, except where the conditions of §27-1006, "Off-Site and Common Parking," are met.

5. All parking areas with five or more spaces shall be adequately lighted so as to assist in the safe maneuvering of motor vehicles and to provide security for users of the lot. All lighting shall be arranged to avoid glare on adjacent properties.

6. No commercial motor vehicle with more than a single rear wheel axle may be stored on a lot in a residential district, unless such vehicle is stored in a private garage.

7. Parking or storage of disabled, partially dismantled or junk cars, trucks, boats or other vehicles shall be permitted on a lot for a continuous period of not more than 10 days. Vehicles found to be parked or stored on a lot for more than 30 days without a valid license plate and inspection sticker will be towed at the owner’s expense.

8. Uses and activities involving new construction and the expansion of existing uses must provide the off-street parking spaces as required in §27-1004. However, in the NBD Neighborhood Business District, the required parking spaces may be provided in any one or any combination of the following arrangements:

- A. Off-street/on-site per §27-1004.
- B. Off-site or common parking area as required in §27-1006.
- C. On-street in commercially zoned areas only.

9. Parking requirements shall not be met by parking on street in residential districts.

(Ord. 407B, 2/12/2001, §1002)

§27-1004. Required Parking Ratios.

1. *Off-Street Parking.*

| Use | Requirements |
|--|---|
| Residential Uses | |
| single-and two-family dwelling | two for every dwelling unit |
| townhouse | two for every dwelling unit |
| multi-family dwelling | two per dwelling unit, plus one for every four dwelling units for guests in developments/ buildings of 12 or more units |
| conversion | two per unit |
| major home occupation | one for every 300 square feet of space devoted to office use or home occupation, plus residential requirement |
| community residence facility | one for every two bedrooms, plus one for each employee |
| Public or Private Recreational Uses | |
| private clubs | one for every 150 square feet of floor area devoted to member or patron use |
| bowling alley | four for each lane |

| Use | Requirements |
|--|---|
| indoor commercial recreation | one for every 150 square feet of gross floor area |
| Governmental, Institutional and Educational Uses | |
| places of public assembly | one for every five seats, plus one for every 150 square feet of meeting room area. |
| community center, municipal building, library or similar use | one for every 250 square feet of gross floor area. |
| day care center | One for every 500 square feet of gross floor area, plus one for each adult attendant. This shall be in addition to the parking requirements of the primary use such as a school or church, if applicable. |
| secondary, primary and nursery schools | one for each faculty member or other full-time employee, plus two for each classroom, plus one for every 12 students aged 16 years or older |
| Retail, Commercial and Other Business Uses | |
| retail store or shop | one for every 200 square feet of gross floor area |
| furniture or appliance store | one for every 300 square feet of gross floor area |
| convenience store | one for every 125 square feet of gross floor area |
| supermarket | one for every 125 square feet of gross floor area. |
| personal service businesses such as barber shops, tailors, shoe repair, etc. | one for every 150 square feet of gross floor area. |
| shopping center | one for every 250 square feet of gross leasable floor area. |
| professional and other offices | one for every 200 square feet of gross floor area |
| banks, credit unions and savings and loans | one for every 200 square feet of gross floor area |
| medical, dental or veterinary offices or clinics | one for every 100 square feet of waiting room space, plus two for each practitioner |
| restaurant | |
| sit-down | one for every 150 square feet of gross floor area, plus one for every two employees on the shift of greatest employment |

| Use | Requirements |
|--|---|
| restaurant with drive-through | One for every 75 square feet of gross floor area, plus one for every two service employees on the shift of greatest employment. |
| bar, tavern | one space for every 150 square feet of gross floor area |
| movie theater or place of amusement | one for every three seats, plus one for every employee on the shift of greatest employment |
| funeral home | one for every 75 square feet of floor area in viewing rooms or parlors, plus one for each official funeral car, plus one for every two employees exclusive of the resident family members |
| car wash | |
| standard | ten per bay for stacking, plus four for standing between the exit of the facility and the street, plus one for each employee on the greatest shift |
| self-service | four per bay for stacking, plus one for standing between the exit of the facility and the street. |
| automobile service and repair | two spaces, either within or outside the structure, for every 200 square feet of floor or ground area devoted to repair or service facilities and, in addition, such space as is necessary for vehicles purchasing gasoline or being stored. In no case shall the spaces for permitted motor vehicle storage in conjunction with a service station be fewer than five |
| repair or tradesman's shop, carpenter, plumber, etc. | one for every 400 square feet of gross floor area |
| temporary uses such as sale of Christmas trees, flowers, produce and other goods | one for every 200 square feet of sales space, but in no case fewer than three spaces |

(Ord. 407B, 2/12/2001, §1003)

§27-1005. Design Regulations.

1. The size of a standard parking space shall be 9 feet wide by 18 feet long, an area of 162 square feet.
2. Parking spaces for the handicapped shall be 12 feet wide by 18 feet long, an area of 216 square feet. Parking spaces for the handicapped must be located as close as

possible to public entrances and ramps to buildings. Each space must be clearly marked with proper signage.

3. Handicapped spaces shall be provided in the amounts required below:

| Total Parking Spaces | Number of Required Handicapped Spaces |
|----------------------|---------------------------------------|
| 10- 25 | 1 |
| 26- 50 | 2 |
| 51- 75 | 3 |
| 76-100 | 4 |

4. In parking areas with 20 or more spaces, a maximum of 20 percent of the spaces may be designated for compact cars. Such spaces shall be 8 feet wide and 16 feet long and shall be clearly marked “for compact cars only.”

5. All parking areas for five or more vehicles shall be designed so that vehicles need not back directly into a public street but can enter and leave the parking area in a forward motion.

6. All parking shall be accessible from a street or driveway.

7. Every parking lot or area with 10 or more off-street spaces shall be separated from the street or highway by a raised curb, planting strip, wall or other suitable barrier against unchanneled motor vehicle entrance or exit, except for necessary accessways or exits.

8. Drive-through establishments such as fast order and pick- up, automatic bank teller and similar uses shall provide no fewer than five waiting spaces for each drive-through lane. This is in addition to the space for the car being serviced.

9. Where a parking lot is a main use, such lot shall be enclosed by a fence or wall. (Ord. 407B, 2/12/2001, §1004)

§27-1006. Off-Site and Common Parking.

1. Nothing in this Chapter shall be construed to prevent collective provision of off-site parking facilities for two or more nonresidential buildings or uses. However, the total of such off-site parking facilities provided collectively shall be not less than the sum of requirements for the various uses compiled separately and provided that such off-site parking is not farther than 500 feet from the use farthest from the parking area. Off-site facilities must be approved by Borough Council.

2. Two or more nonresidential uses may provide for required parking in a common parking area, provided that such area is on or adjacent to such uses. The number of spaces required in such a common parking area may be reduced below the sum of the total requirements if it can be demonstrated to the CEO that the hours or days of peak parking demand for the uses are so different that a lower overall total of parking spaces will adequately provide for the uses to be served. In such case, sufficient parking shall be provided to meet the minimum needs of the use which requires the greater parking area.

(Ord. 407B, 2/12/2001, §1005)

§27-1007. Design of Off-Street Loading Facilities.

1. The minimum size loading space shall be 50 feet long by 12 feet wide, with an overhead clearance of 14 feet, exclusive of drives and maneuvering space, and be located entirely on the lot being served. Any overhead canopy should extend a minimum of 4 feet beyond a loading dock.

2. All loading spaces shall have adequate access from a street or way which does not block or interfere with required parking as specified in §27-1004. This required space will be provided in addition to established requirements for patron and employee parking.

3. Every building or use of land consisting of over 5,000 square feet of gross floor area designed or used for commercial or industrial uses shall be provided with a loading space as follows:

| Total Gross Floor Area | Number of Loading Spaces Required |
|-------------------------------------|-----------------------------------|
| Up to 15,000 square feet | 1 space |
| 15,000 to 50,000 square feet | 2 spaces |
| 50,000 to 100,000 square feet | 3 spaces |
| each additional 100,000 square feet | 1 additional space |

4. In no case shall public rights-of-way be used for loading or unloading of materials. Furthermore, no loading dock or space shall be located or arranged in such a way that it is necessary to back any vehicle into or off any public right-of-way or require the use of any public right-of-way for maneuvering space.

5. All accessory driveways and entranceways shall be graded, paved and drained to Borough standards to the extent necessary to prevent nuisance of dust, erosion or excessive water flow across streets and adjoining properties.

6. All off-street loading berths shall be provided on either the side or rear of the lot. In no case shall off-street loading berths be provided in the front of the lot.

7. Such facilities shall be designed and used so as to at no time constitute a nuisance, a hazard or an impediment to traffic.

(Ord. 407B, 2/12/2001, §1006)

§27-1008. Screening and Landscaping Requirements.

1. Screening between any parking area and the street line shall be effective at the time of occupancy, subject to the following provisions:

A. All off-street parking areas that provide more than five parking spaces shall be screened from any abutting property in a more restrictive zoning classification.

B. Effective screening may be accomplished through the use of the following: plant materials, fencing, walls and/or mounding through the use of an earthen berm forming a continuous visual buffer.

C. The area for planting and fencing, walls or earthen berms shall not extend

beyond the street line.

D. When planted visual screens are employed, the following shall apply:

(1) A buffer planting strip shall be provided. It shall be a minimum of 5 feet in width unless specifically required otherwise in this Chapter.

(2) Planted visual screens shall be of sufficient height and density to constitute a continuous visual screen 6 feet in height at the time of planting, except as provided below.

E. Whenever fencing or walls are employed, the effective height of the continuous visual buffer shall be not less than 5 or more than 6 feet.

F. Whenever earthen berms are employed, the effective height of the continuous visual buffer shall be not less than 5 feet.

2. Landscaping within any parking area which provides 20 or more parking spaces shall be subject to the following provisions:

A. Off-street parking areas shall be landscaped to reduce wind and air turbulence, heat, noise and the glare of automobile lights; to reduce the level of carbon dioxide; to provide shade; to improve stormwater drainage problems; to replenish the groundwater table; and, to provide for a more attractive setting.

B. The interior of each parking lot shall have at least one 3-inch caliper deciduous shade tree for every 15 parking spaces if there are no existing shade trees to satisfy this requirement. Shrubs and other plant materials are encouraged to be used to complement the trees but shall not be the sole contribution to the landscaping. These trees shall be in addition to those required as an effective screen. Trees selected for landscaping in parking areas shall be of a species proven to be salt and dust resistant.

C. Landscaped areas at least 5 feet wide shall be provided around the periphery of parking areas. Such areas shall, at a minimum, extend the full length for necessary accessways to prevent the encroachment of moving vehicles into parking areas.

D. Landscaped islands shall be placed or located every 15 parking spaces or at the end of each parking row, whichever is less, and shall be the length and width of the parking spaces.

E. Existing plant material and trees with a caliper of 6 inches or more shall be preserved wherever possible during construction. Such existing plants may be credited toward the amount of required plantings.

(Ord. 407B, 2/12/2001, §1007)

Part 11**Signs****§27-1101. Purposes.**

The purposes of this Part are to regulate the type and dimensions of signs in the various zoning districts of Millbourne Borough, to recognize the commercial communication requirements of all sectors of the business community, to protect the public from damage or injury caused by improperly designed or located signs, to safeguard property values and to assure that signs are consistent and harmonious in relation to the buildings and areas where they are placed.

(*Ord. 407B, 2/12/2001, §1100*)

§27-1102. Scope and Applicability.

1. Any sign hereafter erected shall conform with the provisions of this Part and any other ordinance or regulations of the Borough relating thereto. Any sign not specifically authorized by the provisions of this Part shall not be erected in the Borough.

2. It shall be unlawful for any person, firm or corporation to erect, alter, replace, rebuild, enlarge, extend or relocate signs listed in §27-1106 of this Chapter without first obtaining a permit from the Borough, except for those signs listed specifically in §27-1105.

3. Application for such permits shall be made in writing to the Borough in accordance with §27-1109.

4. The CEO is hereby authorized and empowered to revoke any permit issued by the Borough upon failure of the holder thereof to comply with any provisions of this Part.

5. The provisions of this Part shall not apply where signage is erected and maintained by the Borough for Borough purposes, provided that all other required governmental permits are obtained by the Borough prior to such Borough use.

(*Ord. 407B, 2/12/2001, §1101*)

§27-1103. Determination of Size of Signs.

1. The size of any sign shall be determined in accordance with the provisions of this Part and the following:

A. When a sign consists of letters, numbers and/or logos and not a lettering board and such sign is erected on or attached to a building wall or other similar surface, the size of such sign shall be measured by the geometric shape formed by the extreme outside edge of the largest letters, numbers or logos contained in the sign.

B. When a sign consists of a lettered board and such sign is erected on or attached to a building wall or other similar surface, the size of such sign shall be determined by calculating the area of the lettered board.

(*Ord. 407B, 2/12/2001, §1102*)

§27-1104. Sign Restrictions and Standards.

1. *Prohibited Signs.* It is unlawful to erect or maintain the following signs:

A. Flashing, blinking, twinkling, animated, inflatable or lighted moving signs, including automatic color changing and rotating lamps and other moving objects that call attention to the sign. The use of rotating searchlights for advertising is allowed.

B. Advertising cloth or paper banner or signs of any similar character suspended or hung on any property, except for temporary banners.

C. Wall bulletins or any other signs painted directly on the facade of a building or other structure.

D. Curb or sidewalk signs or signs painted on, attached to or suspended from any outdoor bench, chair or similar structure.

E. Swinging and hanging signs.

F. Signs, letters, posters and advertisements which are tacked, tied, pasted or otherwise affixed to poles, benches, posts, buildings, fences or other structures located on public property or within public rights-of-way.

G. Signs placed, inscribed or supported upon the roofline or any structure which extends above the roof, subject to §27-1107.

H. Freestanding signs advertising or identifying a business in the NBD Neighborhood Business District.

I. *Projecting Signs.* Projecting signs in existence at the time of enactment of this Chapter shall be considered nonconforming signs and shall be allowed to continue.

2. *General Restrictions and Standards.* The following restrictions shall apply to all permitted signs:

A. No sign shall be located, arranged or placed in a position where it will cause danger to traffic or will interfere with traffic through glare; block required sight lines for streets, sidewalks or driveways; or cause confusion with a traffic control device by reason of color, location, shape or other characteristics or through any other means.

B. Except for traffic signs, no sign shall be erected within the right-of-way lines of any public street except in the GBD General Business District, nor shall any such sign be closer than 6 feet to the right-of-way line of a public street, unless specifically stated otherwise by other ordinances and regulations of the Borough or other governmental bodies and agencies having jurisdiction or regulatory authority in the matter.

C. Every sign must be constructed of durable materials and shall be solidly and firmly attached, supported and/or anchored to the supports or framework.

D. Every sign shall be kept in good condition and repair. Any sign which is allowed to become dilapidated shall be removed by and at the expense of the landowner or lessee of the property on which it is located.

E. Where applicable, the requirements of the Pennsylvania Department of Transportation in relation to signs shall be followed.

F. Except for traffic signs, incidental signs and billboards, all permanent signs shall be located on the property to which their text or message applies.

G. Freestanding signs, wall signs, canopy signs and awning signs shall have a clearance of not less than 8 feet between the ground and the bottom of the sign.

3. *Area of Multi-Faced Signs.* The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back to back so that both faces cannot be viewed from any point at the same time and when such sign faces are part of the same sign structure and are not more than 42 inches apart, the sign area shall be computed by the measurement of one of these faces.

4. *Freestanding Signs.*

A. The bottom or lowest edge of any freestanding sign shall be no closer to the ground than 8 feet. At least 6 feet of the upper portion of the 8-foot space shall be open and unobstructed. No more than 2 feet above the ground level can be devoted to and maintained for flowers, ground covers and low spreading shrubs. If such plantings are installed, they shall be maintained at the maximum height of 2 feet and shall be free of weeds, debris and other undesirable material.

B. All single-post freestanding signs shall be embedded in the ground at least 3 feet 6 inches unless otherwise directed by the CEO.

C. Freestanding signs of an official nature or signs identifying the GBD General Business District shall be permitted in the GBD General Business District.

D. Freestanding signs shall be illuminated only by concealed or indirect lighting.

E. There shall be a distance of not less than 50 feet between freestanding signs.

5. *Ground Signs.*

A. The top edge of a ground sign shall be a maximum of 6 feet above ground level.

B. A ground sign shall be supported and permanently placed by embedding, anchoring or connecting in such a manner as to incorporate it into the landscape or architectural design scheme.

C. Illumination shall be as described in subsection 4.D above relating to freestanding signs.

6. *Window Signs.* A maximum of 25 percent of the total window area may be used for permanent signs that are etched, painted or permanently affixed to the window.

7. *Temporary Signs.*

A. The use of any temporary sign, except for sales or price change signs and signs exempt by §27-1105, shall require a permit which shall be effective for not more than 30 days.

B. Temporary signs shall be placed so as not to obstruct vehicular or pedestrian traffic or create a safety hazard.

C. Such signs shall not obstruct access to or from any door, window, fire escape or ventilating equipment nor be attached to any standpipe or fire escape.

D. Temporary signs shall be removed immediately upon expiration of the permit.

E. The size of these signs shall not exceed $\frac{1}{3}$ of a square foot of sign area for each linear foot of building width.

F. Temporary commercial advertising signs shall not be attached to fences.

8. *Sales or Price Change Signs.*

A. The use of any sales or price change signs shall require a permit which shall be effective for not more than 1 year.

B. The size of these signs combined shall not exceed 30 percent, of the area of the door, window or wall area to which they are affixed.

C. These signs shall not be attached to fences.

(Ord. 407B, 2/12/2001, §1103)

§27-1105. Signs for Which a Permit Is Not Required (Exempt Signs).

The following signs are exempt from the need to secure a permit but are subject to all other applicable provisions of this Part.

A. Public notice, warning or official traffic sign required by Federal, State or local law, regulation or ordinance.

B. Any sign inside a building not attached to a window or door that is not legible from a distance of more than 3 feet beyond the lot line of the property on which such sign is located.

C. Building markers that only include building name, date of construction or historical data on an historical site, provided that there is only one per building with a maximum area of 6 square feet.

D. Flags of the United States, the Commonwealth of Pennsylvania, foreign nations having diplomatic relations with the United States or any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction, provided that such flag does not exceed 60 square feet in area and shall be flown from a pole not more than 40 feet in height.

E. Incidental signs containing no commercial message of any kind, provided that such signs do not exceed 8 square feet.

F. Signs advertising the sale or rental of the premises or lot upon which they are erected, provided that there is no more than one such sign per street frontage. Such sign shall be neither illuminated nor exceed 6 square feet. All such signs shall be removed on or before the date of settlement.

G. Signs advertising the development of premises where they are erected. Such signs shall not exceed 6 square feet in residential districts and 32 square feet in nonresidential districts. All such signs shall be removed on or before the date of settlement.

H. Nameplate signs on private residences, provided that they do not exceed 144 square inches and that there shall be not more than one such sign for every deeded property.

I. Decorations for a recognized officially designated holiday, provided that

they do not create a traffic or fire hazard.

J. Banners, flags or similar displays of an artistic or decorative nature, provided that they do not exceed 6 square feet in residential districts and 10 square feet in nonresidential districts.

K. Yard sale or garage sale signs, provided that they do not exceed 2 square feet and are removed within 24 hours after such sales.

L. Signs announcing educational, charitable, civic, religious or similar campaigns or events, provided that such signs are erected for a period not to exceed 30 days or more than times in any calendar year for a maximum annual total of 120 days. Such signs shall not exceed 8 square feet. However, if these signs are proposed to be placed on telephone poles, a permit shall be required.

M. Changeable copy signs for churches, schools and other uses which by their nature require changeable copy signs, provided that only 1 such sign shall be permitted. However, in the case of a corner property, one additional sign is permitted on the side of the property. The size of such signs shall not exceed 16 square feet.

(Ord. 407B, 2/12/2001, §1104)

§27-1106. Signs for Which a Permit Is Required.

The following signs, as described under each zoning district or group of districts, are permitted, provided that they meet the conditions in §27-1104 and a sign permit has been obtained:

A. *Signs in Residential Districts.* The following type of signs and no others shall be permitted in the R-1 and R-2 Residential Districts.

(1) Nameplate signs not exceeding 288 square inches. Not more than one such sign per dwelling shall be permitted.

(2) Signs identifying nonresidential uses permitted as valid nonconforming uses, provided that they meet the following requirements:

(a) Such signs shall be ground signs or wall signs.

(b) Not more than one wall sign and one ground sign shall be permitted for each frontage.

(c) The size of ground and wall signs shall not exceed 16 square feet.

B. *Signs in the NBD Neighborhood Business District.* The following types and number of signs and no others shall be permitted in the NBD Neighborhood Business District:

(1) Any sign permitted in a residential district with the requirements in that district, as noted in paragraph .A.

(2) Wall signs, canopy/awning signs and window signs.

(3) There shall be not more than one wall sign for each frontage.

(4) Wall signs shall not exceed ½ square foot of sign area for each foot of building width.

(5) Wall signs shall not be placed within 1 foot of the edge of the front wall of the building.

(6) Awnings or canopy signs may be substituted for wall signs with the same requirements as noted in subparagraphs (3) and (4) above.

(7) The canopy or awning on which the canopy or awning sign is placed or inscribed may extend the full width of the building.

(8) Where there is a business on the second floor, one wall sign not greater than 8 square feet shall be permitted, in addition to that of the establishment on the first floor.

(9) Signs identifying multi-tenant buildings, as defined in Part 2, shall be permitted. Such signs shall comply with the provisions of this §27-1105.B. In addition, each tenant in a multi-tenant building shall be permitted one wall sign which shall not exceed 4 square feet.

C. *Signs in the GBD General Business District.* The following types and numbers of signs and no others shall be permitted in the GBD General Business District.

(1) Any sign permitted in a residential district with the requirements noted in paragraph .A.

(2) Wall signs, freestanding signs, ground signs, awning or canopy signs and window signs.

(3) There shall be not more than one wall sign for each frontage.

(4) The size of wall signs shall not exceed 1 square foot of sign area for each linear foot of building width.

(5) Not more than one freestanding sign or ground sign for each frontage shall be permitted.

(6) The size of freestanding signs or ground signs shall not exceed 36 square feet.

(7) Awning or canopy signs may be substituted for wall signs with the requirements noted in applicable subparagraphs (3) and (4) above.

(8) Window signs shall be permitted in accordance with §27-1104.7.

(9) Signs in shopping centers.

(a) All signs permitted for individual establishments shall be permitted for shopping centers. See subparagraph (2) above.

(b) The freestanding sign identifying a shopping center shall not exceed 50 square feet. The same sign may contain the names of individual establishments in the shopping center with the allotted sign area of each establishment of not more than 8 square feet. The identification of each establishment shall be permitted in addition to the 50 square foot (maximum) area identifying the shopping center.

(c) One such freestanding sign shall be permitted for each road frontage.

(d) For interior establishments, only one wall sign shall be permitted.

(e) The size of wall signs shall be 1 square foot of sign area for every linear foot of building or establishment width.

(f) One additional wall sign shall be permitted on end or corner

establishments. The size of this additional sign shall not exceed 50 percent of the principal wall sign.

D. *Signs in the PCD Planned Commercial District.* The following signs and no others shall be permitted in the PCD Planned Commercial District:

All signs permitted in the GBD General Business District as noted in paragraph .C above.

E. *Signs in the C-INS Commercial-Institutional District.* All signs permitted and all sign requirements of the NBD Neighborhood Business District shall apply to the C-INS Commercial-Institutional District, as required in paragraph .B above.

(Ord. 407B, 2/12/2001, §1105)

§27-1107. Billboards.

1. Billboards shall be permitted in the GBD General Business District only.
2. No billboard shall be erected within 500 feet of another billboard.
3. The maximum size of billboards shall be 300 square feet.
4. The minimum distance from a street right-of-way shall be 35 feet.
5. No billboard shall be placed in a location where it will obscure the vision of motorists and thereby create a safety hazard.

6. The height of billboards shall not exceed the maximum permitted building height by more than 20 feet.

7. All billboards shall be inspected in accordance with §27-1109.

8. Where a billboard structure contains no message for a period of 90 consecutive days, the CEO shall forward a notice to the owner of the sign advising the owner of the unused status of the sign structure. The owner shall be required to remove the sign structure, provided that no advertising or message is placed thereon within 180 days from the original notice.

(Ord. 407B, 2/12/2001, §1106)

§27-1108. Nonconforming Signs.

Signs which are nonconforming or which identify nonconforming uses shall be governed by the following requirements:

A. No nonconforming sign which has been damaged to more than 50 percent of its value or has been removed or discontinued for 90 days shall be repaired, rebuilt or replaced, except as a conforming sign. Also see Part 16.

(Ord. 407B, 2/12/2001, §1107)

§27-1109. Permits and Inspections.

1. Except as otherwise provided in §27-1105 relating to exempt signs, no sign shall be erected in the Borough until a permit therefore has been obtained in the following manner:

A. An application in writing shall be made to the CEO by the person desiring the permit.

B. The application submitted to the CEO shall give full particulars regarding

the size, shape, material and supports of the sign as well as a sketch or sketches showing the location of the sign on the building or lot, the distance from the curb line and the height of the sign. The application shall be sufficiently specific to enable the CEO to determine if the sign complies with this Chapter as well as with any other ordinance or regulation of the Borough relating thereto. Such applications shall be accompanied by a fee as Borough Council may establish from time to time.

C. If the person submitting the application is not the owner of the property upon which the sign is to be erected, the written consent of the owner of the property on which the sign is to be erected shall accompany the application.

2. Whenever any sign or sign face is replaced by another sign, enlarged in any manner or altered, dismantled, damaged or otherwise destroyed, a permit shall be required as provided in subsection .1 above before the sign is replaced, enlarged, altered or repaired.

3. *Unsafe and Unlawful Signs.* If the CEO shall find that any sign or other advertising structure regulated herein is unsafe or insecure, is a menace to the public or has been constructed or erected or is being maintained in violation of the provisions of this Chapter, the CEO shall give written notice thereof to the permittee. If the permittee fails to remove or alter the structure so as to comply with the standards set forth herein within 10 days after such notice, such sign or other advertising structure may be removed or altered to comply by the CEO at the expense of the permittee or owner who refuses to remove or alter the sign as directed. The CEO may cause any sign or other advertising structure that causes immediate peril to persons or property to be removed summarily and without notice.

4. *Inspections and Fees.* The CEO shall perform or cause to be performed a routine inspection of all signs in the Borough to be made at least once every 3 years and at any other time when he or she deems such inspection necessary. He shall report to the Borough Council all unsafe signs failing in any respect to conform to the requirements of this Part and all signs not licensed by the Borough. To cover the cost of inspection of all signs as required by this Section, the owner of every nonresidential sign located in the Borough shall pay a license or inspection fee to the Borough. The rate of such fee in each case shall be as determined from time to time by Borough Council.

(Ord. 407B, 2/12/2001, §1108)

§27-1110. Amortization.

1. Temporary, sidewalk, sandwich or "A" frame signs, moveable freestanding signs, banners, pennants and similar types of signs shall be abated, removed or brought into compliance within 90 days after enactment of this Chapter.

2. Signs painted on walls, fences or benches shall be removed, abated or brought into compliance within 2 years after enactment of this Chapter.

(Ord. 407B, 2/12/2001, §1109)

Part 12**Supplemental Regulations****§27-1201. Purpose.**

The purpose of this Part is to identify certain regulations and standards that are generally either common to all zoning districts or applicable to more than one district. (*Ord. 407B, 2/12/2001, §1200*)

§27-1202. Overall Requirements.

1. No building or structure or part thereof shall hereafter be erected, constructed or altered, and no new use or change of use shall be made of any building, structure or land or part thereof except in conformity with the provisions of this Chapter.

2. Every principal building shall hereafter be built on a lot with frontage on a public or private street.

3. No lot or premises shall hereafter be subdivided or reduced in area or size in any manner so as to violate the provisions of this Chapter.

4. In this Part, provisions and references to commercial districts shall also apply to the C-INS Commercial-Institutional District.

5. The State laws related to mining, forestry, natural resources and agricultural operations as listed in §603 (b) of the Pennsylvania Municipalities Planning Code, 53 P.S. §10603(b), shall supercede and preempt this Chapter.

6. It is the intent of this Chapter to comply with the year 2000 amendments to the Municipalities Planning Code, including §§603(f), 603(g), 603(h), and 603(I), 53 P.S. §§10603(f), (g), (h), and (i), which require that a zoning ordinance:

- A. May not unreasonably restrict forestry activities.
- B. Shall protect prime agricultural land and may promote the establishment of agricultural security areas.
- C. Shall provide for protection of natural and historic features and resources.
- D. Shall encourage the continuity of development and viability of agricultural operations.
- E. Shall provide for the reasonable development of minerals.

(*Ord. 407B, 2/12/2001, §1201*)

§27-1203. Projections into Required Yards.

No principal building or part thereof shall be erected within, or shall project into, any required yard in any district, except for unenclosed porches, decks, one-story bay windows, eaves, chimneys, balconies, fire escapes, buttresses, cornices or steps, and none of these, except unenclosed decks, shall encroach more than 3 feet into the required yard. However, unenclosed decks may extend not more than 5 feet into required rear yards, except as specifically noted otherwise.

(*Ord. 407B, 2/12/2001, §1202*)

§27-1204. Visibility at Corner Lots.

1. On any corner lot, no wall, fence or other structure shall be erected or maintained, and no hedge, tree, shrub or other growth shall be planted, grown or maintained which may cause danger to vehicular traffic by obscuring the view or in any other way be a source of danger.

2. Where a lot is located at the intersection of two streets, no obstruction of any kind whatsoever of a height greater than 24 inches shall be maintained or permitted within a sight triangle, the legs of which shall be 15 feet measured from the intersection of the right-of-way lines at the corner.

3. The Borough shall have the right to declare any obstructions to vision within the line of the sight triangle to be a safety hazard and shall direct the owner of the property to have it removed. If the owner fails to do so within 30 days after written notice, the Borough shall remove the obstruction and bill the owner and lien the property for the expense involved.

(Ord. 407B, 2/12/2001, §1203)

§27-1205. Accessory Structures.

1. There shall be a distance of not less than 3 feet between an accessory structure and a side or rear lot line and a distance of not less than 6 feet between an accessory structure and the principal building, unless specifically stated otherwise in this Chapter.

2. On corner lots, accessory structures shall be placed no closer to the side street than the principal building.

3. Accessory structures shall not exceed 15 feet in height.

4. In residential districts, the combined area of all accessory structures on a lot shall not exceed 10 percent of the lot.

5. Accessory structures shall not be used for permanent or temporary human habitation.

(Ord. 407B, 2/12/2001, §1204)

§27-1206. Fences.

1. No fence, hedge or wall (except a retaining wall) shall exceed the following height, except where specified in Part 13:

| District or Use | Maximum Height |
|-----------------------|---|
| Residential Districts | 6 feet behind the front line of the principal building 4 feet in front of the principal building |
| Commercial Districts | 8 feet behind the front line of the principal building |

2. Fences shall be permitted as accessory structures. However, in front yards of “existing court developments” in the R-2 District, fences shall be permitted by special exception in accordance with Part 13.

3. Fences which exceed 6 feet in height shall be at least 50 percent open and not solid or opaque.

4. Fences separating properties shall be placed inside property lines.
5. All chain link fences shall be erected with the closed loop at the top of the fence.
6. All entrances or gates shall open into the property of the fence owner.
7. Every fence in the Borough shall be in a sound, safe and secure condition and shall be maintained in accordance with this Chapter or the Borough's most current Property Maintenance Code [Chapter 5, Part 2]. Fences that do not comply with this standard will be declared nuisances and hazards, with the owner having the immediate responsibility to apportion funds to restore the fence to an appropriate state.
8. The CEO shall have the authority to direct, in writing, the removal of any fence, wall or other similar structure on private or public property wherever they interfere with adequate visibility of operation of motor vehicles at street intersections or curbs.
9. A permit must be obtained from the CEO before erecting a fence.
10. Application for a fence permit shall be submitted to the CEO, together with two sets of plans and specifications setting forth the details, area and depth of the construction in all of its parts. The application shall also include a plot plan showing the location of buildings on a lot, the existing and proposed fencing, the height and aperture dimensions thereof and all open spaces required by this Chapter. The plan shall be drawn to scale and dimensioned.

(Ord. 407B, 2/12/2001, §1205)

§27-1207. Refuse.

1. All refuse shall be placed in closed, vermin-proof containers.
2. In the case of multi-family buildings and nonresidential buildings, all refuse receptacles shall be effectively screened from the view of residents and from public streets and sidewalks by means of a fence, wall or plantings. All such receptacles shall be placed on the property responsible for the refuse. Refuse receptacles shall be reviewed by Borough Council and approved when so recommended by the Borough Engineer.

(Ord. 407B, 2/12/2001, §1206)

§27-1208. Lighting.

1. In the case of multi-family dwellings and nonresidential buildings, lighting facilities shall be provided and arranged in a manner that will protect the street and neighboring properties from excessive glare and hazardous interference.
2. All driveways and parking areas must be properly lighted to assure safe driving conditions at night as well as the security and safety for residents and patrons.
3. The maximum height of light poles shall be 20 feet in residential districts and 25 feet in commercial districts.

(Ord. 407B, 2/12/2001, §1207)

§27-1209. Satellite Antennas.

1. Satellite antennas shall be permitted in every district.

2. The maximum diameter of satellite antennas shall be no more than 24 inches.
3. Satellite antennas shall be located so as to minimize the visual impact on adjacent properties.
4. Antennas must be installed on the property they serve. No antenna shall encroach on common property without a written agreement.
5. All wiring shall be installed in such a manner as to be minimally visible and in the most concealed location possible. Underground wiring is required when the antenna is fixed upon the ground.
6. Antennas must not create a potential hazard to any common areas or neighborhood lots. Furthermore, all installations shall be adequately secured so as not to pose potential hazard to any person and/or structure.
7. All satellite antennas shall be adequately grounded to prevent against a direct strike of lightning.
8. All satellite antennas shall be in accordance with all applicable local, State and/or Federal codes and regulations.

(Ord. 407B, 2/12/2001, §1208)

§27-1210. Sheds.

1. Sheds (as defined in Part 2) shall be considered accessory structures.
2. Storage sheds shall be permitted only in rear yards, except in “existing court developments” (presently zoned R-2) where they shall be permitted by special exception in the front yard only.
3. No storage shed shall exceed 100 square feet in the R-1 Residential District and 35 square feet in the R-2 Residential District.
4. Sheds shall not be used for storage, parking or repair of motor vehicles.

(Ord. 407B, 2/12/2001, §1209)

§27-1211. Decks.

1. Decks shall be considered accessory structures and shall comply with §§27-1205 and 27-1306, depending on the district in which they are located.
2. Decks shall be constructed in rear yards only.
3. Decks shall be placed not less than 10 feet from the rear lot line. Where a common driveway crosses the rear yard, the deck shall be no closer than 3 feet from the driveway. No deck or porch shall be constructed on top of an attached garage for safety reasons.
4. The deck shall be placed not less than 1 foot from the party wall of a twin or row dwelling. This setback is needed for access and maintenance.
5. Decks more than 3 feet above ground shall adhere to the following requirements:
 - A. Must have a hand railing not less than 36 inches high around the entire deck or porch with spindles not more than 4 inches apart.
 - B. Must have a hand railing on any stairway.
6. In an area where motor vehicles may park or drive, decks shall have support

posts constructed of concrete filled steel columns which shall be at least 4 inches wide and are fastened into the footings not less than 6 inches deep.

7. Prior to the construction of a deck, a building permit must be obtained from the CEO.

8. All materials used in the construction of a deck shall comply with the most recently adopted BOCA Building Code.

9. All decks may be inspected by the CEO or other appropriate local official at any time during and after their construction. Such local officials may at any time require the occupant, homeowner or builder to delay or close construction if they determine that the materials or building methods used are unsafe or not in accordance with any other adopted code.

10. After the building permit is issued for a deck, no change in the plans regarding setbacks, dimensions or heights is permissible without first receiving written permission from the CEO.

(Ord. 407B, 2/12/2001, §1210)

§27-1212. Community Residence Facilities (CRF), Family-Based.

Family-based community residence facilities shall be permitted by right in the residential districts.

A. Supervision, on a 24-hour basis, shall be available by adults qualified in the field for which the facility is intended.

B. Parking shall be provided in accordance with Part 10.

C. Any alterations or additions to the exterior of a family-based facility shall be compatible with the existing structure and in keeping with the neighborhood character, excluding safety required modifications. Upon the closing of a facility, all required safety modifications shall be removed.

D. Each facility must receive all pertinent approvals and/or licenses from the appropriate State agencies prior to final approval of the application.

5. There shall not be more than one facility in any square block. For purposes of locating CRFs, a square block shall be bounded by public streets, not by alleys.

6. All other applicable requirements of this Chapter, building code, fire code and all other applicable Borough codes and State regulations and statutes shall be met.

7. All facilities will be available for reasonable periodic inspections by the CEO.

8. A record of all facilities and their locations shall be maintained by the CEO.

(Ord. 407B, 2/12/2001, §1211)

§27-1213. Screening.

1. An opaque fence, wall or planted visual screen (as defined in Part 2) shall be provided and maintained under the following circumstances. In the case of conflict between a regulation in this Part and that in any individual district, the regulation in the individual district shall prevail.

A. When a commercial use is developed adjacent to an existing institutional use or residential use or district.

B. When a commercial use is improved/expanded in the direction of an existing institutional use or residential use or district.

C. When a multi-family or townhouse development is proposed to abut existing single-family dwellings.

D. Any other instances where screening is required by this Chapter, by the Borough or by the Zoning Hearing Board.

2. Screening shall comply with the following requirements:

A. The planted visual screen shall consist of species indigenous to the area so as to provide a year-round visual barrier.

B. Such screens shall incorporate earthen mounds or berms, where possible, to improve sound as well as visual buffering.

C. Plants shall be at least 6 feet high when planted, and no plantings shall be placed closer than 4 feet to the property line.

D. Placement of screening material shall not obscure sight lines at intersections.

E. All mechanical equipment not enclosed in a structure shall be fully and completely screened and landscaped in a manner compatible with the style of the buildings on the site.

F. Upon recommendation of the Planning Commission and the Borough Engineer, an opaque fence or wall may be substituted for a planted visual screen required above. Such alternative screening must be constructed and placed to clearly provide an effective visual barrier.

(Ord. 407B, 2/12/2001, §1212)

§27-1214. Landscaping.

1. *General Regulations.*

A. Any part or portion of a site which is not used for buildings or other structures, loading and parking spaces, aisles, sidewalks and designated storage areas shall be planted and maintained with landscaping. Maximum advantage shall be taken of existing trees and shrubs in landscaping.

B. All landscaped planting areas shall be planted with grass in seed, sod or other ground cover and shall be maintained and kept clean of all debris, rubbish, weeds and tall grass, provided, however, that if such land is naturally wooded, it may continue in its natural state.

C. Unless otherwise specified, landscaped planting areas may be part of the required front, side and rear yards.

D. Except for single-family and two-family dwellings, landscaped areas shall be arranged according to an overall plan prepared and approved as part of the development plan or shall be left in its natural state. A replacement program for non-surviving plant material shall be included.

2. *Landscaping Plans.*

A. Landscaping shall be installed and maintained in accordance with a landscaping plan (prepared by a registered landscape architect) and approved by

Borough Council. The landscape plan shall depict all proposed plantings which relate to, complement, screen or accentuate buildings, roads, parking areas, sidewalks, sitting areas, service or maintenance structures, courtyards and other site features.

B. The landscaping plan shall be coordinated with the development plan and shall show the location, type, size, height and other characteristics of the proposed landscaping.

C. The plan shall be accompanied or shall include information regarding the continued maintenance of plantings indicating that all plantings will be replaced, if damaged, diseased or dead, in locations shown on the approved plan.

3. *Specific Requirements.*

A. Landscaping shall be provided as required in this Section in the case of new construction and expansion of a building or structure.

B. No less than one evergreen tree or deciduous shrub shall be planted for every 8 feet of building or road frontage as required below:

| Zoning District or Use | Minimum Landscaping Requirements |
|---|--|
| Neighborhood Business District (NBD) | one tree or two shrubs (which may be placed in a planter) for every 15 feet of building width at the front of the building. Planters shall not obstruct pedestrian traffic |
| General Business District (GBD) | same as NBD above |
| Commercial-Institutional District (C-INS) | same as NBD above |
| Apartment buildings | 4 feet wide along road frontage or adjacent to at least 2 sides of the principal building, one of which shall be the front |
| Parking areas | See Part 10 |
| Planned Commercial District (PCD) | See Part 7 |

(Ord. 407B, 2/12/2001, §1213)

Part 13**Conditions and Standards for Special Exceptions****§27-1301. Purpose.**

The purpose of this Part is to provide conditions and standards for uses permitted by special exception. In these cases the Zoning Hearing Board may attach reasonable conditions and safeguards, in addition to those expressed in this Part, as it may deem necessary to implement the purposes of this Chapter and those of the Municipalities Planning Code, 53 P.S. §10101 *et seq.*, as amended.

(*Ord. 407B, 2/12/2001, §1300*)

§27-1302. General Requirements for Review of Uses Permitted by Special Exception.

In its review of applications for special exceptions, the Zoning Hearing Board shall consider the following factors where appropriate:

A. The proposed use is consistent with the Millbourne Borough Comprehensive Plan of 1997.

B. The proposed use is appropriate for the site in question in terms of size, topography, natural features, drainage, sewerage, solid waste disposal, stormwater management, access and availability of public services.

C. The proposed use is consistent with the character of adjacent properties.

D. The proposed use will serve the best interest of the Borough, convenience of the community and the public health, safety and welfare.

E. The proposed use promotes orderly development and the provision of adequate community services, including police and fire.

F. The proposed use will provide parking as required in Part 10.

(*Ord. 407B, 2/12/2001, §1301*)

§27-1303. Requirements for Special Exceptions Where Specific Dimensional Standards Are Not Provided.

In cases where this Chapter does not provide specific dimensional standards for uses permitted by special exception, the following general dimensional standards will be applied by the Zoning Hearing Board.

A. In residential districts, the area, bulk and any other applicable requirements shall be not less than those in §§27-305.B or 27-406.A, depending on the district in which the proposed special exception use is located.

B. In nonresidential districts, the area, bulk and any other applicable requirements shall be not less than those listed under §§24-505, 27-605, 27-705 or 27-805, whichever applies.

C. The Zoning Hearing Board may require additional, reasonable but more stringent requirements than those required in paragraphs .A and .B above, provided that the Board makes one or more of the following determinations:

(1) The requirements of subsections .1 and .2 above are clearly:

(a) Insufficient to accommodate the proposed building, facility or use and that greater dimensional requirements would substantially alleviate that condition.

(b) Insufficient to provide adequate area for parking and loading, as required in Part 10, and that greater requirements would substantially alleviate that condition.

(c) Insufficient to provide for lot areas and dimensions necessary to protect the adjacent areas from the potential adverse impacts of the proposed use, such as noise, air pollution, vibration and similar impacts, and that greater dimensional requirements would substantially alleviate that condition.

(d) All parking requirements of Part 10 must be followed.

(Ord. 407B, 2/12/2001, §1302)

§27-1304. Private Swimming Pools.

Private swimming pools shall only be permitted by special exception in the residential districts.

A. Swimming pools are intended to be used solely for the enjoyment of the occupants of the principal permitted use of the property on which they are located and their guests.

B. Swimming pools (as defined in Part 2) in residential districts shall be considered accessory structures.

C. Swimming pools are permitted on lots no smaller than 3,500 square feet.

D. Swimming pools, where permitted, must be located not less than 6 feet from the principal building and not less than 3 feet from any property line.

E. All swimming pools shall be located to the rear of the principal building.

F. The swimming pool or the yard in which it is located shall be surrounded by a fence that shall be not less than 6 feet in height. Such a fence shall be of the solid or closed variety. Chain link fences shall be prohibited. If there is a gate, it shall be of the self-locking type and shall be kept locked when the pool is not in use.

G. The pool shall not drain onto neighboring property or into a sanitary sewer. Drainage shall be into a storm sewer.

H. No swimming pool shall be located underneath power lines or over existing utility lines.

I. Swimming pools shall comply with all other applicable local regulations.

J. A plan showing the type, quality and construction of swimming pools shall be submitted to the Borough.

K. Prior to erection or construction of a pool, a permit must be obtained from the CEO.

(Ord. 407B, 2/12/2001, §1303)

§27-1305. Fences in Existing Court Developments.

Fences shall be permitted only by special exception in the front yards of the “existing court developments” in the R-2 Residential District.

A. All fences permitted by special exception shall comply with §27-1206.

B. No fence shall protrude onto any sidewalk, blocking pedestrian traffic.

(*Ord. 407B, 2/12/2001, §1304*)

§27-1306. Decks in Existing Court Developments.

Decks shall be permitted only as a special exception in the front yards of the “existing court developments” in the R-2 Residential District.

A. All decks permitted by special exception shall comply with §27-1211.

B. Decks permitted in the front yards of “existing court development” duplex dwellings shall not restrict or interfere with building inhabitants being able to park two cars side-by-side in the driveway and gaining access to the garage.

(*Ord. 407B, 2/12/2001, §1305*)

§27-1307. Sheds in Existing Court Developments.

Sheds shall be permitted only by special exception in the front yards of the “existing court developments” in the R-2 Residential District.

A. All sheds permitted by special exception shall comply with §27-1210.

B. The positioning of the sheds shall be in a manner such that cars will still have access to the garage.

C. Sheds shall be at least 1 foot away from side yards, 4 feet from the front building line and 6 feet from the street line.

D. Sheds shall be erected and placed to allow vehicles to fit completely into their driveway and not obstruct pedestrian traffic.

(*Ord. 407B, 2/12/2001, §1306*)

§27-1308. Gasoline Service Stations.

Gasoline service stations shall be permitted in the GBD General Business and the C-INS Commercial-Institutional Districts when authorized as a special exception.

A. All pumps and principal buildings shall be located not less than 20 feet from all property lines.

B. All pumps shall be located outside of buildings.

C. All fuel containers in excess of 50 gallons shall be placed underground.

D. No service station shall be located within 200 feet of a school, church, day care center or place of assembly with a capacity of more than 30 persons. The required 200 feet shall be measured along the shortest distance between the service station property and any of the uses listed above.

D. Hydraulic hoists, pits and all lubrication, washing and repair equipment shall be located entirely in an enclosed building.

E. Exterior lighting shall be deflected or shielded from nearby properties and public streets and sidewalks.

F. Service stations shall also comply with all applicable regulations of the Fire Marshall Division of the Pennsylvania State Police and with those of any other applicable agencies.

(*Ord. 407B, 2/12/2001, §1307*)

§12-1309. Car Wash Establishments.

Car wash establishments shall be permitted only as a special exception in the GBD General Business and C-INS Commercial-Institutional Districts.

A. Exterior lighting shall be shielded or deflected from adjacent or nearby properties.

B. The facility shall be designed to accommodate not less than eight waiting vehicles on the property.

C. An effective planted visual screen shall be provided in accordance with §27-1213.

4. Where applicable, the facility shall be designed and/or screened so that the headlights of automobiles approaching, waiting or exiting the facility do not shine directly on adjacent properties.

(*Ord. 407B, 2/12/2001, §1308*)

§27-1310. Automobile Service and Repair Facilities.

Automobile service and repair facilities shall be permitted in the GBD General Business and C-INS Commercial-Institutional Districts when authorized as a special exception, subject to the conditions below: [*Ord. 424*]

A. Vehicles awaiting repair or being stored for customers shall be completely screened from adjacent residential uses, districts or public streets.

B. Off-street parking shall be in accordance with Part 10.

C. All repair work shall be done in an enclosed building.

(*Ord. 407B, 2/12/2001, §1309; as amended by Ord. 424, 7/20/2009, §2*)

§27-1311. Funeral Homes.

Funeral homes shall be permitted only in the GBD General Business and the C-INS Commercial-Institutional Districts when authorized as a special exception.

1. There shall be a lot area of not less than 15,000 square feet for each funeral home.

2. Parking shall be in accordance with Part 10.

3. Loading and unloading areas for hearses or other service vehicles shall be screened from abutting or nearby residential properties by a wall or planted visual screen, as required in §27-1213. Also see §27-1007.

4. No principal or accessory building shall be located less than 30 feet from a lot line that abuts a residential use or district.

5. Exterior lighting shall be designed or deflected so as not to impact on adjacent or neighboring properties.

(*Ord. 407B, 2/12/2001, §1310*)

§27-1312. Food Stores.

Food stores shall be permitted by right in the GBD General Business, PCD Planned Commercial and C-INS Commercial-Institutional Districts and only by special exception in the NBD Neighborhood Business District.

A. Refuse containers serving food stores shall be located not less than 15 feet from a residential use or district.

B. Refuse disposal shall comply with §27-1207.

(*Ord. 407B, 2/12/2001, §1311*)

§27-1313. Wholesale Establishments.

Wholesale establishments shall be permitted only by special exception in the PCD Planned Commercial District.

A. Wholesale establishments shall comply with all applicable requirements of §27-706.

B. No materials shall be placed or stored on a lot in a manner that may be transferred off the lot by wind, water or other natural forces.

C. No materials shall be stored and no activities shall be conducted in trailers.

D. Side yards shall have a minimum width of 35 feet.

E. Wholesale establishments shall provide a planted buffer, as described in §27-706.1, along their boundary with a commercial or other use having a lesser impact.

(*Ord. 407B, 2/12/2001, §1312*)

§27-1314. Automobile Sales.

The sale of automobiles shall be permitted by right in the GBD General Business and C-INS Commercial-Institutional Districts. [*Ord. 424*]

A. Lot area shall be not less than 3 acres with side yards of not less than 35 feet.

B. Part 11, "Signs," shall be followed, and §27-1104 relating to prohibited signs shall be strictly enforced.

C. These establishments shall comply with all applicable provisions of Part 7.

D. These establishments shall provide a planted buffer, as described in §27-706.1, at their boundary with any commercial or other use of lesser impact.

(*Ord. 407B, 2/12/2001, §1313; as amended by Ord. 424, 7/20/2009, §2*)

§27-1315. Public Parking Garage.

Public parking garages shall be permitted only by special exception in the PCD Planned Commercial District, subject to the following standards:

A. All other applicable standards contained in this Part shall be met.

B. Public parking garages must be in an enclosed structure.

C. Public parking garages shall comply with all applicable provisions of this District and all other applicable provisions of this Chapter shall be followed.

D. There shall be a planted visual screen between the public parking garage and any other uses in this District.

E. There shall be adequate security provisions installed to ensure the safety of the users of the public parking garage and the community in general.

F. The applicable provisions of Part 10, "Parking," shall apply.

G. The public parking garage use must be mixed with another use permitted by §27-702, which mixed permitted use shall constitute at least 10 percent of the total square footage of the structure.

(*Ord. 407B*, 2/12/2001, §1314; as amended by *Ord. 424*, 7/20/2009, §2)

§27-1316. Schools and Places of Worship.

Schools and places of worship shall be permitted only by special exception in the C-INS Commercial-Institutional District:

A. Outdoor areas associated with schools or places of worship shall be used for play or recreational activities only between the hours of 9 a.m. and 7 p.m.

B. Outdoor lighting shall comply with §27-1208.

C. Parking facilities shall comply with Part 10.

D. These facilities shall comply with all other applicable provisions of this Chapter, other applicable Borough ordinances or regulations and any applicable regulations of other regulatory agencies.

(*Ord. 407B*, 2/12/2001, §1315)

§27-1317. Day Care Centers.

Day care centers shall be permitted only by special exception in the C-INS Commercial-Institutional District:

A. Each facility must obtain an approved Pennsylvania Department of Public Welfare license, and the operator of the facility must, within 30 days of its receipt, notify the CEO and make it available for his inspection.

B. Borough officials may inspect the facilities after giving reasonable notice of such inspection.

C. The minimum lot size shall be 750 square feet per child and shall in no case be less than that required by the district in which the facility is located.

D. Not less than 75 square feet of outdoor play area per child shall be provided, excluding parking areas, garage areas or other areas suited for play.

E. Not less than 40 square feet of indoor play area per child shall be provided, excluding bathrooms, hallways and other areas suited for play.

F. A fence at least 4 feet high shall be placed around all outdoor play areas. Such fence shall be of a design and shall reach the ground so as to prevent children from crawling underneath.

G. Outdoor play activities shall be limited to the hours between 8 a.m. and 7 p.m.

H. Signs shall comply with Part 11.

I. Parking shall comply with Part 10.

J. Each facility shall fully satisfy the requirements of the Borough's Fire Marshall.

K. Each facility shall provide for the discharge and pick-up of children on a driveway, approved parking area or directly in front of the facility. In any case, the area selected for discharge and pick-up must be free from traffic hazards to children.

L. No part of a day care center may be located within 200 feet of a gasoline pump or underground gasoline storage tank or any other storage area for explosive materials.

M. Where local regulations differ from those of the Pennsylvania Department of Public Welfare, the more stringent regulations shall apply.

(Ord. 407B, 2/12/2001, §1316)

§27-1318. Adult Day-Care Centers.

Adult day-care centers shall be subject to the standards of the zoning district in which they are permitted and the following additional standards, whichever are more restrictive:

A. Adult day-care centers shall hold a valid license from the Pennsylvania Department of Aging, meet the regulations of the Pennsylvania Older Adult Living Centers Licensing Act of 1993 (6 Pa.Code §11.1 *et seq.*, as amended), and the applicable requirements of all other State and county agencies. Where any of the requirements of this Section conflict with State requirements, the more restrictive requirement shall apply.

B. Each operator of an adult day-care center shall register with the Borough prior to the commencement of such use. The operator must certify compliance with all aspects of Borough requirements as well as Commonwealth of Pennsylvania requirements for adult day care.

C. Adult day-care centers shall not be permitted as an accessory use in private homes.

D. There shall be a minimum of one off-street parking space provided for each employee on the largest shift, and, additionally, a minimum of one safe passenger unloading space measuring a minimum of 10 feet by 20 feet in area for each four clients or fraction thereof that the center is licensed to accommodate. Safe sight distances and internal circulation patterns are required for both drop-off and pick-up locations.

E. Proposed structures and appurtenances shall be architecturally compatible with surrounding structures. Additional conditions, including buffers, may be imposed to mitigate any potentially adverse impact relating to the site or surrounding areas. Further, such designs will allow the reversion to compatible permitted uses within the District should the adult day-care center cease to function as such.

F. A land development plan is required for all adult day-care centers as part

of its application.

G. Signs shall comply with the regulations of §27-1106.E of this Chapter.

H. An adult day-care center shall not be located within 500 feet of another adult day-care center.

I. The licensed capacity of an adult day-care center shall be limited to the lot area divided by 1,500 square feet, unless restricted further by other provisions of this Chapter.

(*Ord. 407B*, 2/12/2001; as added by *Ord. 451*, 11/17/2015, §III)

Part 13A**Conditions and Standards for Conditional Use Approvals****§27-13A01. Conditions and Standards for Conditional Use Approvals.**

1. In evaluating an application to the Borough Council for a conditional use, the Council shall require the applicant to provide reports, maps, plans and other related papers to ensure that the proposal will:

A. Be consistent with the community development objectives articulated in this Chapter (pursuant to §606 of the Municipalities Planning Code).

B. Be consistent with the statement of purpose articulated for the district in which the use is proposed.

C. Be consistent with the Millbourne Borough Comprehensive Plan, in particular, the plans for land use, community facilities and utilities.

D. Conform to all requirements of any subdivision regulation and all other regulations and ordinances.

E. Not adversely affect the health, safety and general welfare of the surrounding area and the Borough.

F. Promote the harmonious and orderly development of the zoning district involved.

G. Be compatible with the character and type of development existing in the area which surrounds the site in terms of the size, scale, height and bulk of the proposed uses and the size, shape and placement of buildings and other structures.

H. Not detract from or cause harm to neighboring properties by creating a negative impact on the aesthetic character of the community.

I. Be compatible with the uses permitted in the surrounding area in terms of the density and/or intensity of land use.

J. Reflect effective site planning and design in terms of energy efficiency, environmental protection and aesthetic composition.

K. Be reflective of sound engineering and land development design and construction principles, practices and techniques.

L. Be consistent with the logical, efficient and cost-effective extension of public services and utilities and will not adversely affect the public services and utilities of surrounding properties of the Township as a whole in terms of public water, sewers, police and fire protection and schools.

M. Include proposals for the effective disposal of solid waste.

N. Provide safe and efficient access to roads and will not create traffic congestion, hazardous traffic conditions or excessive traffic volumes.

O. Be developed so as to limit the number of access points along a major public street and to develop frontage of buildings on access roads which are parallel or perpendicular to a major public street.

P. Provide any improvements needed to guarantee compatibility with

adjoining roads.

Q. Provide continuity of existing circulation systems, including roads, sidewalks, trails and other walkways.

R. Provide adequate off-street parking and loading which will be minimally visible from adjoining public streets.

S. Utilize effective stormwater management techniques and soil erosion and sedimentation control techniques which are in character with and complimentary to the proposed site grading and landscaping.

T. Provide for adequate environmental controls and performance standards to minimize noise, vibration, glare, heat, odor, smoke, dust, fumes, vapors, gases, air emissions, water emissions and outdoor storage.

U. Preserve woodlands and other trees existing at the site to the maximum extent possible.

V. Not be disruptive to existing topography, surface water resources and groundwater resources.

W. Include proposals for effective mitigation of potential adverse environmental Impacts through a satisfactory environmental impact assessment report.

X. Provide landscaping to buffer and screen the use from surrounding properties, to compliment buildings and other structures on the site and to enhance the overall character of the development.

Y. Include proposed landscaping, in addition to that required as stated above, in areas such as the entrance, along property boundaries, in areas which are highly visible, such as along roads, walks or trails, and in other places where the use of trees, shrubs and ground cover would be functional and appropriate.

Z. Provide fencing, walls, berming, terraces, walkways and other site improvement features to compliment the proposed landscaping.

AA. Provide effective, subdued and adequately shielded lighting using light posts and fixtures complimentary to the proposed architecture and the character of the surrounding neighborhood and minimize light trespass.

BB. Provide effective signage which shall be crafted to be attractive and of the highest graphic quality in keeping with the character of surrounding properties, to be appropriately scaled for the intended viewer, and to maintain the highest level of safety throughout the Township's circulation and transportation systems.

2. The Borough Council may attach such conditions and safeguards, in addition to those already required by this Chapter, as they may deem necessary to implement the purposes of the Municipalities Planning Code, 53 P.S. §10101 *et seq.*, and this Chapter and to protect the public welfare, which conditions and safeguards may relate to, but are not limited to, the design of buildings, roads and parking areas, landscaping and its maintenance as a sight or sound screen, lighting, noise, safety and the prevention of noxious, offensive or hazardous conditions.

(*Ord. 407B*, 2/12/2001, as added by *Ord. 442*, 4/14/2014, §2)

Part 14**Zoning Hearing Board****§27-1401. Purpose.**

The purpose of this Part is to list and describe the powers, procedures, composition and standards for the Zoning Hearing Board, as required by the Municipalities Planning Code, 53 P.S. §10101 *et seq.*

(*Ord. 407B, 2/12/2001, §1400*)

§27-1402. Administration and Procedure.

1. *Creation of the Zoning Hearing Board (ZHB).* A ZHB for the Borough of Millbourne shall be appointed by Borough Council and shall be authorized to administer all procedures charged to such Boards in accordance with the provisions of Article IX of the Pennsylvania Municipalities Planning Code, 53 P.S. §10901 *et seq.*, as amended. Hereinafter, as used in this Part, the term “Board” shall refer to the ZHB, and the term “Planning Code” shall refer to the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.*, as amended.

2. *Membership of the Board.* The Board shall consist of three residents of the Borough. Their terms of office shall be 3 years and shall be so fixed that the term of office of one member shall expire each year. The Board shall promptly notify the Borough of any vacancies. Appointment 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. *Removal of Members.* Any member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority rule of Borough Council taken after the member has received 15 days advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member requests it in writing.

4. *Organization of the Board.*

A. The Board shall elect from its own membership its officers, 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 be not less than the majority of all members of the Board, but where a majority of members are disqualified to act in a particular matter, the remaining members may act for the Board. As provided for in the Planning Code, 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 §908 of the Planning Code, 53 P.S. §10908.

B. The Board shall adopt rules and forms for its procedure in accordance with the provisions of this Chapter. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. Such Chairman or, in his absence, the Acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public.

C. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote indicate such fact, and

shall keep records of its examination and other official actions, all of which shall be immediately filed in the Office of the Borough Manager and shall be a public record.

D. The Board shall submit a report of its activities to Borough Council as requested.

5. *Expenditures for Services.* Within the limits of funds appropriated by Borough Council, the Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the Board may receive compensation for the performance of their duties, as may be fixed by Borough Council, but in no case shall it exceed the rate of compensation authorized to be paid to members of Borough Council.

(Ord. 407B, 2/12/2001, §1401)

§27-1403. Powers of the Zoning Hearing Board.

1. *Appeals from the Code Enforcement Officer (CEO).* The Board shall hear and decide appeals where it is alleged that the CEO has failed to follow prescribed procedures or has misinterpreted or misapplied any provision of this Chapter or the Zoning Map or any valid rule or regulation governing the action of the CEO.

2. *Applications.* Applications for variances or special exceptions shall include as a minimum the following information:

A. A sketch plan, at scale, showing the layout of the property, the proposed improvements and alterations thereto and the relationship of the tract to adjacent properties.

B. A reference to the Section(s) of this Chapter under which the variance or special exception is requested.

3. *Variances.* The Board shall hear requests for variances where it is alleged that the provisions of this Chapter inflict unnecessary hardship on the applicant. In granting a variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the Planning Code, 53 P.S. §10101 *et seq.*, and this Chapter.

4. *Special Exceptions.* The Board shall hear and decide requests for special exceptions authorized by this Chapter in accordance with the standards and criteria set forth in Part 13 and in §27-1407 below. The Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the Planning Code, 53 P.S. §10101 *et seq.*, and this Chapter.

5. *Challenge to the Validity of the Chapter or Map.* The Board shall conduct hearings and make decisions and findings in connection with challenges to the validity of any provision of this Chapter as authorized by §909.1 of the Planning Code, 53 P.S. §10909.1.

(Ord. 407B, 2/12/2001, §1402)

§27-1404. Hearings and Decisions.

The Board shall conduct hearings and make decisions in accordance with the provisions of §908 of the Planning Code, 53 P.S. §10908.

(Ord. 407B, 2/12/2001, §1403)

§27-1405. Notice of Requirements.

1. *Notice of Hearing.* In any case where the Board shall hold a public hearing, the Board shall, at a minimum, give notice of such hearing as follows, which notice shall state the time and the place of the hearing and the particular nature of the matter to be considered at the hearing:

A. By publishing a notice thereof once each week for 2 successive weeks in a newspaper of general circulation in the Borough, provided that the first publication shall be not more than 30 days and the second publication shall be not less than 7 days from the date of the hearing.

B. By mailing or delivering due notice thereof to the applicant and other parties in interest, who shall be at least those persons whose properties adjoin the property in question or are within a 200-foot radius of the property in question.

C. By mailing or delivering notice thereof to Borough Council and the CEO.

D. By conspicuously posting notice of said hearing on the affected tract of land at least 1 week prior to the hearing.

(Ord. 407B, 2/12/2001, §1404)

§27-1406. Elements of Decisions of the Board.

Decision of the Board shall include the following elements:

A. Findings of fact, including a brief summary of relevant testimony and information entered during the proceedings of the Board.

B. Citation by quotation or by reference to the specific sections of the local ordinances and/or the Planning Code, 53 P.S. §10101 *et seq.*, which are relevant to the case in question.

C. Conclusions of the Board, enumerating the reasons why such conclusions are deemed appropriate in light of the facts found.

D. Ruling of the Board, indicating in writing any stipulations or conditions attached to the ruling.

(Ord. 407B, 2/12/2001, §1405)

§27-1407. Standards for Board Action.

In any instance where the ZHB is required to consider a variance or special exception, the Board shall, among other things, consider the following standards:

A. *Planning Code Criteria for Variances.*

(1) The Board shall hear requests for variances where it is alleged that the provisions of this Chapter inflict unnecessary hardship on the applicant.

(2) A variance from the terms of this Chapter shall not be granted by the Board unless and until a written application for a variance is submitted by the applicant who shall have the burden of establishing the presence of all of the following conditions where relevant in a given case:

(a) There are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape or exceptional topographical or other physical conditions peculiar to the particular

property, and that the unnecessary hardship is due to such conditions and not to the circumstances or conditions generally created by the provisions of this Chapter in the neighborhood or district in which the property is located.

(b) Because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Chapter and that the authorization of the variance is therefore necessary to enable the reasonable use of the property.

(c) Such unnecessary hardship has not been created by the applicant.

(d) 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) The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

(3) In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the Planning Code, 53 P.S. §10101 *et seq.*, and this Chapter

B. Standards for Review of Special Exceptions.

(1) In any instance where the Board is required to consider a request for a special exception, the Board shall consider the following factors where appropriate:

(a) The proposed use is appropriate for the site in question in terms of size, topography, natural features, drainage, sewage disposal, water supply, accessibility and availability of public services and that adequate provisions will be made to protect sensitive environmental features such as streams, lakes, wetlands, slopes and mature trees.

(b) The proposed use is compatible with the character of the surrounding neighborhood and will not interfere with or detract from legitimate uses and adjacent properties, and that adequate measures will be provided through building design, site layout, landscaping, planting and operational controls to minimize any adverse impacts caused by noise, lights, glare, odors, smoke, fumes, traffic, parking, loading and signage.

(c) The proposed special exception will serve the best interest of the Borough, convenience of the community and the public health, safety and welfare.

(d) The proposed use is consistent with the latest adopted comprehensive plan for Millbourne Borough.

(e) The proposed use promotes orderly development, proper population density and the provision of adequate community facilities and services, including police and fire protection.

(f) The proposed use is suitable in terms of its effect on highway safety and traffic circulation, and that access, on-site circulation and

parking are adequate in view of anticipated traffic.

(g) The proposed use will provide for adequate off-street parking, as required in Part 10, "Parking."

(2) In cases where uses permitted by special exception are not accompanied by specific standards for such uses, the regulations in §27-1303 apply.

(3) Financial hardship shall not be construed as a basis for granting special exceptions.

(4) In granting any special exception, the Board may attach reasonable conditions and safeguards in addition to those expressed in this Chapter as it may deem necessary to implement the purposes of the Planning Code, 53 P.S. §10101 *et seq.*, and this Chapter, which conditions and safeguards may relate to, but not be limited to, screening, lighting, noise, safety, aesthetics and the minimization of noxious, offensive or hazardous elements. Such special exception shall be clearly authorized by a provision in this Chapter and shall, where applicable, comply with the more specific standards relating to such special exception contained in appropriate Sections of Part 13.

(Ord. 407B, 2/12/2001, §1406)

§27-1408. Standards of Proof.

1. *For Variances.* An applicant for a variance shall have the burden of establishing both:

A. A literal enforcement of the provisions of this Chapter will result in unnecessary hardship, as that term is defined by law, including court decisions.

B. The allowance of the variance will not be contrary to the public interest.

2. *For Special Exceptions.* An applicant for a special exception shall have the burden of establishing both:

A. His application falls within the provisions of this Chapter which affords to the applicant the right to seek a special exception.

B. The allowance of a special exception will not be contrary to the public interest.

3. *Evaluation of the Impact of an Application on the Public Interest.* In determining whether the allowance of a special exception or variance is contrary to the public interest, the Board shall consider whether the application, if granted, will:

A. Adversely affect the public health, safety and welfare due to changes in traffic conditions, drainage, air quality, noise levels, neighborhood property values, natural features and neighborhood aesthetic characteristics.

B. Be in accordance with the comprehensive plan.

C. Provide required parking in accordance with Part 10 of this Chapter.

D. Adversely affect the logical, efficient and economical extension or provision of public services and facilities such as public water, sewers, refuse collection, police, fire protection and public schools.

E. Otherwise adversely affect the public health, safety or welfare.

(*Ord. 407B, 2/12/2001, §1407*)

§27-1409. Expiration of Special Exceptions and Variances.

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

(*Ord. 407B, 2/12/2001, §1408*)

§27-1410. Time Limitations and Stay of Proceedings.

See §§914.1 and 915.1 of the Planning Code, 53 P.S. §§10914.1, 10915.1.

(*Ord. 407B, 2/12/2001, §1409*)

§27-1411. Appeals to Court.

See Article X-A of the Planning Code, 53 P.S. §11001-A *et seq.*

(*Ord. 407B, 2/12/2001, §1410*)

Part 15**Administration, Enforcement and Amendments****§27-1501. Purpose.**

The purpose of this Part is to set forth procedures for the administration and enforcement of this Chapter, in accordance with the Planning Code, 53 P.S. §10101 *et seq.*

(*Ord. 407B, 2/12/2001, §1500*)

§27-1502. Administration.

1. The administration, enforcement and amendment of this Chapter shall be in accordance with the provisions of Article VI and any other applicable Sections of the Pennsylvania Municipalities Planning Code, 53 P.S. §10601 *et seq.*, as amended, and hereinafter referred to in this Part as the Planning Code, 53 P.S. §10101 *et seq.*

2. There shall be a Code Enforcement Officer (CEO) who shall be appointed by Borough Council. The powers and duties of the CEO listed in this Part may be exercised by the Borough Manager. All employees engaged in the administration and enforcement of this Chapter shall report to the Borough Manager.

3. The CEO and Borough Manager shall not hold any elective office in the Borough.

4. The CEO shall administer this Chapter in accordance with its literal terms and shall not have the power to permit any construction, use or change of use which does not conform to this Chapter.

5. The CEO may be authorized to institute civil enforcement proceedings as a means of enforcing this Chapter.

6. *Duties.* The following duties shall be performed by the CEO:

A. Enforce all provisions of this Chapter and all amendments thereto.

B. Receive, examine, record and file all applications and fees for building permits and issue building permits only for any structure or use that conforms to this Chapter.

C. Issue permits for uses and construction by special exception or variance only after such uses or buildings are approved by the ZHB, in accordance with the provisions of this Chapter. Permits requiring approval by Borough Council shall be issued only after receipt of an authorization from Council.

D. Receive all required fees.

E. Regularly inspect all areas of the Borough to determine if there are any violations of this Chapter, and review the validity of any reported zoning violations.

F. Issue all necessary stop orders and order in writing correction of all conditions found to be in violation of this Chapter. It shall be unlawful for any person to violate any such order lawfully issued by the CEO, and any person violating such order shall be guilty of a violation of this Chapter.

G. Maintain, or cause to be maintained, a map or maps showing the current

zoning classification of all land in the Borough.

H. Upon request of Council, the Planning Commission or the ZHB, present facts, records and any similar information to such body on specific requests to assist these bodies in reaching their decisions.

7. *Appeal from Decisions of the CEO.* An appeal from a decision or action of the CEO shall be made directly by a party in interest to the ZHB, and such appeal shall be made within 30 days after notice of the decision is made, or if no decision is made, 30 days after the date when a decision is deemed to have been made, in accordance with the Planning Code, 53 P.S. §10101 *et seq.*, as amended.

8. *Violations.* Whenever a violation of this Chapter is alleged to have occurred, any person may file a written and signed complaint. Such complaint, stating fully the causes and basis thereof, shall be filed with the CEO who shall record such complaint promptly and immediately investigate and take action thereon as provided in this Chapter.

(*Ord. 407B, 2/12/2001, §1501*)

§27-1503. Enforcement.

1. *Enforcement Notice.* If it appears to the Borough that a violation of this Chapter has occurred, the Borough shall initiate enforcement proceedings by sending an enforcement notice 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 an enforcement notice regarding that parcel and to any other person requested in writing by the owner of record. An enforcement notice shall include the minimum components required in §616.1(c) of the Planning Code, 53 P.S. §10616.1(c).

2. *Causes of Action.* See §617 of the Planning Code, 53 P.S. §10617.

3. *Enforcement Remedies.* See §617.2 of the Planning Code, 53 P.S. §10617.2.

4. *Jurisdiction.* Magisterial district judges shall have initial jurisdiction over proceedings brought under §617.2 of the Planning Code, 53 P.S. §10-617.2. [*Ord. 447*] (*Ord. 407B, 2/12/2001, §1502; as amended by Ord. 447, 5/20/2015*)

§27-1504. Permits.

1. *Requirement for Permits.* A permit shall be required prior to the erection or alteration of any building, structure or portion thereof, including signs and fences; prior to the use or change in use of a building or land; and prior to the change or extension of a nonconforming use or structure.

2. *Application for Permits.* Application for permits shall be made to the CEO on such forms as may be furnished by the Borough. Each application shall contain all information necessary to ascertain whether the proposed erection, alteration, use or change in use complies with the provisions of this Chapter.

3. *Issuance of Permits.*

A. No building or use permit shall be issued until the CEO has certified that the proposed building or alteration and the proposed use of the property comply with the provisions of this Chapter.

B. Permits shall be granted or refused within 45 days after the date of

application. In case of refusal the applicant shall be informed of his right to appeal to the Zoning Hearing Board.

4. *Permits for Trailers or Other Temporary Structures.* Prior to the placement or location of a trailer or other temporary structure on a site, a permit shall be obtained from the CEO as noted above in this Section. Such temporary permit shall be effective for not more than 90 days and may be renewed. However, the total continuous time for which temporary permits may be issued shall not exceed 1 year.

5. *Expiration of Permits.* Permits for the erection, razing, change, alteration or removal of a building shall be valid or effective for a period of not more than 6 months from the date of issuance thereof and shall thereafter be void, unless the work authorized by such permit shall have been substantially commenced within that period and continues with due diligence from that time forward. In no event shall a zoning permit be construed to authorize the development activities for more than a 1 year period of time, after which time a new permit must be sought. If, however, the applicant has been delayed in proceeding with the work for which the permit was granted for reasons beyond his or her control and demonstrably not due to his or her own negligence, at the discretion of the CEO the permit may be renewed without additional costs to the applicant.

6. *Occupancy Permits.*

A. *Applicability.* An occupancy permit shall be deemed to authorize and is required for both initial and continued occupancy and use of the building or land to which it applies. Such a permit shall certify that the premises have been inspected and comply with all previously approved plans and all conditions or safeguards attached to the issuance of a zoning permit. It shall also certify that the premises comply with all other applicable requirements of the Borough of Millbourne. The following shall be unlawful until an occupancy permit shall have been applied for and issued by the CEO:

- (1) Occupancy and use of a building erected, reconstructed, restored, altered, moved or any change in use of an existing building.
- (2) Occupancy, use or any change in use of vacant land.
- (3) Any change in use of a nonconforming use.
- (4) Any change in ownership in residential owner-occupied structures and new tenancy in rental facilities.

B. *Applications.* Application for an occupancy permit shall be made on forms furnished by the Borough after the building or part thereof has been erected, the change in use has been completed or the land placed in use. In the case of a change in ownership or tenancy of an existing residential building, an occupancy permit shall be applied for by the owner of such a building upon the sale or rental, respectively. Application for an occupancy permit shall be accompanied by a payment of the required fee.

C. *Action by the CEO.* The CEO shall, within 15 days of application filing, inspect the premises and either certify their compliance with the previously approved plans and all conditions and safeguards stated upon issuance of a zoning permit or deny such certification. In the case of a change in use of an existing building or vacant land (when no zoning permit is required), the CEO shall verify

compliance with the applicable zoning regulations. Upon establishment of compliance in any of the aforementioned cases, the CEO shall note his certification on the occupancy permit form in one column designated for zoning inspections. The certified occupancy permit form shall be forwarded to the CEO for further processing. If the CEO's certification of the occupancy permit form is denied, the CEO shall state in writing the reasons for such denial.

7. *Fees.*

A. Borough Council shall establish, by resolution, a schedule of fees, charges, expenses and collection procedures for building permits, sign permits, special exceptions, variances, appeals, amendments and other matters pertaining to this Chapter.

B. A schedule of fees shall be posted in the office of the CEO and may be altered or amended by Borough Council only.

C. The cost of permits shall be based on a fee schedule as established from time to time by Borough Council.

D. No action shall be taken on any application for any special exception, variance, appeal or other similar matter pertaining to this Chapter until all application fees, charges and expenses have been paid in full.

8. *Enforcement Remedies.* Persons found to be in violation of this Chapter shall pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Borough. See §617.2 of the Planning Code, 53 P.S. §10617.2.

(Ord. 470B, 2/12/2001, §1503)

§27-1505. Amendments.

1. *Power to Amend.* The regulations, restrictions, boundaries and requirements set forth in this Chapter may be amended, supplemented, changed or repealed by Borough Council by amending this Chapter in accordance with §§609, 609.1 and 609.2 of the Planning Code, 53 P.S. §§10609, 10609.1, 10609.2.

2. *Procedure for Amendment.*

A. An ordinance amending, supplementing or changing the district boundaries (Zoning Map) or the regulations established herein may be initiated:

(1) By Borough Council, upon its own initiative or upon recommendation of the Planning Commission.

(2) Upon a petition to Borough Council signed by the owners of 50 percent or more of the frontage of any area which shall be between two streets wherein a change of zoning regulations is being sought.

(3) By a landowner requesting an amendment or repeal. In the case of a curative amendment, the special requirements of §609.1 of the Planning Code, 53 P.S. §10609.1, shall apply.

B. Before voting on the enactment of an amendment, Borough Council shall hold a public hearing thereon, pursuant to public notice. If the proposed amendment involves a map change, notice of said public hearing shall be conspicuously posted along the perimeter of the tract at least 1 week prior to the

hearing.

C. Borough Council shall submit each proposed zoning amendment, other than one prepared by the Planning Commission, to the Planning Commission at least 30 days prior to any hearing which is to be held on the proposed amendment to provide the Planning Commission with an opportunity to submit its recommendations prior to final action.

D. If, after any public hearing held upon an amendment, the proposed amendment is revised or further revised to include land previously not affected by it, Borough Council shall hold another public hearing as required by law pursuant to public notice before proceeding to vote on the amendment.

E. As required by the Planning Code, a copy of any proposed zoning amendment shall also be sent to the County Planning Commission at least 30 days prior to any hearing on the proposed amendment in order to provide the County Planning Commission an opportunity to submit its recommendations prior to final action on the amendment.

G. The Borough may offer a mediation option as an aid in completing proceedings authorized in this Section. In exercising such an option, the Borough and mediating parties shall meet the stipulations of §908.1 of the Planning Code, 53 P.S. §10908.1.

G. Within 30 days after enactment, a copy of the amendment to this Chapter shall be forwarded to the Delaware County Planning Department.

(Ord. 407B, 2/12/2001, §1504)

Part 16**Nonconforming Uses, Structures and Lots****§27-1601. Purpose.**

Within the districts established by this Chapter or amendments thereto, there exist certain uses, structures and lots which were lawful before this Chapter was enacted or amended but which do not conform to the provisions of this Chapter or amendment thereto. These uses, structures or lots are referred to as nonconformities. The regulations governing existing nonconforming uses, structures and lots are set forth in this Part and are intended to provide a gradual remedy for the undesirable conditions resulting from such nonconformities. While such nonconformities are generally permitted to continue, these regulations are intended to restrict further investment in such nonconformities and to bring about their gradual reduction.

(*Ord. 407B, 2/12/2001, §1600*)

§27-1602. Continuation.

All structures, lots, uses of structures and uses of land that do not conform to the regulations of the district in which they are located after the effective date of this Chapter or amendment thereto shall be regarded as nonconforming and may be continued so long as they remain otherwise lawful, including subsequent sales of property. Such uses must comply with all safety related and other applicable regulations.

(*Ord. 407B, 2/12/2001, §1601*)

§27-1603. Enlargement.

1. A nonconforming use or structure may be extended, enlarged or altered when so authorized as a special exception, provided that the following conditions are met and a permit is obtained as per §27-1504 of this Chapter.

A. It is clear that such enlargement or extension is not materially detrimental to the health, safety and welfare of the surrounding area.

B. The proposed enlargement or extension only occurs on the tract where the nonconformity is currently located.

C. The area devoted to the nonconforming use shall not be increased by more than 25 percent. The nonconforming structure shall not be increased by more than 25 percent of its cubic content.

D. Any extension or enlargement of a building shall conform to the area, height and setback regulations of the district in which it is located.

E. Not more than one extension or enlargement to a nonconforming use or structure shall be granted.

F. In the NBD Neighborhood Business District, buildings on lots that are nonconforming in area and width may be extended, enlarged or altered with the Zoning Hearing Board fee waived.

(*Ord. 407B, 2/12/2001, §1602*)

§27-1604. Change of Use.

Once changed to a conforming use, no structure or land shall be permitted to revert to a nonconforming use. A nonconforming use may be changed to another equally restrictive or more restrictive nonconforming use, when so determined by Borough Council, subject to the following conditions:

A. The applicant shall show that the nonconforming use cannot be reasonably changed to a conforming use.

B. The applicant shall show that the proposed change will be no more objectionable in external effects than the existing nonconforming use or will be more appropriate than the existing nonconforming use with regard to:

(1) Traffic generation and congestion.

(2) Parking.

(3) Noise, smoke, dust, fumes, vapors, gases, heat, odor, glare or vibration.

(4) Outdoor storage.

(5) Sanitary sewage disposal.

C. A permit is obtained from the Borough.

(*Ord. 407B, 2/12/2001, §1603*)

§27-1605. Enclosure.

Where a nonconforming use is conducted entirely on unenclosed premises, no structure to house or enclose such use, whether or not such structure would otherwise conform to zoning regulations, shall be permitted to be erected on the premises.

(*Ord. 407B, 2/12/2001, §1604*)

§27-1606. Abandonment.

If a nonconforming use of a building or land is abandoned for 6 consecutive months or more, whereby the owner discontinues the use, the subsequent use of such a building or land shall conform with the regulations of the district in which it is located, unless another nonconforming use is approved by the ZHB. Such approved use shall be initiated within 120 days after the approval of the ZHB.

(*Ord. 407B, 2/12/2001, §1605*)

§27-1607. Restoration.

1. Except for residential structures, a nonconforming structure, a conforming structure devoted to a nonconforming use or a structure that has been legally condemned which has been destroyed by fire or other cause to an extent of not more than 75 percent of the value of the structure may be reconstructed and used for the same nonconforming use provided that:

A. The reconstructed structure shall not exceed the height, area and volume of the building destroyed or condemned.

B. Reconstruction of the structure shall commence within 6 months from the date the structure was destroyed or condemned, unless the ZHB shall authorize a

special exception for an extension of this time limit.

2. A nonconforming residential structure that is destroyed or damaged by fire or other cause may be restored to its condition prior to the occurrence.

(Ord. 407B, 2/12/2001, §1606)

§27-1608. Repairs and Maintenance.

1. On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done in any period of 6 consecutive months on ordinary repairs or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing, provided that the cubic content existing when it became nonconforming shall not be increased.

2. If a nonconforming structure becomes physically unsafe due to lack of repairs and maintenance and is declared by the CEO to be unsafe by reason of physical condition, it shall not thereafter be restored or repaired except to conform to the regulations of the district in which it is located.

3. Nothing in this Chapter shall be construed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by the CEO.

(Ord. 407B, 2/12/2001, §1607)

§27-1609. Displacement.

No nonconforming use shall displace a conforming use.

(Ord. 407B, 2/12/2001, §1608)

§27-1610. Nonconforming Lots.

A lot held in single and separate ownership on the effective date of this Chapter which does not contain the required minimum area or width may be used for the construction, alteration or reconstruction of a building or may be otherwise used if the construction, alteration, reconstruction or other use is in compliance with the use, yard and setback provisions of this Chapter.

(Ord. 407B, 2/12/2001, §1609)

§27-1611. Reduction of Lot Area.

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

(Ord. 407B, 2/12/2001, §1610)

§27-1612. Nonconforming Signs.

Regulations for nonconforming signs are in Part 11 relating to signs.

(Ord. 407B, 2/12/2001, §1611)

§27-1613. Registration of Nonconforming Uses.

The CEO shall prepare, or cause to be prepared, a complete list of all

nonconforming uses, structures, lots and signs in the Borough.

(*Ord. 407B, 2/12/2001, §1612*)

§27-1614. Ownership.

Whenever a lot is sold to a new owner, a previously lawful nonconforming use may be continued by the new owner.

(*Ord. 407B, 2/12/2001, §1613*)

§27-1615. Violations.

A nonconforming structure altered or a nonconforming use created in violation of any previous provisions in this Part shall be regarded as continuing in such violation and shall not enjoy the privilege of legal continuance conferred by §27-1602 upon other nonconforming structures and uses.

(*Ord. 407B, 2/12/2001, §1614*)