

ARTICLE V
ZONING DISTRICT REGULATIONS

§ 345-13. Classes of Districts.

For the purposes of this chapter, the Borough is divided into five (5) classes of districts as follows:

R-10	Single Family Residential
R-7.8	Single and Multiple Family Residential
GC	General Commercial
M	Manufacturing
TC	Town Center

§ 345-14. District Boundaries.

- A. **Zoning Map.** The boundaries of each district or zone are established as shown on the Official Zoning Map of Macungie Borough, which, together with any explanatory matter thereon, is declared to be part of this chapter. The Official Zoning Map shall be signed by the President of the Borough Council and by the Chairman of the Planning Commission. This map shall be located and displayed in the office of the Code Enforcement Officer. Any subsequent amendment to this chapter, which involves matter portrayed on the official zoning map shall be promptly reflected on the official zoning map. The map, which accompanies this chapter, is a replica of the official zoning map at the date of the adoption of this chapter.
- B. **Replacement of Official Zoning Map.** In the event that the official zoning map becomes damaged, lost or difficult to interpret because of the nature or number of changes and additions, the Borough Council may, by ordinance, adopt a new official zoning map, which shall supersede the prior official zoning map. The new official zoning map may correct drafting or other errors or omissions in the prior official zoning map, but no such correction shall have the effect of amending the original official zoning map or any subsequent amendment thereof. Unless the prior official zoning map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining shall be preserved together with all available records pertaining to its adoption or amendment.
- C. **Delineation of district boundaries.** The following rules shall apply as to the delineation of district boundaries:
- (1) Where district boundaries are indicated or approximately coinciding with the centerlines of streets, highways, public utility rights-of-way, or streams, such centerlines shall be construed to be such boundaries.
 - (2) Where district boundaries are so indicated that they approximately coincide with lot lines, such lot lines shall be construed to be said boundaries.

- (3) Where district boundaries are so indicated that they are approximately parallel to lot lines or the centerlines of streets, highways, public utility rights-of-way, or streams, such district boundaries shall be construed as being parallel thereto. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.
- D. Interpretation of district boundaries. In cases of uncertainty as to the true location of a district boundary line in a particular instance, the Zoning Officer thereof shall make the determination. Appeals of decisions by the Zoning Officer may be taken to the Zoning Hearing Board, as provided in § 345-35 of this chapter.

§ 345-15. R-10 District Single Family Residential.

This district is established to preserve an open, uncongested, suburban environment through low-density residential development. Agriculture, forestry and other uses, which preserve an open environment are also considered compatible with development in this District.

A. Permitted Uses.

- (1) Single family detached dwellings.
- (2) Agriculture, forestry, and their accessory uses, excluding the keeping or raising of livestock or poultry.
- (3) Churches or other places of worship, Sunday Schools, parish houses pursuant to the provisions of § 345-19A.
- (4) Public parks and playgrounds.
- (5) Group home within an existing lawful dwelling unit, in compliance with § 345-2D.
- (6) Golf course, which may include customarily incidental accessory recreation and dining facilities, with a minimum lot area of 50 acres, and provided that no driving range lighting shall be directed towards dwellings within Macungie or an adjoining municipality. Driving range lighting shall not result in a spillover of lighting of more than 0.5 foot-candle onto a residential lot.

B. Accessory Uses.

- (1) Private garage or private parking area, pursuant to supplemental regulations of §§ 345-21, 345-22 and 345-23.
- (2) Customary accessory structures and uses
- (3) Signs, pursuant to § 345-24.

- (4) No-Impact Home-based Business, non-commercial swimming pool, as defined in § 345-22.

C. Special exception uses. Applications for special exception uses shall require review and approval by the Zoning Hearing Board under the provisions of § 345-36, Article VII and other applicable provisions of this chapter. The Zoning Hearing Board may attach any reasonable conditions and safeguards in addition to those expressed in this chapter, as it deems necessary to implement the purpose of this chapter, and to protect the public health, safety and general welfare.

- (1) Public or private academic schools licensed by the Department of Education, but not including correctional institutions.
- (2) Community center building, public library, municipal building, fire or police station.
- (3) Hospital.
- (4) Public utility building, structure or facility.
- (5) Cemetery.
- (6) Membership Club.
- (7) Unit for Care of Relative, consistent with § 345-26T.

D. Lot area, width, coverage and building requirements.

	Minimum Lot Area	Minimum Lot Width	Maximum Building Coverage of Lot	Maximum Building Height Feet	Maximum Building Height Stories	Maximum Impervious Lot Coverage
All Lawful Uses	10,000 sq. ft.	80 ft.	25%	35 ft.	2-1/2	50%

E. Minimum yard requirements.

	Front Depth	One Side Width	Both Sides Total Width	Side Yard Width Abutting Street On Corner Lot	Rear Depth
All Lawful Uses	25 ft.	10 ft.	25 ft.	15 ft.	25 ft.

§ 345-16. R-7.8 District – Single and Multiple Family Residential.

The district is characterized in part by relatively high densities of the older sections of the Borough. Hence, the lot area requirements are less rigid than in the R-10 District. Planned groupings of multiple dwellings are also encouraged as a means of providing a variety of housing types in the Borough and to help create continuity between old areas and new areas.

A. Permitted uses.

- (1) Any use permitted in the R-10 District.
- (2) Single family semi-detached dwellings.
- (3) Multiple dwellings pursuant to the provisions of §345-19, but not including the conversion of one existing dwelling unit into two or more dwelling units. A site plan shall be required in compliance with § 345-19.
- (4) Townhouses.
- (5) Multiple dwellings for the elderly on a lot with a minimum lot area of 0.5 acres. A site plan shall be required in compliance with § 345-19.
- (6) Group home within an existing lawful dwelling unit, in compliance with § 345-22D.

B. Accessory uses.

- (1) Private garage or private parking area, pursuant to Supplemental Regulations of §§ 345-21, 345-22 and 345-23.
- (2) Customary accessory structures and uses.
- (3) Signs, pursuant to §345-24.
- (4) Home occupation as defined in Article XI, non-commercial swimming pool as defined in § 345-22.

C. Special exception uses. Applications for special exception uses shall require review and approval by the Zoning Hearing Board under the provisions of §345-36, Article VII and other applicable provisions of this chapter. The Zoning Hearing Board may attach any reasonable conditions and safeguards in addition to those expressed in this chapter, as it deems necessary to implement the purpose of this chapter, and to protect the public health, safety and general welfare.

- (1) Public or private academic school licensed by the Department of Education, but not including correctional institutions.

- (2) Community center building, public library, municipal building.
- (3) Unit for Care of Relative, consistent with §345-26T.
- (4) Public utility building, structure or facility.
- (5) Cemetery.
- (6) Membership club, which shall be limited to meeting facilities and non-commercial recreation facilities, unless another use (such as a tavern) is approved separately.
- (7) Government uses and structures.
- (8) Child day care centers.
- (9) Ambulance corps, fire company.

D. Lot area, width, coverage and building requirements.

For:	Min. Lot Area	Min. Lot Width	Max. Building Coverage of Lot	Max. Building Height Feet Stories	Maximum Impervious Coverage
Single Family Semi-Detached Dwellings or Single Family Detached Dwellings	5,000 sq. ft. per dwelling unit	50 ft. per dwelling unit	40%	35 ft. 2-1/2	75%
Multiple Dwellings	3,000 sq. ft. per dwelling unit	100 ft. per bldg. or group of bldgs.	40%	35 ft. 2-1/2	75%
Townhouses*	3,000 sq. ft. per dwelling unit	18 ft.	40%	35 ft. 2-1/2	75%
Multiple** Dwellings For the Elderly	2,500 sq. ft. per dwelling unit	200 ft.	40%	35 ft. 2-1/2	75%
All other Lawful Uses	7,800 sq. ft.	65 ft.	40%	35 ft. 2-1/2	75%

* A minimum dwelling unit width of 24 feet shall apply if the townhouse will have garage door(s)

for two or more motor vehicles facing onto the front of the dwelling or onto a public street or if more than 50 percent of the front yard is occupied by driveways.

** The minimum average lot area per dwelling unit shall be reduced to 2,000 square feet per dwelling unit if the dwelling units will be within an existing building constructed prior to January 1, 1950.

E. Minimum yard requirements.

For:	Front Depth	One Side Width	Both Sides Total Width	Side Yard Width Abutting Street On Corner Lot	Depth Rear
Single Family Semi-Detached Dwellings or Single Family Detached Dwellings	25 ft.	5 ft.	10 ft.	10 ft.	25 ft.
Multiple Dwellings	50 ft. per bldg. or group of bldgs.	30 ft. per bldg. or group of bldgs.	60 ft. per bldg. or group of bldgs.	30 ft. per bldg. or group of bldgs.	50 ft. per bldg. or group of bldgs.
Townhouses	25 ft.	15 ft. end unit	30 ft. per bldg.	15 ft.	25 ft.
Multiple* dwellings for the elderly	25 ft.	15 ft.	30 ft.	30 ft.	50 ft.
All other lawful uses	25ft.	8 ft.	18 ft.	10 ft.	25 ft.

F. Maximum density. The maximum density for all dwelling units shall not exceed 6 dwelling units per acre. This maximum density shall be calculated based upon the total lot area in acres, minus existing rights-of-way of existing streets, multiplied by 6 dwelling units. Proposed streets, parking courts, storm water basins and common open space are not required to be deleted from this lot area for the purposes of determining maximum density.

- (1) A development must meet the dimensional requirements of this district in addition to meeting this maximum density.
- (2) This maximum density shall not apply to multiple dwellings for the elderly.
- (3) Any dwelling unit in the R-7.8 district may be developed in a condominium form of ownership; provided that, the applicant proves that the same dimensional requirements (such as yards) would be met as if a non-condominium ownership would be used.

G. Prohibited uses. In no case shall an existing individual dwelling unit be converted into two or more dwelling units.

§ 345-17. GC District General Commercial.

This district is designed to provide for a wide range of commercial uses, including heavier auto-related commercial uses that are prohibited in the TC District and to carefully control traffic access to avoid traffic safety and congestion problems.

A. Permitted Uses.

- (1) Any use permitted in the R-7.8 District (§345-16).
- (2) Retail store or shop.
- (3) Business office or office building, studio or agency, such as insurance or real estate office, bank or other financial institution.
- (4) Professional offices, medical and dental clinics.
- (5) Barber shop, beauty shop, self-service laundry or dry-cleaning establishment or pick up agency, tailor or dressmaking shop, or other personal service shop.
- (6) General servicing or repair shop; such as watch, clock, radio, television or other home appliance repair.
- (7) Restaurant, cafe, tavern or other place serving food and beverage.
- (8) Membership Club.
- (9) A place of amusement such as a bowling alley, a theater or motion picture theater, other than an outdoor drive-in theater.
- (10) Off-street parking lots or parking garage pursuant to the provisions of §§345-21, 345-22 and 345-23.

- (11) Hotel, motels, rooming houses.
- (12) Funeral home.
- (13) Printing or publishing establishment.
- (14) Automobile sales with accessory service facilities, exclusive of unroofed storage of motor vehicles.
- (15) Wholesale or distributing establishment, lumber yard, warehouse or storage with completely enclosed building.

B. Accessory Uses.

- (1) Private garage or private parking area, pursuant to the Supplemental Regulations of §§ 345-21, 345-22 and 345-23.
- (2) Customary accessory structures and uses.
- (3) Signs, pursuant to § 345-24.

C. Special exception uses. Applications for special exception uses shall require review and approval by the Zoning Hearing Board under the provisions of § 345-36, Article VII and other applicable provisions of this chapter. The Zoning Hearing Board may attach any reasonable conditions and safeguards in addition to those expressed in this chapter, as it deems necessary to implement the purpose of this chapter, and to protect the public health, safety and general welfare.

- (1) Hospital.
- (2) Filling station.
- (3) Car wash, public garage.
- (4) Community center building, public library, municipal building.
- (5) Bus passenger station.
- (6) Public utility building and structure or facility.
- (7) Outdoor storage of automobiles for sale.
- (8) Child day care centers.

- (9) Personal care facilities.
 - (10) Home occupations
 - (11) Bed and breakfast establishments.
- D. Dimensional requirements in the GC District.
- (1) Dwelling units shall meet the same dimensional requirements as set forth in §§ 345-16D and 345-16E.
 - (2) The following requirements shall apply to all uses other than dwelling units:
 - (a) Minimum lot area: 10,000 square feet. However, if a lot will involve the creation of an additional new driveway involving left-hand turns onto Main Street at a location not served by a traffic signal, then a minimum lot area of 2 acres shall apply. If such lot includes less than 2 acres, then the applicant shall be required to provide coordinated driveway access with an adjoining lot; provided, however, that requirement shall not apply if a commercial driveway is simply relocated or improved. If an existing lot of record does not meet this subsection and includes less than 2 acres, it may be used for an allowed use, but shall not be subdivided.
 - (b) Minimum lot width: 50 feet. However, if a lot will involve the creation of an additional new driveway involving left-hand turns onto Main Street at a location not served by a traffic signal, then a minimum lot width of 200 feet shall apply. If such lot includes less than 2 acres, then the applicant shall be required to provide coordinated driveway access with an adjoining lot. This additional requirement shall not apply if a commercial driveway is simply relocated or improved.
 - (c) Maximum building coverage of lot: 40 percent.
 - (d) Maximum impervious coverage of lot: 75 percent.
 - (e) Maximum building height: 3 stories or 45 feet, whichever is more restrictive.
 - (f) Minimum side yard setback (each of 2): 15 feet, except 30 feet if the abutting lot is occupied by a residential use and not a principal business use.
 - (g) Minimum rear yard setback: 20 feet, except 40 feet if the abutting lot is occupied by a residential use and not a principal business use.

- (h) Minimum parking setback: Any parking spaces, drive-through lanes, aisles and driveways shall be separated from Main Street by a planting strip with a minimum width of 20 feet. The only driveways permitted in this planting strip shall be approximately perpendicular crossings. This planting strip shall be occupied by attractive vegetation, including trees selected, located and trimmed to maintain safe sight distances.
- (i) The Borough may require that a business use include provisions to allow traffic to pass from one business lot to an adjoining business lot without having to re-enter a public street. If permission is not immediately available from the adjoining lot owner, then the Borough may require that easements are provided and a stub driveway constructed to the lot line to allow a connection in the future.
- (j) A lot may include multiple uses, provided that the requirements of each use are met. For example, if one use requires a one acre minimum and the second use requires a two acre minimum, then a two acre minimum lot size shall be required. If one use requires “x” number of parking spaces and another use on the same lot requires “y” number of parking spaces, then the minimum number of parking spaces shall be “x” plus “y” unless otherwise provided by this chapter.

§ 345-18. M District Manufacturing.

This district is designed to protect existing Borough industries and to provide logical areas for the future growth and expansion of non-nuisance industry.

A. Permitted Uses.

- (1) Agriculture, horticulture, forestry and their accessory uses, excluding the keeping or raising of livestock or poultry.
- (2) Non-nuisance industry, industrial park.
- (3) Offices, office building, research institute or laboratory.
- (4) Public utility building, structure or facility.
- (5) Automobile sales with accessory service facilities.
- (6) Dry-cleaning plant, laundry.
- (7) Wholesale establishment, distribution center, storage building.
- (8) Printing plant, newspaper plant.

- (9) Building materials sales and storage yard.
 - (10) Off-street parking lot or parking garage pursuant to the provisions of §§345-21, 345-22 and 345-23.
 - (11) Municipal buildings, public parks.
 - (12) Commercial recreation uses, such as bowling alleys, roller rinks and similar uses.
 - (13) Exercise Clubs.
 - (14) Self-storage developments.
- B. Accessory uses.
- (1) Private garage or private parking area, pursuant to §§ 345-21, 345-22 and 345-23.
 - (2) Customary accessory uses and structures.
 - (3) Signs, pursuant to § 345-24.
- C. Special exception uses. Applications for special exception uses shall require review and approval by the Zoning Hearing Board under the provisions of § 345-36, Article VII and other applicable provisions of this chapter. The Zoning Hearing Board may attach any reasonable conditions and safeguards in addition to those expressed in this chapter, as it deems necessary to implement the purpose of this chapter, and to protect the public health, safety and general welfare.
- (1) Bus passenger station, filling station, public garage.
 - (2) Car wash.
 - (3) Restaurant.
 - (4) Membership club.
 - (5) Mobile home parks.
 - (6) Bed and breakfast establishments.
 - (7) Wireless telecommunication antennae and towers.
 - (8) A use not listed in any other zoning district as a permit, special exception or conditional use may be approved as a special exception use provided the applicant establishes that the use will not create a hazard to the public health, safety or

welfare and will be compatible with adjacent uses and dwellings in the vicinity. For these uses, the Zoning Hearing Board may require a minimum setback of up to 400 feet from any TC or residential district.

- (9) Adult bookstore, adult motion picture theater, cabaret or massage parlor. See § 345-26.
- (10) Treatment center. See § 345-26.
- (11) Correctional institution.
- (12) The following uses provided there is a minimum setback for any structure, storage or other use on the property from any TC and residential district of 400 feet, and the applicant establishes that there will not be a significant threat to the public health and safety or create significant nuisances to residents:
 - (a) Asphalt or cement plant.
 - (b) Chemical plant.
 - (c) Petroleum product bulk storage for off-site use.
 - (d) Kennel. See § 345-26R.
 - (e) Junkyard.
 - (f) Truck Stop.

D. Lot area, width, coverage and building requirements.

Min. Lot Area	Min. Lot Width	Max. Impervious Coverage of Lot	Max. Building Coverage of Lot	Max. Building Height Feet Stories
40,000 sq. ft.	100 ft.	75%	40%	50 ft. 3

E. Minimum yard requirement.

Front Depth	One Side Width	Both Sides Total Width	Side Yard Width Abutting Street on Corner Lot	Rear Depth
25 ft.	25 ft.	50 ft.	25 ft.	25ft

F. Any building used for manufacturing, any tractor trailer truck loading docks and any area routinely used for the overnight parking of two or more tractor trailer trucks shall be setback a minimum of 75 feet from the lot line of an existing residential use or

residentially zoned lot.

- G. Multiple uses. A lot may include multiple uses, provided that the requirements of each use are met.

§ 345-19. Site plan review procedures for certain uses.

- A. When site plan required. A separate site plan review by the Planning Commission is required for any of the following uses if the physical layout of the use will not be approved as: (a) a subdivision or (b) a land development.
- (1) Any construction of a new principal non-residential building or structure or expansion of more than two thousand five hundred (2,500) square feet in the floor area of any non-residential building or structure.
 - (2) Any construction of new or expanded impervious area of greater than two thousand five hundred (2,500) square feet.
 - (3) Any conversion of a building from a principal residential use to a principal non-residential use.
 - (4) Any change in the use of a building from one (1) principal non-residential use to another type of principal non-residential use that would require the addition of ten (10) or more additional off-street parking spaces.
- B. Site plan review procedures. The following procedures shall be followed for any use required to be reviewed under this section:
- (1) Submission of Plan. The applicant shall submit eight (8) complete folded copies of any required site plan to the Zoning Officer. The Zoning Officer shall not accept an application if it does not contain sufficient information to determine compliance with this Chapter. A minimum of one (1) copy shall be retained in Borough files. The site plan shall include the information listed in § 345-19C.
 - (2) Timing. The applicant shall submit a complete site plan within a minimum of fifteen (15) days prior to the first Planning Commission meeting at which the site plan is intended to be reviewed. The Planning Commission shall be given an opportunity to review the site plan and provide any comments in writing to the Zoning Officer within the time guideline stated in Subsection B(3) below.
 - (3) Zoning Officer action. The Zoning Officer shall review the site plan and determine its compliance or non-compliance with this chapter, based upon his/her review and recommendations of the Planning Commission. The Zoning Officer shall make such determination within sixty (60) days after the first scheduled Planning Commission regular meeting that occurs a minimum of fifteen (15) days after the receipt of a

complete site plan submission.

- (4) Notice. The Zoning Officer shall mail or personally deliver a copy of the Zoning Officer's decision to the applicant or his/her representative within fifteen (15) days after such decision. If an application is denied, the Zoning Officer shall state the reason(s) therefore.
 - (5) Borough Engineer Review. The Zoning Officer may require that the Site Plan be reviewed, at the cost of the applicant, by the Borough Engineer.
- C. Drafting and submission requirements for site plans. The following information shall be submitted by the applicant for any use for which Site Plan Review is required.
- (1) A statement describing the proposed use.
 - (2) A site plan drawn to any one of the following scales: one inch (1") equals twenty feet (20'), one inch (1") equals thirty feet (30'), one inch (1") equals fifty feet (50') or any other scale pre-approved by the Zoning Officer.
 - (3) The site plan shall depict the following information:
 - (a) Location, area and dimension of the lot or lots.
 - (b) Location, area and dimensions of existing and proposed buildings, structures, uses and expansions thereof.
 - (c) Front, side and rear yard set backs.
 - (d) Location and width of existing and proposed abutting streets.
 - (e) Phasing lines, if any.
 - (f) The width of any buffer yard.
 - (g) Location, height and species of plants to be used for screening.
 - (h) Location, length, width and number (along with the method of calculating the number of required off-street parking spaces) of existing and proposed off-street parking spaces.
 - (i) Location, length, width and number (along with the method of calculating the number of required off-street loading spaces) of existing and proposed off-street loading spaces.
 - (j) Location, height and intensity of exterior lighting.

- (k) Location, area and lighting of existing and proposed signs.
- (l) Location and width of existing and proposed sidewalks and curbing.
- (m) Location of existing and proposed public and private utilities within one hundred (100) feet of the property, including but not limited to, electric, gas, water and sewer service.
- (n) Description of existing or proposed commercial or industrial uses including any existing or potential nuisances or hazards regarding noise, large trucks, glare, air pollution, odors, painting, dust, fire or toxic or explosive hazards or other significant hazards to the public safety, health and welfare, together with proposed methods to control such hazards and nuisances.
- (o) In the event of any proposed earth disturbance or grading, existing and proposed contours at two (2) foot intervals.
- (p) Slopes in excess of fifteen percent (15%).
- (q) Existing and proposed method of managing storm water runoff, including storm water calculations, if the aggregate impervious surface coverage is in excess of five thousand (5,000) square feet.
- (r) One hundred-year flood plain and wetlands.
- (s) Location map at a scale of no less than one (1) inch equals one thousand (1,000) feet.
- (t) Lot lines of abutting properties within fifty (50) feet of the applicant's property and the names of the then current owners thereof.
- (u) Zoning district boundary lines.
- (v) Name, address, telephone number and seal of the person who prepared the plan (who shall be a registered professional engineer, architect, surveyor or landscape architect).
- (w) Name, address and telephone number of the owner of the property and the applicant.
- (x) Lehigh County Tax Map Parcel Number(s).
- (y) Signature blocks for the owner of the property and the applicant.

- (z) Such other data as may be required by the Zoning Officer or the Planning Commission.

D. Waivers.

- (1) Except as set forth in § 345-19D(5), the Zoning Officer may grant a waiver to modify the requirements of one or more provisions of § 345-19C if the literal enforcement will (i) impose unreasonable requirements, (ii) exact undue hardship upon the applicant because of peculiar conditions pertaining to the land or use in question, or (iii) compliance is not required in order for the Zoning Officer to make a determination as set forth in § 345-19B(3); provided that, however, such waivers or modifications shall not be contrary to the public interest.
- (2) All requests for waivers shall be in writing and shall accompany and be a part of the application. The waiver requests shall state in full the grounds on which the waiver is based, and provision or provisions of the chapter involved, and the minimum modifications necessary.
- (3) The Zoning Officer, in considering requests for waivers, shall consider the recommendations of the Planning Commission and, if deemed appropriate by the Zoning Officer, the Borough Engineer.
- (4) The Zoning Officer shall keep a written record of all requests for waivers.
- (5) Waivers or modifications shall not be permitted or authorized relative to Subsections C(3)(g), (h), (p), (q), and (t) through (x), inclusive or to this Subsection D(5).

§345-20. TC Town Center District.

The intent of this section is to strengthen the downtown as a center of commercial activity, provide for a mix of retail, service, office, institutional, light commercial and residential uses that will be compatible with historic buildings and nearby homes, recognize the historic nature and mixed uses along Main Street as identifying features of the Borough, encourage the reuse of older buildings, as opposed to the conversion of Main Street into a faceless commercial strip, provide for types of commercial uses that will be compatible with homes in this district, prohibit heavier commercial uses (such as auto repair and auto sales) that are most likely to cause demolition of historic buildings and conflicts with homes, promote a pedestrian-friendly environment and serve the purposes for Traditional Neighborhood Development as stated in the State Municipalities Planning Code.

A. Permitted by Right Uses.

- (1) Single family detached dwellings, single family semi-detached dwellings, townhouses, multiple dwellings and multiple dwellings for the elderly, but provided that one existing dwelling unit shall not be converted into two or more dwelling

units.

- (2) Agriculture, forestry and customary accessory uses, but not including keeping or raising of livestock or poultry.
- (3) Places of worship (such as churches), which may include accessory child day care, Sunday school rooms, cemetery and one dwelling unit for a religious leader and his/her family.
- (4) Public parks and playgrounds.
- (5) Public or private primary or secondary school or trade school.
- (6) Community center building, library or municipal building.
- (7) Public utility building, structure or facility.
- (8) Membership club, which shall be limited to meeting facilities and recreation facilities, unless another use (such as a tavern) is approved separately.
- (9) Governmental facility, other than a correctional facility.
- (10) Child or adult daycare centers.
- (11) Ambulance corps or fire company.
- (12) Retail store, not including drive-through facilities.
- (13) Offices.
- (14) Barbershop, beauty shop, tailor, nail service or similar personal service uses.
- (15) Restaurants, with drive-through facilities being prohibited.
- (16) Exercise clubs.
- (17) State licensed nursing home or personal care facilities.
- (18) Indoor recreation uses, excluding a bowling alley or roller rink.
- (19) Financial institutions (such as banks), provided that any drive-through facilities shall need special exception approval, which shall only be granted if the applicant proves that the drive-through facilities will be designed in a manner that will not conflict with pedestrian traffic along Main Street.

- (20) Funeral home, not including a crematorium.
- (21) Bed and breakfast inn, with a maximum of 10 guest units.
- (22) Repair of appliances and similar items.
- (23) Business services, such as photocopy or custom print shop.
- (24) Laundromat.
- (25) Movie theater or live entertainment theater, not including a cabaret.
- (26) Parking lot, other than specifically prohibited uses.
- (27) Group home within an existing lawful dwelling unit, in compliance with § 345-22D.
- (28) Bus station or taxi headquarters, not including on-site repair of motor vehicles.
- (29) Manufacture and sale of custom crafts and similar types of custom manufacturing of jewelry, optical goods, precision instruments and similar items that will not routinely require loading and unloading by tractor-trailer trucks.
- (30) Outdoor café, which may extend into a street right-of-way provided the applicant proves that adequate space will remain available for pedestrian movement and provided Borough Council approves the use of the right-of-way.

B. Accessory uses.

- (1) Uses that are customarily incidental to an allowed use.
- (2) Private garages, parking areas. See §§ 345-21, 345-22 and 345-23.
- (3) Signs meeting all applicable regulations of this district.
- (4) Home occupation.
- (5) Wireless Telecommunications Antenna extending a maximum of 20 feet from an existing non-residential building or structure, but not including a freestanding telecommunications tower except as an accessory use to a fire, ambulance or police station.

C. Special exception uses. Applications for special exception uses shall require review and approval by the Zoning Hearing Board under the provisions of § 345-36, Article VII and other applicable provisions of this chapter. The Zoning Hearing Board may attach any reasonable conditions and safeguards in addition to those expressed in this chapter, as it

deems necessary to implement the purpose of this chapter, and to protect the public health, safety and general welfare.

- (1) Tavern.
- (2) Parking structure of two or more levels which shall meet the minimum yard requirements for a principal building for above-ground space and which may be constructed within a setback for completely below-ground spaces.
- (3) Printing or publishing, other than custom photocopying or print shop.
- (4) Unit for care of relative, consistent with § 345-26T.

D. Prohibited uses. If a use is not listed as allowed in a zoning district that use shall be considered to be prohibited, unless specifically stated otherwise. The following uses shall be specifically prohibited in the TC District:

- (1) Motor vehicle sales, sales of gasoline, repair of motor vehicles, car wash, sale of manufactured/mobile homes for off-site placement.
- (2) Adult bookstore, adult motion picture theater, massage parlor or cabaret.
- (3) Restaurant with drive-through facilities.
- (4) Uses open to the public, customers, members or patrons between the hours of 2 a.m. and 5 a.m.
- (5) Warehousing, distribution or truck terminal uses as the principal use of the lot.
- (6) Wholesale sales uses that are not open to the public.
- (7) Crematorium.
- (8) Outdoor storage or display or parking of trucks or construction equipment as the principal use of the lot.
- (9) Hotel or motel, other than bed and breakfast inn.
- (10) Self-storage development.
- (11) Mobile/manufactured home parks.
- (12) Treatment center.
- (13) Prison or correctional facility.

- (14) Junkyard.
- E. Multiple uses on a lot. A lot in the TC District may include multiple uses, provided that the requirements of each use are met.
- F. Dimensional requirements within the TC District.
 - (1) Single family detached, single family semi-detached, and townhouse dwelling units shall meet the same dimensional requirements as apply within the R7.8 District, except the minimum width of any side yard shall be reduced to 3 feet and except as provided in § 345-20F(3).
 - (2) The following requirements shall apply to all uses other than single family detached, single family semi-detached and townhouse dwelling units:
 - (a) Minimum lot area: 5,000 square feet. However, if a lot will involve the creation of an additional new driveway onto Main Street, a minimum lot area of 1 acre shall apply. This additional requirement shall not apply if a driveway is simply relocated or improved.
 - (b) Minimum lot width: 30 feet. However, if a lot will involve the creation of an additional new driveway onto Main Street, a minimum lot width of 150 feet shall apply. This additional requirement shall not apply if a driveway is simply relocated or improved.
 - (c) Maximum building coverage of lot: 75 percent.
 - (d) Maximum impervious coverage of lot: 90 percent.
 - (e) Maximum building height: 4 stories or 60 feet, whichever is more restrictive. Any new principal building or addition shall have the appearance of a pitched or peaked roof when viewed from Main Street.
 - (f) Minimum side yard setback (each of 2): 3 feet, except 10 feet if a new or expanded primarily business use will be contiguous to a primarily residential use on another lot. No side yard is required for reuse of a building that existed prior to the adoption of this chapter.
 - (g) Minimum rear yard setback: 15 feet.
 - (h) Multi-family density. A minimum of 2,500 square feet of lot area shall be provided for each multi-family dwelling unit, which shall be reduced to 2,000 square feet of lot area for each multi-family dwelling unit that is permanently limited to occupancy by persons age 55 and older and their

spouses.

- [1] However, multiple dwelling units shall be permitted within previously non-residential building space that existed prior to the adoption of this chapter without having to meet the lot area and other dimensional requirements of this chapter.
 - [2] In any case, each dwelling unit shall include a minimum of 600 square feet of habitable floor area and meet all parking and other requirements of this chapter are met.
 - [3] In no case shall one existing dwelling unit be converted into two or more dwelling units.
- (3) The following additional requirements shall apply for all uses in the TC District:
- (a) Minimum front yard depth: 5 feet.
 - (b) New building placement. If a new principal building is proposed on a lot that is adjacent to Main Street, then more than 50% of the front wall of such building shall have a maximum front yard building setback of 20 feet, and no new off-street parking spaces on the lot shall be placed between the principal building and Main Street.
 - (c) Parking setback. If an off-street parking area of 4 or more new parking spaces is proposed adjacent to Main Street, it shall be separated from Main Street by a planting area with a minimum width of 5 feet. Such planting area shall include a mix of low level plantings and deciduous shade trees. A minimum of one deciduous shade tree with an initial trunk width of 2.5 inches measured 6 inches above the ground shall be planted or maintained for each 40 feet of length along Main Street. Such shade tree may either be planted or maintained in the planting area or within the right-of-way, with Borough Council approval. The low-level plantings shall have a minimum initial height of 2 feet and be intended to have a maximum height when trimmed of 5 feet to allow views into the parking lot for security purposes.
 - (d) Garage doors. No new vehicle garage doors or loading docks located within 80 feet from the curbline of Main Street shall face onto Main Street.
 - (e) Architectural plans. If a new principal building or building addition of over 2,500 square feet of floor area is proposed within view of Main Street in the TC District, then the applicant shall submit information to the Zoning Officer regarding the architecture of the proposed project. Such information shall include a written description of the exterior building materials proposed to be used along Main Street, as well as a cross-section

or rendering of the project as viewed from Main Street.

- (4) Off-street parking in the Town Center District.
- (a) Optional fee-in-lieu of parking.
- [1] As a special exception, the Zoning Hearing Board may permit the reduction of off-street parking requirements in the TC District if the applicant commits to pay a fee-in-lieu-of providing a certain number of required off-street parking spaces. This provision shall only be available if the applicant proves they cannot meet the parking requirements on their lot.
- [2] For each required off-street parking space that is waived, a fee shall be required of \$2,000, unless such amount is modified by ordinance of Borough Council.
- [3] All such fees shall be paid to the Borough or an authority authorized by the Borough to receive such fees. All such fees shall be accounted for separately, with any interest credited to the account until the fees are used. All such fees shall only be used for the creation of additional on-street or off-street public parking to serve the surrounding area. Such fees may also be used for the payment of debt for improvements to increase the amount of public parking or for the acquisition of land for public parking. Such fees may also be used to lease privately owned space for public use.
- [4] The fee shall be a one-time payment. The reduction of the required number of parking spaces shall continue with the land over time, regardless of ownership or use of the property.
- [5] The application shall be offered to the Borough Planning Commission and Borough Council for any review they care to make prior to an approval by the Zoning Hearing Board.
- [6] There shall be no maximum time limit for use of the fees.
- (b) Required off-street parking spaces shall be on the same lot with the principal use served, unless the applicant proves to the satisfaction of the Zoning Hearing Board, as a special exception application, that a method of providing the spaces is guaranteed to be available during all of the years the use is in operation within 200 feet walking distance from the entrance of the principal use being served. A written and signed lease shall be provided. The Zoning Hearing Board may also require a deed restriction.

[1] The Zoning Hearing Board may require that the use be approved for period of time consistent with the lease of the parking, and that a renewal of the permit shall only be approved if the parking lease is renewed.

[2] This exception shall only apply to uses located in the TC District. However, the parking is not required to be within the TC District, provided parking lots are allowed in the district within which the parking will be situated.

(c) In the TC District, special exception approval shall be required for 4 or more new off-street parking space(s) proposed between the street curb of Main Street and an existing or proposed principal building if such spaces would be at least partially within 50 feet of the curb. The Zoning Hearing Board shall only approve such parking if the applicant proves that:

[1] There is no feasible alternative to placing the parking in that location, as opposed to placing parking to the rear or side of the building.

[2] The parking and any related driveway will be designed to minimize interference with pedestrian movements along Main Street.

G. Demolition waiting period for older buildings.

(1) Purposes. To provide a mechanism to discourage thoughtless and unnecessary destruction of valuable historic resources. To provide a mechanism that allows interested parties an opportunity to encourage a property-owner to consider alternatives to demolition, such as sale to another person, movement of the building or rehabilitation. Also, to provide opportunities for historic resources to be documented before they may be demolished, and to seek that historic features be salvaged before demolition.

(2) This Subsection G shall apply to any principal building in the TC District that was primarily constructed prior to January 1, 1940 and that abuts Main Street.

(3) No building regulated by this Subsection G shall be partially or entirely demolished unless a minimum of 80 days has passed from the date a complete valid permit application has been duly submitted to the Zoning Officer for the demolition. After such time period, the permit may be issued by the Borough for the demolition if all requirements of Borough ordinances have been met.

(4) The Zoning Officer may issue a permit for the demolition immediately if the staff-person responsible for enforcement of the Borough Building Code certifies in writing that the building represents a clear and immediate hazard to public safety,

and that no other reasonable alternative exists to immediate demolition.

- (5) This subsection shall not regulate: (i) interior renovations nor removal of non-load bearing features (such as a rear porch) that are not visible from a public street or adjacent public sidewalk, nor (ii) removal of features that were added to the building after its original completion.