

ARTICLE I

GENERAL PROVISIONS

SECTION 100: SHORT TITLE

This Ordinance shall be known and may be cited as the “East Berlin Borough Zoning Ordinance.”

SECTION 101: AUTHORITY

A. Statutory Authority: Section 601 of the Pennsylvania Municipalities Planning Code, (Act of 1968, P.L. 805, No. 247, as reenacted and amended) provides that the East Berlin Borough Council may enact and amend a zoning ordinance to implement community development objectives established by the Borough Council. The Eastern Adams Joint Comprehensive Plan has been adopted by East Berlin Borough Council, and establishes specific policies and community development objectives that the Borough Council seeks to implement through the adoption of the East Berlin Borough Zoning Ordinance.

B. Applicability: This Ordinance requires that, within East Berlin Borough, in the County of Adams and the Commonwealth of Pennsylvania, no land, body of water, or structure shall hereafter be used or occupied and no structure or part thereof shall hereafter be erected, constructed, reconstructed, move, or structurally altered unless in conformity with all the regulations and procedures herein specified for the zoning district in which such land, body of water, or structure is located.

SECTION 102: PURPOSES

A. General Purposes: The East Berlin Borough Zoning Ordinance is designed to promote, protect, and facilitate any or all of the following.

1. The public health, safety, morals, and general welfare.
2. Coordinated and practical community development and appropriate density of population.
3. Emergency preparedness and operation.
4. Provision of adequate light and air.
5. Access to solar energy, police protection, vehicle parking and loading spaces, transportation, water service, sewer service, schools, recreation facilities, and public grounds.
6. Provision of a safe, reliable, and adequate water supply for domestic, commercial, agricultural, and industrial use.

7. Preservation of the natural, scenic, and historic values in the environment and the preservation of forests, wetlands, aquifers, and floodplains.
8. Prevention of overcrowding of land, blight, danger, and congestion in travel and transportation.
9. Prevention of loss of health, life, or property from fire, panic, or other dangers.
10. Provision for the residential use of land within East Berlin Borough for various dwelling unit types encompassing all basic forms of housing and including single-family dwellings, two-family dwellings, multi-family dwellings, and mobilehome parks.
11. Accommodation of reasonable overall community growth, including population and employment growth and economic development.

B. This Ordinance provides the legal basis and framework for future development and redevelopment in East Berlin Borough. Its provisions are guided by the policies and community development objectives established in the Eastern Adams Joint Comprehensive Plan.

ARTICLE II

DEFINITIONS

SECTION 200: INTERPRETATION

As used in this chapter, words expressed in their singular include their plural meanings, and words expressed in plural include their singular meanings. The word "person" includes a corporation, unincorporated association and a partnership, as well as an individual. The words "building" and "street" are used generally and shall be construed as if followed by the phrase "or part thereof". The word "may" is permissive; the words "shall" and "will" are mandatory. Words used in the present tense include the future tense. The words "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged or designed to be used or occupied."

SECTION 201: DEFINITIONS

Access Drive – A paved surface, other than a street, which provides vehicular access for the public from a street or private road to a lot.

Accessory Building – A building detached from, subordinate to, and on the same lot with the main building, and used for purposes customarily incidental thereto.

Accessory Dwelling Unit – A suite, either attached to or detached from the primary dwelling unit on the lot, for occupation by the following members of the lot owner's family:

- a. A parent, grandparent, adult child over age eighteen (18), and/or a spouse, partner or sibling of one of those relatives.
- b. A family relative, by blood, marriage, adoption or foster relationship who requires continuous care due to injury, illness or a serious physical or mental disability that substantially impairs or restricts one or more such activities as walking, seeing, hearing, speaking, working, or learning.
- c. A licensed, permanent caregiver for the occupants of the primary dwelling unit on the lot.

Accessory Use – A use on the same lot with and customarily incidental to any of the permitted uses.

Alley – A minor way, whether or not legally dedicated, intended and used primarily for vehicular service access to the rear of properties, which abut on a street, and not intended for the purpose of through vehicular traffic.

Apartment Building – A residential building consisting of three or more apartments where each apartment is accessed from a common internal hallway or an external walkway and where at least one apartment is located above another apartment.

Apartment Complex – A residential development that includes two (2) or more apartment buildings on a single property.

Bed and Breakfast Inn – An owner-occupied and operated dwelling originally designed as a residential structure where limited overnight lodging and a breakfast is provided for compensation to tourist or recreational guests.

Board – The Zoning Hearing Board of the Borough of East Berlin.

Bracket – A support element under eaves, shelves, or other overhangs, often more decorative than functional.

Building – A combination of materials to form a permanent structure having walls and a roof, including, but not limited to, all mobile homes and trailers.

Build-to Line – A line, running parallel to and measured from the front property line, at which construction of the front building façade is to occur on a lot.

Building Height – The vertical distance between the average elevation of the proposed finished grade along the entire front of the building, and the highest point of the roof for flat roofs, and the deck lines for mansard roofs, and the mean height between eaves and ridges for gable, hip and gambrel roofs, but not including chimneys, towers, spires, elevator penthouses, tanks, railings and similar projections.

Building Setback Line – A line, parallel to the street right-of-way line for front yards, and parallel to the lot lines for side and rear yards, designating the minimum distance from the right-of-way and/or lot lines that a building may be erected under the various land requirements of this Ordinance.

Channel Letter – Fabricated or formed three-dimensional letter that may accommodate a light source.

Child Care Center – A facility, developed either as a principal use or as an accessory use to another principal non-residential use, where care is provided at any one time for seven (7) or more children unrelated to the operator.

Circulation Drive – Within a parking lot, a driveway that provides connectivity from a street to the parking aisles from which individual parking spaces are accessed.

Commercial Recreation – A business establishment designed and equipped for the conduct of sports and leisure-time activities in either an enclosed or unenclosed space.

Conversion Apartment – An existing building that is or was converted to individual dwellings for more than one (1) family without substantially altering the exterior of the building.

Cornice – Projecting, ornamental molding along the top of a building or wall, usually in association with an eave.

Davit-Pole Tower – See Monopole Tower.

Deciduous Tree – A tree that sheds its foliage during one growing season.

Decorative Molding – A strip, typically but not exclusively made of wood, used for ornamentation or finishing.

Density – A measurement of the number of units, typically dwelling units, within a given area, typically an acre.

Dentil – One of a series of small rectangular blocks forming a molding or projection beneath a cornice.

Divider Strip – A landscaped island separating and running the length of two rows of contiguous parking spaces within a parking lot, and which provides opportunities for landscaping and traffic circulation control.

Distribution Center – A facility used for receipt, temporary storage, and redistribution of goods as they are received.

Disabled Person – A person meeting the definition of “handicapped” in accordance with the Federal Fair Housing Act, as follows: (1) a physical or mental impairment which substantially limits one or more of such person’s major life activities, (2) a record of having such an impairment, or (3) being regarded as having such an impairment, but such term non including current, illegal use of or addiction to a controlled substance.

Dormer – A roofed structure housing a vertical window that projects from a pitched roof.

Drive-Through – An accessory facility to a business use that allows customers to receive service from outside the building housing the business and while remaining inside their vehicle.

Dwelling – Any building, which is designed for human living quarters, but not including hotels, boarding houses, tourist cabins, motels and other accommodations used for transient occupancy.

Dwelling, Single-Family Detached – A building containing one dwelling unit, and having no party wall in common with an adjacent building.

Dwelling, Single-Family Semi-Detached – A building containing one dwelling unit, and having a party wall in common with an adjacent building.

Dwelling, Two Family – A building containing two dwelling units with one dwelling unit being wholly or partly above the other.

Dwelling Unit – An independent housekeeping unit consisting of living quarters of one or more rooms arranged for use by one or more individuals with cooking, living, sleeping and sanitary facilities.

Eave – The projecting overhang at the lower edge of a roof.

Emergency Service – Organizations which ensure public safety by responding to emergencies when they occur. Includes, but is not necessarily limited to, police, fire, and ambulance services.

Evergreen Tree – A tree that maintains its foliage throughout the year.

Façade – That portion of any exterior elevation on the building extending from grade to top of the parapet, wall, or eaves and the entire width of the building elevation.

Family Child Care – A facility, located within a residence, in which child day care is provided at any one time for four (4), five (5), or six (6) children unrelated to the operator.

Fence – A structure serving as an enclosure, a barrier, or a boundary, usually made of posts or stakes joined together by boards, wire, rails, or similar material.

Fraternal Organization – An organized society of members associated in an environment of companionship and dedicated to the intellectual, physical, and/or social development of the community.

Financial Institution – A business establishment in which money is kept for saving or commercial purposes, or is invested, supplied for loans, or exchanged. Includes, but is not necessarily limited to, bank, credit union, and savings and loan businesses.

Forestry – the management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting, and selling trees for commercial purposes, which does not involve any land development.

Frontage – The portion of a lot facing a street, exclusive of an alley street.

Frontage, Primary – For a corner lot, reverse frontage lot, or other lot with more than one (1) frontage, the frontage that faces the highest classification street. Typically, this is the street to which the property is addressed.

Frontage, Secondary – For a corner lot, reverse frontage lot, or other lot with more than one (1) frontage, any frontage that is not classified as primary frontage.

Funeral Home – An establishment in which deceased persons are prepared for burial or cremation and in which wakes and funerals may be held.

Gable – A triangular wall segment at the end of a double-pitched roof.

Gallery – An establishment including a room or series of rooms where works of art are exhibited.

Governing Body – The Borough Council of the Borough of East Berlin.

Governmental Use – Any use proposed by or conducted by a governmental entity, including local, county, state, or federal levels of government.

Group Child Care – A facility, located in a residence or other premises, in which child care is provided at one time for more than six (6) but fewer than sixteen (16) school-age children, or more than six (6) but fewer than thirteen (13) children of another age level, who are unrelated to the operator.

Group Home – A dwelling inhabited by disabled persons functioning as a common household unit, and provided with non-routine support services and oversight to persons who need such assistance to avoid being placed within an institution because of physical disability, old age, mental retardation or development disability.

Halfway House – A noninstitutional living arrangement with treatment and support services, including full-time supervision and counseling on employment, vocations, finances, and community living, for persons with substance abuse problems or for inmate and parolees approaching release date or release from a corrections institution.

Health Club – A place of business with equipment and facilities for exercising and improving physical fitness.

Heavy Industry – A use engaged in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials.

Home Occupation – A business conducted within a dwelling or a single building accessory to the dwelling by the inhabitants thereof and which is clearly incidental and subordinate to the primary residential use of the property.

Hotel – A building consisting lodging rooms designed or occupied primarily as the temporary place of abode of individuals who are lodged for compensation (with or without meals) in which provisions for cooking are generally not made in individual rooms or suites.

Illumination, External – A light source placed outside a fixture, such as a sign, and arranged to project light onto the outside surface of the fixture to make the fixture visible.

Illumination, Internal – A light source placed inside a fixture, such as a sign, and projected through a translucent face to make the fixture visible.

Impervious Material – Any substance placed on a lot which covers the surface in such fashion as to prevent natural absorption of surface water by the earth so covered. The following items shall

be deemed to be impervious material: buildings, concrete sidewalks, paved driveways and parking areas, swimming pools and other non-porous structures or materials.

Infill Development – A development project, surrounded by other properties that have already been developed, and that is designed in a manner that complements the developed nature of surrounding properties by employing characteristics that include, but are not necessarily limited to, similar mixtures of uses, complimentary architectural designs, consistent building bulk and massing, and overall site design.

Light Industry – A use engaged in the manufacture, predominately from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products, but excluding basic industrial processing.

Loading Space – A designated area where delivery vehicles are parked when delivering products to and from a place of business or similar use.

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

Lot Area – The area contained within the property lines of a lot, excluding any street right-of-way or driveway easement providing access to an adjoining property, or officially designated floodplain located on the lot.

Lot, Corner – A lot abutting two (2) intersecting streets, where the interior angle of intersection does not exceed one hundred thirty-five (135) degrees. The yards adjacent to both public and private streets shall be considered front yards when determining appropriate setbacks.

Lot Coverage – The area of any lot covered by buildings, driveways and parking lots (whether paved or provided with crushed stone, pavers, or similar surface), sidewalks, swimming pools, or other similar structural features.

Lot, Double Frontage – A lot where the front property line and the rear property line both abut a street. Typically, the rear property line abuts an alley street.

Lot, Width – The horizontal distance between side lot lines measured at the required front yard setback line.

Mid-Row Island – A landscaped island located within a row of contiguous parking spaces in a parking lot, and which provides for landscaping opportunities within parking lots.

Mixed-Use Property – A property that includes, or is proposed to include, two (2) or more different uses.

Major Deciduous Tree – A canopy tree with a mature height exceeding twenty-five (25) feet and a minimum caliper at the time of planting in excess of two (2) inches.

Minor Deciduous Tree – A tree with a mature height of between ten (10) and twenty-five (25) feet and a minimum caliper at the time of planting of between one (1) and two (2) inches.

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

Mobilehome Lot – A parcel of land in a mobile home park, improved with necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.

Mobilehome Park – A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes.

Monopole Tower – A type of wireless communication tower constructed of a single, tubular structure upon which wireless communication antenna and related equipment are mounted.

Motel – A building or group of buildings, whether detached or in connected units, containing individual rooms designed and used primarily for transient automobile travelers, together with accessory off-street parking facilities. The terms "automobile court," "tourist court," "motor lodge," and "motor hotel" shall be used interchangeably with the term "motel," and shall have the meaning set forth in this section.

Museum – A place or building where objects of historical, artistic, or scientific interest are exhibited, preserved, or studied.

No-Impact Home-Based Business – A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use.

Nonconforming Structure – A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions in this Ordinance, or an amendment thereto, where such structure lawfully existed prior to the enactment of this Ordinance, or an amendment thereto. Such nonconforming structures include, but are not limited to, nonconforming signs.

Nonconforming Use – A use, whether of land or of structure, which does not comply with the applicable provisions of this Ordinance, or an amendment thereto, where such use was lawfully in existence prior to the enactment of this Ordinance, or an amendment thereto.

Office – A place of business where management, clerical, and related elements of said business are conducted.

Outdoor Wood Boiler – A fuel burning device that is:

- a. Designed to burn wood or other solid fuels.
- b. Designed for outdoor installation or for installation in structures, including but not necessarily limited to garages and sheds, not normally intended for habitation by humans or domestic animals.
- c. Intended to heat building space and / or water through the distribution, typically through pipes, of a fluid heated in and by the device, where such fluid is typically water or a mixture of water and antifreeze.

Outdoor Wood-Fired Boilers are also known as wood-fired furnaces, outdoor wood burning appliances, outdoor hydronic heaters, water stoves, or similar terms.

Parking Aisle Drive – Within a parking lot, a driveway that provides direct access to individual parking spaces.

Parking Lot – An area of a lot set aside for and specifically designed to accommodate the parking of motor vehicles.

Parking Space – The space within a building or on a lot or parking lot for the parking or storage of one motor vehicle off the right-of-way of a public street or road.

Perimeter Landscaped Area – A buffer area surrounding a parking lot on all sides and within which required landscaping can be installed.

Personal Care Home – A facility, developed either as a principal use or as an accessory use to another principal non-residential use, where care is provided at any one time for four (4) or more clients unrelated to the operator for part of a 24-hour day, who do not require the assistance or supervision of a long term care facility, but who do require assistance or supervision in matters such as dressing, bathing, diet, and financial management.

Personal Service Shop – A business that provides a process directly to the customer at the place of business. Includes, but is not necessarily limited to, barbers, hair stylists, tailors, and similar businesses.

Place of Worship – A building, structure, or group of buildings or structures, designed, intended, and used for the assembly of individuals engaging in religious practices. This definition shall include, but is not limited to, churches, temples, chapels, cathedrals, synagogues, and mosques. This definition does not include educational or day-care facilities, but may include a rectory for one (1) family.

Planting Unit – A unit of measure used to determine the quantity of plantings required in a residential, commercial, industrial, or other development project. For the purposes of this Ordinance, one (1) Planting Unit (PU) equals:

One (1) Major Deciduous Tree, or
Two (2) Minor Deciduous Trees, or
Two (2) Evergreen Trees, or
Five (5) Shrubs

Principal Use – The main or primary use of land or structures, as distinguished from an accessory use, as herein defined.

Public Notice – Notice published once a week for two (2) successive weeks in a newspaper of general circulation in this County. Such notice shall state the time and place of a hearing and the particular nature of the matter to be considered at the hearing. The first publication shall be not more than thirty (30) days and not less than seven (7) days from the date of the hearing.

Quadplex – A townhouse building including four (4) dwelling units arranged in such a manner that each dwelling unit shares a common, vertical party wall with two (2) other dwelling units.

Recycling Facility – A facility dedicated to the collection and processing on used or discarded materials with the intent of preparing or packaging said materials to use in the creation of new products.

Rental Storage – A commercial facility in which customers can rent space to store possessions.

Restaurant – A commercial establishment where food is prepared and served to customers.

Retail Store – A business that deals in the sale of goods individually or in small quantities to customers.

School – An institution, whether public or private, primarily devoted to the provision of instruction in vocational, professional, musical, dramatic, artistic, linguistic, scientific, religious, or other special subjects.

Service Club – An organization, especially comprised of businesspersons or professionals, dedicated to the general welfare of its members and of the community.

Shopping Plaza – A grouping of four (4) or more retail business and/or service uses planned and designed to function as a unit, and having off-street parking and a landscaping plan as an integral part of the unit.

Shrub – A woody plant of relatively low height, having several stems arising from the base and lacking a single trunk.

Sign – Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

Sign, Animated – A sign so designed as to facilitate or permit the rotation, oscillation, or other movement of the sign or of any of its visible parts.

Sign Area – The entire area within a single continuous perimeter enclosing all elements of the sign, which form an integral part of the display, including the perimeter border, and calculated using the best-fit geometric shape that approximates the perimeter of the sign display.

Sign, Awning – A sign incorporated into or attached to an awning.

Sign, Billboard – Any sign that communicates a commercial or non-commercial message related to an activity conducted, a service rendered, or a commodity sold at a location other than where the sign is located. Such signs shall not include Off-premise Directional Signs, as defined herein.

Sign, Changeable Copy – A type of sign designed to accommodate a changing message.

Sign, Community Welcome – A sign erected by a governmental, civic, charitable, or similar organization, whether on or

Sign, Freestanding – Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.

Sign Height – A measurement of the distance from the average grade below the sign to that portion of the sign the furthest distance from the ground.

Sign, Off-Premise Directional – A sign, not including billboard signs as defined herein, located for the purpose of providing directions to a use not readily visible and not located on the lot where the sign is erected.

Sign, Portable – A sign that is movable and not permanently attached to a structure or to the ground.

Sign, Projecting – Any sign affixed to a building or wall in such a manner that its leading edge extends more than six (6) inches beyond the surface of such building or wall.

Sign, Roof – Any sign placed above the roof line of a building.

Sign, Sandwich Board – A sign not permanently attached to the ground or other permanent structure and supported by an A-shaped frame or structure, designed to be placed near the entrance of a nonresidential use during normal business hours.

Sign, Wall – Any sign attached parallel to, but within six (6) inches of, a wall painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

Sign, Window – Any sign, picture, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

Solar Access – The view of the sun, between the hours of 9:00 AM and 3:00 PM any day of the year, from any point of the surface of a solar panel that is not obscured by vegetation, a building, or other object located on a parcel other than the parcel on which the solar panel is located.

Solar Panel – A structure containing one (1) or more receptive cells and the appurtenant system necessary to convert solar energy into usable electrical energy.

Special Exception – A use permitted in a particular zoning district pursuant to the provisions of Articles VI and IX of the Pennsylvania Municipalities Planning Code and Sections 1405 and 1408 of this Ordinance.

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

Structure – Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

Studio – A building or room within a building where an artist, photographer, or musician works or where motion pictures, music, or similar media is produced.

Swimming Pool – Any pool which is constructed, used, or maintained to provide recreational facilities for swimming, bathing, or wading and which is capable of containing water to a depth greater than twenty four (24) inches and/or with a surface area of fifty (50) or more square feet, and all buildings, equipment, and appurtenances thereto.

Terminal Island – A landscaped island located on either end of rows of parking spaces within a parking lot, which provides opportunities for landscaping, and which defines the ends of parking aisles thus contributing to traffic circulation control.

Theater – A building or room within a building with tiers of seats and intended for the presentation of plays, films, or other dramatic performances.

Townhouse – A building that includes a series of three (3) or more single family dwelling units attached by one or more vertical common party walls.

Townhouse Development – A development that includes two or more townhouse buildings developed on a single property.

Townhouse, Infill – A single townhouse building constructed on a vacant lot in a previously developed area, and situated on the site in a manner consistent with Infill Development principals.

Vegetative Coverage – The area of a lot covered by grass, trees, shrubs, or other plantings, mulched areas, or other environments that support or are intended to support growing plants at ground level.

Wind Turbine – A structure including a tower or base, foundation, blades, rotors, batteries, and other appurtenant equipment necessary to convert wind energy into usable electrical energy.

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

Yard – A space open to the sky and unoccupied by any building, structure, or merchandise for display or sale.

Yard, Front – A yard extending the full width of the lot, and situated between the street right-of-way line and the front building line.

Yard, Rear – A yard extending the full width of the lot, and situated between the rear lot line and the rear building line.

Yard, Side – A yard extending from the front building line to the rear building line and located between the side property line and the side building line.

Zoning Officer – The municipal official duly appointed by the Governing Body to administer and enforce this Chapter.

Zoning Permit – A permit required by this Ordinance in a specific circumstance.

ARTICLE III

DESIGNATION OF DISTRICTS

SECTION 300: PURPOSE

For the purpose of this Ordinance, the land and water courses contained within the boundaries of East Berlin Borough are hereby designated into the following districts:

BC	Borough Core
C	Commercial
MU	Mixed Use
SR	Suburban Residential
FO	Floodplain Overlay

SECTION 301: ZONING MAP

The boundaries of said districts shall be shown upon the map attached to and made a part of this Ordinance, which map is dated, and designated as the "East Berlin Borough Zoning Map." The said map and all notations, references, and other data shown therein are hereby incorporated by reference into this Ordinance as if all were fully described herein.

SECTION 302: DISTRICT BOUNDARIES

When uncertainty exists as to boundaries of any district as shown on the Zoning Map, the following rules shall apply.

A. District boundary lines are intended to follow or be parallel to the center line of streets, streams, railroads, and lot or property lines as they exist on plans of record at the time of the adoption of this Ordinance, unless such district boundary lines are fixed by dimensions as shown on the Zoning Map.

B. Where a district boundary is not fixed by dimensions and where said boundary approximately follows a lot line, and where it does not scale more than ten (10) feet therefrom, such lot line shall be construed to be such boundary line unless specifically shown otherwise. In case of any uncertainty, the Zoning Officer shall interpret the intent of the map and determine the location of district boundaries.

SECTION 303: PRINCIPAL USE

Unless specifically provided by this Ordinance, the provisions of this Ordinance shall be interpreted to allow only one (1) principal use on a lot.

ARTICLE IV

BOROUGH CORE (BC) DISTRICT

SECTION 400: STATEMENT OF LEGISLATIVE INTENT:

It is hereby declared to be the intent of the BC District to:

- A. Establish reasonable standards to provide for a mix of residential, commercial, office, and other compatible uses within the developed core of East Berlin Borough.
- B. Encourage the full economic use of established and historic structures along the primary streets within the developed core of the Borough.
- C. Limit and discourage the development of strip-type, highway-oriented commercial uses.
- D. Permit uses that promote the sensitive conversion of existing buildings in a manner that maintains the visual character and architectural scale of existing development within the developed core of the Borough.
- E. Maintain the placement and location pattern of buildings and other structures within the developed core of the Borough to maintain the visual and community character of the Borough.
- F. Encourage a mixture of uses and building placement that promotes pedestrian scale activity.
- G. Limit the degree to which the accommodation of the automobile affects the visual character of the developed core of the Borough.

SECTION 401: USE REGULATIONS

- A. Permitted Uses: The following uses are permitted in the BC District:
 - 1. Single Family Detached Dwellings.
 - 2. Single Family Semi-Detached Dwellings.
 - 3. Two Family Dwellings.
 - 4. Infill Townhouses, in accordance with Section 1011.
 - 5. Conversion Apartments, in accordance with Section 1004.
 - 6. Apartment Buildings, in accordance with Section 1002.

7. Group Home, in accordance with Section 1007.
8. Child Care Center, in accordance with Section 1024.
9. Personal Care Home, in accordance with Section 1025.
10. Retail Stores, excluding those with drive-through service or gasoline sales.
11. Personal Service Shops.
12. Restaurants, excluding those with drive-through service.
13. Bed-and-Breakfast Inns.
14. Hotels.
15. Business / Professional Offices.
16. Funeral Homes.
17. Financial Institutions, excluding those with drive-through service.
18. Service Clubs / Fraternal Organizations.
19. Studios.
20. Theaters.
21. Galleries / Museums.
22. Places of Worship.
23. Governmental Uses.
24. Emergency Services.
25. Forestry.
26. Mixed Use Property, in accordance with Section 1012.

B. Accessory Uses: The following uses are permitted as accessory uses to any permitted principal use in the BC District.

1. Detached accessory structures, including but not necessarily limited to detached garages and utility sheds.

2. Wireless Communications Antennae mounted on an existing building or structure.
3. Home Occupations, in accordance with Section 1009.
4. No-Impact Home-Base Businesses, in accordance with Section 1014.
5. Family Child Care, in accordance with Section 1026.
6. Child Care Center or Group Child Care (Accessory to Non-Residential Use), in accordance with Section 1027.

C. Special Exception Uses: The following uses are permitted by Special Exception in the BC District in accordance with the following standards and criteria, any additional reasonable conditions that the Zoning Hearing Board may deem necessary to apply, and in accordance with the procedures set forth in Section 1408 of this Ordinance:

1. Infill Development, in accordance with Section 1011.
2. Uses with drive through service, in accordance with Section 1023.
3. Halfway House, in accordance with Section 1028.
4. Group Child Care (Accessory to Residence), in accordance with Section 1029.

SECTION 402: SITE DEVELOPMENT STANDARDS

A. Developed Properties: Currently developed properties shall be subject to the following requirements.

1. The front façade of buildings on existing developed properties shall be maintained.
2. Additions to buildings on existing developed properties shall be located to the side or rear of the building. Additions to the side of an existing building shall be located behind the front building line of the existing building. Additions to the front of buildings on existing developed properties shall not be permitted.
3. No on-site parking shall be permitted within the front or side yards.
4. Vehicle access to an existing developed property shall be from an alley street located to the rear of said property. Where the rear of an existing developed property does not adjoin an alley street, vehicular access may be taken from a side alley or from the primary street frontage. If vehicular access is taken in this manner, on-site parking shall still be located in the rear yard.

B. Vacant or Redeveloped Properties: Vacant properties or properties proposed for redevelopment shall be subject to the following requirements.

1. Development on vacant property or the redevelopment of a currently developed property shall be reviewed in accordance with Section 401.C.1 and be subject to the development standards of Section 1010.

SECTION 403: DIMENSIONAL STANDARDS

A. Minimum Lot Area

1. Single Family Detached Dwelling: Three thousand five hundred (3,500) square feet.
2. Single Family Semi-Detached Dwelling: Two thousand five hundred (2,500) square feet for each dwelling unit.
3. Infill Townhouses: Two thousand (2,000) square feet for each dwelling unit.
4. All Other Uses: Five thousand (5,000) square feet.

B. Minimum Lot Width

1. Single Family Detached Dwelling: Thirty-five (35) feet.
2. Single Family Semi-Detached Dwelling: Twenty-five (25) feet for each dwelling unit.
3. Infill Townhouses: Twenty (20) feet for each dwelling unit.
4. All Other Uses: Fifty (50) feet.

C. Maximum Build-to Line: Five (5) feet.

D. Minimum Building Setbacks

1. Side Setback: Five (5) feet. No side setback requirement shall be applied along a side property line that follows a common party wall of a Single Family Semi-Detached Dwelling or a Townhouse.
2. Rear Setback: Five (5) feet.
3. Where existing buildings on an adjacent property are closer than five (5) feet to the side or rear property line, a setback of an equivalent distance may be applied.

E. Maximum Lot Coverage

1. Residential Uses: Fifty percent (50%).
2. Non-residential Uses: Sixty-five percent (65%).
3. Mixed Use Property: Sixty-five percent (65%).
4. Infill Development: Sixty-five percent (65%).

F. Minimum Vegetative Coverage

1. Residential Uses: Fifty percent (50%).
2. Non-residential Uses: Thirty-five percent (35%).
3. Mixed Use Property: Thirty-five percent (35%).
4. Infill Development: Thirty-five percent (35%).

G. Maximum Building Height: Thirty-five (35) feet.

ARTICLE V

COMMERCIAL (C) DISTRICT

SECTION 500: STATEMENT OF LEGISLATIVE INTENT

It is hereby declared to be the intent of the C District to:

- A. Ensure that automobile-oriented uses, customarily associated with commercial areas along major roadways, are provided only in locations outside of East Berlin's historic, mixed use core and surrounding residential areas.
- B. Maintain and enhance attractive "gateways" along Harrisburg and Abbottstown Streets to the historic, mixed-use core of East Berlin Borough.
- C. Provide for appropriate landscaping and on-site improvements in commercial areas to ensure that aesthetic and environmental qualities are maintained and enhanced in East Berlin's commercial areas.
- D. Discourage the appearance of strip commercial development through the careful placement of buildings, parking lots, and landscaping.
- E. Encourage the conversion, over time, of the Harrisburg Street and Abbottstown Street corridors into pedestrian scaled commercial settings that reflect the appearance and character of the historic core of East Berlin Borough.

SECTION 501: USE REGULATIONS

- A. Permitted Uses: The following uses are permitted in the C District:
 - 1. Restaurants, excluding those with drive-through service.
 - 2. Financial Institutions, excluding those with drive-through service.
 - 3. Automobile, motorcycle, boat, and similar vehicle sales and/or service.
 - 4. Hotels.
 - 5. Motels.
 - 6. Retail Stores, excluding those with drive-through service and those including gasoline sales.
 - 7. Bars and Nightclubs.

8. Business / Professional / Medical Offices.
9. Hospitals, Clinics, and Related Medical Care Facilities
10. Commercial Recreation.
11. Health Clubs.
12. Places of Worship.
13. Governmental Uses.
14. Emergency Services.
15. Forestry.

B. Accessory Uses: The following uses are permitted as accessory uses to any permitted principal use in the C District.

1. Detached accessory structures, including but not necessarily limited to detached garages and utility sheds.
2. Wireless Communications Antennae mounted on an existing building or structure.
3. Child Care Center or Group Child Care (Accessory to Non-Residential Use), in accordance with Section 1027.

C. Special Exception Uses: The following uses are permitted by Special Exception in the C District in accordance with the following standards and criteria, any additional reasonable conditions that the Zoning Hearing Board may deem necessary to apply, and in accordance with the procedures set forth in Section 1408 of this Ordinance:

1. Shopping Plaza, in accordance with Section 1020.
2. Restaurants with drive-through service, in accordance with Section 1017.
3. Retail Stores with drive-through service, in accordance with Section 1018.
4. Retail Stores with gasoline sales, in accordance with Section 1019.
5. Financial Institutions with drive-through service, in accordance with Section 1006.

SECTION 502: SITE DEVELOPMENT STANDARDS

A. General Standards: The following standards shall be applied to all properties in the C District.

1. Landscaping: For all development within the C District, the following landscaping standards shall apply.

a. Quantity of Landscaping: A minimum of two (2) Planting Units shall be provided for every one thousand (1,000) square feet, or portion thereof, of building coverage proposed after the effective date of this Section. This quantity shall be in addition to any other plantings required in other sections of this Ordinance.

b. Credit for Existing Landscaping: Credit for up to fifty percent (50%) of the minimum landscaping quantity requirements may be given for retaining major deciduous trees on the site, provided the following conditions are achieved:

(1) The major deciduous trees shall be in good health.

(2) The major deciduous trees shall be located within twenty-five (25) feet of improvements on the property (for example, buildings and parking lots) that support the use.

(3) The applicant shall replace any major deciduous tree which contributes to the minimum quantity of landscaping with another major deciduous tree if it should die within two (2) years of the completion of the development.

c. Landscaping Plan Submission: A Landscaping Plan depicting the required plantings shall be provided with all required submissions in support of a given project. At a minimum, this includes applications for Special Exception approval and for Zoning Permit approval.

d. Landscaping Compliance Table: A table shall be provided with every Landscaping Plan with sufficient detail to demonstrate compliance with the landscaping requirements of this section. At a minimum, the table shall include the following.

(1) Calculation of minimum Planting Units required.

(2) Calculation of Planting Units provided.

(3) Biological and Common Name of all plants.

(4) Size of all plants at time of planting.

(5) Size of all plants at maturity.

2. Dumpsters: Dumpsters shall be located in side or rear yards in accordance with the side and rear setback standards established in Section 503.D. Dumpsters shall be placed within a masonry or fenced enclosure equipped with a self-latching gate.

3. Outdoor Storage and Display: Outdoor product display or storage shall be prohibited unless said display area is screened from view from adjoining roads or properties by landscaping or fencing. No outdoor product display or storage shall be located in the front yard. This section shall not be applicable to vehicle sales businesses.

4. Ingress and Egress

a. Paved and curbed access ways leading to and from adjoining public streets shall be built to the dimensional requirements specified in the East Berlin Borough Subdivision and Land Development Ordinance.

b. For existing lots which have less than one hundred and fifty (150) feet of frontage along an adjoining public street, a maximum of one (1) access way to a public street shall be permitted.

c. Corner lots shall be permitted a maximum of one (1) access way to each public street that the corner lot fronts.

d. No property shall have more than two access ways, and any access way shall be spaced a minimum of eighty (80) feet from any other.

5. Sidewalks: For all development within the C District, sidewalks shall be provided along all public street frontage. Sidewalks shall comply with applicable design requirements of the East Berlin Borough Subdivision and Land Development Ordinance, and shall extend the existing Borough sidewalk network where such network does not currently exist.

B. Developed Properties: Currently developed properties shall be subject to the following requirements in addition to those requirements of Section 502.A.

1. Building Location: Building additions and new building shall be located in accordance with the following standards.

a. Building Additions: Building additions shall be required to comply with the minimum side and rear setback requirements of Section 503.D, but shall not be required to comply with the maximum build-to line requirement of Section 503.C.

b. New Buildings: New buildings intended to host a principal use of property shall comply with the maximum build-to requirement of Section 503.C and the minimum side and rear setback requirements of Section 503.D.

2. Parking Location: Should additional parking be required as a result of an expansion of an existing use of property or the change of a use of property, such additional parking shall be located in the side or rear yard. Such additional parking shall not be authorized in the front yard, unless the property in question is a corner lot. In this case, such additional parking may be authorized in the front yard of the secondary frontage, but shall not be authorized in the front yard of the primary frontage.

3. Loading Location: Should additional loading spaces be required as a result of an expansion of an existing use of property or the change of a use of property, such loading spaces shall be located in the rear yard.

C. Vacant or Redeveloped Properties: Vacant properties or properties proposed for redevelopment shall be subject to the following requirements.

1. Building Location: The location of the new building(s) shall comply with the build-to and setback standards of Sections 503.C and 503.D respectively.

2. Building Orientation: New principal buildings shall be oriented such that the customer entrances face the front of the property and the associated public street.

3. Pedestrian Orientation: A clearly defined pedestrian walkway shall be provided connecting the sidewalk with the front customer entrance. Defined pedestrian walkways shall be provided within parking areas in accordance with the parking lot design standards of Section 1101.G and shall connect the parking areas to the customer entrance.

4. Building Design: New buildings shall comply with the following building design standards.

a. Building façades shall be interrupted at least one within every one hundred (100) horizontal feet, with offsets of two (2) or more feet in depth along any building façade facing a public street.

b. Rear and side façades shall be of the color and materials that are similar to the front façade.

c. Building ridgelines and roof planes shall be interrupted at least once every one hundred (100) by a vertical change, or by a design feature such as a new gable or a dormer.

d. Rooftop equipment, including but not limited to HVAC equipment, shall be shielded from public view by a parapet or similar roof design feature.

e. Where two or more buildings are proposed to comprise a development, all buildings shall share a common and coherent architectural theme.

5. Parking Location: Parking shall not be authorized in the front yard, unless the property in question is a corner lot. In this case, parking may be authorized in the front yard of the secondary frontage, but shall not be authorized in the front yard of the primary frontage.

6. Frontage Landscaping: The following frontage landscaping standards shall apply to all proposed development, except when such development is proposed for a corner lot, in which case the following standards shall only apply along the principal frontage.

a. All of the area between a building and the public right-of-way shall be landscaped. Pedestrian amenities (i.e. sidewalks, outdoor patios and dining areas, etc.) may be permitted within the required landscaping area.

b. No other components of any use (i.e. product display area, product sales or delivery features, etc.) may be permitted in this area.

7. Loading Location: Loading spaces shall only be located in the rear yard.

SECTION 503: DIMENSIONAL STANDARDS

A. Minimum Lot Area: Twenty thousand (20,000) square feet).

B. Minimum Lot Width: One hundred (100) feet.

C. Maximum Build-to Line: Ten (10) feet.

D. Minimum Building Setbacks

1. Side Setback: Twenty (20) feet.

2. Rear Setback: Twenty (20) feet.

E. Maximum Lot Coverage: Sixty-five percent (65%).

F. Minimum Vegetative Coverage: Thirty-five percent (35%).

G. Maximum Building Height: Thirty-five (35) feet.

ARTICLE VI

MIXED USE (MU) DISTRICT

SECTION 600: STATEMENT OF LEGISLATIVE INTENT:

It is hereby declared to be the intent of the MU District to:

- A. Provide for manufacturing, industrial, and employment related uses in appropriate locations within East Berlin Borough.
- B. Accommodate existing public and semi-public uses at locations in the Borough where such uses currently exist.
- C. Accommodate various forms of higher density residential development.
- D. Minimize the impacts of large manufacturing, industrial, and related uses on surrounding residential and mixed use areas of the Borough.

SECTION 601: USE REGULATIONS

- A. Permitted Uses: The following uses are permitted in the MU District:
 - 1. Single Family Detached Dwellings on lots existing on the effective date of this Ordinance.
 - 2. Light Industrial Uses.
 - 3. Rental Storage, in accordance with Section 1016.
 - 4. Schools.
 - 5. Governmental Uses.
 - 6. Public and Non-Commercial Parks and Recreation Uses.
 - 7. Places of Worship.
 - 8. Cemeteries.
 - 9. Emergency Services.
 - 10. Forestry.
 - 11. Group Home, in accordance with Section 1007.

12. Child Care Center, in accordance with 1024.
13. Personal Care Home, in accordance with 1025.

B. Accessory Uses: The following uses are permitted as accessory uses to any permitted principal use in the MU District.

1. Detached accessory structures, including but not necessarily limited to detached garages and utility sheds.
2. Wireless Communications Antennae mounted on an existing building or structure.
3. Home Occupations, in accordance with Section 1009.
4. No-Impact Home-Base Businesses, in accordance with Section 1014.
5. Family Child Care, in accordance with Section 1026.
6. Child Care Center or Group Child Care (Accessory to Non-Residential Use), in accordance with Section 1027.

C. Special Exception Uses: The following uses are permitted by Special Exception in the MU District in accordance with the following standards and criteria, any additional reasonable conditions that the Zoning Hearing Board may deem necessary to apply, and in accordance with the procedures set forth in Section 1408 of this Ordinance:

1. Heavy Industrial Uses, in accordance with Section 1008.
2. Recycling Facility, in accordance with Section 1015.
3. Distribution Center, in accordance with Section 1005.
4. Wireless Communication Towers, in accordance with Section 1022.
5. Townhouse Development, in accordance with Section 1021.
6. Apartment Complex, in accordance with Section 1003.
7. Mobilehome Park, in accordance with Section 1013.

SECTION 602: SITE DEVELOPMENT STANDARDS

A. Landscaping: For all development within the MU District, the following landscaping standards shall apply.

1. Quantity of Landscaping: A minimum of one (1) Planting Unit shall be provided for every two thousand five (2,500) square feet, or portion thereof, of nonresidential building coverage proposed after the effective date of this Section. A minimum of one (1) Planting Unit shall be provided for every residential dwelling unit (excluding single-family detached dwellings) proposed after the effective date of this Section. These quantities shall be in addition to any other plantings required in other sections of this Ordinance.

2. Credit for Existing Landscaping: Credit for up to fifty percent (50%) of the minimum landscaping quantity requirements may be given for retaining major deciduous trees on the site, provided the following conditions are achieved:

a. The major deciduous trees shall be in good health.

b. The major deciduous trees shall be located within twenty-five (25) feet of improvements on the property (for example, buildings and parking lots) that support the use.

c. The applicant shall replace any major deciduous tree which contributes to the minimum quantity of landscaping with another major deciduous tree if it should die within two (2) years of the completion of the development.

3. Landscaping Plan Submission: A Landscaping Plan depicting the required plantings shall be provided with all required submissions in support of a given project. At a minimum, this includes applications for Special Exception approval and for Zoning Permit approval.

4. Landscaping Compliance Table: A table shall be provided with every Landscaping Plan with sufficient detail to demonstrate compliance with the landscaping requirements of this section. At a minimum, the table shall include the following.

a. Calculation of minimum Planting Units required.

b. Calculation of Planting Units provided.

c. Biological and Common Name of all plants.

d. Size of all plants at time of planting.

e. Size of all plants at maturity.

B. Outdoor Storage: Outdoor storage of raw or process materials shall be prohibited unless said storage area is screened from view from adjoining roads or properties by landscaping or fencing.

C. Dumpsters: Dumpsters may be located in any yard for nonresidential development, but shall be located in the side or rear yard for residential development. Such dumpsters shall be subject to the setback standards of Section 603.D, and shall be screened from view from adjoining roads or properties by landscaping or fencing.

D. Ingress and Egress: Ingress and egress for nonresidential development shall comply with the following standards.

1. Paved and curbed access ways leading to and from adjoining public streets shall be built to the dimensional requirements specified in the East Berlin Borough Subdivision and Land Development Ordinance.
2. A maximum of two (2) access ways to a public street shall be permitted.
3. Corner lots shall be permitted a maximum of two (2) access way to each public street that the corner lot fronts.
4. Access way shall be spaced a minimum of one hundred (100) feet from any other.

SECTION 603: DIMENSIONAL STANDARDS

A. Minimum Lot Area

1. Single Family Detached Dwelling: None.
2. Townhouse: Two thousand (2,000) square feet for each dwelling unit.
3. Apartment Complex: One (1) acre.
4. Mobilehome Park: Five (5) acres.
5. All Other Uses: Two (2) acres.

B. Minimum Lot Width

1. Single Family Detached Dwelling: None
2. Townhouse: Twenty (20) feet for each dwelling unit.
3. Apartment Complex: Two Hundred (200) feet.
4. Mobilehome Park: Two Hundred Fifty (250) feet.
5. All Other Uses: Two Hundred Fifty (250) feet.

C. Maximum Build-to Line

1. Townhouse: Ten (10) feet.
2. Apartment Complex: Fifteen (15) feet.

D. Minimum Building Setbacks

1. Front Setback:
 - a. Single Family Detached Dwelling: Ten (10) feet.
 - b. Mobilehome Park: Twenty-five (25) feet.
 - c. All Other Uses excluding those uses subject to the Maximum Build-to Line standards of Section 603.C: Thirty-five (35) feet.
2. Side Setback:
 - a. Single Family Detached Dwelling: Ten (10) feet.
 - b. Townhouse: Five (5) feet. No side setback requirement shall be applied along a side property line that follows a common party wall a Townhouse.
 - c. Apartment Complex: Fifteen (15) feet.
 - d. Mobilehome Park: Twenty-five (25) feet.
 - e. All Other Uses: Twenty-five (25) feet.
3. Rear Setback:
 - a. Single Family Detached Dwelling: Ten (10) feet.
 - b. Townhouse: Five (5) feet.
 - c. Apartment Complex: Fifteen (15) feet.
 - d. Mobilehome Park: Twenty-five (25) feet.
 - e. All Other Uses: Thirty-five (35) feet.

E. Maximum Lot Coverage

1. Residential Uses: Fifty percent (50%).
2. All Other Uses: Sixty-five percent (65%).

F. Minimum Vegetative Coverage

1. Residential Uses: Fifty percent (50%).
2. All Other Uses: Thirty-five percent (35%).

G. Maximum Building Height: Thirty-five (35) feet.

ARTICLE VII

SUBURBAN RESIDENTIAL DISTRICT (SR)

SECTION 700: STATEMENT OF LEGISLATIVE INTENT

It is hereby declared to be the intent of the SR District to:

- A. Protect the character of suburban, moderate density neighborhoods located within designated growth areas, as identified in the Eastern Adams County Joint Comprehensive Plan, by providing for orderly and timely expansion of these neighborhoods for compatible single-family development.
- B. Prevent the overcrowding of land adjacent to existing moderate density neighborhoods.
- C. Exclude incompatible commercial and industrial uses from locating in residential areas.
- D. Provide opportunities for compatible home based business opportunities within existing residential neighborhoods.
- E. Provide for neighborhood supporting nonresidential uses.
- F. Provide for accessory buildings of an appropriate size and scale within existing residential neighborhoods.

SECTION 701: USE REGULATIONS

- A. Permitted Uses: The following uses are permitted in the SR District:
 - 1. Single Family Detached Dwellings.
 - 2. Single Family Semi-Detached Dwellings.
 - 3. Two Family Dwellings.
 - 4. Group Home, in accordance with Section 1007.
 - 5. Schools.
 - 6. Governmental Uses.
 - 7. Public and Non-Commercial Parks and Recreation Uses.
 - 8. Places of Worship.

9. Emergency Services.
10. Forestry.

B. Accessory Uses: The following uses are permitted as accessory uses to any permitted principal use in the SR District.

1. Detached accessory structures, including but not necessarily limited to detached garages and utility sheds.
2. Wireless Communications Antennae mounted on an existing building or structure.
3. Home Occupations, in accordance with Section 1009.
4. No-Impact Home-Base Businesses, in accordance with Section 1014.
5. Family Child Care, in accordance with Section 1026.
6. Child Care Center or Group Child Care (Accessory to Non-Residential Use), in accordance with Section 1027.

C. Special Exception Uses: The following uses are permitted by Special Exception in the SR District in accordance with the following standards and criteria, any additional reasonable conditions that the Zoning Hearing Board may deem necessary to apply, and in accordance with the procedures set forth in Section 1408 of this Ordinance:

1. Conversion Apartments, in accordance with Section 1004.
2. Accessory Dwelling Units, in accordance with Section 1001.

SECTION 702: DIMENSIONAL STANDARDS

A. Minimum Lot Area.

1. Single Family Detached Dwelling: Ten thousand (10,000) square feet.
2. Single Family Semi-Detached Dwelling: Seven thousand five hundred (7,500) square feet for each dwelling unit.
3. Two Family Dwelling: Seven thousand five hundred (7,500) square feet for each dwelling unit.
4. Conversion Apartments: Six thousand (6,000) square feet for each dwelling unit.
5. All Other Uses: One (1) acre.

B. Minimum Lot Width.

1. Single Family Detached Dwelling: Seventy-five (75) feet.
2. Single Family Semi-Detached Dwelling: Sixty (60) feet for each dwelling unit.
3. Two Family Dwelling: Sixty (60) feet for each dwelling unit.
4. Conversion Apartments: Fifty (50) feet for each dwelling unit.
5. All Other Uses: One hundred fifty (150) feet.

C. Minimum Building Setbacks.

1. Front Setback: Twenty-five (25) feet.
2. Side Setback: Ten (10) feet.
3. Rear Setback: Ten (10) feet.

D. Maximum Lot Coverage.

1. Residential Uses: Thirty five percent (35%).
2. Non-residential Uses: Fifty percent (50%).

E. Minimum Vegetative Coverage.

1. Residential Uses: Sixty five percent (65%).
2. Non-residential Uses: Fifty percent (50%).

F. Maximum Building Height: Thirty-five (35) feet.

ARTICLE VIII

FLOODPLAIN OVERLAY (FO) DISTRICT

SECTION 800: STATEMENT OF LEGISLATIVE INTENT

It is hereby declared to be the intent of the FO District to:

- A. Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.
- B. Minimize danger to public health by protecting water supply and natural drainage.
- C. Reduce financial burdens imposed on the Borough and its residents by preventing excessive development in areas subject to flooding.
- D. Comply with federal and state floodplain management requirements.

SECTION 801: REGULATIONS

All uses, activities, and development occurring within the FO District shall comply with the East Berlin Floodplain Ordinance, Ordinance No. 2008-10, as may be amended, of the East Berlin Borough Code. All zoning permit approvals issued in accordance with this Ordinance shall be subject to compliance with the applicable provisions of the Floodplain Ordinance. No zoning permit approval for a use, activity, or development that is also subject to the provisions of the Floodplain Ordinance shall be issued until such time that all permitting required by the Floodplain Ordinance is obtained by the applicant.

ARTICLE IX

GENERAL REQUIREMENTS

SECTION 900: STATEMENT OF LEGISLATIVE INTENT

The following standards shall be applied to all properties within East Berlin Borough. These requirements shall supplement requirements that may be found in the zoning district applicable to a specific property, as well as generally applicable standards including, but not necessarily limited to, parking, loading, and signs standards.

SECTION 901: CORNER LOTS

For all corner lots, the front yard setback or build-to line standard, as may be appropriate and as defined in the underlying zoning district, shall be applied along each adjoining street. The rear setback standard shall be applied to the property line opposite the street to which the property is addressed. The side setback standard shall be applied to all other property lines.

SECTION 902: DOUBLE FRONTAGE LOTS

For all double frontage lots, the front yard setback or build-to line standard, as may be appropriate and as defined in the underlying zoning district, shall be applied along the adjoining street to which the property is addressed. The rear setback standard shall be applied along the street opposite the street to which the property is addressed. The side setback standard shall be applied to all other property lines.

SECTION 903: CLEAR SIGHT TRIANGLE

No building, structure, sign, fence, landscape planting, or other property improvement regulated by this ordinance may be located within the required clear sight triangle at any street intersection.

SECTION 904: ACCESSORY BUILDINGS

Accessory building shall be subject to the following requirements.

- A. Accessory buildings shall be located in the side or rear yard. Accessory building shall not be authorized to be located in the front yard.
- B. Accessory buildings less than or equal to one hundred sixty (160) square feet in size may be located within five (5) feet of any side or rear property line. Accessory buildings greater than one hundred sixty (160) square feet in size shall be subject to the applicable setback requirements of the underlying zoning district.

C. Accessory building shall be subject to the building height standard of the underlying zoning district.

SECTION 905: FENCES

Fences shall be subject to the following requirements.

A. Maximum Height – Front Yards: The maximum fence height shall be three (3) feet in all zoning districts.

B. Maximum Height – Side and Rear Yards: The maximum fence height in the BC and SR Districts shall be six (6) feet. The maximum fence height in the C and MU Districts shall be eight (8) feet. For nonconforming uses, the maximum fence height shall be the maximum fence height authorized within the zoning district where the nonconforming use would be a permitted use.

C. Hazardous Attachments: No fence in the BC and SR Districts or on residential properties in the C and MU Districts shall include barbed wire or similar hazardous attachments. Nonresidential properties in the C and MU Districts may include no more than three (3) strands of barbed wire or may include wrought iron spikes.

D. Electrification: No fence in any zoning district may be electrified.

E. Setbacks: Fences shall not be subject to the setback requirements of the underlying zoning district. However, fences shall be subject to a five (5) foot setback along any right-of-way along a public street or alley.

SECTION 906: SWIMMING POOLS

Swimming pools shall be subject to the following requirements.

A. A Zoning Permit shall be required for any swimming pool constructed as a permanent fixture on the property. Inflatable swimming pools and kiddie pools that are placed and removed seasonally shall not be subject to this requirement.

B. Swimming pools shall be located within a side or rear yard. Swimming pools shall not be permitted to be located in a front yard.

C. Any swimming pool with a surface area of one hundred fifty (150) square feet or a depth greater than two (2) feet shall be surrounded by a fence or wall of no less than four (4) feet in height. All gates or doors through said fence shall be provided with a self-closing, self-locking mechanism. These standards shall not be applicable to above-ground swimming pools of at least three and one-half (3 ½) feet above ground level.

SECTION 907: POWER GENERATION FACILITIES

Power generation facilities shall be permitted as an accessory use in all zoning districts in accordance with the following standards.

A. Solar Panels – Roof Mounted: Roof mounted solar panels shall be permitted in accordance with the following standards.

1. Roof mounted solar panels shall comply with the maximum building height requirements of the zoning district where the installation of the solar panel is proposed.
2. On pitched roofs, roof mounted solar panels shall be installed as close to parallel as possible to the pitch of the roof while not sacrificing the efficiency of the solar panel.
3. On flat roofs, roof mounted solar panels may be installed at an angle to improve the efficiency of the solar panel with regard to the predominant sun angle provided that the solar panel is placed in a manner to minimize its visibility from street level. In no case may solar panels extend more than five (5) feet above the top of a flat roof.

B. Solar Panels – Ground Mounted: Ground mounted solar panels shall be permitted in accordance with the following standards.

1. Ground mounted solar panels shall comply with the setback requirements of the district where the installation of the solar panel is proposed.
2. Ground mounted solar panels shall not be permitted by-right in any front yard. The Zoning Hearing Board may authorize, by special exception, the installation of a ground mounted solar panel in a front yard if the applicant demonstrates that, due to solar access limitations, no location exists on the property other than the front yard where the solar panel can perform effectively.
3. Ground mounted solar panels shall not exceed a height of ten (10) feet.
4. Glare from ground mounted solar panels shall be directed away from adjoining properties or street rights-of-way. Fences or vegetative screens may be utilized to prevent glare from impacting adjoining properties or street rights-of-way.

C. Wind Turbines – Wind turbines shall be permitted in accordance with the following standards.

1. Wind turbines shall be setback from all property lines a distance of one-half (1/2) the height of the tower supporting the wind generation facility.
2. The tower supporting the wind turbine shall not exceed one hundred fifty percent (150%) of the maximum building height for the zoning district where installation of the wind generation facility is proposed.
3. Wind turbines shall not be permitted in any front yard.

D. General Requirements – The following requirements shall apply to all power generation facilities.

1. Building Permit Required – The installation of solar panels and/or wind generation facilities shall be subject any permitting and inspections with regard to applicable provisions of the Pennsylvania Uniform Construction Code (UCC) in addition to any permitting required to demonstrate compliance with the provisions of this Ordinance.

2. Purpose of Facility: The primary purpose of a power generation facility shall be to provide power for the principal use of the property where the installation of said power generation is proposed. The primary purposes of the facility shall not be for the generation of power for commercial purposes, although this provision shall not be interpreted to prohibit the sale of excess power generated from time to time.

SECTION 908: WOOD BOILERS

Outdoor wood boilers shall not be authorized within East Berlin Borough in any zoning district.

SECTION 909: TRASH DUMPSTERS

All trash dumpsters shall be subject to the following requirements.

A. Trash dumpsters shall be located in the side or rear yard.

B. Trash dumpsters shall be screened from view from public streets and adjoining properties. Suitable screening methods may include opaque fencing installed in accordance with Section 905, evergreen screening, or a combination of both.

C. Access to trash dumpsters shall be provided in manner that precludes the need of collection vehicles from obstructing public streets while collecting trash and the need of collection vehicles from having to back into a public street once trash collection is completed.

D. Trash dumpsters shall be placed on a stabilized, concrete surface.

ARTICLE X

GENERAL USE REQUIREMENTS

SECTION 1000: STATEMENT OF LEGISLATIVE INTENT

The following standards shall be applied to the specific listed uses, regardless of how said uses are authorized and where said uses are proposed within East Berlin Borough. These provisions shall be applied by the Zoning Officer for uses permitted as a matter of right, or by the Zoning Hearing Board for uses permitted by special exception. These requirements shall supplement requirements that may be found in the zoning district applicable to a specific property, as well as generally applicable standards including, but not necessarily limited to, parking, loading, and signs standards.

SECTION 1001: ACCESSORY DWELLING UNITS

- A. No more than one (1) ADU shall be permitted on any property.
- B. The maximum number of occupants of the ADU shall be two (2) persons. Minor children under age eighteen (18) and related to the occupants of the ADU by blood, adoption or foster relationship shall not count towards this limit.
- C. The ADU shall not exceed fifty percent (50%) of the total residential living area of the existing dwelling or one thousand (1,000) square feet, whichever is less. The ADU shall not be less than four hundred (400) square feet.
- D. The ADU shall meet the following architectural standards:
 - 1. Attached ADUs shall be designed to maintain the architectural design, style, appearance and character of the existing dwelling as a single-family residence. Such an addition shall be consistent with the existing facade, roof pitch, siding and windows.
 - 2. Detached ADUs (including manufactured dwelling units) shall be designed to maintain the architectural design, style, appearance and character of the existing primary dwelling on the lot.
 - 3. Applicants shall submit a photo, rendering, or plan depicting the exterior of the proposed ADU.
- E. The height of a detached ADU shall not exceed the height of the principal dwelling unit on the lot.
- F. Each ADU shall have a kitchen and full bath.

G. The applicant shall contact the Adams County Tax Services Office to obtain an address for the ADU (whether attached or detached) and the applicant shall provide this information to the Zoning Officer prior to Zoning Permit approval.

H. The applicant shall record, at the cost of the applicant, a memorandum of the decision of the Zoning Hearing Board granting such special exception. Such recorded memorandum shall indicate that the occupancy of the ADU shall be limited to permitted occupants as stated in Section 201, that the ADU shall not be rented to persons who are not related to the occupants of the principal dwelling, that detached ADUs shall be removed when it is no longer used by persons related to the occupants of the principal dwelling or converted to a non-residential accessory use in accordance with the underlying Zoning District within one hundred eighty (180) days.

I. All ADUs shall adhere to the following permitting requirements:

1. Zoning Permits for ADUs shall be issued for a period of not longer than one (1) year and must be renewed at the end of the first term of issuance and every such period thereafter.

2. Renewal of said permits requires inspection of the ADU by the Zoning Officer or his/her designee.

3. If a permit for an ADU is not renewed, all rights granted to the Landowner under such permit expire, and the Landowner must re-apply for the issuance of a new Zoning Permit under the then current standards for the issuance of such permits.

4. Zoning Permits for ADUs shall be renewed when a change of occupancy is proposed.”

SECTION 1002: APARTMENT BUILDINGS

A. The maximum number of dwelling units in any Apartment Building shall be twelve (12).

B. Windows shall constitute a minimum of twenty-five percent (25%) of the total area of every external wall.

C. Parking for Apartment Buildings: Off-street parking shall not be located between the front façade of the building and the adjoining street right-of-way or access drive. Such parking shall be provided in one or more of the following locations.

1. In a common parking lot located to the rear of the building.

2. In a common garage located underneath the building and accessed from the rear of the building.

3. In garage spaces dedicated to individual dwelling units and accessed from the side or rear of the building.

4. A maximum of two access driveways are permitted to provide access a common parking area from public streets or main internal circulation driveways.

D. Architectural styles and building materials shall be similar to those found in surrounding residential areas. An architectural rendering shall be supplied showing all architectural elements and indicating construction materials.

SECTION 1003: APARTMENT COMPLEX

A. Individual Apartment Buildings within an Apartment Complex shall meet the standards of Section 1002.

B. In addition to the setback and yard requirements of the underlying zoning district, individual Apartment Buildings within an Apartment Complex shall meet the following building separation requirements.

1. The front façade of any Apartment Building shall be no closer than thirty (30) feet to any façade of any other Apartment Building.

2. The side and rear facades of an Apartment Building shall be no closer than twenty (20) feet to the side and rear facades of any other Apartment Building.

SECTION 1004: CONVERSION APARTMENTS

A. No additions to buildings within which Conversion Apartments are proposed shall be permitted. The Conversion Apartments shall be located within the existing structure.

B. No internal structural alterations of the original building shall be authorized where such alterations are proposed solely in an attempt to increase the total gross floor area available for individual conversion apartments. Structural alterations necessary to ensure emergency egress or provide handicapped accessibility shall be authorized.

C. Entrances to individual apartments within a Conversion Apartment building may be located at any location, provided the following standards are met.

1. No residential entrance shall be located in a manner that requires the residential occupant to have walk through another apartment to access the entrance to the dwelling unit. This provision does not preclude internal foyer access to multiple apartments within a Conversion Apartment.

2. Any residential entrance not located along the front of the Conversion Apartment building shall be connected to the public sidewalk at the front of the building by an access sidewalk.

3. Where a common entrance for multiple apartment units is used, such common entrance shall be located at the front of the Conversion Apartment building.

SECTION 1005: DISTRIBUTION CENTER

- A. All operations, excluding truck loading and off-loading, shall be conducted within an enclosed building. Loading facility doors shall be closed at all times other than when a truck is loading or off-loading products.
- B. There shall be no outdoor storage of products, including packaged products or products in delivery containers, being processed by the Distribution Center.
- C. Access to the Distribution Center shall be from a Minor Arterial street as identified in the Eastern Adams Joint Comprehensive Plan.
- D. Any overnight parking area for trucks shall be fully screened from view from any adjoining residential parcels. Where a fence is used as part of this screening, landscaping shall be provided along the outside edge of the fence.

SECTION 1006: FINANCIAL INSTITUTIONS WITH DRIVE-THROUGH SERVICE

- A. The drive-through facility, including the drive-through lane, automated teller machine, and/or service window, shall be located to the side or rear of the financial institution building. In no instance may any component of the drive-through facility be located in the front yard.
- B. Vegetative screening shall be located between all components of the drive-through facility and any adjoining residential use or any property in the BC and SR Districts.
- C. The drive-through facility must have a lane that is dedicated to the conduct of drive-through business. The lane shall include sufficient length to allow for stacking of a minimum of six (6) vehicles waiting for window or automated teller machine service. The stacking area shall not be used for parking lot circulation aisles or in any way conflict with parking or vehicle and pedestrian circulation.

SECTION 1007: GROUP HOMES

- A. The provider and the structure shall be permitted and licensed by the appropriate County and/or State Agencies and shall comply with all applicable rules and regulations. Copies of said permits and licenses shall be submitted as a component of the zoning permit application.
- B. The zoning permit application shall identify the following.
 1. The sponsoring agency.
 2. The address and telephone number of the sponsoring agency.

3. A contact person of the sponsoring agency.
 4. The proposed number of residents.
- C. There shall be twenty-four (24) hour resident supervision by people qualified by training and experience in the field for which the group home is intended.
- D. Any medical or counseling services provided shall be done so only for residents.
- E. There shall be no alteration to the outside of the structure that would alter the residential character of the dwelling, be inconsistent with the basic architecture styles of the surrounding neighborhood, or be otherwise incompatible with surrounding dwellings.

SECTION 1008: HEAVY INDUSTRIAL USES

- A. Any outdoor storage of raw or finished materials or products shall be fully screened from view from any adjoining residential parcels. Where a fence is used as part of the screening, landscaping shall be provided along the outside edge of the fence.
- B. Raw or finished materials or products shall not be stacked higher than the screening.
- C. Where the site adjoins property in the BC or SR Districts, the building wall facing such property shall not include service door openings or loading facilities. However, where all building walls face property in the BC or SR Districts, service door openings or loading facilities shall be located along the building wall further from said property.

SECTION 1009: HOME OCCUPATIONS

- A. A home occupation is deemed to include, but is not necessarily limited to, the following types of occupations: barber; hairdresser; dressmaker; milliner; professional office of attorney, architect, landscape architect, community planner, engineer, accountant, physician, dentist, realtor, insurance agent, clergyman, teacher, artist, horticulturist, or surveyor; clerical, typing and/or word processing services; specialty "Homemade Food" products, which require licensing for home production by a State and/or local health agency; and appliance repair, provided that no work may be performed out of doors and no appliances may be stored out of doors. Other occupations in addition to those listed above may be considered to be home occupations provided it is determined that such occupations are of the same general character as those occupations listed above.
- B. The person conducting the home occupation shall reside within the dwelling located on the lot.
- C. No more than two (2) persons other than family members who reside within the dwelling may be employed by the home occupation.

D. No more than twenty-five percent (25%) of the livable floor area of the dwelling may be devoted to the home occupation. Where the home occupation is operated either fully or partially within an accessory building on the lot, no more than five hundred (500) square feet of floor area in the accessory building may be devoted to the home occupation use. The applicant shall submit floor plans of the dwelling or the accessory building devoted to home occupation use. Said floor plans shall clearly depict the portion of the building devoted to home occupation use.

E. The dwelling or accessory building in which the home occupation is conducted shall retain a residential design and character. The applicant shall submit photographs of the existing building and shall submit architectural drawings of said building if an addition is proposed in support of the home occupation use. Said photographs and / or architectural drawings shall demonstrate that residential design and character will be retained.

SECTION 1010: INFILL DEVELOPMENT

A. The Infill Development building shall be oriented to the front of the lot and along a public street.

B. Entrances to nonresidential uses within the Infill Development building shall be located along a public street. Nonresidential use access may be taken from either a single entrance that serves two or more nonresidential uses, or may be taken from individual entrances. Where the Infill Development building is located on a corner lot, the nonresidential entrance or entrances shall be located along the street to which the property is addressed.

C. Entrances to residential uses may be located at any location, provided the following standards are met.

1. No residential entrance shall be located in a manner that requires the residential occupant to have walk through another use to access the entrance to the dwelling unit. This provision does not preclude internal foyer access to multiple units.

2. Any residential entrance not located along the front of the Infill Development building shall be connected to the public sidewalk at the front of the building by an access sidewalk.

D. The height of an Infill Development building shall be within ten percent (10%) of the average building height of the buildings immediately surrounding the site, provided that the Infill Development building is a minimum of two stories.

SECTION 1011: INFILL TOWNHOUSES

A. Every townhouse unit within an Infill Townhouse shall be oriented to the front of the lot and along a public street.

B. Every townhouse unit within an Infill Townhouse shall be connected to the public sidewalk system by either an access sidewalk between the public sidewalk and the front door of the townhouse unit or by a porch that connects directly to the public sidewalk.

C. An Infill Townhouse shall include no more than four (4) dwelling units.

D. Every townhouse unit within an Infill Townhouse shall comply with the following architectural requirements.

1. Windows shall constitute a minimum of twenty-five percent (25%) of the total area of every front and rear wall, and ten percent (10%) of the total area of every side wall.

2. A minimum roof pitch of no less than 4/12 shall be used.

3. Eaves shall be provided on all Single-Family Attached buildings. The use of eaves in coordination with additional architectural features, such as dentils, brackets, and decorative moldings, is strongly encouraged.

4. An architectural feature, such as but not limited to vertical bands, shall be used to delineate the individual dwelling units of a building consisting of Single-Family Attached dwelling units. In no event shall the building façade transition from one dwelling unit to another without a distinct visual or architectural break between the two units.

E. Every townhouse unit within an Infill Townhouse shall share a common roof shingle material and color.

F. The height of an Infill Townhouse building shall be within ten percent (10%) of the average building height of residential buildings immediately surrounding the site.

SECTION 1012: MIXED-USE PROPERTY

A. Entrances to nonresidential uses within a Mixed-Use Property building shall be located along a public street. Nonresidential use access may be taken from either a single entrance that serves two or more nonresidential uses, or may be taken from individual entrances. Where the Infill Development building is located on a corner lot, the nonresidential entrance or entrances shall be located along the street to which the property is addressed.

B. Entrances to residential uses in a Mixed-Use Property building may be located at any location, provided the following standards are met.

1. No residential entrance shall be located in a manner that requires the residential occupant to have walk through another use to access the entrance to the dwelling unit. This provision does not preclude internal foyer access to multiple units.

2. Any residential entrance not located along the front of the Mixed-Use Property building shall be connected to the public sidewalk at the front of the building by an access sidewalk.

SECTION 1013: MOBILEHOME PARK

A. The Mobilehome Park shall be proposed and designed in accordance with the requirements of East Berlin Borough Subdivision and Land Development Ordinance with regard to Mobilehome Parks.

B. Dimensional Requirements

1. Maximum Density: Six (6) dwelling units to the acre.
2. Minimum Mobilehome Park Lot Size: Five thousand (5,000) square feet.
3. Minimum Mobilehome Park Lot Width: Fifty (50) feet.
4. Minimum Mobilehome Building Separation: Twenty (20) feet.

C. Sidewalks shall be provided along both sides of all internal streets in a Mobilehome Park. The internal sidewalk system shall connect to the broader sidewalk system in the Borough. Access sidewalks shall be provided from the entrance to all Mobilehomes to the Mobilehome Park sidewalk system. All required sidewalks shall meet construction and materials specifications of the Borough.

SECTION 1014: NO-IMPACT HOME-BASED BUSINESSES

A. The business activity shall be compatible with the residential use of the property and surrounding residential uses.

B. The business shall employ no employees other than family members residing in the dwelling.

C. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.

D. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.

E. The business activity may not use any equipment or process, which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.

F. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.

G. The business activity shall be conducted only within the dwelling and may not occupy more than twenty-five percent (25%) of the habitable floor area.

H. The business may not involve any illegal activity.

SECTION 1015: RECYCLING FACILITY

A. All operations, including collection, shall be conducted within an enclosed building. Access doors for trucks shall be closed at all times other than when a truck is off-loading materials to be recycled or on-loading process materials.

B. There shall be no outdoor storage of materials collected, used, or generated by the Recycling Facility.

C. The operator shall document with the Borough a written explanation describing the scope of the operation and the measures to be used to mitigate any problems associated with noise, fumes, dust, or litter. Such written explanation shall include a detailed explanation of site maintenance and stray debris collection.

D. Access to the Recycling Facility shall be from a Minor Arterial street as identified in the Eastern Adams Joint Comprehensive Plan.

SECTION 1016: RENTAL STORAGE

A. The minimum aisle width between buildings shall be twenty-four (24) feet.

B. Aisles shall be designed to enable large vehicle movement through the site. The applicant shall submit a graphic depicting truck turning movements to demonstrate that large vehicles can move through the site without contacting buildings or being forced to make reverse movements.

C. Aisles shall be paved. Suitable paving material shall be asphalt or concrete.

D. Storage of explosive, radioactive, toxic, highly flammable, or otherwise hazardous materials shall be prohibited.

E. No business or other activity other than leasing of storage units shall be conducted on the premises.

F. All storage shall be within closed buildings built on a permanent foundation of durable materials. Trailers, box cars or similar impermanent or movable structures shall not be used for storage.

G. Outdoor vehicle storage is permitted and shall comply with the following requirements.

1. Outdoor vehicle storage shall be screened to prevent view from adjacent streets, residential uses, or land within the VC or SR Districts.
2. A maximum of twenty percent (20%) of the total site area may be used for outdoor vehicle storage.
3. Stored vehicles shall not interfere with traffic movement through the facility.
4. Spaces for outdoor vehicle storage shall be marked in manner consistent with Section 1101.J.

H. The facility shall be surrounded by a fence of at least six (6) feet but not less than eight (8) feet in height.

I. Lighting shall be arranged so as to prevent direct view of the light source from adjoining properties and/or public right-of-ways.

J. A landscaped buffer of no less than ten (10) feet in width shall be provided around the perimeter of the facility. At least one (1) major deciduous tree shall be planted for every twenty foot segment of the buffer.

SECTION 1017: RESTAURANTS WITH DRIVE-THROUGH SERVICE

A. The drive-through facility, including the drive-through lane, ordering intercom or window, and product delivery window shall be located to the side or rear of the restaurant building. In no instance may any component of the drive-through facility be located in the front yard.

B. Vegetative screening shall be located between all components of the drive-through facility and any adjoining residential use or any property in the BC and SR Districts.

C. The drive-through facility must have a lane that is dedicated to the conduct of drive-through business. The lane shall include sufficient length to allow for stacking of a minimum of eight (8) vehicles waiting to place an order. The lane shall include sufficient length to allow for stacking of a minimum of two (2) vehicles waiting to receive an order. The stacking area shall not be used for parking lot circulation aisles or in any way conflict with parking or vehicle and pedestrian circulation.

SECTION 1018: RETAIL STORES WITH DRIVE-THROUGH SERVICE

A. The drive-through facility, including the drive-through lane and/or service window, shall be located to the side or rear of the retail store building. In no instance may any component of the drive-through facility be located in the front yard.

B. Vegetative screening shall be located between all components of the drive-through facility and any adjoining residential use or any property in the BC and SR Districts.

C. The drive-through facility must have a lane that is dedicated to the conduct of drive-through business. The lane shall include sufficient length to allow for stacking of a minimum of four (4) vehicles waiting for window service. The stacking area shall not be used for parking lot circulation aisles or in any way conflict with parking or vehicle and pedestrian circulation.

SECTION 1019: RETAIL STORES WITH GASOLINE SALES

A. A traffic circulation plan shall be developed for the site that separates fuel service patrons from customers accessing the retail store component of the site. In no event will a site layout be authorized that results in or enables retail store customers having to travel through the fuel service area, either by vehicle or by foot, to access the retail store.

B. Fuel service canopies shall be limited to the minimum height necessary to allow clearance for delivery vehicles. However, in no event shall any part of the canopy structure exceed sixteen (16) feet in height.

C. Site illumination shall be organized in a manner to ensure that all light sources are directed downward and are shielded from direct view from public streets and adjoining properties. Light sources underneath a fuel service canopy shall be recessed a minimum of four (4) inches into the canopy. No internal illumination of the canopy structure shall be authorized.

SECTION 1020: SHOPPING PLAZA

A. The Shopping Plaza shall operate under unified management, which shall have sole responsibility for operation and maintenance of the Shopping Plaza.

B. The Shopping Plaza shall be designed with a unified architectural theme. Consistent building dimensions, materials, and roof-lines shall be proposed for all uses within the Shopping Plaza.

C. The primary entrance to the Shopping Plaza shall be provided from a Minor Arterial street as identified in the Eastern Adams Joint Comprehensive Plan.

D. An internal pedestrian system shall be designed that will enable customers to move from any tenant within a Shopping Plaza to any other tenant without having to traverse vehicle parking areas, loading area, or other non-pedestrian areas.

SECTION 1021: TOWNHOUSE DEVELOPMENT

A. No building within a Townhouse Development shall include more than eight (8) dwelling units.

B. In addition to the setback and yard requirements of the underlying zoning district, buildings within a Townhouse Development shall meet the following building separation requirements.

1. No front façade shall be closer than thirty (30) feet to any other front façade.
2. The side and rear facades shall be no closer than twenty (20) feet to any other side and rear facades.

C. Within any building in a Townhouse Development, no individual dwelling unit shall have a building footprint placed at the same distance from the front lot line, the street line, access drive line, or other feature defining the front of the property as an adjoining individual dwelling. The building footprint of adjacent dwellings shall vary by no less than two (2) feet and no more than four (4) feet to create a “staggered” appearance of the individual dwelling units. Further, the roof plane shall vary from dwelling unit to dwelling unit in a manner consistent with the variation in the location of the front and rear of the building footprint.

D. There shall be, for any building within a Townhouse Development, at least three (3) different architectural plans having substantially different designs, building materials, and exterior and floor elevations.

E. All Single-Family Attached units shall comply with the following architectural requirements:

1. Windows shall constitute a minimum of twenty-five percent (25%) of the total area of every front and rear wall, and ten percent (10%) of the total area of every side wall.
2. A minimum roof pitch of no less than 4/12 shall be used.
3. Eaves shall be provided on all Single-Family Attached buildings. The use of eaves in coordination with additional architectural features, such as dentils, brackets, and decorative moldings, is strongly encouraged.
4. An architectural feature, such as but not limited to vertical bands, shall be used to delineate the individual dwelling units of a building consisting of Single-Family Attached dwelling units. In no event shall the building façade transition from one dwelling unit to another without a distinct visual or architectural break between the two units.

F. On any building within a Townhouse Development, all individual dwelling units shall share a common roof shingle material and color.

G. Parking within Townhouse Development: Off-street parking shall be located in accordance with the following requirements.

1. In a common parking lot located to the rear of the building.
2. In a common garage located underneath the building and accessed from the rear of the building.

3. In garage spaces dedicated to individual dwelling units and accessed from the side or rear of the building.
4. The only exception to this standard will be for a quadplex or similar form of single-family attached dwelling. In this case only, a parking space for one (1) of the units within the building may be accessed from the front of the overall building.

SECTION 1022: WIRELESS COMMUNICATION TOWER

A. Evaluation of Siting Opportunities: An applicant seeking approval to erect a wireless communications tower or enlarge an existing wireless communications tower shall demonstrate compliance with the following requirements.

1. An applicant shall demonstrate that all structures in excess of fifty (50) feet in height within a one (1) mile radius of the proposed site have been evaluated as an alternative site. Installation opportunities include, but are not limited to, smoke stacks, water towers, agricultural silos, tall buildings, towers operated by other wireless communication companies, and other communications towers (fire, police, etc.). The applicant shall provide a site alternative analysis describing the location of other sites that were considered, the availability of those sites, the extent to which other sites do or do not meet the provider's service or engineering needs, and the reason why the alternative site was not chosen. Where an alternative site is not chosen, supplementary evidence shall include one (1) or more of the following reasons for not proposing to install wireless communications antenna on the alternative site:
 - a. The proposed antennas and related equipment would exceed the structural capacity of the existing structure, as certified by an engineer licensed in the Commonwealth of Pennsylvania, and that appropriate reinforcement cannot be accomplished.
 - b. The proposed antennas and related equipment would cause radio frequency interference with other existing equipment, as certified by an appropriate technical expert, and that the interference cannot be effectively mitigated.
 - c. The existing structure does not possess appropriate location, space, or access to accommodate the proposed antennae and equipment or to allow the antennae and equipment to perform their intended function.
 - d. Addition of the proposed antennas and related equipment would result in electromagnetic radiation from such structure that exceeds applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation. Such a determination shall be certified by an appropriate technical expert.

e. A commercially reasonable agreement could not be reached with the owners of such structures. Where such an agreement is not reached, the applicant shall indicate why any offers or counter-offers made were deemed to be unreasonable.

2. If the applicant claims that no structures in excess of fifty (50) feet exist within the study area, the applicant shall provide evidence detailing how such determination was made. Such written evidence shall be submitted, and deemed to be complete, before approval for the erection of a wireless communications tower may occur.

3. An applicant shall demonstrate that the proposed facility is needed at the proposed location. The applicant shall provide an existing coverage analysis demonstrating a “dead spot” at or near the proposed tower location.

4. An applicant shall provide a written analysis that identifies potential negative impacts on neighboring residents and properties, and indicates how negative impacts will be effectively mitigated.

B. Siting Requirements: Where the applicant has demonstrated that no opportunities exist to site wireless communications antenna on an existing structure and that a wireless communications tower is necessary, the following siting criteria must be met:

1. The minimum distance between the base of the wireless communications tower, or any anchoring guy wires, and any property line or public road right-of-way, shall be a minimum of thirty percent (30%) of the tower height.

2. The minimum distance between the base of the tower, or any anchoring guy wires, and residential, place of worship, or school property shall be two hundred (200) feet.

3. Where such features exist, the applicant shall use one or more of the following or similar natural features to minimize the visibility of the wireless communications tower:

a. Groves of Trees

b. Sides of Hills

C. Tower Height: An applicant must demonstrate that a proposed wireless communications tower is the minimum height required to function satisfactorily. In no case shall a wireless communications tower exceed one hundred fifty (150) feet. The measurement of tower height shall include the tower itself as well as any antennas or other equipment attached thereto.

D. Tower Safety: An applicant shall demonstrate that the proposed tower will not negatively affect surrounding areas as a result of structural failure, falling ice or other debris, or radio frequency interference. All wireless communications towers shall be fitted with anti-climbing devices, as approved by the manufacturers.

E. Tower Type: The monopole, or davit-pole, type of wireless communications tower shall be used.

F. Landscaping: The applicant shall demonstrate compliance with the following landscaping requirements:

1. The base of the wireless communications tower, any supporting cables or guy wires, maintenance buildings, and parking areas, shall be enclosed by a protective fence. The protective fence shall be a minimum of six (6) feet and a maximum of eight (8) feet in height.

2. An evergreen screen shall be planted around the external perimeter of the protective fence. Evergreen trees shall be a minimum of six (6) feet at planting, and shall reach a minimum height of fifteen (15) feet at maturity. Any trees which die within a year of planting shall be replaced by the applicant. Where the tower site is either fully or partially located within a grove of existing trees, the evergreen screen requirement may be waived along any portion of the protective fence that is blocked from view from beyond the property line hosting the facility by said grove of trees.

G. Color: Where a specific color pattern is not required by the Federal Aviation Administration (FAA), wireless communications tower colors shall be a light grey or galvanized metal color. Towers shall be finished or treated in a manner that prevents the formation of rust.

H. Parking: One (1) off-street parking space for a maintenance vehicle shall be provided.

I. Site Access: Access to a wireless communications tower facility shall be provided by an access driveway located within an easement of at least twenty (20) feet in width. The access driveway shall be a minimum of ten (10) feet in width, and shall be constructed with a dust-free, all weather surface for its entire length.

J. Municipal Approvals: The applicant shall receive Land Development Plan approval in accordance with applicable provisions of the East Berlin Borough Subdivision and Land Development Ordinance prior to Zoning Permit approval.

K. A list of the contents of the equipment building or box, with specific attention to any potentially unsafe or toxic substances, including batteries, to be located in the facility, shall be provided. Documentation demonstrating how any spills of unsafe or toxic material will be contained within the equipment building or box shall also be provided.

L. Information regarding the intended power supply and auxiliary power supply for the facility shall be provided.

SECTION 1023: USES WITH DRIVE THROUGH SERVICE IN THE BC DISTRICT

Within the BC District, drive-through service as a component of a restaurant, financial institution, or retail sales use may be proposed in accordance with the following minimum requirements.

- A. Drive through service shall only be proposed for a use located within a building existing as of the effective date of this Ordinance. No drive through service will be authorized as a component of a development project that involves the demolition of an existing building or construction of a new building to accommodate the proposed use.
- B. Drive through service shall only be provided through a service window on the existing building. No element of the drive through service may be conducted through an ordering kiosk, or similar element.
- C. No intercom operation may be provided in association with the drive through service. Communication between customers and employees shall be conducted directly through an open service window.
- D. No more than two (2) service windows shall be authorized.
- E. The drive through facility must have a lane dedicated to the conduct of drive-through business. The lane shall include sufficient length to allow for stacking of a minimum of four (4) vehicles waiting to request or receive service. The stacking area shall not be used for parking lot circulation aisles or in any way conflict with parking or vehicle and pedestrian circulation.
- F. All drive through windows shall be located on either the side or rear façade of the existing building. No drive through window shall be permitted to be located on the front façade of the building.
- G. Vehicle traffic shall enter the drive through facility via an access driveway from a Local Road classification street as defined by the Eastern Adams Joint Comprehensive Plan. Vehicle traffic may exit the drive through facility via an access driveway to a Minor Arterial classification street as defined by the Eastern Adams Joint Comprehensive Plan provided that such access driveway existed as of the effective date of this Ordinance.

SECTION 1024: CHILD CARE CENTER

- A. The provider and the structure shall be permitted and licensed by the appropriate County and/or State Agencies and shall comply with all applicable rules and regulations. Copies of said permits and licenses shall be submitted as a component of the zoning permit application.
- B. The zoning permit application shall identify the following.
 - 1. The operator.
 - 2. The address and telephone number of the operator.

3. A contact person of the operator.
4. The proposed number of children to be served.

C. An outdoor play area shall be provided, and shall comply with applicable State regulations as evidenced by issuance of required State permits and/or licenses. Such outdoor play area shall be located in the side or rear yard. The outdoor play area shall be enclosed by fencing meeting the requirements of Section 905 of this Ordinance.

SECTION 1025: PERSONAL CARE HOME

A. The provider and the structure shall be permitted and licensed by the appropriate County and/or State Agencies and shall comply with all applicable rules and regulations. Copies of said permits and licenses shall be submitted as a component of the zoning permit application.

B. The zoning permit application shall identify the following.

1. The operator.
2. The address and telephone number of the operator.
3. A contact person of the operator.
4. The proposed number of clients to be served.

C. The facility shall include common indoor and common outdoor use areas suitable to the needs of the clients.

SECTION 1026: FAMILY CHILD CARE

A. The provider and the structure shall be permitted and licensed by the appropriate County and/or State Agencies and shall comply with all applicable rules and regulations. Copies of said permits and licenses shall be submitted as a component of the zoning permit application.

B. The zoning permit application shall identify the following.

1. The operator.
2. The address and telephone number of the operator.
3. A contact person of the operator.
4. The proposed number of children to be served.

C. An outdoor play area shall be provided, and shall comply with applicable State regulations as evidenced by issuance of required State permits and/or licenses. Such outdoor

play area shall be located in the side or rear yard. The outdoor play area shall be enclosed by fencing meeting the requirements of Section 905 of this Ordinance.

D. There shall be no alteration to the outside of the structure that would alter the residential character of the dwelling, be inconsistent with the basic architecture styles of the surrounding neighborhood, or be otherwise incompatible with surrounding dwellings.

SECTION 1027: CHILD CARE CENTER OR GROUP CHILD CARE (ACCESSORY TO NON-RESIDENTIAL USE)

A. The provider and the structure shall be permitted and licensed by the appropriate County and/or State Agencies and shall comply with all applicable rules and regulations. Copies of said permits and licenses shall be submitted as a component of the zoning permit application.

B. The zoning permit application shall identify the following.

1. The operator.
2. The address and telephone number of the operator.
3. A contact person of the operator.
4. The proposed number of children to be served.

C. An outdoor play area shall be provided, and shall comply with applicable State regulations as evidenced by issuance of required State permits and/or licenses. Such outdoor play area shall be located in the side or rear yard. The outdoor play area shall be enclosed by fencing meeting the requirements of Section 905 of this Ordinance.

D. Off-street parking shall be required in accordance with Article XI of this Ordinance. Off-street parking required for a Child Care Center of Group Child Care facility developed as an accessory use to an existing non-residential use shall be in addition to that required for said non-residential use.

SECTION 1028: HALFWAY HOUSE

A. The provider and the structure shall be permitted and licensed by the appropriate County and/or State Agencies and shall comply with all applicable rules and regulations. Copies of said permits and licenses shall be submitted as a component of the zoning permit application.

B. The zoning permit application shall identify the following.

1. The sponsoring agency.
2. The address and telephone number of the sponsoring agency.

3. A contact person of the sponsoring agency.
4. The proposed number of residents.

C. The facility shall be located no closer than five hundred (500) feet, measured by a straight line from the property line of the subject property to any other property which is already developed with a halfway house use.

SECTION 1029: GROUP CHILD CARE (ACCESSORY TO RESIDENCE)

A. The provider and the structure shall be permitted and licensed by the appropriate County and/or State Agencies and shall comply with all applicable rules and regulations. Copies of said permits and licenses shall be submitted as a component of the zoning permit application.

B. The zoning permit application shall identify the following.

1. The operator.
2. The address and telephone number of the operator.
3. A contact person of the operator.
4. The proposed number of children to be served.

C. An outdoor play area shall be provided, and shall comply with applicable State regulations as evidenced by issuance of required State permits and/or licenses. Such outdoor play area shall be located in the side or rear yard. The outdoor play area shall be enclosed by fencing meeting the requirements of Section 905 of this Ordinance.

D. Off-street parking shall be required in accordance with Article XI of this Ordinance. Off-street parking required for a Group Child Care facility developed as an accessory use to an existing residential use shall be in addition to that required for said residential use.

ARTICLE XI

PARKING AND LOADING REGULATIONS

SECTION 1100: REQUIRED PARKING FACILITIES

Unless otherwise regulated in this Article or elsewhere in this Ordinance, the following minimum parking facilities are required. Any structure or building hereafter erected, converted, or enlarged for any of the following uses, or any open area hereafter developed for commercial, residential, or similar purposes, shall be provided with not less than the minimum off-street parking spaces, as set forth below. All spaces shall be readily accessible to the uses served thereby.

- A. Accessory Dwelling Unit – One (1).
- B. Apartment, including Conversion Apartment – One (1) for apartments with two (2) or fewer bedrooms. Two (2) for apartments with three (3) or more bedrooms.
- C. Automobile, Motorcycle, Boat, and Similar Vehicle Sales – One (1) for every five hundred (500) square feet of enclosed sales and service space.
- D. Bar / Nightclub – One (1) for every two hundred (200) square feet of floor area.
- E. Bed-and-Breakfast Inn – One (1) for every guest room, plus two (2) for the dwelling unit.
- F. Business / Professional / Medical Office – One (1) for every four hundred (400) square feet of floor area.
- G. Child Care Center – One (1) for every employee on the largest shift, plus one (1) for child drop-off and pick-up purposes.
- H. Commercial Recreation – For indoor commercial recreation uses, one (1) space for every five hundred (500) square feet of floor area. For outdoor recreation uses, one (1) space for every ten thousand (10,000) square feet of land area devoted to the outdoor recreation use.
- I. Distribution Center – One (1) for every two thousand (2,000) square feet of floor area.
- J. Family Child Care – One (1) for child drop-off and pick-up purposes in addition to that required by this Section for the residence.
- K. Financial Institution with drive through service – One (1) for every five hundred (500) square feet of floor area.
- L. Financial Institution without drive through service – One (1) for every four hundred (400) square feet of floor area.

- M. Funeral Home – One (1) for every four hundred (400) square feet of floor area.
- N. Gallery / Museum – One (1) for every five hundred (500) square feet of floor area.
- O. Governmental Use – One for every five hundred (500) square feet of floor area devoted to citizen service.
- P. Group Child Care – One (1) for every employee on the largest shift, plus two (2) for child drop-off and pick-up.
- Q. Group Home – One (1) for every two (2) residents plus one (1) for the operator.
- R. Halfway House – One (1) for every two (2) clients, plus one (1) for every employee on the largest shift.
- S. Health Club – One (1) for every four hundred (400) square feet of floor area.
- T. Heavy Industrial Use – One for every one thousand (1,000) square feet of floor area.
- U. Home Occupation – One (1) for every three (300) square feet of floor area devoted to the Home Occupation use.
- V. Hospital, Clinic, and Related Medical Care Facility – One (1) for every five hundred (500) square feet of floor area.
- W. Hotel / Motel – One for every lodging unit plus one (1) employee space for every ten (10) lodging units.
- X. Infill Development – The total minimum parking spaces required shall be the sum of the minimum parking spaces required for each individual use within an Infill Development.
- Y. Light Industrial Use – One for every one thousand (1,000) square feet of floor area.
- Z. Mixed Use Property – The total minimum parking spaces required shall be the sum of the minimum parking spaces required for each individual use within a Mixed Use Property.
- AA. Personal Care Home: One (1) for every four (4) clients, plus one (1) for the operator.
- BB. Personal Service Shop – One for every four hundred (400) square feet of floor area.
- CC. Place of Worship – One for every seven hundred (750) square feet of floor area of the primary room of assembly.

- DD. Public and Non-Commercial Park and Recreation Use – One for every ten thousand (10,000) square feet of land area devoted to the public or non-commercial park and recreation use.
- EE. Recycling Facility – One for every two thousand (2,000) square feet of floor area.
- FF. Rental Storage – Where an on-site rental office is present, one (1) for every four hundred (400) square feet of office floor area.
- GG. Restaurant with drive-through service – One for every four hundred (400) square feet of floor area.
- HH. Restaurant without drive-through service – One for every three hundred (300) square feet of floor area.
- II. Retail Store with drive-through service – One for every five hundred (500) square feet of floor area.
- JJ. Retail Store with gasoline sales – One for every five hundred (500) square feet of floor area.
- KK. Retail Store without drive-through service and gasoline sales – One for every four hundred (400) square feet of floor area.
- LL. School – For elementary schools and middle schools, four (4) spaces for every five (5) employees on-site during the school day. For high schools, four (4) spaced for every five (5) employees on-site during the school day, plus one (1) space for every five (5) students.
- MM. Shopping Plaza – One for every three hundred fifty (350) square feet of floor area.
- NN. Single Family Detached Dwelling – Two (2).
- OO. Single Family Semi-Detached Dwelling – Two (2) for each dwelling unit.
- PP. Studio – One for every five hundred (500) square feet of floor area.
- QQ. Theater – One (1) for every five (5) seats.
- RR. Two Family Dwelling – Two (2) for each dwelling unit.
- SS. Townhouse, including Infill Townhouse – One (1) for townhouses with two (2) or fewer bedrooms. Two (2) for townhouses with three (3) or more bedrooms.

SECTION 1101: PARKING DESIGN STANDARDS

All off-street parking areas shall be designed to meet the following standards:

- A. Where three (3) or more parking spaces shall be provided in accordance with the provisions of Section 1100, such spaces shall be provided in a parking lot.
- B. Surfacing: Surfacing of off-street parking lots shall comply with the following standards.
1. All parking lots serving nonresidential uses, and all parking lots serving residential uses and having ten (10) or more parking spaces, shall be paved. Suitable paving material shall be asphalt or concrete.
 2. Parking lots serving residential uses and having fewer than ten (10) parking spaces need not be paved, but shall be constructed with a durable, dust-free driving surface.
 3. Any parking spaces needed to meet Americans with Disabilities Act (ADA) requirements for handicapped accessible parking shall be surfaced in accordance with ADA guidelines.
- C. Parking lots with fifty (50) or more parking spaces shall be designed with a dedicated access drive and dedicated circulation drives. No parking space may be accessed from a dedicated access drive or a dedicated circulation drive. Access drives and circulation drives shall be uniform in width and provide for ninety (90) degree intersections from one access or circulation drive to another and to parking aisle drives.
- D. Parking lots with fifty (50) or more parking spaces shall provide landscaping strips to separate the parking aisles from dedicated access and circulation drives. Landscaping strips shall be designed with a minimum width of five (5) feet.
- E. Access drives, circulation drives, and parking aisle drives shall be a minimum of twenty (20) feet in width where two-way directional travel is proposed, and shall be a minimum of twelve (12) feet in width where one-way directional travel is proposed.
- F. Customers and service traffic shall be separated to the extent feasible given constraints of existing properties. Loading and unloading areas, including areas provided for refuse removal, shall be located so as not to interfere with customer or employee parking areas. No loading / unloading or refuse removal functions may be conducted within parking aisle drives.
- G. Parking lots with fifty (50) or more parking spaces shall provide dedicated pedestrian walkways or sidewalks. Such walkways or sidewalks shall be a minimum of four (4) feet in width and shall be arranged so that a person using a parking space may walk from the parking space to the use the parking space serves without having to walk along or through other parking spaces or parking aisle drives to access the use.
- H. Parking aisle drives terminating in a dead end shall be provided with sufficient back-up or turn around area for the end spaces.

- I. Each parking space shall be not less than ten (10) feet wide by twenty (20) feet long.
- J. Parking Space Markers: All parking spaces shall be marked to show the location of the parking spaces within the parking lot. Parking space markings shall comply with the following requirements.
1. Parking spaces within parking lots surfaced with asphalt or concrete shall be marked by four (4) inch wide painted lines or four (4) inch wide road surface tape. Paint or road surface tape shall be reapplied as necessary to ensure continuous visibility of the limits of each parking space.
 2. Parking spaces within parking lots provided with a surface other than asphalt or concrete are not required to be delineated with paint or road surface tape. In such instances, a bumper block shall be used to define the location and orientation of each parking space. Bumper blocks shall be replaced at any time when said markings become damaged.
- K. Lighting. All lighting shall be arranged so as to prevent direct view of the light source from adjoining properties and/or public right-of-ways. Light standards shall be protected from vehicular traffic by curbing or landscaping.
- L. Parking Lot Landscaping: All parking lots within the C and MU Districts, and all other parking lots exceeding twenty-five (25) parking spaces, shall be landscaped in accordance with the following requirements.
1. Landscaping within the parking lot shall be required, and shall conform to the following requirements:
 - a. Terminal islands shall be provided at both ends of all rows of abutting parking spaces.
 - b. Each terminal island shall measure not less than five (5) feet in width and fifteen (15) feet in length.
 - c. Each terminal island shall include at least one (1) major deciduous tree or two (2) minor deciduous trees, with the remaining area landscaped with appropriate ground cover or grass.
 - d. Where parking space rows are proposed with twenty (20) or more parking spaces, mid-row islands shall be provided at a frequency where no more than twenty (20) contiguous parking spaces are provided without separation from other spaces in said row. Mid-row islands shall have the same dimensions as terminal islands.
 - e. Mid-row islands located within abutting parking space rows (including those separated by a divider strip) shall have the same dimensions as terminal

islands. Mid-row islands within a single parking space row shall measure not less than five feet in width and seven and one-half (7½) feet in length.

f. Each mid-row island shall include at least one (1) major deciduous tree or two (2) minor deciduous trees, with the remaining area landscaped with appropriate ground cover or grass.

g. A divider strip between abutting rows of parking shall be installed.

h. Divider strips shall be a minimum of five (5) feet in width.

i. At least one (1) major deciduous tree shall be planted for every forty (40) foot interval within the divider strip. Alternatively, at least two (2) major deciduous trees shall be planted for every twenty (20) foot interval within the divider strip. The remaining area of the divider strip shall be landscaped with ground cover or grass. Pedestrian walkways, if required by Section 1101.G above, may be substituted for a portion of the required ground cover or grass to facilitate pedestrian movements through the parking lot.

g. Curbing or wheel stops shall be provided around all terminal islands, mid-row islands, and divider strips to prevent vehicular encroachment.

2. All parking lots within the C and MU Districts, and all other parking lots exceeding twenty-five (25) parking spaces, shall be surrounded by a perimeter landscaping strip which meets the following requirements:

a. Perimeter landscaped areas shall be provided around the perimeter of all parking lots, except where the one side of the parking lot is bounded by a principle structure.

b. The minimum width of the perimeter landscaping area around a parking area shall be five (5) feet, measured outward from the edge of the parking lot.

c. At least one (1) major deciduous tree shall be planted for every thirty (30) foot interval within the perimeter landscaping area. Alternatively, at least one (1) minor deciduous tree shall be planted for every fifteen (15) foot interval within the perimeter landscaping area. The remaining area of the perimeter landscaping strip shall be landscaped with appropriate ground cover or grass.

3. Trees planted in terminal islands, mid-row islands, divider strips, and perimeter landscaped areas shall be maintained in a manner that ensures visibility at all vehicle and pedestrian intersections within and surrounding the parking lot.

4. Landscaping Plan Submission: A Landscaping Plan depicting the required plantings shall be provided with all required submissions in support of a given project.

At a minimum, this includes applications for Special Exception approval and for Zoning Permit approval.

5. Landscaping Compliance Table: A table shall be provided with every Landscaping Plan with sufficient detail to demonstrate compliance with the landscaping requirements of this section. At a minimum, the table shall include the following.

- a. Calculation of minimum Planting Units required.
- b. Calculation of Planting Units provided.
- c. Biological and Common Name of all plants.
- d. Size of all plants at time of planting.
- e. Size of all plants at maturity.

SECTION 1102: REQUIRED OFF-STREET LOADING / UNLOADING FACILITIES

At least one (1) off-street loading / unloading space shall be provided for all commercial and industrial concerns in excess of three thousand five hundred (3,500) square feet of floor area. The number of loading / unloading spaces shall be left to the discretion of the developer.

SECTION 1103: LOADING / UNLOADING FACILITIES DESIGN STANDARDS

All loading / unloading spaces shall be designed in accordance with the following standards.

- A. Loading / unloading spaces shall be at least fourteen (14) feet wide, sixty (60) feet long and shall have at least a fifteen (15) foot vertical clearance.
- B. Loading / unloading spaces shall be provided a maneuvering area of sufficient size such that each loading space is provided safe and convenient access. Truck turning templates shall be provided on all site plans to depict the means by which trucks will access the loading / unloading space(s).
- C. Loading / unloading spaces shall be paved. Suitable paving material shall be asphalt or concrete.
- D. Required off-street parking space (including aisles) shall not be used for loading and unloading purposes except during hours when business operations are suspended.
- E. Loading / unloading spaces shall be designed so that trucks need not back in or out, or park in, any public right-of-way.

F. No truck shall be allowed to stand in a public right-of-way, a parking lot (including parking aisle drives, or in any way block the effective flow of persons or vehicles.

ARTICLE XII

SIGN REGULATIONS

SECTION 1200: STATEMENT OF LEGISLATIVE INTENT

It is the intent of this Article to:

- A. Place reasonable standards on the erection and maintenance of signs within the Borough of East Berlin.
- B. Promote the safety, welfare, and convenience of uses of rights-of-way, relative to signs, while maintaining and enhancing the historic character of the Borough of East Berlin.
- C. Promote commerce while identifying places of business and cultural and social activity in a visually attractive manner compatible with the village character of East Berlin Borough.
- D. Avoid excessive use of large or multiple signs, so that permitted signs can provide identification and direction while minimizing clutter, confusion, and hazardous distractions to motorists and pedestrians.

SECTION 1201: GENERAL REGULATIONS

The following regulations shall govern signs in all districts.

- A. No sign shall be erected, enlarged, or relocated until a permit for doing so has been issued by the Zoning Officer, or unless specifically exempted from permitting by Section 1202 below. Applications shall be on forms provided by the Borough. All applications shall include a scale drawing specifying dimensions, materials, illumination, letter sizes, colors, location on land or buildings, means of installation on land or building, and all other relevant information.
- B. Signs, and the structure and equipment used in the erection and/or installation of such signs, shall be comprised of durable materials requiring little maintenance. All signs shall be permanently affixed to the ground or building, as appropriate, using generally accepted construction practices.
- C. No sign shall be located so as to interfere with the clear sight distance regulations of the East Berlin Borough Subdivision and Land Development Ordinance.
- D. Signs may be illuminated in accordance with the following standards.
 - 1. Where sign illumination is limited in this Ordinance to external illumination, the light source shall be hidden from vehicular and/or pedestrian view by a vegetative screen or a fixture surrounding the light source that directs the light to the sign face. Indirect

illumination shall not be permitted that either directly or indirectly produces glare affecting neighboring residential properties or any adjoining street.

2. Where sign illumination is not limited in this Ordinance to external illumination, the sign may employ internal illumination.

SECTION 1202: SIGNS EXEMPT FROM PERMITTING

The following types of signs are exempted from the permitting requirements of this Ordinance, provided the sign meets all other applicable sections of this Section.

- A. Official street and traffic signs and any other signs required by law.
- B. Trespassing signs, signs indicating private ownership of roads and/or property, and similar signs, provided that such signs are spaced at intervals of no less than one hundred (100) feet and do not exceed two (2) square feet in area.
- C. Temporary, non-illuminated real estate signs advertising the sale or rental of the premises upon which they are erected, provided that the maximum area on any side of the sign shall not exceed six (6) square feet, that the total area of the sign shall not exceed twelve (12) square feet, that not more than two (2) signs are placed on a property under single ownership, and that such signs are removed not more than five (5) business days following the sale or rental of the premises.
- D. Temporary, non-illuminated signs of contractors, painters, or similar artisans, erected on the premises where the work is being performed, provided that the maximum area of any one side of the sign shall not exceed eight (8) square feet, that the total area of the sign shall not exceed sixteen (16) square feet, that not more than one (1) such sign for each contractor, painter, or similar artisan shall be erected on any property under single ownership, and that the sign shall be removed within one (1) day of the completion of the work.
- E. Temporary, non-illuminated yard or garage sale signs, provided that such signs shall not be displayed for more than forty-eight (48) hours of each calendar month, that the total area of such signs shall not exceed four (4) square feet, and that not more than two (2) signs shall be displayed for any sale event.
- F. Freestanding signs designating the “entrances” and “exits” to commercial and industrial establishments, provided that sign illumination shall be limited to external illumination and that each side of the sign shall not exceed four (4) square feet.
- G. Legal notices, identification, informational, or directional signs erected or required by governmental bodies.
- H. Window signs, directly affixed to the exterior or interior of a window, or placed in inside a building in a manner that can be seen through a window.

I. Sandwich board signs, provided that use is limited to one (1) such sign per use and the total area of all sides of the sign does not exceed twelve (12) square feet. Such signs may be placed in public sidewalk provided that a minimum of five feet (5) of sidewalk width is retained for pedestrian access. Such signs shall be removed at the end of the advertised business day.

J. Decorative flags, including such flags indicating that the use is open for the business day. Such flags shall be installed in a manner that provides a minimum of seven (7) feet of clearance between the flag and any public sidewalk. Such flags shall be removed at the end of the advertised business day.

SECTION 1203: PROHIBITED SIGNS

The following types of signs and/or sign design features are prohibited in all districts.

- A. Flashing signs.
- B. Flashing and/or rotation lights.
- C. Signs using the words “stop,” “caution,” or “danger.” Signs using red, yellow, and/or green lights resembling traffic signals. Signs that resemble traffic control signs in terms of size, shape, or color.
- D. Revolving, rotating, wind or blown air activated, or otherwise moving signs.
- E. Animated signs.
- F. Changeable copy signs except when copy is changed manually. Signs with the express purpose of displaying the time and temperature are exempted from this requirement.
- G. Portable signs, whether mounted on a trailer, vehicle, temporary base, or similar such device. A vehicle, painted or decorated so as to display an advertising or related message, and parked in a visible location, shall be considered a moveable sign.
- H. Roof signs.
- I. Streamers, pennants, inflatable, or lighter than air signs.
- J. Strings or light bulbs, search lights, or other lighting intended to attract attention to a nonresidential use, other than traditional holiday decorations.

SECTION 1204: SIGNS PERMITTED IN ALL DISTRICTS

The following types of signs are permitted in all districts.

- A. Off-Premises Directional Signs shall be permitted in accordance with the following requirements:

1. The maximum area of any one (1) side of a sign shall not exceed ten (10) square feet.
2. The total area of the sign shall not exceed twenty (20) square feet.
3. The maximum height of the sign shall not exceed ten (10) feet.
4. Within the BC and SR Districts, sign illumination shall be limited to external illumination.
5. If three (3) or more off-premises directional signs are proposed on the same property, consolidation of the individual signs on a single off-premises directional sign shall be required. Compatibly designed business logos shall be required. In addition, the following size requirements shall be required.
 - a. The maximum area of any one side of a consolidated off-premises directional sign shall not exceed six (6) square feet for each advertised use.
 - b. The total area of a consolidated off-premises directional sign shall not exceed twelve (12) square feet for each advertised use.
6. Where the applicant for an off-premise directional sign does not own the property where said sign is proposed, the property owner shall be a co-applicant for the zoning permit necessary to authorize said sign.

B. Community Welcome Signs: Signs erected by municipal, civic, or community organizations, and designed to welcome visitors to the East Berlin community and notify the public of community events, may be erected in any zoning district, provided that the following standards are met:

1. The maximum area of any one side of the sign shall not exceed fifty (50) square feet.
2. The maximum area of all sides of the sign shall not exceed one hundred (100) square feet.
3. Sign illumination shall be limited to external illumination.

C. Signs for Places of Worship, Service Clubs, Fraternal Organizations, Schools, Municipal, Emergency Services, Public and Non-Commercial Parks and Recreation, and similar uses that perform civic or community serving functions.

1. The maximum area of any one side of the sign shall not exceed thirty-two (32) square feet.

2. The maximum area of all sides of the sign shall not exceed sixty-four (64) square feet.
3. If a freestanding sign is used, the maximum height of the sign shall not exceed ten (10) feet.
4. Sign illumination may include internal illumination.
5. Changeable copy may be permitted provided the changeable copy complies with the requirements of Section 1203.F.
6. Where the standards of Section 1204.C conflict with other standards of Article XII, the standards of Section 1204.C shall control.

SECTION 1205: SIGNS PERMITTED IN THE BC DISTRICT

Within the BC District, the following sign regulations shall apply.

- A. For every nonresidential use of property, one (1) freestanding or one (1) projecting sign shall be permitted in accordance with the following requirements.
 1. The maximum area of any one side of a freestanding or projecting sign shall not exceed twelve (12) square feet.
 2. The total area of a freestanding or projecting sign shall not exceed twenty-four (24) square feet.
 3. Where three (3) or more nonresidential uses are located on the same property, one (1) consolidated freestanding or projecting sign shall be used. In this case, maximum sign areas may be increased by fifty percent (50%)
 4. Any freestanding or projecting sign placed above public sidewalks, driveways, or walkways shall be located so as to provide for eight (8) feet of clearance beneath the sign.
 5. Any projecting sign shall not exceed twelve (12) feet in height.
 6. Any freestanding sign shall not exceed six (6) feet in height.
- B. For every nonresidential use of property, one (1) wall sign or one (1) awning sign shall be permitted in accordance with the following requirements.
 1. The total area of a wall or awning sign shall not exceed twenty-four (24) square feet.
 2. Wall signs shall not extend above the eave of the building and shall not be placed over windows.

3. Where three (3) or more nonresidential uses are located on the same property and use of wall signs is proposed, one (1) consolidated wall sign shall be used. In this case, maximum sign area may be increased by fifty percent (50%).

4. Awning signs shall be used only on an awning extending from the primary entrance to the nonresidential use.

5. Where three (3) or more nonresidential uses are located on the same property and use of awning signs is proposed, one (1) consolidated awning sign shall be used if the nonresidential uses are provided a common building entrance. Where nonresidential uses are provided separate building entrances, an awning sign meeting the size standards of Section 1205.B.1 may be used at each entrance.

C. The signs authorized in Sections 1205.A and 1205.B above shall be subject to the following general requirements.

1. Sign illumination shall be limited to external illumination, with the exception that signs using channel letters may be internally illuminated in accordance with the following.

a. Illuminated channel letters shall not exceed twenty-five percent (25%) of the sign face.

b. Internal illumination shall be limited to the channel letters only. All other portions of the sign face shall not be illuminated.

c. The interior light source shall not be visible.

2. Signs may only be illuminated during advertised business hours.

D. Where the nonresidential use is located at the intersection of two (2) public streets, excluding alleys, one (1) sign meeting the requirements of Section 1205.A and one (1) sign meeting the requirements of Section 1205.B may be erected along each street.

SECTION 1206: SIGNS PERMITTED IN THE C DISTRICT

Within the C District, the following sign regulations shall apply.

A. For individual nonresidential uses of property, the following sign standards shall apply.

1. One (1) freestanding sign shall be permitted in accordance with the following requirements.

a. The maximum area of any one side of a freestanding sign shall not exceed twenty (20) square feet.

- b. The total area of a freestanding or projecting sign shall not exceed forty (40) square feet.
 - c. Any freestanding sign shall not exceed six (6) feet in height.
- 2. One (1) wall sign shall be permitted in accordance with the following requirements.
 - a. The maximum area of a wall sign shall be one-hundred (100) square feet or fifteen percent (15%) of the surface area of the wall, whichever is less.
 - b. Wall signs shall not extend above the eave of the building and shall not be placed over windows.
- 3. Where the nonresidential use is located at the intersection of two (2) public streets, excluding alleys, one (1) sign meeting the requirements of Section 1206.A.1 and one (1) sign meeting the requirements of Section 1206.A.2 may be erected along each street.

B. For Shopping Plazas, the following sign standards shall apply.

- 1. One (1) freestanding sign shall be permitted to identify the name, entrance, and tenants of the Shopping Plaza. Such sign shall comply with the following requirements.
 - a. The maximum area of any one side of the sign shall not exceed 50 square feet.
 - b. The total area of the sign shall not exceed 100 square feet.
 - c. The maximum height shall be ten (10) feet.
 - d. The sign shall be located no less than 20 feet from the adjoining road right-of-way.
- 2. One (1) wall sign shall be permitted for each tenant within a Shopping Plaza. Such sign shall comply with the following requirements.
 - a. The maximum area of a wall sign shall be thirty (30) square feet or fifteen percent (15%) of the surface area of the wall, whichever is less.
 - b. Wall signs shall not extend above the eave of the building and shall not be placed over windows.
 - c. Each wall sign shall be designed to be visually compatible, in terms of color and materials, with buildings of the Shopping Plaza.

SECTION 1207: SIGNS PERMITTED IN THE MU DISTRICT

Within the MU District, the following sign regulations shall apply.

- A. For individual nonresidential uses of property, the following sign standards shall apply.
 1. One (1) freestanding sign shall be permitted in accordance with the following requirements.
 - a. The maximum area of any one side of a freestanding sign shall not exceed thirty (30) square feet.
 - b. The total area of a freestanding or projecting sign shall not exceed sixty (60) square feet.
 - c. Any freestanding sign shall not exceed ten (10) feet in height.
 2. One (1) wall sign shall be permitted in accordance with the following requirements.
 - a. The maximum area of a wall sign shall be two-hundred (200) square feet or twenty percent (20%) of the surface area of the wall, whichever is less.
 - b. Wall signs shall not extend above the eave of the building and shall not be placed over windows.
 3. Where the nonresidential use is located at the intersection of two (2) public streets, excluding alleys, one (1) sign meeting the requirements of Section 1207.A.1 and one (1) sign meeting the requirements of Section 1207.A.2 may be erected along each street.
- B. A maximum of one (1) billboard sign may be erected on a property in accordance with the following requirements.
 1. Billboard signs shall only be authorized to be constructed in the MU District.
 2. The maximum area of any one side of the billboard sign shall not exceed one hundred (100) square feet.
 - C. The total maximum area of the billboard sign shall not exceed two hundred (200) square feet.
 - D. The maximum height of the billboard sign shall not exceed twenty (20) feet.

E. The billboard sign, including its support structure, shall be placed at least twenty-five (25) feet from any street right-of-way line and at least fifty (50) feet from any side or rear property line.

F. The billboard sign shall be located along a Minor Arterial street as identified by the Eastern Adams Joint Comprehensive Plan.

G. The billboard sign shall be located at least five hundred (500) feet from any other billboard sign.

H. The billboard sign shall be located at least five hundred (500) feet from any residential zoning district.

I. Billboard signs shall be limited to external illumination. Any illumination of a billboard sign shall comply with the sign illumination standards of Section 1201.D.1.

SECTION 1208: SIGNS PERMITTED IN THE SR DISTRICT

Within the SR District, the following sign regulations shall apply.

A. Signs advertising a Home Occupation are permitted, provided that the following requirements are met:

1. The maximum area of any one (1) side of the sign shall not exceed four (4) square feet.
2. The total area of the sign shall not exceed eight (8) square feet.
3. Sign illumination shall be limited to external illumination.
4. The maximum height of a freestanding sign shall not exceed six (6) feet. Wall signs or projecting signs are permitted, provided that said sign does not extend above the eave of the building.

B For individual nonresidential uses of property other than Home Occupations, the following sign standards shall apply.

1. One (1) freestanding sign shall be permitted in accordance with the following requirements.
 - a. The maximum area of any one side of a freestanding sign shall not exceed twenty (20) square feet.
 - b. The total area of a freestanding or projecting sign shall not exceed forty (40) square feet.

- c. Any freestanding sign shall not exceed six (6) feet in height.
- 2. One (1) wall sign shall be permitted in accordance with the following requirements.
 - a. The maximum area of a wall sign shall be eighty (80) square feet or fifteen percent (15%) of the surface area of the wall, whichever is less.
 - b. Wall signs shall not extend above the eave of the building and shall not be placed over windows.

ARTICLE XIII

NON-CONFORMING USES

SECTION 1300: GENERAL

All lawful uses of land or of a building or other structure existing on the effective date of this Ordinance may be continued, altered, restored, reconstructed, sold, or maintained even though such use may not conform to the use, height, area, yard, and other regulations of the district in which it is located, providing such non-conforming uses shall comply with the provision of this Article.

SECTION 1301: ALTERATIONS AND RECONSTRUCTION

- A. Repairs and structural alterations not constituting extensions, expansions, or enlargements, may be made to a non-conforming building or to a building occupied by a non-conforming use.
- B. A non-conforming building which is damaged by fire, explosion, or natural disaster, may be rebuilt and used for the same purpose, provided that:
1. The reconstruction of the building is commenced within one (1) year from the date of the destruction of the building and is carried to completion without undue delay.
 2. The reconstructed building does not exceed the height, area, and volume of the building destroyed.
 3. The reconstructed building shall be located within the building footprint of the building destroyed.

SECTION 1302: EXTENSION, EXPANSION, AND ENLARGEMENT OF NON-CONFORMING USES

- A. The Zoning Hearing Board may authorize, as a special exception, the following types of extensions, expansions, and enlargements of non-conforming uses existing on the effective date of this Ordinance.
1. The extension of a non-conforming use of land upon a lot occupied by such use.
 2. The extension, expansion, or enlargement of a conforming building occupied by a non-conforming use.
- B. The foregoing extension, expansions, and enlargements of such non-conforming uses shall be subject to the following conditions.

1. The extension, expansion, or enlargement shall conform to the height, area, yard, and coverage regulations of the district in which the use would ordinarily be permitted.
2. The entire building or use shall be provided with off-street parking and loading spaces as required by Article 1100. Where the design of current off-street parking lots and loading facilities do not comply with current standards of Article 1101, such parking lots and loading facilities shall be redesigned to comply.
3. The extension, expansion, or enlargement does not replace a conforming use.
4. The extension, expansion, or enlargement of the non-conforming building or use shall not be permitted to extend into land adjacent to the initial parcel of existing land occupied on the effective date of this Ordinance.

SECTION 1303: EXTENSION, EXPANSION, AND ENLARGEMENT OF NON-CONFORMING BUILDINGS

A. Where an existing building is nonconforming with regard to one or more applicable dimensional standards, such building may be extended, expanded, or enlarged as a matter of right provided that the degree of nonconformity is not increased.

B. Where an existing building is nonconforming with regard to one or more applicable dimensional standards, and an extension, expansion, or enlargement of said building is proposed that would increase the degree or nonconformity, such extension, expansion, or enlargement shall be subject to variance approval from the Zoning Hearing Board.

SECTION 1304: CHANGE OF USE

Whenever a non-conforming use has been changed to a conforming use, such use shall not thereafter be changed to a non-conforming use.

SECTION 1305: ABANDONMENT AND DISCONTINUANCE

If a non-conforming use of a building or land ceases or is discontinued for a continuous period of one (1) year or more, the non-conforming use shall be considered to be abandoned, and subsequent use of such building or land shall be in conformity with all the provisions of this Article. This standard shall not apply in cases where the cessation or discontinuance was caused by circumstances beyond the control of the owner.

SECTION 1306: NON-CONFORMING LOTS

A. Any lot held in single and separate ownership at the effective date of this Ordinance and which does not conform to one or more of the applicable dimensional regulations in the district in which it is located shall be considered non-conforming. A building may be erected upon a non-conforming lot and a use may be established upon a non-conforming lot provided a Zoning Permit is obtained in accordance with the provisions of this Ordinance. Such development shall

comply with the following provisions.

1. The proposed use is permitted by right within the district in which it is located.
2. The proposed building and use shall comply with all applicable area, height, and bulk regulations of the district other than the regulation(s) that result in the lot being considered to be non-conforming. Zoning Permit approval shall not be granted for lots that are non-conforming with regard to minimum lot area, and where the underlying zoning district applies a minimum lot area standard for a specific use that exceeds the generally required minimum lot area standard for the zoning district as a whole.

SECTION 1307: NON-CONFORMING SIGNS

- A. Signs in existence at the effective date of this Ordinance may be continued subject to the requirements contained in Section 1301 of this Ordinance.
- B. If and when a non-conforming sign is replaced, the new sign shall comply with the requirements of Article XII of this Ordinance. "Replacement" shall refer to structural replacement and/or relocation of the sign, but shall not include simply revising the text or color of the sign.

ARTICLE XIV

ENFORCEMENT AND ADMINISTRATION

SECTION 1400: STATEMENT OF LEGISLATIVE INTENT

The following standards shall establish the means and processes by which the East Berlin Zoning Ordinance is administered. These provisions include, but are not limited to, the establishment, organization, function, and responsibilities of the East Berlin Borough Zoning Hearing Board, the appointment and responsibilities of the East Berlin Borough Zoning Officer, and the process for application and issuance of East Berlin Zoning Permits.

SECTION 1401: APPOINTMENT OF A ZONING HEARING BOARD

The East Berlin Borough Council shall, by resolution and in accordance with Section 903 of Municipalities Planning Code, appoint an East Berlin Borough Zoning Hearing Board consisting of five (5) members, and in accordance with Section 903(b) of the Municipalities Planning Code, two (2) alternate members. Said Zoning Hearing Board shall have such duties, powers, jurisdiction, and authority as set forth in Article IX of the Municipalities Planning Code.

SECTION 1402: MEMBERSHIP OF THE ZONING HEARING BOARD

Members and alternative members of the Zoning Hearing Board shall be residents of East Berlin Borough and shall hold no other elected or appointed office in East Berlin Borough.

SECTION 1403: ORGANIZATION OF THE ZONING HEARING BOARD

A. The Zoning Hearing 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 a majority of all the members of the board, but the board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the board as provided in Section 908 of the Municipalities Planning Code.

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

C. The Zoning Hearing Board may make, alter, and rescind rules and forms for its procedure, consistent with ordinances of the Borough and laws of the Commonwealth of Pennsylvania. The Zoning Hearing Board shall keep full public records of its business, which

records shall be the property of the municipality, and shall submit a report of its activities to the Borough Council as requested by the Borough Council.

SECTION 1404: BOARD EXPENDITURES FOR SERVICES

Within the limits of funds appropriated by the Borough Council, the Zoning Hearing Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the Zoning Hearing Board may receive compensation for the performance of their duties, as may be fixed by the Borough Council, but in no case shall it exceed the rate of compensation authorized to be paid to the Borough Council. Alternate members of the Zoning Hearing Board may receive compensation, as may be fixed by the Borough Council, for the performance of their duties when designated as alternate members pursuant to Section 1402, but in no case shall such compensation exceed the rate of compensation authorized to be paid to the Borough Council.

SECTION 1405: HEARINGS

The Zoning Hearing Board shall conduct hearings and make decisions in accordance with the following requirements:

A. Public notice shall be given and written notice shall be given to the owner(s) of the subject land parcel(s), the applicant(s), the Zoning Officer, and all adjacent property owners to the subject land parcel(s), and any person who has made a written request for the same within fifteen (15) days of the scheduled hearing. Written notices shall be given at such time and in such manner as prescribed by the rules of the Zoning Hearing Board. In addition to the written notice provided for herein, a sign shall be conspicuously posted on the affected property at least one (1) week prior to a scheduled hearing date. Such sign(s) shall bear on its face, at a minimum, the name of the hearing body and a phone number to contact the Zoning Officer to gain additional information.

B. The Borough Council may prescribe reasonable fees with respect to hearings before the Zoning Hearing Board. Fees for said hearings may include compensation for the secretary and members of the Zoning Hearing Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants or expert witness costs.

C. The first hearing before the Zoning Hearing Board or hearing officer shall be commenced within sixty (60) days from the date of receipt of the applicant's application, unless the applicant has agreed in writing to an extension of time. Each subsequent hearing before the Zoning Hearing Board or hearing officer shall be held within forty-five (45) days of the prior hearing, unless otherwise agreed to by the applicant in writing or on the record. An applicant shall complete the presentation of his case-in-chief within one hundred (100) days of the first hearing. Upon the request of the applicant, the Zoning Hearing Board or hearing officer shall ensure that the applicant receives at least seven hours of hearings within the one hundred (100) days, including the first hearing. Persons opposed to the application may, upon the written consent or

consent on the record by the applicant and East Berlin, be granted additional hearings to complete their opposition to the application provided the applicant is granted an equal number of additional hearings for rebuttal.

D. The hearings shall be conducted by the Zoning Hearing Board, or the Zoning Hearing Board may appoint any member or an independent attorney as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the Zoning Hearing Board. However, the appellant or the applicant, as the case may be, in addition to East Berlin Borough, may, prior to the decision of the hearing waive decision or findings by the Zoning Hearing Board and accept the decision or findings of the hearing officer as final.

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

F. The chairperson or acting chairperson of the Zoning Hearing Board, or the hearing officer presiding, shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.

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

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

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

J. The Zoning Hearing Board or the hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.

K. The Zoning Hearing Board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days after the last hearing before the Zoning Hearing Board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefore. Conclusions based on any provisions of the Municipalities Planning Code or of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found.

L. If the hearing is conducted by a hearing officer, and there has been no stipulation that his or her decision or findings are final, the Zoning Hearing Board shall make his report and recommendations available to the parties within forty-five (45) days and the parties shall be entitled to make written representations thereon to the Zoning Hearing Board prior to final decision or entry of findings, and the Zoning Hearing Board's decision shall be entered no later than thirty (30) days after the report of the hearing officer.

M. Except for challenges filed under Section 916.1 of the Municipalities Planning Code where the Zoning Hearing Board fails to render the decision with the period required by this subsection, or fail to commence, conduct or complete the required hearing as provided in subsection C of this section, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Zoning Hearing Board to meet or render a decision as hereinabove provided, the Zoning Hearing Board shall give public notice of said decision within ten (10) days from the last day, the Zoning Hearing Board could have met to render a decision in the same manner as provided in subsection (1) of this section. If the Zoning Hearing Board shall fail to provide such notice, the applicant may do so. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

N. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him or her not later than the day following its date. To all other persons who have filed their name and address with the Zoning Hearing Board not later than the last day of the hearing, the Zoning Hearing Board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

SECTION 1406: JURISDICTION OF THE ZONING HEARING BOARD

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

A. Substantive challenges to the validity of any land use ordinance, except those brought before the Borough Council pursuant to Sections 609.1 and 916.1(a)(2) of the Municipalities Planning Code.

- B. Challenges to the validity of a zoning ordinance amendment raising procedural question or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within thirty (30) days after the effective date of said ordinance amendments. Validity challenges shall meet all of the requirements set forth in Section 916.1 of the Municipalities Planning Code.
- C. Appeals from the determination of the zoning officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefore, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.
- D. Appeals from a determination by a municipal engineer or the zoning officer with reference to the administration of any flood plain or flood hazard ordinance or such provisions within an East Berlin land use ordinance.
- E. Applications for variances from the terms of the zoning ordinance and flood hazard ordinance or such provisions within a land use ordinance, pursuant to Section 910.2 of the Municipalities Planning Code and Section 1406 of this Ordinance.
- F. Applications for special exceptions under the zoning ordinance or flood plain or flood hazard ordinance or such provisions within a land use ordinance, pursuant to Section 912.1 of the Municipalities Planning Code and Section 1407 of this Ordinance.
- G. Appeals from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of the zoning ordinance.
- H. Appeals from the zoning officer's determination under Section 916.2 of the Municipalities Planning Code.
- I. Appeals from the determination of the zoning officer or municipal engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to development not involving applications specified in Article V or VII of the Municipalities Planning Code.

SECTION 1407: VARIANCES

The Zoning Hearing Board shall hear requests for variances where it is alleged that the provisions of the zoning ordinance inflict unnecessary hardship upon the applicant. The Zoning Hearing Board may by rule prescribe the form of application and may require preliminary application to the zoning officer. Application for any variance shall be made to the Zoning Hearing Board through the Zoning Officer. The application requirements shall be: the submittal of an Application for a Hearing before the Zoning Hearing Board, plus a plan drawing including the same elements as those required in Section 1412.B of this Ordinance. The Application shall provide information sufficient to evaluate conformance with the criteria for such variance as set

forth in this section. The board may grant a variance, provided that all of the following findings are made where relevant in a given case:

- A. That there are unique physical circumstances or conditions, including irregularity, narrowness, or other shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the zoning ordinance in the neighborhood or district in which the property is located.
- B. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
- C. That such unnecessary hardship has not been created by the applicant.
- D. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use of development of adjacent property, nor be detrimental to the public welfare.
- E. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue. In granting any variance, the board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the Municipalities Planning Code and the East Berlin Borough Zoning Ordinance.

SECTION 1408: SPECIAL EXCEPTIONS

- A. Where the Borough Council, in the Zoning Ordinance, has stated special exceptions to be granted or denied by the Zoning Hearing Board, pursuant to express standards and criteria, the Zoning Hearing Board shall hear and decide requests for such special exceptions in accordance with such standards and criteria.
- B. Applications for any special exception shall be made to the Zoning Hearing Board through the Zoning Officer. The Zoning Officer shall concurrently refer the matter to the Planning Commission for a report thereon as specified in this section.
- C. All applications shall include the following.
 - 1. The submittal of an Application for a Hearing before the Zoning Hearing Board.
 - 2. A plan drawing including the same elements as those required in Section 1412.B of this Ordinance.
 - 3. Information sufficient to evaluate conformance with the standards specified in the pertinent section of this Ordinance.

D. In granting a special exception, the Board may attach such reasonable conditions and safeguards in additions to those expressed in the Zoning Ordinance as it may deem necessary to implement the purposes of the Municipalities Planning Code, the Zoning Ordinance and to anticipate and ameliorate any negative impacts on the health, safety, and welfare of citizens residing nearby as well as the general public.

E. In considering special exceptions, the Zoning Hearing Board shall utilize the following procedures.

1. The Board's decisions to approve or deny a permit for a special exception use shall be made only after public notices and hearing as set forth in Section 1404 of this Ordinance. Such permit shall apply only after public notice and hearing.

2. No permit shall be granted by the Zoning Hearing Board for any special exception use until said board has received and considered advisory reports thereon received from the Planning Commission with respect to the location of such use in relation to growth patterns within the Borough, and wherever appropriate, with reference to the adequacy of the site plan design and the arrangement of buildings, driveways, access points, parking areas, off-street loading spaces, signage, lighting and any other pertinent features of a site plan.

3. The Planning Commission shall have thirty (30) days from the receipt of a development application within which to file a report thereon. In the event that the Planning Commission shall fail to file its report within thirty (30) days, such application shall have deemed to have received a neutral review from said agency. The Planning Commission may have representation at the public hearing held by the Zoning Hearing Board.

SECTION 1409: PARTIES APPELLANT BEFORE THE ZONING HEARING BOARD

Appeals under Sections 909.1(a)(1), (2), (3), (4), (7), (8) and (9) of the Municipalities Planning Code may be filed with the Zoning Hearing Board in writing by the landowner affected, any officer or agencies of the municipality, or any person aggrieved. Requests for a variance under section 910.2 of the Municipalities Planning Code and requests for a special exception under section 912.1 of the Municipalities Planning Code may be filed with the Zoning Hearing Board by any landowner or any tenant with the permission of such landowner.

SECTION 1410: TIME LIMITATIONS

A. No person shall be allowed to file any proceeding with the Zoning Hearing Board later than thirty (30) days after an application for development, preliminary or final, has been approved by an appropriate municipal officer, agency or body if such proceeding is designed to secure reversal or to limit the approval in any manner unless such person alleges and proves that he had no notice, knowledge, or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of

his predecessor in interest. The failure of anyone other than the landowner to appeal from an adverse decision on a tentative plan pursuant to Section 709 of the Municipalities Planning Code by a zoning officer on a challenge to the validity of an ordinance or map pursuant to Section 916.2 of the Municipalities Planning Code shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative approval.

B. All appeals from determinations adverse to the landowners shall be filed by the landowner within thirty (30) days after notice of the determination is issued.

C. Unless otherwise specified or extended by the Zoning Hearing Board, a variance or special exception authorized by the Board shall become null and void if the applicant fails to obtain and maintain a zoning permit, as set forth in Section 1412 of this Ordinance, within twelve (12) months from the date of authorization of the variance or special exception.

SECTION 1411: ZONING OFFICER

For the administration of this Zoning Ordinance, a Zoning Officer, who shall not hold any elective office of the Borough, shall be appointed. The Zoning Officer shall administer the Zoning Ordinance in accordance with its literal terms, and shall not have the power to permit any construction or any change of use which does not conform to the Zoning Ordinance. The Zoning Officer shall examine all applications for permits, issue zoning permits for construction and uses which are in accordance with the requirements of this Ordinance, record and file all applications for zoning permits with accompanying plans and documents, and make such reports as the Borough Council may require. Zoning permits for construction and uses which are a special exception or variance to the requirements of this ordinance shall be issued only upon written order of the Zoning Hearing Board. The Zoning Officer may be authorized to institute civil enforcement proceedings as a means of enforcement when acting within the scope of employment.

SECTION 1412: ZONING PERMITS

A. Requirements of Zoning Permits: A zoning permit shall be required prior to the erection, addition, or alteration of any building or structure or portion thereof, prior to the use or change in the use of a building, structure, or land, and prior to the change or extension of a non-conforming use. It shall be unlawful for any person to commence work for the erection or alteration of any building or structure, or for a change in land use, until a zoning permit has been duly issued. No Zoning Permit shall be required in cases of normal maintenance and repairs which do not structurally change a building or structure.

B. Improvements Excluded from Permit Requirement: The following improvements to property are excluded from the requirement to obtain a Zoning Permit in accordance with Section 1412.A above.

1. Dog houses.

2. Non-permanent or inflatable swimming pools that are installed at the beginning of the swimming season and removed at the end of the swimming season, and that do not exceed two hundred (200) square feet in size.
3. Swing sets.
4. Sheds of less than one-hundred (100) square feet in area.
5. Tree houses for child recreation purposes.
6. Ground-mounted heating and air conditioning equipment for a single residential dwelling, and any concrete or similar pad associated with such installation.
7. Ramps or other features intended to meet accessibility needs to a given property.

C. Applications for Permits: The following elements of a Zoning Permit application shall be provided by the applicant:

1. A completed Zoning Permit Application Form. If the applicant is not the owner of the property, the signature of the owner is required on the application.
2. Application fee.
3. A site plan, drawn to scale, showing the following.
 - a. Actual shape and dimensions of the lot to be built upon.
 - b. Exact size and location of any buildings or structures existing on the lot.
 - c. Existing and proposed use of any buildings or structures existing on the lot.
 - d. Required building setback lines, per applicable section of the Zoning Ordinance.
 - e. The footprint and dimensions of any proposed building or structure, with its location on the lot accurately shown. Measurements of the distance from the proposed building or structure to the front, side and rear property lines must be shown.
 - f. Notes identifying the following.
 - (1) The Zoning District within which the property is located.
 - (2) The use(s) of the proposed building(s) or structure(s).

(3) The number of families or dwelling units the building is designed to accommodate (if applicable).

g. Other information deemed necessary by the Zoning Officer in order to accurately depict the proposed activity.

h. North arrow.

i. Scale.

j. Title block including applicant's name, owner's name, address of property, tax parcel number, name of plan preparer, plan preparation date.

4. All applications with accompanying plans and documents shall become a public record after a zoning permit is issued or denied.

D. Issuance of Zoning Permits:

1. No zoning permit shall be issued until the Zoning Officer has certified that the proposed use of land, building, structure, addition, alteration, sign, or other design feature complies with all the provisions of this Ordinance, and until the Zoning Officer has completed the following:

a. Review sheet to determine the completeness of the application submitted and compliance with the Zoning Ordinance.

b. Written determination of compliance or noncompliance with the Zoning Ordinance, including any conditions placed on a variance or special exception by the Zoning Hearing Board.

c. Zoning Permit card for display.

2. A zoning permit issued in error shall become null and void.

3. An approved zoning permit shall become void twelve (12) months from the date of issuance unless construction work has commenced or the change in use has been accomplished.

SECTION 1413: FEES

In accordance with Section 617.3(e) of the Pennsylvania Municipalities Planning Code, the Borough Council shall prescribe reasonable fees with respect to the administration of this Ordinance and with respect to hearings before the Zoning Hearing Board. Such fee schedule shall be adopted by resolution of the Borough Council, and may be amended, from time to time.

SECTION 1414: PREVENTIVE REMEDIES

A. In addition to other remedies provided for herein, East Berlin Borough may institute and maintain appropriate actions in law or in equity to restrain, correct or abate violations, to prevent unlawful construction, recover damages and to prevent illegal occupancy of a building, structure or premises. The description by metes and bounds in the instrument if transfer or other documents used in the process of selling or transferring shall not exempt the seller or transfer or from such penalties or from the remedies herein provided.

B. East Berlin Borough, its zoning officer or other officers or officials, may refuse to issue any zoning permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of any provisions of this ordinance. This authority to deny any such zoning permits or approvals shall apply to any of the following applicants:

1. The owner or record at the time of such violation.
2. The vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
3. The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee has actual or constructive knowledge of the violation.
4. The vendee or lessee of the current owner of record who acquire the property subsequent to the time of violation without regard as to whether such vendee of lessee has actual or constructive knowledge of the violation.

C. No zoning permit shall be issued nor shall any approval be granted to any applicant identified in subparagraph (B) above, unless such applicant complies with the conditions which would have been applicable to the property at the time the applicant acquired an interest in such real property, unless East Berlin Borough waives such condition.

SECTION 1415: ENFORCEMENT REMEDIES

A. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by East Berlin Borough, pay a judgment of not more than \$500.00 plus all court costs, including reasonable attorney fees incurred by East Berlin Borough as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, East Berlin Borough may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only

one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that the violation continues shall constitute a separate violation.

B. The court of common pleas, upon petition of the defendant, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.

C. Nothing contained herein shall be construed or interpreted to grant to any person or entity other than East Berlin Borough, the right to commence any action for enforcement pursuant to this section.

D. All judgments, costs, and reasonable attorney fees collected for the violation of this Zoning Ordinance shall be paid over to East Berlin Borough.

SECTION 1416: ENFORCEMENT NOTICE

A. The Zoning Officer is hereby authorized and directed to enforce the provisions of this Ordinance and to institute civil enforcement proceedings as provided for in Section 1415 of this Ordinance, when acting within the scope of his or her employment.

B. If it appears that a violation of this ordinance has occurred, the zoning officer 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 enforcement notices regarding the parcel, and to any other person requested in writing by the owner of record.

C. An enforcement notice shall state the following.

1. The name of the owner of record and any other person against whom East Berlin Borough intends to take action.

2. The location of the property in violation.

3. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the Ordinance.

4. That the owner of record or other person against whom East Berlin Borough intends to take action has fifteen (15) days to commence steps to comply with this ordinance and thirty (30) days within which to complete such steps to be in compliance with this ordinance, unless such times are extended in writing by the zoning officer, for cause shown.

5. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within thirty (30) days of the date of the enforcement notice or not later than the expiration of any extension granted, in writing, by the zoning officer.

6. That the failure to comply with the enforcement notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation with sanctions clearly described.

D. In any appeal of an enforcement notice to the Zoning Hearing Board, the Zoning Officer and East Berlin Borough shall have the responsibility of presenting its evidence first.

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

ARTICLE XV

INTERPRETATION

SECTION 1500: CONFLICT WITH OTHER LAWS

The provisions of this ordinance shall be deemed to meet the minimum requirements to meet the purposes stated herein. Where the provisions of this ordinance impose greater restrictions or more detailed submission requirements than those of any Federal, State, County, or local statute, rule, or regulation, the provisions of this ordinance shall prevail. Where the provisions of any Federal, State, County, or local ordinance impose greater restrictions than those of this ordinance, the provisions of such Federal, State, County, or Local statute rule, or regulations shall prevail.

ARTICLE XVI

ADOPTION

SECTION 1600: REPEALER

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed. The adoption of this ordinance repeals East Berlin Zoning Ordinance 2002.

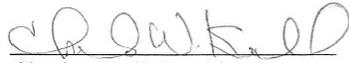
SECTION 1601: ADOPTION

IN WITNESS WHEREOF, the present Ordinance has been duly enacted, and ordained this 2nd day of July, 2014.

**BOROUGH OF EAST BERLIN
EAST BERLIN BOROUGH COUNCIL**

ATTEST

BY:


Charles Krall, President

(SEAL)

Darlene McArthur
Secretary / Treasurer


James LeVan, Vice-President


Donald Dixon, Member


Catherine Locket, Member


Andrew Raymond, Member


Roberta Teal, Member


Jason Wood, Member