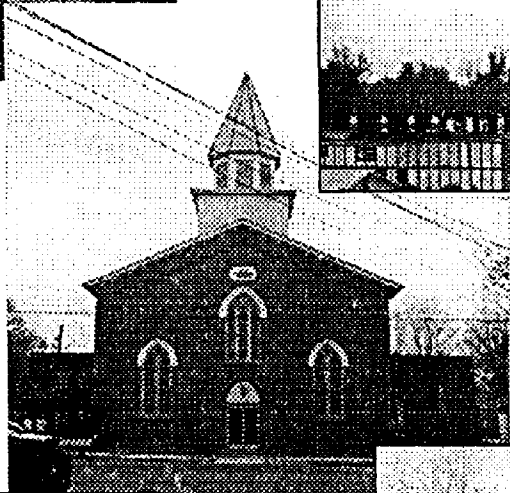




historical downtown



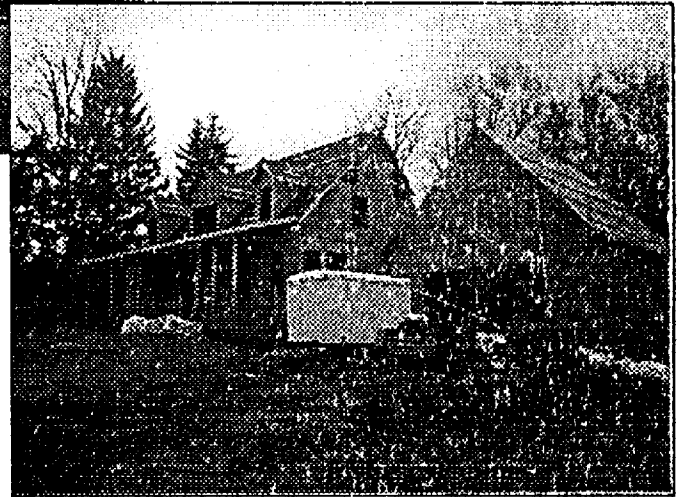
Current downtown



historical homes



new construction



West Middlesex Borough Zoning Ordinance

Ordinance No. *4-96*

Final Copy: June 17, 1996

Prepared by: West Middlesex Borough & Mercer County
Regional Planning Commission

West Middlesex Borough

MERCER COUNTY
PENNSYLVANIA

Ordinance No. _____

ZONING ORDINANCE

An Ordinance Regulating and Restricting:

- The Height and Number of Stories and Size of Buildings and Other Structures;
- Their Construction, Alteration, Extension, Repair, Maintenance and All Facilities and Services in or about such Buildings and Structures;
- The Percentage of Lot that may be occupied;
- The Size of Yards, Courts and Other Open Spaces;
- The Density of Population;
- New Construction and Development within Areas subject to Flooding;
- The Location and Use of Buildings, Structures and Land for Trade, Industry, Residence or Other Purposes;
- The Establishment and Maintenance of Building Lines and Set Back Building Lines upon Any or All Public Roads or Highways;
- Creating Districts for said Purposes and Establishing the Boundaries thereof;
- Defining Certain Terms used herein;
- Providing for the Method of Administration and Amendment for a Zoning Hearing Board and for the Imposition of Penalties.

BE IT ORDAINED by the Borough of West Middlesex, Mercer County, Pennsylvania, that in the interest of promoting the health, safety, morals and the general welfare of the Borough the following articles, sections, subsections, provisions, regulations, limitations, restrictions, sentences, clauses, phrases and words be, and at the same time are, hereby enacted into law to read as follows, viz:

Acknowledgments

This Ordinance was completed with cooperation of the Borough Council, Planning Commission, and many interested citizens.

West Middlesex Borough Council

David George, President
Helen Richardson, Vice-President
Ronald Dubrasky
Linda Bollinger
Harold Selby
Charles Shrawder
Kathleen Harmon

historical view



West Middlesex Borough Planning Commission

Joseph Walsh, Chairman
Raymond Lucich, Vice-Chairman
Marian H. Sweesy, Secretary
David George
Russell DeCarmine

beautiful homes



Participating Citizens

David & Cheryl Babcock
Helen Richardson
Tracy Thompson
Harold & Mabel Selby
John Volansky
Kathleen Harmon
Larry Robinson



community services



community park

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ARTICLE I

SHORT TITLE - PURPOSE - SCOPE

Section 100: Short Title

This ordinance shall be known as the "West Middlesex Borough Zoning Ordinance" hereinafter referred to as the "Zoning Ordinance".

The official map showing zoning districts and boundaries shall be known as the "West Middlesex Borough Zoning Map" copies of which shall be retained by the Borough Zoning Officer and the Borough Secretary. The map included herein is a reproduction of the official map and for reference only.

Section 101: Purpose

The regulations of the "Zoning Ordinance" are made in accordance with the following purpose:

- (1) to lessen congestion on the streets and highways.
- (2) to secure safety from fire, panic and other dangers.
- (3) to promote health and the general welfare.
- (4) to provide adequate light and air.
- (5) to prevent the overcrowding of land.
- (6) to avoid undue congestion of population.
- (7) to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements.
- (8) to protect and enhance the value of land.
- (9) to encourage yet control new development and growth in the Borough.

Such regulations are also made with reasonable consideration to the character of the districts hereinafter set forth and their suitability for particular uses, and with a

view to conserving the value of buildings and encouraging the most appropriate use of land throughout the Borough.

Section 102: Scope

The "Zoning Ordinance" regulates and restricts within the boundaries of the Borough of West Middlesex, Mercer County, Pennsylvania:

- (1) The height, number of stories and size of buildings and other structures.
- (2) Their construction, alteration, extension, repair and maintenance.
- (3) All facilities and services in or about such buildings and structures.
- (4) The percentage of lot that may be occupied.
- (5) The size of yards, courts and other open spaces.
- (6) The density of population.
- (7) The location and use of buildings, structures and land for trade, industry, residence or other purposes.
- (8) The establishment and maintenance of building lines and setback building lines upon any or all public streets or highways.

Section 103: Application

In applying the provisions of the Zoning Ordinance, they shall be held to be the minimum requirements as they shall apply to the use, and/or occupancy of all buildings, other structures and/or lots. Where the Zoning Ordinance imposes greater restrictions than those of any statute, other ordinance or regulations, the provisions of the Zoning Ordinance shall be controlling. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than the Zoning Ordinance, those shall be controlling. The Zoning Ordinance is not intended to interfere with any covenant or other agreement between private parties. However, where the Zoning Ordinance imposes greater restrictions than those imposed by any such easement, covenant or agreement, the provisions of the Zoning Ordinance shall govern. Where any such easement, covenant or other agreement imposes greater restrictions than those imposed by the Zoning Ordinance, those shall govern.

ARTICLE II

COMMUNITY DEVELOPMENT OBJECTIVES

Section 200: Purpose of Community Development Objectives

This article shall serve as the statement of community development objectives for the West Middlesex Borough Zoning Ordinance as required by Section 606 of the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended). The Zoning Ordinance reflects the policy goals of the Borough as stated in the following community development objectives and has been developed as a legislative and administrative tool of the Borough to implement said objectives.

Section 201: Overall Goal

It is the overall goal of West Middlesex Borough to develop and preserve an attractive, healthy, safe, and convenient environment for living, working, shopping, and recreating in the Borough.

Section 202: Land Use Goal

To provide and perpetuate a land use pattern which is able to function efficiently, which features an optimum degree of compatibility between land uses and between development and the natural environment, and which enhances the attractiveness and land value of the Borough of West Middlesex.

202.1: Specific Objectives

- (1) High-Density Residential - To encourage more intense utilization of structures in the downtown core area surrounding the downtown central commercial area and to discourage the scattering of high-density, multi-family residential development.
- (2) Low-Density Residential - To preserve the residential character and quality of viable low-density residential areas and protect them from incompatible land uses and to provide for a diversity in housing types in the Borough so that every family or individual has a choice of residential environment and life-style.

(3) Commercial Areas -

- (a) To encourage economic growth in the Borough via new commercial development.
- (b) To encourage commercial development along major transportation routes, including State Route 18 towards the interstate interchange, and in the central downtown core.
- (c) To discourage the indiscriminate spread of commercial development, outside of the designated zoning districts.
- (d) Encourage the orderly development of business and minimize the undesirable impacts of sight, noise, odor, or other public hazards and nuisances generated by commercial development.
- (e) To provide site development controls and protective buffer areas where commercial development will occur adjacent to residentially-zoned lands.

(4) Industrial

- (a) To encourage economic growth in the Borough via new industrial development.
- (b) To discourage the indiscriminate spread of industrial development, outside of the designated zoning district.
- (c) Encourage the orderly development of industry and minimize the undesirable impacts of sight, noise, odor, or other public hazards and nuisances generated by industrial development.
- (d) To provide site development controls and protective buffer areas where industrial development will occur adjacent to residentially-zoned lands.

ARTICLE III

ZONING DISTRICTS

Section 300: Zoning Districts

West Middlesex Borough is hereby divided into the following Zoning Districts:

| Residential | Abbreviation |
|-----------------------------|---------------------|
| - Single Family Residential | "R-1" |
| - General Residential | "R-2" |
| Commercial | |
| - Downtown Business | "DB" |
| - Office Building | "OB" |
| - Highway Commercial | "HC" |
| Industrial | |
| - General Industrial | "I" |

300.1: Residential Single-Family "R-1" Zoning District

This district is designed to provide a Zoning District in which will the predominant use will be low-density single family housing.

300.2: General Residential "R-2" Zoning District

This district is designed to provide a Zoning District in which the predominant use will be residential, with height and area regulations establishing an intensity of land use designed to encourage development of land for single-family and multi-family residential dwellings and other compatible uses.

300.3: Office Building "OB" Zoning District

This district is designed to provide a Zoning District which will permit various types of traditional office structures and related activities in new construction and in existing structures. This district is intended to provide commercial office type operations in a manner which minimizes adverse affects on nearby residential uses.

300.4: Downtown Business "DB" Zoning District

This district is designed to provide a Zoning District in which the existing downtown core of the Borough will be available to encourage the establishment and maintenance of smaller downtown type businesses.

300.5: Highway Commercial "HC" Zoning District

This district is designed to provide a Zoning District which will encourage the establishment and maintenance of highway service type businesses in the Borough along the major traffic corridor leading to and from the interstate interchange North of the Borough.

300.6: General Industrial "I" Zoning District

This district is designed to provide a Zoning District which will:

- (a) Encourage the establishment and maintenance of industrial establishments for the manufacture, assembly, compounding, processing or storage of products.
- (b) Prohibit industrial uses and other uses which are clearly noxious or offensive by reason of odor, smoke, gas, vibration or noise.
- (c) Not permit residential uses for the purpose of preserving the area for its appropriate use and preventing the location of dwelling units in area inappropriate for residential use.

Section 301: Boundaries of Zoning Districts

The boundaries of the Zoning Districts shall be as shown on the Zoning Map. Where uncertainty exists with respect to the boundaries of the various Zoning Districts, the following rules shall apply:

301.1: Where a Zoning District Boundary Approximately Follows a Street or Alley

The center line of such street or alley shall be interpreted to be the Zoning District boundary.

301.2: Where a Zoning District Boundary Approximately Parallels a Street Lot Line or Alley Lot Line

The boundary shall be interpreted as being parallel to it and at such distance from it as indicated on the Zoning Map. If no distance is given, such dimension shall be determined by the use of the scale shown on the Zoning Map.

301.3: Where a Zoning District Boundary Approximately Follows a Lot Line

The lot line shall be interpreted to be the Zoning District boundary.

301.4: Where A Zoning District Boundary Follows a Watercourse

The center line of the watercourse shall be interpreted to be the Zoning District boundary.

301.5: Submerged Areas

Where areas within the Borough are underwater and are bounded by two or more zoning districts, the boundary lines of these districts shall be extended to the center of the body of water.

301.6: Classification of Annexed Lands

Any land annexed to or made a part of the Borough subsequent to the adoption of this ordinance, shall immediately be classified in the same Zoning District as the area to which it is contiguous, as of the effective date of annexation.

301.7: Vacation of Public Ways

Whenever any street or alley is vacated, the Zoning District or Districts adjoining the side of such street or alley shall be automatically extended to the center of the vacated area.

301.8: Where a Zoning District Boundary Does Not Follow a Physical Feature or Lot Line and None of the Previous Rules Apply

The location of such boundary, unless the same is indicated by dimensions shown on the Zoning Map, shall be determined by the use of the map scale appearing thereon.

ARTICLE IV

PERMITTED, CONDITIONAL AND ACCESSORY USES AND AREA REQUIREMENTS

Section 400: Permitted, Conditional, and Accessory Uses

Within each Zoning District lands, buildings and structures shall be used, and buildings and structures shall be erected, altered or enlarged only for any of the uses permitted by right in the particular zone district in which they are located. However, the Borough Council may approve any of the conditional uses listed for each zone district for a specific site in accordance with the requirements of this Ordinance. The table below lists by zone district all the principal permitted, conditional and accessory uses according to general use groupings. In the table the following abbreviations are used:

- P = Permitted Use (See Article XVII, Definitions);
- C = Conditional Use (See Article XVII, Definitions);
- A = Accessory Use;
- R-1 = Single Family Residential
- R-2 = General Residential
- DB = Downtown Business
- HC = Highway Commercial
- I = General Industrial
- OB = Office Building District

[following table - References are to see Article V - Additional
Criteria for Permitted Uses, Conditional Uses and Accessory Uses]

| RESIDENTIAL USES | R-1 | R-2 | DB | HC | I | OB |
|---|-----|-----|----|----|---|----|
| Single-family dwelling | P | P | | | | P |
| Two-Family Dwelling - Duplex | | P | P | | | C |
| Multi-Family Dwelling | | P | P | | | C |
| Mobilehome (SEE 500.1) | P | P | | | | |
| Home occupation (SEE 500.3) | A | A | A | | | A |
| Private garages | A | A | A | | | A |
| Private playhouse, swimming pool, tennis courts, tool and storage sheds and private greenhouses | A | A | A | | | A |
| Boarding Unit, Lodging unit, rooming unit (SEE 500.4) | A | A | C | | | C |
| Bed and Breakfast House (SEE 500.2) | P | P | P | | | P |

| BUSINESS USES | R-1 | R-2 | DB | HC | I | OB |
|--|------------|------------|-----------|-----------|----------|-----------|
| Eating and Drinking Establishment | | | P | P | | |
| Drive-In Business (SEE 501.7) | | | P | P | | |
| Banks or Financial Service Establishments | | | P | P | | P |
| Retail Sales and or rental of motor vehicles, recreation vehicles and or mobilehomes | | | | P | | |
| Retail Establishment | | | P | P | | |
| Office Establishment | | | P | P | P | P |
| Convenience Stores (SEE 501.2 & 501.3) | | | P | P | | |
| Hotels and motels, taverns, tourists homes or motor inns | | | P | P | | |
| Personal Service Establishment (e.g. barber shop, etc.) | | | P | P | | |
| Health Services | | | P | P | | P |
| Automotive Service Establishment (SEE 501.1) | | | P | P | | |
| Automotive Garage | | | P | P | | |
| Service facility on a lot occupied by an automotive service establishment for the service of gas, oil, air or water or repair facility (SEE 501.8) | | | A | A | | |
| Automobile Wash (SEE 501.4) | | | | P | | |
| Grocery Stores | | | P | P | | |
| Shops for making articles or products which will be sold at retail on the premises | | | P | P | | |
| Transportation Terminal Station, i.e. bus station | | | P | P | P | |
| Amusement Establishment (SEE 501.5) | | | | P | | |
| Outdoor Activity, Sports Recreation Establishment (SEE 501.6) | | | | P | | |
| Any Other Accessory Use to a Principal Business Use (SEE 501.10) | | | A | A | | A |

| INDUSTRIAL USES | R-1 | R-2 | DB | HC | I | OB |
|---|------------|------------|-----------|-----------|----------|-----------|
| Trucking facilities (SEE 502.1) | | | | | C | |
| Office, Restaurant, Recreation, Musuem, or Hospital primarily serving an industrial establishment (SEE 502.3) | | | | | A | |
| Warehouse and/or Wholesale Establishment | | | P | P | P | |
| Any industrial use for the manufacture, assembly, compounding, processing or storage of products | | | | | P | |

| INDUSTRIAL USES - continued | R-1 | R-2 | DB | HC | I | OB |
|---|-----|-----|----|----|---|----|
| Inflammable liquid storage on a lot occupied by an automotive service establishment (SEE 502.2) | | | A | A | P | |
| Any Other Accessory Use to a Principle Industrial Use (SEE 502.5) | | | | | A | |

| OTHER USES | R-1 | R-2 | DB | HC | I | OB |
|---|-----|-----|----|----|---|----|
| Church, Church School or Church Use, cemetery | P | P | P | | | |
| Schools; both public and private & Colleges including dormitory for students and or faculty | P | P | P | | | |
| Convalescent Home | C | C | C | | | |
| Hospital, animal | | | C | P | | |
| Hospital, sanitarium or institutional home | C | C | | P | | |
| Essential Services | P | P | P | P | P | P |
| Governmental or governmental authority facility, service structure or use (SEE 503.2) | P | P | P | P | P | P |
| Public Utility Facility, Service Structure and/or Use (SEE 503.3) | P | P | P | P | P | P |
| Recreation facility open to the public | P | P | P | P | | P |
| Child Care Center | | | P | P | | P |
| Social Club, Social Gathering Hall, or Fraternal Organization | | | P | P | | |
| Walls fences lamp posts, similar accessory structures | A | A | A | A | A | A |
| Mortuary Funeral Home | | | P | P | | |
| Parking Lot and Structures (SEE 503.1) | | | P | P | P | P |
| Loading Area (SEE 503.4) | | | | P | P | P |

Section 401: Area and Dimensional Requirements

Within each zone district buildings and structures shall be erected or enlarged only in accordance with the following standards establishing dimensions such as minimum lot size and width, minimum setback of buildings, maximum lot coverage by buildings, maximum height and minimum floor area.

All dimensions are in feet (ft), square feet (sq. ft.) or percent (%).

Table 401 - Area and Height Dimensions

| Area and Height Dimensions | R-1 Zoning District | R-2 Zoning District |
|---|---|---|
| Minimum Lot Area - Single-Family Dwelling - Two-Family Dwelling - Multi-Family Dwelling ¹ | 7,200 sq. ft. N/A N/A | 7,200 sq. ft. 8,700 sq. ft. 8,700 sq. ft. |
| Minimum Lot Width - Interior Lot - Corner Lot | 60 ft. 80 ft. | 60 ft. 80 ft. |
| Minimum Front Yard Setback² - Major Road (Route 18 & 318) - Minor Street | 50 ft. 40 ft. | 50 ft. 40 ft. |
| Minimum Rear Yard Setback - Principal Structure - Accessory Structure | 5 ft. 3 ft. | 5 ft. 3 ft. |
| Minimum Side Yard - Total of Both Sides - One Side - Principal Use - Interior Lot - Street Side on Corner Lot - Alley Side - Accessory Use - Interior Lot - Street Side on Corner Lot - Alley Side | 15 ft. ³ 5 ft. 25 ft. 10 ft. 3 ft. 25 ft. 10 ft. | 15 ft. ³ 5 ft. 25 ft. 10 ft. 3 ft. 25 ft. 10 ft. |
| Maximum Structure Height (see Article IX) - Principal Structure - Accessory Structure | 25 ft. Height of principal structure | 35 ft. Height of principal structure |

¹ For each additional family more than two in multi-family dwellings 2,000 sq. ft. shall be added.

² Building Setback is measured from the street center line, if the average building setback on street, except for Rt. 318 & 18, is less than the required setback new structures may be built at the average street setback.

³ Except where the lot is less than 60 ft. wide, then the total may be reduced to 25 % of the lot width but not less than a total of 10 ft.

Table 401 - Area and Height Dimensions (continued)

| Area and Height Dimensions | DB Zoning District | HC Zoning District | OB Zoning District |
|--|---------------------------------|---------------------------------|---------------------------|
| Minimum Lot Area - Automotive or Drive-in ¹ - All Other | 10,000 sq. ft. 7,200 sq. ft. | 20,000 sq. ft. 7,200 sq. ft. | N/A 7,200 sq. ft. |
| Minimum Lot Width - Automotive or Drive-in ¹ - All Other | 100 ft. 60 ft. | 100 ft. 60 ft. | N/A 60 ft. |
| Minimum Front Yard Setback ² | 32 ft. | 50 ft. | 50 ft. |
| Minimum Side Yard - Automotive or Drive-in ¹ - All Other | 30 ft. 5 ft. | 30 ft. 10 ft. | N/A 5 ft. |
| Minimum Rear Yard - Automotive or Drive-in ¹ - All Other | 30 ft. 5 ft. | 30 ft. 10 ft. | N/A 10 ft. |
| Maximum Structure Height (see Article IX) | 35 ft. | 35 ft. | 35 ft. |

¹ Automotive Service Establishments, Automotive Garages, Automotive Wash, Convenience Stores and Drive-in Business Uses.

² Building setbacks shall be measured from the street centerline, if the average building setback on street, except for Rt. 318 & 18, is less than the required setback new structures may be built at the average street setback.

SR318: 18ft from centerline to curb.

Table 401 - Area and Height Dimensions (continued)

| Area and Height Dimensions | I Zoning District |
|--|----------------------------------|
| Minimum Lot Area - Industrial Use - Any Other Use | 20,000 sq. ft. 20,000 sq. ft. |
| Minimum Lot Width | 120 ft. |
| Minimum Front Yard Setback¹ | 50 ft. |
| Minimum Side Yard | 50 ft. ² |
| Minimum Rear Yard | 35 ft. ² |
| Maximum Structure Height (see Article IX) | 35 ft. ³ |

¹ Building setbacks shall be measured from the street centerline.

² Or a distance equal to the height of the structure, whichever is greater.

³ Industrial equipment normal in industrial operations may reach greater heights than 35 ft. if approved by the Zoning Hearing Board.

ARTICLE V

ADDITIONAL CRITERIA FOR PERMITTED, CONDITIONAL AND ACCESSORY USES

Section 500: Additional Criteria and Provisions for Residential Uses

500.1: Mobilehomes, provided:

- (a) Self contained mobilehome units must have a floor area of 750 square feet or more, provided they conform to all regulations applicable to single-family dwellings.
- (b) Mobilehome square footage shall be determined by the certificate of title of the mobilehome. In addition, tipouts may be used in determining mobilehome square footage.
- (c) Solid skirting shall be provided on all mobilehomes.
- (d) Mobilehomes shall be placed upon a cellar foundation or a mobilehome stand made of a concrete pad or concrete piers.
- (e) Each mobilehome foundation or stand shall provide adequate tie downs, able to withstand a wind pressure of 15 lbs. per square foot on an exposed vertical surface. Both "over the top" and frame tie downs shall be required. The strapping for any "over the top" tie downs shall be of 4700 lb. tensile strength.

500.2: Bed and Breakfast House:

In Residential Districts, provided it is a conversion of an existing dwelling and:

- (a) The appearance of the structure shall not be altered to differ from its residential character.
- (b) Guests may stay up to and no more than fourteen (14) consecutive days.
- (c) The building to be used as the Bed and Breakfast shall also be the principal residence of the Proprietor (s). Proprietor is herein defined as

the person who is financially at risk through the method of operation of the Bed and Breakfast.

In Commercial Districts:

- (a) Guests may stay up to and no more than fourteen (14) consecutive days.

500.3: Boarding Unit, Lodging Unit, Rooming Unit, provided:

- (a) It shall be limited to a maximum of 5 such units.
- (b) It shall be for non-transients only.
- (c) It shall be located in or attached to the principal dwelling building.

500.4: Home Occupation as defined in this Zoning Ordinance, provided:

- (a) The principal building on the lot is a dwelling unit.
- (b) The following standards are complied with in full at all times:
 - (1) The residents of the dwelling unit and not more than 1 other person are engaged or employed in the home occupation;
 - (2) No alteration of the residential appearance of the premises occurs;
 - (3) No process is used which is hazardous to public health, safety, morals or welfare;
 - (4) Visitors, customers or deliveries shall not be excessive as to cause a disturbance to the residential character of the zoning district; and
 - (5) Does not require the use of two (2) or more rooms otherwise considered as living space.
- (c) The Zoning Officer has approved of the use as a Home Occupation, in accordance with the following provisions:
 - (1) A home occupation shall require the submission of a Letter of Classification of Use to the Zoning Officer. Such a letter shall address a specific use. The Zoning Officer shall decide requests

for a Letter of Classification of Use based upon the intent of the home occupation provisions and experience with similar uses.

- (2) When the Zoning Officer approves of a use as a Home Occupation, that use and the location of the use will be added to a supplemental list of Permitted Uses as Home Occupations. In addition, when the Zoning Officer denies a use as a Home Occupation, that use and the location of the use will be added to a supplemental list of Prohibited Uses a Home Occupations.
- (3) The decision of the Zoning Officer may be appealed to the Zoning Hearing Board.

Section 501: Additional Criteria and Provisions for Business Uses

501.1: Automotive Service Establishments including but not limited to a fuel service station, repair and service facility, and auto parts sales, provided:

- (a) Any lot line abutting a residential district or residential use shall be screened as provided in Article VI.
- (b) Means of ingress or egress shall be located no closer than 100 feet from the intersecting right-of-way lines of street intersections.
- (c) Access drives shall not exceed two per lot on any one street frontage.
- (d) Access drives shall not exceed 40 feet in width within 10 feet of the street right-of-way line.
- (e) No vehicles shall be parked along the front property lines.
- (f) Any fuel pumps shall be at least thirty (30) feet from the front lot line and at least thirty (30) feet from a side lot line.

501.2: Convenience store, located in Downtown Business District provided:

- (a) There are no fuel pumps on the property.
- (b) Any lot line abutting a residential district or residential use shall be screened as provided in Article VI.

- (c) Means of ingress or egress shall be located no closer than 100 feet from the intersecting right-of-way lines of street intersections.
- (d) Access drives shall not exceed two per lot on any one street frontage.
- (e) Access drives shall not exceed 40 feet in width within 10 feet of the street right-of-way line.

501.3: Convenience store, located in Highway Commercial District provided:

- (a) Any lot line abutting a residential district or residential use shall be screened as provided in Article VI.
- (b) Means of ingress or egress shall be located no closer than 100 feet from the intersecting right-of-way lines of street intersections.
- (c) Access drives shall not exceed two per lot on any one street frontage.
- (d) Access drives shall not exceed 40 feet in width within 10 feet of the street right-of-way line.
- (e) No vehicles shall be parked along the front property lines.
- (f) Any fuel pumps shall be at least thirty (30) feet from the front lot line and at least thirty (30) feet from a side lot line.

501.4: Automobile wash (including automatic and self-service facilities) subject to the following requirements;

- (a) Provide sufficient off-street parking for waiting cars. The parking or standing area shall be situated on the property, outside the washing facilities and be sufficient to accommodate at least one-third the hourly capacity (or hourly turnover) of the car wash plus a reserve of 20 percent of the hourly capacity to accommodate peak demand periods. Hourly capacity in this instance shall mean the greatest number possible of automobile washes that can be provided in one hour.
- (b) Provide separate entrance and exit facilities with paved driveways. Minimum width of driveways and stacking lanes for waiting cars shall be ten (10) feet.

- (c) Means of ingress or egress shall be located no closer than 100 feet from the intersecting right-of-way lines of street intersections.
- (d) Provide an area of at least 800 square feet beyond the exit end of the washing building to be used for hand finishing operations of the washing process.
- (e) Car washes must be located at least 100 feet from the nearest residential zone.
- (f) Provide for separate off-street parking for the owner and employees at a rate of one space for the owner and one space for every two employees.
- (g) Any lot line abutting a residential district or residential use shall be screened as provided in Article VI.

501.5: Amusement Establishment such as an auditorium, bowling alley, club, dance hall, pool hall, theater, or other social center operated as a business, provided:

- (a) Any entrance to such establishment shall not be within 100 feet of any lot line of a lot on which there is located any church, hospital, library or school.

501.6: Outdoor activities, sport or recreation center, skating rink, or miniature golf course, or other activity operated as a business, provided:

- (a) Any entrance to such establishment shall not be within 100 feet of any lot line of a lot on which there is located any church, hospital, library or school.
- (b) No motorized vehicle sports allowed.

501.7: Drive-in Business Use, provided it meets the following:

- (a) All parking areas shall be designed for easy ingress and egress. In no event shall autos be required to back onto a public right-of-way.
- (b) Drive-up windows shall be setback from the street with stacking room for at least ten (10) vehicles.

501.8: Service Facility on a lot occupied by an Automotive Establishment for the service of Gas, Oil, Air or Water or Repair Facility, provided:

- (a) Any such equipment shall be at least 15 feet from any alley or street right-of-way.
- (b) Any such equipment shall be at least 100 feet from any lot line of any Residential Zoning District or hospital, church or school.

501.9: Storage of Inflammable Liquids on a lot occupied by an Automotive Establishment, provided:

- (a) That it shall be stored as approved by the Commonwealth of Pennsylvania.
- (b) It shall not be located within 50 feet of any lot line in any residential use or residential zoning district or within 25 feet of any adjoining lot line.
- (c) The area shall be enclosed on all sides by a fence or wall not less than 6 feet high and maintained in good condition.

501.10: Any Other Accessory Use to Principal Business Use, which is not listed in this ordinance, provided:

- (a) It shall be customarily incidental and subordinate to the permitted principal use.
- (b) It shall be located on the same zoning lot as the principal use.
- (c) It shall have been approved by the Zoning Hearing Board.

Section 502: Additional Criteria and Provisions for Industrial Uses

502.1: Trucking Facilities including:

- (a) Motor Freight terminals.
- (b) Truck service facilities for the sale of petroleum products (primarily to the trucking industry and facilities for repair and maintenance service.)
- (c) Motor freight relay stations.

- (d) Refueling and service facilities for motor freight carriers privately owned by trucking companies.
- (e) Truck-stops; i.e., separate or integrated facilities providing eating and/or sleeping accommodations, refueling facilities and minor repair or service facilities.
- (f) Other related facilities, whose basic function is to serve the trucking and motor freight industry.

502.2: Inflammable Liquid Storage, provided:

- (a) It shall be approved by the Fire Chief of the Borough and the Commonwealth of Pennsylvania.
- (b) It shall not be located within 50 feet of any lot line in any residential use or residential zoning district or within 25 feet of any adjoining lot line.
- (c) The area shall be enclosed on all sides by a fence or wall not less than 6 feet high and maintained in good condition.

502.3: Office, Restaurant, Recreation Use, Museum and/or Hospital Use, provided:

- (a) It shall be clearly incidental to a particular industry.
- (b) It shall be on the same lot as the industrial use or establishment it serves.

502.4: Structure or Service Facility on a lot occupied by an Automotive Gasoline Station or Automotive Garage for the Service of Gasoline, Oil, Air or Water, provided:

- (a) Any such equipment shall not be less than 15 feet from any alley or street, nor less than 50 feet from any residential use or residential zoning district, and not less than 100 feet from any hospital, church, playground, or public building.

502.5: Any Other Accessory Use to Principal Industrial Use, provided:

- (a) It will further the welfare and best interests of the Borough.
- (b) It shall be subject to the Provisions of Use prescribed in Article VI.
- (c) It shall be customarily incidental and subordinate to the principal permitted use.
- (d) It shall be located on the same lot as the principal use.
- (e) It shall be approved by the Zoning Hearing Board.

Section 503: Additional Criteria and Provisions for Any Other Uses

503.1: Parking Lots and Structures, provided:

- (a) There shall not be any vehicle parked within 10 feet of any residential use or Residential Zoning District.
- (b) There shall not be any automotive repair facilities located on the lot.
- (c) There shall not be any storage of materials, junk, or any equipment on the lot.
- (d) There shall not be any vehicle parked in front of the front or side street building setback lines.

503.2: Governmental or Governmental Authority Facility, Service Structure or Use, provided:

- (a) It shall serve as a community facility or be reasonably necessary for the adequate distribution of services.
- (b) It shall be authorized by a governmental agency.

503.3: Public Utility Facility, Service Structure and/or Use, provided:

- (a) It shall not include any type of equipment which will in any way interfere with local radio or television communications or otherwise be detrimental to the surrounding area.
- (b) It shall not include a business facility, repair facility, a power generating station, storage of materials, storage of any repair or trouble crew outside a structure.
- (c) It shall be reasonably necessary to adequate distribution of service.
- (d) That the structure(s) be compatible with other permitted structures in the District in which it is located.

503.4: Loading Area, provided:

- (a) There shall not be any storage of material, junk or any equipment on the area.
- (b) There shall not be any repair facilities located on the area or any repairs made on any vehicle located thereon.
- (c) There shall not be any vehicle loading or unloading within ten (10) feet from any front or side yard setback line.

ARTICLE VI

DEVELOPMENT REGULATIONS FOR RESIDENTIAL, BUSINESS AND INDUSTRIAL USES

Section 600: Development Regulations for Any Residential Uses

600.1: Stormwater Management

Adequate storm drainage facilities shall be installed to ensure that stormwater does not flow onto abutting property, sidewalks or streets in such quantities as to cause detrimental effect or inconvenience. Maximum rates of stormwater runoff from the property after development shall not be greater than as existed prior to the development.

600.2: Parking and Loading Regulations

Subject to the provisions of Article VIII.

600.3: Sign Regulations

Subject to the provisions of the West Middlesex Borough Sign Regulations.

Section 601: Development Regulations for Any Business Use in the Downtown Business, Office Building or Highway Commercial Zoning Districts

601.1: Provisions of Use

Any permitted principal and/or accessory business use in the Downtown Business, Office Building or Highway Commercial Zoning Districts shall be subject to the following use regulations.

- (1) All accessory storage of junk, waste, discarded or salvaged material, machinery or equipment, including automobile, truck or other vehicle parts shall not be permitted except within a completely enclosed structure or solid wall or fence of at least six (6) feet in height.
- (2) All driveways and entrances shall be paved or concreted. Access driveways and entrances shall be permitted in locations in which sight distance is

adequate to allow safe movement of traffic in or out of the driveway or entrance, the free movement of normal street traffic is not impaired and the driveway or entrance will not create a hazard or an area of undue traffic congestion on streets to which it has access. The zoning officer may require the permit applicant to submit engineering data and/or traffic analyses to support its proposed plan of access driveways and entrances.

- (3) Adequate storm drainage facilities shall be installed to ensure that stormwater does not flow onto abutting property, sidewalks or streets in such quantities as to cause detrimental effect or inconvenience. Maximum rates of stormwater runoff from the property after development shall not be greater than as existed prior to the development.
- (4) Any part or portion of a lot developed for commercial uses which is not used for buildings, other structures, parking or loading spaces or aisles, driveways, sidewalks and designated storage areas shall be planted and maintained with grass or other all season ground cover vegetation. Landscaping with trees and shrubs is permitted and encouraged.
- (5) It shall not emit any noxious, toxic, or corrosive fumes or gasses nor shall it emit any offensive odors, vibration and noise.
- (6) It shall provide necessary shielding or other protective measures against interference occasioned by mechanical equipment or uses or processes with electrical apparatus.
- (7) All exterior lighting shall be placed and shielded so as not to create a nuisance for adjacent properties or passing motorists.

601.2: Buffer and Screening Requirements for Any Business Use in the Office Building or Highway Commercial Zoning Districts

Where any permitted principal and/or accessory business use, excluding any government services or public utilities abuts any land zoned Residential or abuts any land commercially or industrially zoned that contains an existing residential use, the following buffer and screening shall be required. These requirements shall apply in instances where such use is located within 50 feet of the abutting residential lot line, is being newly developed on vacant land, expanded in floor area by 50% or greater, or removed and a new use developed.

- (1) A building setback of at least 40 feet shall be maintained along the entire length of a side or rear yard where it abuts a Residential District or a commercially or industrially zoned lot with an existing residential use.

- (2) Inclusive in the 40 foot setback a buffer strip at least 10 feet wide shall be provided and maintained along the entire length of a side or rear yard where it abuts a Residential District or a commercially or industrially zoned lot with an existing residential use. Buffer strips shall not be used for parking, storage of vehicles, equipment or materials, nor for any other use incompatible with their purpose as a visual, noise, dust and pollution barrier.
- (3) The buffer strip shall contain suitable screening of the following type:
 - (a) A sight-obscuring planting of two off-set rows of evergreens, not less than 4 feet in height at the time of planting and of a variety that will maintain full, dense growth from the ground up to a height of not less than 6 feet upon maturity, planted at a spacing of the lesser of 8 feet or the diameter of a mature specimen of the species being planted. The evergreen specimen shall be of a type suitable to the surrounding area, as determined by the Zoning Officer.
- (4) Areas of the buffer strip not covered with a fence, wall or screening plantings shall be planted with grass or other appropriate ground cover vegetation.
- (5) Installation and maintenance of the buffer and screening shall be the responsibility of the owner of the property on which the permitted use is located. Installation must be completed prior to issuance of a Certificate of Use and Occupancy by the Zoning Officer. Fences or walls must be maintained in safe and structurally sound condition. Dead or diseased plants shall be removed and replaced within 90 days. Grass shall be kept neatly mowed.
- (6) Modifications: On lots of where space restrictions make the specified buffer strips impractical, the Zoning Hearing Board may approve an alternate design such as a solid fence, masonry wall and/or alternate planting scheme to protect adjacent residential properties. The Zoning Hearing Board may also waive the requirement for buffering and screening on any lot if it is deemed impractical.

601.3: Parking and Loading Regulations

Subject to the provisions of Article VIII.

Section 602: Development Regulations for any Industrial Use

602.1: Provisions of Use

Any permitted principal and/or accessory industrial use shall be subject to the following use regulations.

- (1) All accessory storage of junk, waste, discarded or salvaged material, machinery or equipment, including automobile, truck or other vehicle parts shall not be permitted except within a completely enclosed structure or by evergreens at least six (6) feet in height at time of planting and planted not further apart than six (6) feet so as to form a solid screen.
- (2) Access driveways and entrances shall be paved or concreted. Access driveways and entrances shall be permitted in locations in which sight distance is adequate to allow safe movement of traffic in or out of the driveway or entrance, the free movement of normal street traffic is not impaired and the driveway or entrance will not create a hazard or an area of undue traffic congestion on streets to which it has access. The zoning officer may require the permit applicant to submit engineering data and/or traffic analyses to support its proposed plan of access driveways and entrances.
- (3) Adequate storm drainage facilities shall be installed to ensure that stormwater does not flow onto abutting property, sidewalks or streets in such quantities as to cause detrimental effect or inconvenience. Maximum rates of stormwater runoff from the property after development shall not be greater than as existed prior to the development.
- (4) Any part or portion of a lot developed for industrial uses which is not used for buildings, other structures, parking or loading spaces or aisles, driveways, sidewalks and designated storage areas shall be planted and maintained with grass or other all season ground cover vegetation. Grass shall be kept neatly mowed. Landscaping with trees and shrubs is permitted and encouraged.
- (5) It shall not emit any noxious, toxic, or corrosive fumes or gasses nor shall it emit any offensive odors, vibration and noise.
- (6) It shall provide necessary shielding or other protective measures against interference occasioned by mechanical equipment or uses or processes with electrical apparatus.

- (7) All exterior lighting shall be placed and shielded so as not to create a nuisance for adjacent properties and passing motorists.

602.2: Buffer and Screening Requirements for any Industrial Use

Where any permitted principal and/or accessory industrial use, excluding government services and public utilities, abuts any land zoned residential or abuts any land commercially or industrially zoned that contains an existing residential use, the following buffer and screening shall be required. These requirements shall apply in instances where such use is located within 50 feet of the abutting "R" lot line, is being newly developed on vacant land, expanded in floor area by 50% or greater, or removed and a new use developed.

- (1) A building setback of at least 40 feet shall be maintained along the entire length of a side or rear yard where it abuts a Residential District or a commercial or industrial zoned lot with an existing residential use.
- (2) Inclusive in the 40 foot setback a buffer strip at least 10 feet wide shall be provided and maintained along the entire length of a side or rear yard where it abuts a residential district or a business district with an existing residential use. Buffer strips shall not be used for parking, storage of vehicles, equipment or materials, nor for any other use incompatible with their purpose as a visual, noise, dust and pollution barrier.
- (3) The buffer strip shall contain suitable screening of the following type:
 - (a) A sight-obscuring planting of two off-set rows of evergreens, not less than 4 feet in height at the time of planting and of a variety that will maintain full, dense growth from the ground up to a height of not less than 6 feet upon maturity, planted at a spacing of the lesser of 8 feet or the diameter of a mature specimen of the species being planted. The evergreen specimen shall be of a type suitable to the surrounding area as determined by the Zoning Officer.
- (4) Areas of the buffer strip not covered with a fence, wall or screening plantings shall be planted with grass or other appropriate ground cover vegetation.
- (5) Installation and maintenance of the buffer and screening shall be the responsibility of the owner of the property on which the permitted use is located. Installation must be completed prior to issuance of a Certificate of Use and Occupancy by the Zoning Officer. Fences or walls must be maintained in safe and structurally sound condition. Dead or diseased plants

shall be removed and replaced within 90 days. Grass shall be kept neatly mowed.

- (6) **Modifications:** On lots where space restrictions make the specified buffer strips impractical, the Zoning Hearing Board may approve an alternate design such as a solid fence, masonry wall and/or alternate planting scheme to protect adjacent residential properties. The Zoning Hearing Board may also waive the requirement for buffering and screening on any lot if it is deemed impractical.

602.3: Parking and Loading Regulations

Subject to the provisions of Article VIII.

ARTICLE VII
RESERVED FOR FUTURE USE

ARTICLE VIII

PARKING AND LOADING REGULATIONS

Section 800: Off-Street Parking and/or Loading Facility Requirements

800.1: New Use of a Structure and/or Land

Parking and/or loading facilities for new uses of any structure or land shall be provided in accordance with the following schedules.

800.2: Increase in Intensity of Use of a Structure and/or Land

The intensity of use of a structure and/or land shall not be increased through the addition of dwelling units, rooming units, gross floor area, lot area, or other units of measurement prescribed unless accessory parking and/or loading facilities shall be provided in accordance with the following schedules.

800.3: Change in Use of Structure and/or Land

An existing use of a structure and/or land shall not be changed to a new use, unless parking and/or loading facilities shall be provided as required in the following schedules for such new use.

800.4: Size of Parking and Loading Spaces

- (1) Parking Space - Not less than nine (9) feet wide and eighteen (18) feet long.
- (2) Loading Space - Not less than twelve (12) feet wide and thirty (30) feet long and fourteen (14) feet high.
- (3) Loading Space for wholesale or industrial uses - Twelve (12) feet wide and fifty (50) feet long.
- (4) Space Shall Not Include: Aisles or turnaround area.

800.5: Required Parking Spaces for Each Use

| Residential Uses | Required Parking Spaces |
|--|--|
| Apartment Hotel, Apartment House | 1.0 for each dwelling, apartment or rooming unit or any combination unit, plus one additional space if over 5 units. |
| Boarding Units, Convalescent Unit, Lodging Unit or Rooming Unit. | 1.0 for each sleeping unit, plus an additional space if over 5 units. |
| Convalescent Home, Hospital, Sanatorium, Sanitarium, or Institutional Home | 1.0 for each 400 square feet of gross floor area. |
| Dwelling, or Public Housing | 1.0 for each dwelling unit. |
| Home Occupation | 2.0 in addition to spaces required for the proprietor. |

| Business Uses | Required Parking Spaces |
|--|--|
| Amusement Establishment or Outdoor Activity or Sport Recreation Center | 1.0 for each 200 square feet of gross floor area. |
| Automobile Wash | 1.0 space for owner plus 1.0 space for each 2 employees. |
| Boarding House, Rooming House, Lodging House | 1.0 for each rooming unit plus 1.0 additional space if over 5 units. |
| Business School or College | 1 for each 200 square feet of gross floor area. |
| Club | 1.0 for each 200 square feet of gross floor area. |
| Eating and/or Drinking Establishment | 1.0 per 200 square feet of gross floor area. |
| Hotel, Motel, Tourist Court | 1.0 for each sleeping room up to 25 plus 1 for each 3 sleeping rooms over the first 25. |
| Mortuary or Funeral Home | 1.0 for each 1000 square feet of gross floor area used for mortuary purposes plus 1.0 additional for each dwelling unit. |

| | |
|-----------------------|---|
| Office Establishment | 1.0 for each 200 square feet of gross floor area. |
| Retail Establishment | 1.0 for each 200 square feet of gross floor area. |
| Service Establishment | 1.0 for each 200 square feet of gross floor area. |

| Transportation Uses | Required Parking Spaces |
|---------------------------------------|---|
| Automotive Service Establishment | 1.0 for each 500 square feet of gross lot area or 1.0 for each 200 square feet of gross floor area whichever requires the greater number of spaces. |
| Transportation Terminal Establishment | 1.0 for each 500 square feet of gross floor area. |

| Wholesale Uses | Required Parking Spaces |
|--|---|
| Warehouse and/or Wholesale Establishment | 1.0 for each 500 square feet of gross floor area. |

| Industrial Uses | Required Parking Spaces |
|---------------------------------|---|
| Industrial Plant, Manufacturing | 1.0 for each 2.0 employees on largest shift. |
| Other Industrial Uses | 1.0 per employee on the largest shift, plus 1.0 per company vehicle regularly stored on premises. |

| Community Facilities | Required Parking Spaces |
|--|---|
| Governmental Facility, Service Structure, and/or Use (Other than a place of public assembly) | 1.0 for each 200 square feet of gross floor area. |
| Church, Church School, Church Use | 1.0 for each employee and 1.0 for each 200 square feet of gross floor area. |

| | |
|--|---|
| Group Housing-Dormitory, Fraternity House, Sorority House, Nurses House, Youth Home, Hospital or Similar Institutional Housing | 1.0 for each sleeping room or 1.0 for each 500 square feet of gross floor area. |
| School, College, Day Nursery School, High school or college | 1.0 for each classroom plus in a 1.0 for each 1000 square feet of gross floor area devoted to classroom use plus spaces required for place of public assembly, dormitory, fraternity or sorority house and/or office establishment. |
| Place of Public Assembly such as an Auditorium, Hall, Gymnasium, or Theater | 1.0 for each 3 units of seating capacity. |

| Public Utility Facilities | Required Parking Spaces |
|--|---|
| Essential Services (Public Utility Facility, Service Structure, and/or Use other than an office establishment) | 1.0 for each employee but not less than 3.0 spaces. |

| Mixed Uses | Required Parking Spaces |
|----------------|--|
| Any Mixed Uses | The sum of the various uses computed separately. |

800.6: Required Loading Spaces

| Uses | Required Loading Spaces |
|--|--|
| Any Apartment Hotel, Apartment House, Multiple Family Dwelling, Community Facility, Public Utility Use, Business Use, Transportation Use, Agricultural Products Processing Use, Wholesale Use or Industrial Use which has an aggregate gross floor area of 10,000 square feet or more. | 1.0 plus 1.0 additional space for each 20,000 square feet of aggregate gross floor area, provided: (a) not more than 2 such spaces shall be required, unless the structure has an aggregate gross floor area of more than 80,000 square feet in which case there shall be 1.0 additional space for each additional 40,000 square feet in excess of 20,000 square feet. |

| Mixed Uses | Required Loading Spaces |
|----------------|--|
| Any Mixed Uses | The sum of the various uses computed separately. |

Section 801: General Provisions

801.1: Location of Required Parking Facilities

The parking spaces required for the use listed in the above schedule shall be on the same lot as the use they are intended to serve.

801.2: Location of Required Loading Facilities

The loading spaces required for the uses listed in the foregoing schedule shall in all cases be on the same lot as the use they are intended to serve. In no case shall the required loading space be part of the area used to satisfy the parking requirements of the Zoning Ordinance.

801.3: Use of Required Parking and/or Loading Facilities by Another Use

Any part of the parking and/or loading facilities required for any use for the purpose of complying with the regulations of the Zoning Ordinance shall not be included as part of a parking and/or loading facility similarly required for another use unless the type of use indicated that the periods of usage shall not be simultaneous with each other as determined by the Zoning Officer upon review of the Zoning Hearing Board.

801.4: Encroachment and Reduction

A required parking and/or loading space shall not be encroached upon by a structure, storage or any other use, nor shall the number of spaces be reduced.

801.5: Off-Street Parking and Loading Spaces for Uses Not Specifically Mentioned

For any use not specifically mentioned in the previous sections, the requirements for off-street parking and off-street loading facilities are the same as for a similar use that is specifically mentioned. In such a case, either the Zoning Officer or the applicant for the Certificate of Occupancy or Building Permit may apply to the Zoning Hearing Board for an interpretation of the provisions of this Ordinance for such off-street parking and off-street loading requirements, and the Zoning Hearing Board shall render a decision in writing in the manner provided for in this Ordinance.

ARTICLE IX

SUPPLEMENTARY REGULATIONS

Section 900: Supplementary Lot and Yard Regulations

900.1: Number of Principal Structures on a Lot

Except in the case of permitted planned development for a cemetery, church, college, multiple-family dwelling development, governmental or governmental authority facility, hospital, nursing home, public utility facility, school or planned commercial or industrial development, not more than one principal structure shall be located on a lot.

900.2 Subdivision of Lot

The subdivision of lot(s) shall only be permissible if in accordance with this Zoning Ordinance and the West Middlesex Borough Subdivision Ordinance.

900.3: Yard, Width and Area Exceptions for a Lot of Record

A one-family detached dwelling may be constructed on any lot of record in the residential districts at the effective date of the Zoning Ordinance.

900.4: Determination of Yards and Minimum Distance to Lot Lines on Irregularly Shaped Lots

On an irregularly shaped lot, no point of a building shall be located closer to a lot line than the minimum yard or setback distance.

900.5: Projection into and Occupancy of Yards or Other Open Spaces

The following building attachments shall be permitted to project into and/or occupy required yards or other open spaces:

- (1) Steps, Stoop, Window Sill, Awning, Belt Course, Similar Architectural Feature, Rain Leader and/or Chimney - Provided it shall not project more than four (4) feet beyond the face of the wall.

- (2) Exterior Stairway, Fire Tower, Balcony, Fire Escape or Other Required Means of Egress - Provided it shall not project more than four (4) feet beyond the face of the wall.

900.6: Porches, Carports, and Similar Attached Accessory Structures Whether Open or Enclosed

Shall be located in compliance with minimum yard and setback requirements.

900.7: Fences or walls

The yard and setback requirements of this Ordinance shall not be deemed to restrict any otherwise lawful fence or wall, provided that:

- (1) No fence or wall shall be located on any right-of-way of a public road.
- (2) All fences shall be located far enough away from lot line for proper maintenance.
- (3) All fence construction shall be suitable to neighborhood and not a public hazard.

900.8: Visibility at Intersections

On a corner lot in any district, no structure, sign, solid fence or wall, hedge or other planting shall be erected, placed or maintained at a height of more than 3 feet above the curb line within the triangle formed by the street lines and a straight line joining said street lines at points which are 15 feet distant from the point of intersection.

Section 901: Supplementary Height Regulations

901.1: Height Measurement

Measurement of height shall be the vertical height from the elevation of finished grade at the front of the structure to:

- (1) In the case of flat roof structures - highest point of coping.
- (2) In the case of mansard roof structures - deck line of roof.
- (3) In the case of gable or hipped roof - average height of roof peaks.

901.2: Height Regulations Not Apply

The maximum height limitations shall not apply to:

- (1) The Following Principal Structures : Church, college, elderly housing structure, hospital, cellular phone, radio or television tower, or public utility structure which is a permitted use and is located in any Zoning District, provided:
 - (a) If over 2 1/2 stories or 35 feet in height, it shall have a side yard of 8 feet plus 2 feet for each foot over 35 feet in height.
- (2) The Following Appurtenances Attached to or Part of a Principal or Accessory Structure: Church spire, belfry, cupola, dome, monument, smoke- stack, derrick, conveyor, flag pole, mast, antenna, aerial, roof tank; ventilating air conditioning and similar building service equipment; roof structure, chimney and/or parapet wall, provided:
 - (a) It shall be set back in conformance with the setback and yard requirements plus 1 foot horizontally for each 2 feet in which it exceeds the maximum height permitted in the Zoning District in which it is located.
- (3) Existing Designed Structures: The vertical extension of a structure existing at the effective date of the Zoning Ordinance may be erected to such height as the original drawings of said building indicated, provided:
 - (a) The building was actually designed and constructed to carry the additional stories necessary for such height.

ARTICLE X

NON-CONFORMING USES, STRUCTURES AND LOTS

Section 1000: Intent and Standards

Within the districts established by this ordinance or amendments that may later be adopted there exist lots, structures, and uses of land and structures which were lawful before this ordinance was passed or amended, but which would be prohibited under the terms of this ordinance or future amendment.

It is the intent of this ordinance to permit these non-conformities to continue until they are removed. Such uses are declared by this ordinance to be incompatible with permitted uses in the districts involved. Non-conformities may be enlarged and expanded only by the approval of the Zoning Hearing Board. Any enlargements or expansions approved by the Zoning Hearing Board shall meet the Provisions of Use for that type of use. Non-conforming industrial uses shall meet the Provisions of Use for the Industrial District and likewise any Non-conforming commercial uses shall meet the Provisions of Use requirements for the Business District when they are either enlarged or expanded.

A non-conforming use of a structure, a non-conforming use of land, or non-conforming use of a structure and land shall not be extended or enlarged after passage of this ordinance by attachment of additional signs to a building, or the placement of additional signs or display devices on the land outside the building, or by the addition of other uses, if such additions are of a nature which would be prohibited generally in the district involved.

Nothing in this ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance and upon which actual building construction has been diligently carried on. Actual construction is defined to include the placing of construction materials in permanent position and fastened in a permanent manner, and demolition, elimination, and removal of an existing structure in connection with such construction, provided that actual construction work shall be diligently carried on until the completion of the building involved.

Section 1001: Non-Conforming Lots of Record

In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lots fails to meet the requirements for area or width, or both, that are applicable in the district, provided that yard dimensions and other requirements not involving area or width, or both, of lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements and other requirements not involving area or width, or both, of lot shall be obtained only through action of the Zoning Hearing Board.

If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this ordinance, and if all or part of the lots do not meet the requirements for lot width and area in the respective district, the lands involved shall be considered to be an undivided parcel for the purpose of this ordinance, and no portion of said parcel shall be used or sold which does not meet lot width and area requirements established by this ordinance, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this ordinance.

Section 1002: Non-Conforming Uses of Land

Where, at the effective date of adoption or amendment of this ordinance, lawful use of land exists that is made no longer permissible under the terms of this ordinance as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

1002.1 - No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance, except as specified by Section 1000 of this ordinance.

1002.2 - No such non-conforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this ordinance.

1002.3 - If any such non-conforming use of land ceases for any reason for a period of more than twelve (12) consecutive months, any subsequent use of such land shall conform to the regulations specified by this ordinance for the district in which such land is located.

Section 1003: Non-Conforming Structures

Where a lawful structure exists at the effective date of adoption or amendment of this ordinance that could not be built under the terms of this ordinance by reason of restrictions on areas, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1003.1 - A structure may be enlarged or altered in a reasonable amount only as approved by the Zoning Hearing Board.

1003.2 - Should such structure be destroyed by any means to an extent of more than 50% of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this ordinance unless a variance is granted by the Zoning Hearing Board.

1003.3 - Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after moved.

Section 1004: Non-Conforming Uses of Structures

If a lawful use of a structure, or of a structure and premises in combination, exists at the effective date of adoption or amendment of this ordinance, that would be allowed in the district under the terms of this ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1004.1 - An existing structure devoted to a use not permitted by this ordinance in the district in which it is located may be enlarged, extended, constructed, reconstructed, or structurally altered to any reasonable amount upon granting of a variance by the Zoning Hearing Board. Any enlargements or expansions approved by the Zoning Hearing Board shall meet the Provisions of Use for that type of use. Non-conforming industrial structures shall meet the Provisions of Use for the Industrial District and likewise any Non-conforming commercial structures meet the Provisions of Use requirements for the Business District when they are either enlarged, extended, constructed, reconstructed or structurally altered.

1004.2 - Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance, but no such use shall be extended to occupy any land outside such building.

1004.3 - If no structural alterations are made, any non-conforming use of a structure, or structure and premises, may be changed to another non-conforming use provided that the Zoning Hearing Board, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change, the Zoning Hearing Board may require appropriate conditions and safeguards in accord with the provisions of this ordinance.

1004.4 - Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the non-conforming use may not thereafter be resumed.

1004.5 - When a non-conforming use of a structure, or structure and premises in combination, is discontinued or abandoned for twelve (12) consecutive months, the structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located.

1004.6 - Where non-conforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land.

Section 1005: Repairs and Maintenance

On any building, devoted in whole or in part to any non-conforming use, work may be done on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing without the requirement of a permit.

Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

Section 1006: Uses Granted Under Special Exception Provisions Not Non-Conforming Uses

Any use for which a special exception is permitted as provided in this ordinance shall not be deemed a non-conforming use, but shall without further action be deemed a conforming use in such district.

ARTICLE XI

ADMINISTRATION AND ENFORCEMENT

Section 1100: Office of Zoning Officer

1100.1: Creation of Office

The Office of Zoning Officer is hereby created.

1100.2: Appointment

The Zoning Officer shall be appointed by the Borough Council as prescribed by the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended). The Borough Council shall establish qualifications for the position of Zoning Officer which require candidates to demonstrate a working knowledge of municipal zoning to the satisfaction of the Borough.

1100.3: Official Records

An Official Record shall be kept of all business of the Zoning Officer and shall be open to public inspection at all appropriate times.

1100.4: Compensation of the Zoning Officer

The compensation of the Zoning Officer shall be as determined by the Borough Council.

Section 1101: Duties and Powers of the Zoning Officer

The Zoning Officer shall interpret and enforce all provisions of the Zoning Ordinance in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use which does not conform to the Zoning Ordinance.

1101.1: Permits and Certificates of Use and Occupancy

The Zoning Officer shall issue Permits and Certificates of Use and Occupancy. Permits and Certificates of Use and Occupancy for construction and uses which

are permitted as a special exception or variance from the Zoning Ordinance shall be issued only upon order of the Zoning Hearing Board.

1101.2: Annual Report

The Zoning Officer shall annually submit to the Borough Council a report of all Permits and Certificates of Use and Occupancy, notices issued and orders.

1101.3 Right of Entry

The Zoning Officer shall have the authority to enter at any reasonable hour any land and/or structure in the Borough to inspect and to enforce the provisions of the Zoning Ordinance. Before entering, the Zoning Officer shall provide proper identification.

1101.4: Classification of Home Occupations

The Zoning Officer shall maintain and make available upon written request to the public the supplemental lists of Permitted and Prohibited Uses as Home Occupations, as addressed in Article V, Section 500.

1101.5: Registration of Non-Conforming Uses and Structures

The Zoning Officer shall identify and register and make available upon written request to the public a list of all non-conforming uses and structures in all Zoning Districts that (1) existed at the time the Ordinance was adopted or (2) are created by subsequent amendments.

Section 1102: Application for Permit and Certificate of Use and Occupancy

1102.1: When Permit is Required

It shall be unlawful to erect, enlarge, construct, reconstruct or structurally alter any building and/or other structure or change the use, or extend or displace the use of any building, other structure and/or land in the Borough without first filing an application with the Zoning Officer in writing and obtaining the required Permit.

1102.2: When a Certificate of Use and Occupancy is Required

It shall be unlawful to use and/or occupy any building, other structure and/or land for which a Permit is required until a Certificate of Use and Occupancy for such building, other structure and/or land has been issued by the Zoning Officer. The application for issuance of a Certificate of Use and Occupancy shall be made at the same time an application for a Permit is filed with the Zoning Officer.

1102.3: Forms of Application

The Application for a Permit and a Certificate of Use and Occupancy shall be submitted in such form as the Zoning Officer may prescribe and shall be accompanied by the required fee as prescribed in Section 1104.

1102.4: Plot Diagram

Applications shall be accompanied by a plot plan diagram in duplicate. The plot plan shall be drawn to a suitable scale and shall clearly and accurately show dimensions of buildings and lots, both existing and proposed, abutting streets, proposed uses of buildings and lots, north arrow and scale, and other information which the Zoning Officer may require to make a decision on the permit. One copy shall be returned to the applicant indicating approval or disapproval, one copy shall be retained by the Zoning Officer.

1102.5: Amendments to a Permit

Amendments to a permit or other records accompanying it may be filed at anytime before completion of the work. The Zoning Officer shall approve all such amendments except for those to permit which have been authorized by action of the Zoning Hearing Board in which case the Board shall approve any amendments. Amendments shall be deemed part of the original application.

1102.6: Expiration of Permits

If work described in any permit has not begun within 90 days from the date of issuance, the permit shall expire. A written notice shall be given by the Zoning Officer to the persons affected. If permitted work has not been substantially completed within one year of the date of issuance, the permit shall expire. A written notice shall be given by the Zoning Officer to the persons affected.

Upon expiration of a permit, work may not continue until either a permit renewal or a new permit has been obtained. The Zoning Officer may issue a permit renewal when the proposed activities, information, and conditions contained in the original

permit application will be continued without change. The permit renewal shall include limitations on time not to exceed one year allowed for substantial completion of the work. The Zoning Officer may require the provision of a reasonable performance bond to ensure completion with the time limit specified in the permit renewal.

Section 1103: Action on Permits and Certificates of Use and Occupancy

1103.1: Action on Permit Application

The Zoning Officer shall act on all applications for Permits and amendments thereto within 10 days after filing except where otherwise indicated. He shall conduct a preliminary inspection of all structures and/or land for which an application has been filed for a Permit. If the application and preliminary inspection indicate compliance with the Zoning Ordinance, a Permit shall be issued. Disapproval of a Permit shall be in writing to the applicant.

1103.2: Posting of Permit

The Permit issued by the Zoning Officer shall be posted at the work site and be visible from the street until the completion of the permitted work.

1103.3: Revoking a Permit

The Zoning Officer may revoke an issued Permit in case of any false statement in the application for the Permit.

1103.4: Action Upon Completion

Upon completion of the permitted work and prior to use and occupancy, the holder of the permit shall notify the Zoning Officer of such completion. After receiving notice of completion, the Zoning Officer shall conduct a final inspection of all permitted structures and/or land. All violations of the approved permit and plans shall be recorded and presented in writing to the holder of the permit.

If the Zoning Officer is satisfied that the completed work conforms with the issued Permit and complies with the Zoning Ordinance, he shall issue a Certificate of Use and Occupancy for the use indicated in the Permit.

The Zoning Officer shall conduct the final inspection and issue either a written record of violations or an approved Certificate of Use and Occupancy within 10 days after receiving notice.

Section 1104: Fees

1104.1: Payment of Fees

No Permit or Certificate of Use and Occupancy shall be issued until the fees prescribed by resolution of the Borough Council have been paid.

1104.2: Exemptions

Any accessory structure used solely for agricultural purposes or any building less than 100 square feet in floor area shall be exempt from payment of fees.

Section 1105: Enforcement Notice

Where the Zoning Officer finds that any provisions of this Ordinance are being violated, he shall initiate enforcement proceedings by sending an enforcement notice to appropriate parties in accordance with Article VI of the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended). As specified in the Planning Code, the enforcement notice shall state the nature of the violation, the actions and deadline dates for achieving compliance, possible enforcement proceedings, and other information.

Section 1106: Prosecution of Violation

If the Enforcement Notice is not complied with, the Zoning Officer shall request the Borough Solicitor to institute appropriate proceedings to correct such violations. Such proceedings are provided for and shall be in accordance with Article VI of the State Planning Code (Act 247 of 1968, as amended).

ARTICLE XII

ZONING HEARING BOARD

Section 1200: Creation, Membership and Organization

A Zoning Hearing Board shall be created for the purpose of considering applications for variances or exceptions to the Zoning Ordinance and making decisions on appeals and challenges within the legal jurisdiction granted to zoning hearing boards by the Commonwealth of Pennsylvania. It shall be created and maintained in accordance with the applicable provisions of Article IX of the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended) and this Ordinance. Its membership, organization and rules and procedures shall be as prescribed in the Planning Code.

Section 1201: Jurisdiction and Functions

The Zoning Hearing Board shall have exclusive jurisdiction to hear and render decisions on applications for variances and special exceptions, and certain challenges and appeals in accordance with all applicable requirements of Article IX of the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended).

Section 1202: Hearings

In consideration of challenges and appeals and applications for variances and special exceptions, the Zoning Hearing Board shall conduct hearings and make decisions in accordance with all applicable requirements of Article IX of the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended).

Section 1203: Termination and Modification of Permit

Where a decision of the Zoning Hearing Board authorizes issuance of a zoning permit, the following shall apply:

1203.1: Termination of Permits

If after a Permit has been authorized by the Board, such permit is not applied for within a period of six (6) months from the date of authorization, then such authorization shall be null and void and no Permit shall be issued thereunder.

1203.2: Modification of a Permit

Any Permit so issued shall not be modified except by action of the Board.

Section 1204: Parties Appellant Before the Board

Appeals and challenges within the jurisdiction of the Zoning Hearing Board as prescribed by the Planning Code may be filed with the Board in writing by the landowner affected, any officer or agency of the municipality, or any person aggrieved. Applications for variance or special exception may be filed with the Board by any landowner or tenant with the permission of such landowner.

Section 1205: Applications and Fees

Requests for a hearing and action for appeals, challenges, variances, or special exceptions shall be accompanied by an application in such form as shall be required by the Zoning Hearing Board and submitted to the Zoning Officer. Such application shall include payment of a reasonable fee based upon cost to be established by resolution of the Borough Council and in accordance with the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended).

Section 1206: Special Exceptions

Upon application in accordance with the provisions of the Zoning Ordinance and the rules of the Board, the Board shall determine the reasonableness and propriety in particular cases of any one of the following special exceptions to the Zoning District regulations of the Zoning Ordinance. The proposed use shall also conform with all the provisions for the use in the particular Zoning District in which it is to be located, and all other pertinent provisions of the Zoning Ordinance, except as wherein prescribed in this Article. The Board shall consider, explain and record its finding and determination in conformity with the spirit of the Zoning Ordinance and may authorize the issuance of a Permit for the following:

1206.1: Other Principal Uses Not Explicitly Permitted Within a Zoning District

A use which is not explicitly listed as a permitted principal use within the regulations of a zoning district may be permitted provided that the use is similar to and not more objectionable to the general welfare than the permitted uses listed in that zoning district. Such uses shall be permitted only upon the judgment and approval of the Zoning Hearing Board which may also require compliance with

such conditions as may be necessary to protect and promote the general welfare of the Borough.

1206.2: For the Modification of Off-Street Parking and Loading Facility Requirements in any Zoning District, provided:

- (1) Such modification shall be consistent with the purpose and intent of such requirements.
- (2) It shall be satisfactory to the Board that public or private transportation facilities shall be sufficient to accommodate travel needs of those employed on the premises.
- (3) If after investigation by the Board it shall be found that such modification shall be necessary to prevent unreasonable hardship or to secure an appropriate development of a specified parcel of land which has peculiar or exceptional geographical or topographical conditions, or is of a size, shape, dimension or location that it cannot be reasonably developed in accordance with the regulations and provisions of the Zoning Ordinance as herein specified.

ARTICLE XIII

AMENDMENT, SUPPLEMENT OR CHANGE

Section 1300: Procedure for Amendments

The Zoning Ordinance or parts thereof may be amended or repealed by the Borough Council in accordance with provisions of the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended) and with the following procedures:

- (1) Any amendment, or repeal may be initiated by:
 - (a) The Borough Planning Commission.
 - (b) The Borough Council.
 - (c) A notarized petition to the Borough Council by the owner of the property involved or by a party having interest therein.
- (2) Proposed amendments shall be submitted to the Borough Council at a regular or special meeting of the Borough Council.
- (3) Before voting on the enactment of an amendment, the Borough Council shall hold a public hearing thereon in accordance with the requirements of the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended). As required by the Planning Code, the public shall be notified of the amendment and hearing, such notice shall be posted on any affected tract of land, and the amendment shall be referred to the Borough Planning Commission and Mercer County Regional Planning Commission for review.
- (4) An application for amendment shall be submitted in a form prescribed by the Borough Council containing the following minimum information:
 - (a) Name, address, and phone number of the applicant or his agent.
 - (b) The applicant's legal interest in the affected property(ies).
 - (c) A map showing the location of the affected property(ies), the present and proposed zoning classification and boundaries, and a perimeter sketch of the affected property(ies) showing dimensions and size.
- (5) Any application for amendment to the Zoning Ordinance shall be accompanied by a reasonable fee in such amount as set by resolution of the Borough Council.

ARTICLE XIV APPEALS

Section 1400: Zoning Appeals

The review or appeal of any provision of this Ordinance or decision, determination, order or finding of the Borough Council or its agencies or officers shall follow the procedures set forth in Article X-A "Appeals to Court" of the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended).

ARTICLE XV VALIDITY

Section 1500: Severance

If any article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, or word in the Zoning Ordinance or the Zoning District boundaries as shown on the Zoning Map, shall be for any reason, declared to be illegal, unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect or impair the validity of the Zoning Ordinance as a whole or any article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, word or remaining portion of the Zoning Ordinance.

ARTICLE XVI REPEAL

Section 1600: Repeal of 1965 Zoning Ordinance

The enactment of this Zoning Ordinance contained herein shall hereby repeal in its entirety the West Middlesex Borough Zoning Ordinance as adopted February 1, 1965 and subsequently amended. No article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, or word in the 1965 Zoning Ordinance shall be valid or applicable as law in the Borough.

ARTICLE XVII

DEFINITIONS

Section 1700: General Interpretation

For the purposes of the Zoning Ordinance, certain terms, phrases and words shall have the meaning given herein. Words used in the present tense include the future; the singular includes the plural; the word "used" shall be construed as though followed by the words "or intended or designed to be used"; the words "building", "structure", and "land" or "premises" shall be construed as though followed by the words "or any portion thereof"; and the word "structure" includes the word "building". The word "shall" is always mandatory and not merely directory.

Section 1701: Definition of Terms

Abutting. Having property or district lines in common; e.g., two lots are abutting if they share a common property line.

Access. A way of approaching or entering a property.

Accessory Apartment. A separate, complete housekeeping unit which is contained within the structure of a single-family dwelling but can be isolated from it, or which is contained within an existing accessory building.

Accessory Use. A use customarily incidental and subordinate to the principal use of a building, structure and/or land or a use not the principal use which is located on the same zoning lot as the principal building, other structure and/or land, except parking and/or loading facilities as herein provided.

Addition. Any construction which increases the size of a building such as a porch, attached garage or carport, or new roof or wing.

Agent or Owner. Any person who can show written proof that he or she has the authority to act as the property owner.

Alley. The space or area between the rear or side lot lines of lots which has a minor right-of-way width of twenty (20) feet or less which is dedicated for the public use of vehicles and pedestrians and which affords secondary access to an abutting lot, but not intended for general traffic circulation.

Alteration. As applied to a building or structure, is a change or rearrangement in the structural parts, or in the exit facilities, or an enlargement, whether by extending on a side or by increasing in height, or moving from one location or position to another.

Alteration, Structural. A change, other than incidental repairs, which would prolong the life of the supporting members of a building, such as bearing wall, roof, columns, beams and girders.

Apartment House. A dwelling comprising three (3) or more apartments which are reached through a common entrance and stairway.

Apartment Unit. One (1) or more rooms comprising a dwelling unit or serving as the home or residence of an individual, or a family or a household.

Automotive Garage. A premises used for repair of automotive vehicles but not including automotive wrecking (including therewith may be facilities supplying gasoline, oil, accessories and services to automotive vehicles at retail direct to the motorist consumer.)

Automotive Service Establishment. Any premises used for supplying gasoline, oil, minor accessories and services for automotive vehicles at retail direct to the motorist consumer, including the making of minor repairs, but not including major repairs, such as: painting; body, fender, clutch, transmission, differential, axle, spring, and frame repairs; major overhauling of engines requiring removal therefrom of cylinder-head or crankcase pan; repairs of radiator requiring removal thereof; or complete recapping or retreading of tires.

Automotive and/or Trailer Sales Establishment. The use of any, land area or other premise for the display or sale of new or used automobiles, trailers, trucks or farm equipment and including any warranty repair work and any other repair service conducted as an accessory use.

Automotive Wrecking. The dismantling or wrecking of used motor vehicles, trucks, trailers, or farm equipment, or the storage, sale, or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

Awning. An awning shall include any structure made of cloth or metal with a metal frame attached to a building and projecting over a yard or thoroughfare, when the same is so erected as to permit its being raised to a position flat against the building when not in use or not permanently attached to and an integral part of a porch, carport, or similar attached accessory structure.

Basement. Portion of a building partly underground, having one-half (½) or more than one-half (½) of its floor-to-ceiling height below the average grade of adjoining ground.

Block. The length of a street between two (2) street intersections; or a piece of land bounded on all sides by streets or other transportation routes such as railroads lines, or by physical barriers such as waterbodies or public open space, and not transversed by a through street.

Boarding House (also rooming house). A building or portion thereof, arranged or used for sheltering and feeding for compensation, individuals who are not members of the proprietor's family.

Boarding Unit. Living quarters which, unlike a Dwelling Unit, do not contain complete housekeeping facilities and are typically used for sheltering and feeding paying occupants who are not members of the proprietor's family.

Borough Council. The Borough Council of West Middlesex Borough, Mercer County, Pennsylvania.

Breezeway. Any portion of a lot roofed over by a structure joining a principal dwelling to any other structure.

Building. An enclosed structure built, erected, and framed of component structural parts, designed for the housing, shelter, enclosure, and protection of persons, animals, or property of any kind, including mobilehomes.

Building, Accessory. A detached, subordinate building, the use of which is customarily incidental and subordinate to that of the principal building, and which is located on the same lot as that occupied by the principal building.

Building, Attached. A building where both side walls of all except the end structures are party walls.

Building, Detached. A building which has no party wall.

Building, Principal. A building in which is conducted the principal use of the lot on which it is situated.

Building Setback. The distance on a lot from the centerline of any road within which no building or structure shall be placed, unless otherwise indicated in this Ordinance.

Building Setback Line. A line on a lot which marks the building setback.

Carport. A roofed structure providing space for the parking or storage of motor vehicles and enclosed on not more than three (3) sides.

Cartway. That area of a street within which vehicles are permitted including travel lanes and parking areas but not including shoulders, curbs, sidewalks or swales.

Centerline. The line located at the middle of the traveled surface of a road, equidistant from both edges of the road surface.

Certificate of Use and Occupancy. A statement, based on an inspection and signed by the Zoning Officer, indicating that a building, structure, and/or land conforms with the provisions prescribed in the Zoning Ordinance and may lawfully be occupied or used for a specified use or uses.

Child Care Center. Provides out-of-home care for seven (7) or more children for part of a 24-hour day to children 15 years and younger, including care provided to a child at the parents work site when the parent is not present in the child care space, and including care provided in public or private profit or non-profit facilities. Also, care provided before or after the hours of instruction at non-public and private nursery schools and kindergartens. Definition does not apply to care provided: by a relative; in places of worship during religious services; in a facility where the parent is present at all times child care is provided; during hours of instruction in non-public or private nursery school or kindergarten.

Church. A building and/or accessory buildings for public religious worship.

Clinic. Any professional medical building or establishment where people are examined or treated by doctors or dentists, but are not hospitalized overnight.

Club, Lodges and Fraternal Organizations. An establishment operated for social, recreational, or educational purposes, and open only to members and their guests, but not the general public.

Conditional Use. A permission or approval granted by the Borough Council to use land in a district for a purpose other than that permitted outright in that district. Conditional uses may be approved or denied by the Borough Council only in accordance with the provisions of the PA Municipalities Planning Code (Act 247 of 1968, as amended).

Construction. The construction, reconstruction, renovation, repair, extension, expansion, alteration, or relocation of a building or structure, including the placement of mobilehomes.

Convalescent Home. A dwelling converted into quarters or new building constructed with quarters for the full-time convalescent or chronic care of persons who, by reason of advanced age, chronic illness, or infirmity, are unable to care for themselves.

Convenience Store. A retail establishment of limited size (less than 5,000 sq. ft. of building) designed for the sale of sundries, groceries and gasoline (and sometimes diesel fuel, propane or kerosene). Convenience stores do not include repair services, tire sales or similar activities.

Conversion. The change in a use or a structure.

Court. A portion of a lot unoccupied above grade but partially or wholly surrounded by building walls.

Court, Inner. A court surrounded on all sides by an exterior wall of a structure or by such walls and a lot line.

Court, Outer. A court having at least one side thereof opening onto a street, alley, yard or other permanently open space.

Covenant. A private legal restriction on the use of land, contained in the deed to the property or otherwise formally recorded.

Coverage. That percentage of the lot or site area covered by a principal and accessory structures.

Curb Level. The elevation of the street grade as established in accordance with the law or when a curb level has not been established, the grade at the center of the street.

Curb Line. The line establishing the width of a cartway in a right-of-way. Where curbs do not exist the edge of pavement shall be the curb line.

Dedication. Gift, donation or transfer of property from the owner to another party.

Deed Restriction. See Covenant.

Development. Any man-made change to improved or unimproved parcel, including but not limited to buildings or other structures, the subdivision of land, the placement of mobilehomes, streets, and other paving, utilities, filling, grading, excavation, mining, dredging, or drilling operations.

District. A district or a zone shall be any portion of the territory of the Borough of West Middlesex within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

Drive-In Business. A place of business where persons are served in automobiles from a refreshment stand, restaurant, food stores and the like.

Driveway. A private roadway providing access for vehicles to parking space, garage, dwelling or other structure.

Dwelling. A building arranged and used for permanent residential occupancy containing a dwelling unit or units, but excluding a boarding house, hospital, institutional home, hotel, motel, and other similar types of uses.

Dwelling, Multiple-Family. A permanent building have two (2) or more dwelling units and designed to be used or occupied as a residence by two (2) or more families living independently of each other and each with its own exterior entrance door or own entrance door from an interior hallway.

Dwelling, Single-Family. A detached, permanent building designed for and used exclusively for occupancy by one family.

Dwelling, Two-Family. A permanent building having two (2) dwelling units, each with its own entrance door and designed for and used for occupancy by two families. The Dwelling Units may be either semi-detached with one (1) family living on either side of a common party wall, or stacked with one (1) family living over the other.

Dwelling Unit. A permanent building or portion thereof providing complete house keeping facilities for one family. The term shall include all structures designed for and/or used for living purposes, including mobilehomes, prefabricated dwellings, and similar portable structures.

Easement. A right given by the owner of land to another party for specific limited use of that land.

Enlargement. A construction activity which increases the size of a building or other structure.

Essential Services. The erection, construction, alteration or maintenance by public utilities or municipal departments or municipal authorities of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare.

Family. One or more individuals occupying a dwelling unit and living as single household unit.

Farm. A lot, parcel or tract of land used for agricultural purposes on which the principal structure shall be the agricultural building(s).

Flood. A temporary overflowing of water on to land which is usually devoid of surface water.

Floor Area, Gross. The sum of the gross horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two building, but not including interior parking spaces, loading space for motor vehicles, or any space where the floor-to-ceiling height is less than six feet.

Floor Area, Net. The total of all floor areas of a building, excluding stairwells and elevator shafts, equipment rooms, interior vehicular parking or loading; and all floors below the first or ground floor, except when used or intended to be used for human habitation or service to the public.

Fraternal Organization. A group of people formally organized for a common interest, usually cultural, religious or entertainment, with regular meetings, rituals and formal written membership requirements.

Frontage. he frontage, or front of a lot, is the side nearest the street. For the purposes of determining yard and setback requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards and setbacks shall be provided as indicated in this Ordinance.

Garage, Private. A detached accessory building or a portion of a principal building used only for the storage of not more than three (3) private motor vehicles by the families resident upon the premises. This shall not include a garage offering commercial automotive services to the public or a garage where any provision is made for repairing or servicing of vehicles for profit.

Grade. The degree of raise or descent of a sloping surface.

Height of Building. The vertical distance from the grade to the highest point on a building. When a building faces on more than one (1) street, the height shall be measured from the average of the grades at the center of each street front.

Height of Wall. The vertical distance from the foundation wall or other immediate support of such wall to the top of the wall.

Home Occupation. Any accessory use to a dwelling unit located in the residential zoning district designed for financial gain as a business activity involving the sale of goods and services that is conducted entirely from within the dwelling and/or accessory structure located within 100 linear feet of the dwelling unit occupied by the bonafide residents conducting the home occupation.

Hospital. A private or public institution where the ill or injured may receive medical, surgical, or psychiatric treatment, nursing, food, lodging, etc., during illness or injury.

Hospital, Animal. A structure designed or converted for the care of and/or treatment of sick or injured animals.

Hotel. A facility offering transient lodging accommodations to the general public and offering additional services such as restaurants, meeting rooms and recreation facilities.

Housing Unit. Same as Dwelling Unit.

Institutional Home. A building used for health or welfare purposes by a private or non-profit organization.

Junk. Any worn, cast off, or discarded articles or material which is ready for destruction or which has been collected or stored for sale, resale, salvage or conversion to some other use. Any such article or material which is stored on a farm for exclusive use of the owner or occupant of the farm or any article or material which, unaltered, not needed to be disassembled or unfastened from, or unchanged and without further reconditioning can be used for its original purpose as readily as when new shall not be considered junk.

Junk Yard. The use of more than 200 square feet of the area of any lot, outside a building, or the use of any portion of that half of any lot that joins any street, for the storage, keeping or abandonment of junk. A "junk yard" shall include an automotive wrecking yard. Three or more junk vehicles stored on any lot outside of a building or not inside a wall or fence shall be considered a junk yard.

Land. The solid portion of the earth's surface which is capable of being used or occupied.

Land, Developed. "Improved land" with buildings.

Land, Improved. "Raw land" which has been provided with basic utilities such as water and sewerage, streets, sidewalks, but not buildings.

Land, Raw. Vacant land unsubdivided and unimproved (without utilities or streets).

Landscaping. Changing, rearranging, or adding to the original vegetation or scenery of a piece of land to produce an aesthetic effect appropriate for the use to which the land is put. It may include reshaping the land by moving the earth, as well as preserving the original vegetation or adding vegetation.

Land Use. A description of how land is occupied or utilized.

Loading Space. An off-street space or berth on same lot with a building, or contiguous to a group of buildings, for the temporary stopping of commercial vehicles while loading or unloading merchandise or materials, and which abuts upon a street, alley or other appropriate means of access to a public right-of-way.

Lodge. (1) A building or group of buildings under single management, containing both rooms and dwelling units available for temporary rental to transient individuals or families; (2) The place where members of a local chapter of an association hold their meetings; and, the local chapter itself.

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

Lot Area. The total area within the lot lines of a lot.

Lot, Corner. A lot abutting upon two or more streets at their intersection or upon two parts of the same street, such streets or parts of the same street forming an interior angle of less than 135 degrees. The point of intersection of the street lot lines is the "corner".

Lot Coverage. The percentage of the lot area occupied or covered by principal and accessory structures.

Lot Depth. The average horizontal distance between the front lot line and the rear lot line.

Lot, Double Frontage. An interior lot whose front and rear lot lines abut roads, or a corner lot with two opposite lot lines abutting a road.

Lot Frontage. See "Frontage".

Lot, Interior. A lot whose side lot lines do not abut a road.

Lot Lines. The property lines bounding the lot.

Lot Line, Front. The line separating the lot from a road right-of-way.

Lot Line, Rear. The lot line opposite and most distant from the front lot line.

Lot Line, Side. Any lot line other than a front or rear lot line.

Lot Line, Alley. A lot line separating the lot from an alley.

Lot, Non-Conforming. A lot the area or dimension of which was lawful prior to the adoption or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

Lot of Record. A lot which is part of a recorded subdivision or a parcel of land which has been recorded or registered in the Office of the Recorder of Deeds of Mercer County, Pennsylvania.

Lot Width. The mean horizontal distance between the side lot lines of a lot measured at right angles to the depth.

Marquee. Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

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 within a mobilehome park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobilehome.

Mobilehome Park. A parcel or contiguous parcels of land which has so designated and improved that it contains two or more mobilehome lots for the placement thereon of mobilehomes.

Mortuary. A building devoted to the care, and holding of services for the dead, including embalming and the display and/or sale of funeral equipment as incidental use.

Motel. Any building or group of attached, semi-attached, or detached buildings (not including a trailer) located on a single lot containing individual sleeping or housekeeping units designed for use by transients.

Motor Freight Terminal. A lot maintained by a motor freight company which is the original and/or destination point of short and long distance hauling and which is used for the purpose of storing, transferring, loading and unloading of merchandise and for truck parking and storage facilities.

Non-Conforming Use. A use, whether of land or of structure, which does not comply with the applicable use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such ordinance or amendment, or prior to the application of such ordinance or amendment to its location by reason of annexation.

Nursery, also Greenhouse. Land or greenhouses used to raise flowers, shrubs, or plants for sale.

One Hundred Year Flood. A flood that, on the average, is likely to occur once every one hundred (100) years (i.e., that has a one (1) percent change of occurring each year, although the flood may occur in any year).

Open Space. An area of land unoccupied by a building and/or other structure which is maintained to permit human use, occupancy, recreation, and enjoyment.

Owner. The duly authorized agent, attorney, purchaser, devisee, fiduciary or any person having vested or contingent interest in the lot, building, or structure in question.

Parking Area. An open space on a lot used as an accessory use for the parking of automotive vehicles.

Parking Space. A space, whether outside or inside a structure, to be used exclusively as a parking stall for one (1) motor vehicle.

Permit, Zoning. A license issued by the Zoning Officer which permits the applicant to proceed with the work specified in the permit application as approved by the Zoning Officer.

Person - An individual, association, co-partner or corporation.

Personal Service Establishment. Establishments primarily engaged in providing services involving the care of a person or his or her apparel.

Planning Code. The Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended by Act 170 of 1988, as further amended by Act 209 of 1990, and Act 131 of 1992, and including any further amendments.

Plat. A map, plan or chart of a section or subdivision of the Borough indicating the location and boundaries of individual lots.

Plot. A parcel of land consisting of one or more lots or portions thereof which is described by reference to a recorded plat or by metes and bounds.

Porch. A roofed over structure projecting from the front, side or rear wall of a building. A porch is considered a part of the principal building and is not permitted to extend into any required yards.

Principal Structure. See Structure, Principal.

Principal Use. The main or primary purpose, for which a building, other structure and/or land is designed, arranged, or intended, or for which it may be used, occupied or maintained under the Zoning Ordinance.

Projections (into yards). Parts of buildings such as architectural features which are exempted, to a specified amount, from the yard requirements of the Zoning Ordinance.

Public Hearing. A formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to taking action in accordance with, the Pennsylvania Municipalities Planning Code, Act 247, as amended.

Public Meeting. A forum held pursuant to notice under the act of July 3, 1986 (P.L.388, No.84), known as the "Sunshine Act."

Public Notice. Notice published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time

and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than seven days from the date of the hearing.

Recreation, Commercial. Recreational facilities operated as a business and open to the general public for a fee.

Recreation, Non-Commercial. Recreation facilities operated by a non-profit organization and open only to bonafide members of such organization.

Recreation, Public. Recreation facilities operated as a non-profit enterprise by the Borough, and any other governmental entity, or any non-profit organization which are open to the general public.

Recreational Vehicle. A vehicular-type unit primarily designed for temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities are: travel trailer, camping trailer, truck camper, and motor home. No Recreational Vehicle shall be used as a permanent dwelling or business.

Recreational Vehicle Park. A plot of land upon which two or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes.

Road. Any street, highway, or other public roadway which is dedicated to public use by governmental authority.

Screening. A method of visually shielding or obscuring abutting or nearby structures or uses from another by fencing, walls, or densely planted vegetation.

Setback. See "Building Setback".

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.

Site. A plot of land intended or suitable for development.

Site Plan. A plan, to scale, showing uses and structures proposed for a parcel of land as required by the regulations involved. It includes lot lines, streets, building

sites, reserved open space, buildings, major landscape features - both natural and man-made - and the locations of proposed utility lines.

Special Exception. A provision which permits, under specified terms and conditions, particular uses to locate in a zoning district without detriment to the routine and orderly development as provided for that zoning district. The provision is granted by the Zoning Hearing Board.

Story. A part of a building comprised between a floor and a floor or roof next above, including a basement, but not including cellar.

Story, Half. A story with at least two (2) of its opposite sides situated in a sloping roof, the floor area of which does not exceed two-thirds (2/3) of the floor area immediately below.

Street. See "Road".

Structure. A combination of materials forming a construction for occupancy and/or use or ornamentation whether installed on, above, or below the surface of land or water.

Structure, Accessory. An attached, semi-detached or detached structure whose use is customarily incidental and subordinate to that of the principal structure or use and which is located on the same lot as the principal structure or use.

Structure, Non-Conforming. A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

Structure, Principal. A structure in which is conducted the principal use of the lot on which it is located.

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

Swimming Pool. A swimming pool shall be considered a permanent structure, if the construction or erection thereof results in a permanent location within a given lot. Swimming pools which can be easily relocated or dismantled for winter storage shall not be considered as a permanent structure.

Terminal. (1) A place where transfer between modes of transportation takes place; (2) A terminating point where goods are transferred from a truck to a storage area or to other trucks, or picked up by other forms of transportation.

Terrace. A natural or artificial embankment which is higher than the curb level.

Terrace, Height of. The difference in elevation between the curb level and the top of the terrace at the center of the wall of the principal structure.

Tourist Court. Any group of attached or detached buildings (not including a trailer) located on a single lot containing individual sleeping or housekeeping units, designed for or used by transients, including an auto court, motel, cabin and/or motor lodge.

Tourist Home. A dwelling originally designed for single family occupancy which is now identified as supplying overnight accommodations for not more than twenty (20) transient guests, not including a lodging, rooming or boarding house or a tourist court.

Trade School (Industrial School). A school conducted as a commercial enterprise for teaching barbering or hairdressing or for teaching industrial skills in which machinery is employed as a means of instruction.

Trailer. Any licensed or un-licensed piece of mobile equipment designed or constructed to be towed or pulled by a motor vehicle.

Transient. Any individual residing or stopping in the municipality for less than thirty (30) days at one time.

Utility, Private or Public. (1) Any agency which, under public franchise or ownership, or under certificate of convenience and necessity, provides the public with electricity, gas, heat, steam, communication, rail transportation, water, sewage collection, or other similar service; (2) A closely regulated private enterprise with an exclusive franchise for providing a public service.

Variance. Relief granted by the Zoning Hearing Board upon appeal in specific cases, in accordance with the Pennsylvania Municipalities Planning Code, Article VI and IX of, Act 247, as amended.

Visual Obstruction. Any fence, wall, tree, hedge, or shrub, or a combination of them which limits visibility.

Written Notice. Shall have been served if delivered in person to the person intended or if delivered or sent by certified mail to the last known address of the person intended.

Yard. An unoccupied space, other than a court, on the same lot with a building, unobstructed artificially from the ground to the sky, except as otherwise provided herein.

Yard, Front. A yard across the full width of the lot, extending from the main wall of a principal building to the front lot line (street right-of-way line), measured at any point between the wall and the line.

Yard, Minimum Dimension. The minimum, permitted horizontal distance between a lot line and the nearest point of a main wall of a principal building or structure exclusive of permissible yard encroachments and occupancy and street projections as provided by this Ordinance. The measurement of the minimum dimension shall be made at grade and perpendicular to the lot line and building or structure.

Yard, Rear. A yard across the full width of the lot, extending from any point of a wall of a building or structure to the rear lot line of the lot.

Yard, Side. A yard extending from any point of a wall of a building or structure to the adjacent side lot line of the lot, extending from the front yard to the rear yard.

Zoning Officer. The agent or official designated by the West Middlesex Borough Council and charged by law with the administration and enforcement of the Zoning Ordinance.

Zoning Map. West Middlesex Borough Zoning Map.

ARTICLE XVIII

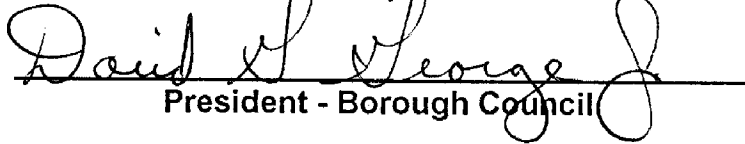
EFFECTIVE DATE

Section 1800: Effective Date

The Zoning Ordinance shall take effect ten (10) days after the date of adoption by the Borough Council of West Middlesex Borough, Mercer County, Pennsylvania.

We hereby certify that the West Middlesex Borough Zoning Ordinance was adopted by the Borough Council of West Middlesex Borough, Mercer County, Pennsylvania this 27 day of June, A.D., 1996.

Borough of West Middlesex
MERCER COUNTY, PENNSYLVANIA



President - Borough Council

(SEAL)

ATTEST:



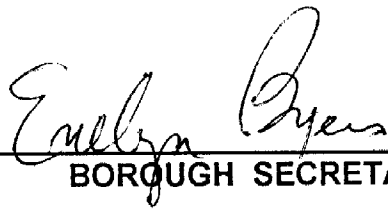
BOROUGH SECRETARY

ARTICLE XIX

CERTIFICATION

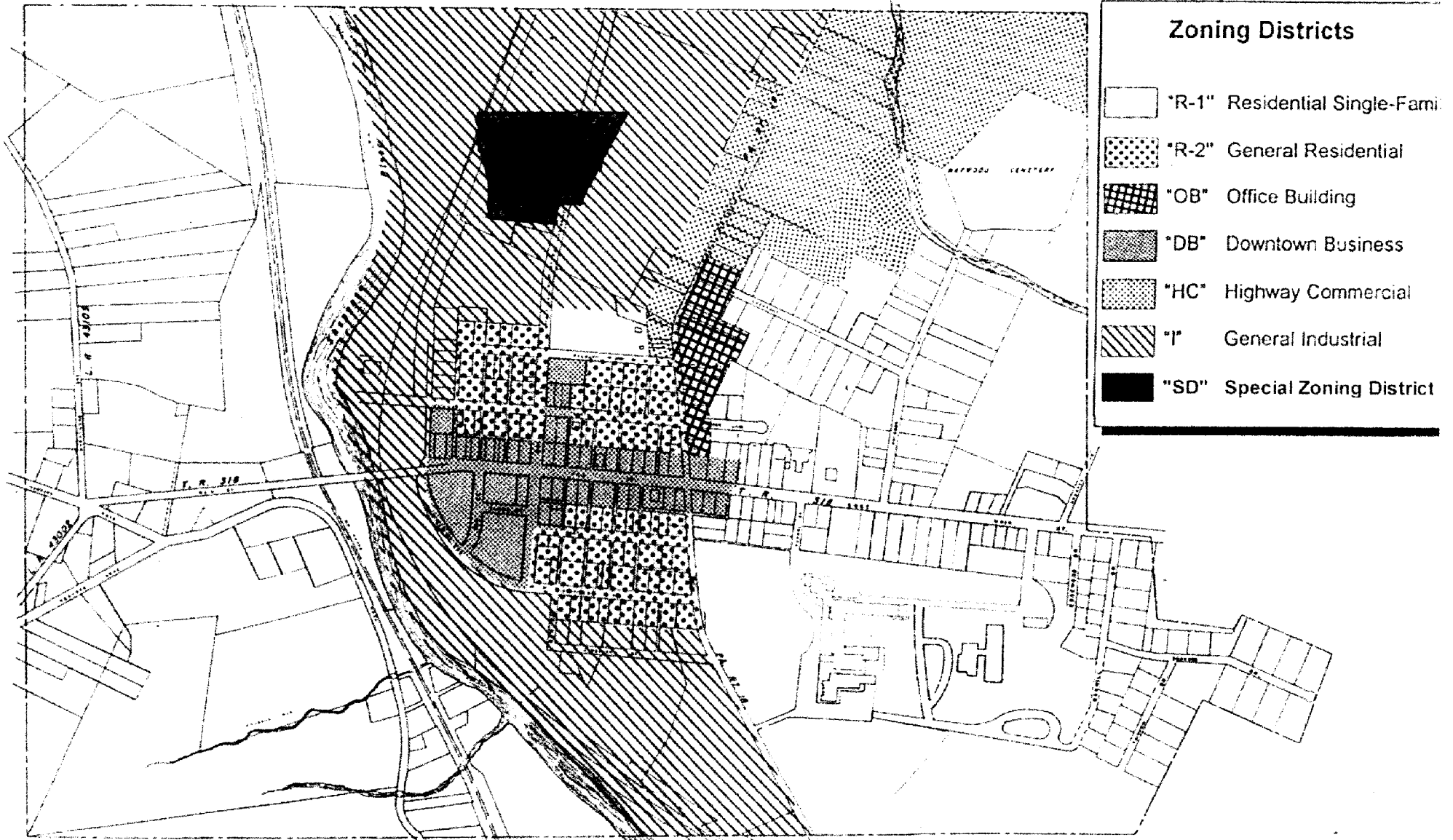
Section 1900: Certification

I do hereby certify that the foregoing is a true copy of Ordinance Number 4-96
adopted by the Borough Council of West Middlesex Borough, Mercer County,
Pennsylvania on JUNE 17, A.D., 96.



BOROUGH SECRETARY

West Middlesex Borough Zoning Map



prepared by the Mercer County
Regional Planning Commission
Zoning Map 2000

Scale

