

Article IX — General Regulations

§ 21-901	Purpose.....	21-70
§ 21-902	Overall Requirements.	21-70
§ 21-903	Exceptions.	21-71
§ 21-904	Accessory Building Requirements.	21-72
§ 21-905	General Yard Requirements.	21-72
§ 21-906	Traffic Visibility at Intersections.....	21-73
§ 21-907	Maximum Height of Buildings.	21-73
§ 21-908	Noise.....	21-73
	(a) In General.	21-73
	(b) Maximum Permissible Sound-Pressure Levels.	21-74
	(c) Corrections for Certain Noise.....	21-74
§ 21-909	Smoke, Dust, Fumes, etc.....	21-75
§ 21-910	Heat and Glare.....	21-75
§ 21-911	Vibrations.	21-75
§ 21-912	Power.....	21-75
§ 21-913	Storage and Disposal.....	21-75
§ 21-914	Light Control.....	21-76
	(a) Height.....	21-76
	(b) Diffusion.....	21-76
	(c) Shielding.	21-76
	(d) Flickering.....	21-76
	(e) Maximum Candlepower.	21-76
	(f) Measurement.	21-76
	(g) Street Lighting Exempted.....	21-76
§ 21-915	Exterior Speakers or Microphones.....	21-77
§ 21-916	Minimum Size of Dwellings.	21-77
§ 21-917	Mobile Home Siting.....	21-77
§ 21-918	Substandard Lots.....	21-78

Article IX — General Regulations

§ 21-901 Purpose.

This Article contains general regulations which apply to several or all districts and which do not require special action by the Planning Commission (except for subdivisions) or special exceptions or variances by the Zoning Hearing Board.

§ 21-902 Overall Requirements.

(a) Every principal building shall be built upon a lot with frontage upon a street improved to meet borough standards or for which such improvements have been ensured by the posting of a performance guaranty pursuant to Chapter 22 (relating to Subdivision and Land Development), or shall have access to a private street approved by the Pennsylvania Department of Transportation and the Planning Commission.

(b) The yard or other open space provided about any buildings for the purpose of complying with the provisions of this Chapter shall not be considered as providing a yard or open space for any other building, and neither shall a yard or other open space on another lot be considered as providing a yard or open space for the building on any other lot.

(c) Where two (2) or more main buildings for other than residential uses are proposed to be built upon property in one (1) ownership, front, side, and rear yards are required only at lot lines abutting other property.

(d) No soil, mineral, or similar material may be removed from any lot unless a zoning permit is first secured. Site and street grading, but not including excavations for construction purposes, may be initiated prior to obtaining a permit. The deposit of soils, detritus, or other de-

bris which would be unsightly or detrimental to surrounding properties, streets, sewers, and natural waterways as a result of site preparation, grading, and/or excavating shall be prohibited.

(e) Notwithstanding any provision of this Chapter to the contrary, if a residential use is established on a lot in a residential District (R-1, R-2, or R-3), no other use may also be established on such lot, *unless* such other use:

(1) is one of the following uses—

(A) Crop farming and tilling of the soil;

(B) Farmstead and related accessory buildings necessary for farm operations;

(C) A use, other than a business, which is accessory to and customarily incidental to any use lawfully established on the lot; **or**

(D) Home office or business;

(2) is permitted in the applicable zoning district by right, conditional use, special exception, or as an accessory use, and all permits, conditional use approvals, and/or special exception approvals required to establish the use in the zoning district, if any, have been obtained; **and**

(3) complies in all respects with the area, height, yard, and other requirements of the applicable zoning district.

§ 21-903 Exceptions.

(a) The height limitations of this Chapter shall not apply to church spires, belfries, cupolas, penthouses, and domes not used for human occupancy; nor to chimneys, ventilators, skylights, water tanks, bulkheads, and similar features, and necessary mechanical appurtenances usually carried above roof level.

(b) Nothing herein contained shall prevent the projection of an emergency exit (open fireproof escape) into a required rear or side yard for a distance not to exceed eight (8) feet, but in no case to project beyond the property line.

(c) Any parcel of land with an area or width less than that prescribed for a lot in the district in which such parcel is located as of March 5, 1975, when the owner thereof owns no adjoining land, may be used as a lot for any purpose permitted in the district, *provided* that all other regulations prescribed for the district by this Chapter are complied with.

(d) Where there is as of March 5, 1975 a lot whose width and area are less than that required for the district in which said lot is located, where the side yard or front yard requirements cannot be met, and where the lot is flanked by buildings existing on the two (2) lots adjoining at the side, both being in other ownership:

(1) The lot shall be permitted to be built or rebuilt upon in any district without requirement of side yards wider than the respective adjacent side yards existing on the adjoining lots.

(2) No front yard shall be permitted which is less than the average distance of setback of the nearest main building or buildings within one hundred (100) feet on each side of the said lot and fronting on the same side of the street.

(e) No requirements for rear yards, side yards, or yard area contained in this Chapter shall prevent the construction of a private garage within the required rear yard of a lot not meeting the requirements of this Chapter upon which a dwelling has been erected prior to March 5, 1975.

§ 21-904 Accessory Building Requirements.

(a) No accessory building, unless it is structurally a part of the main building, shall be erected, altered, or moved to a location within five (5) feet of the nearest wall of the main building. An accessory building shall not be within the required front yard on the lot, except it may be located to within three (3) feet of any property line in the required rear or side yard unless otherwise specified herein, *provided* such accessory building shall not exceed twenty (20) feet in height.

(b) No accessory building located in the rear yard of a corner lot shall be nearer to a side street lot line than the required depth of the front yard or a distance of forty percent (40%) of the lot width, whichever is less.

§ 21-905 General Yard Requirements.

(a) Where a street or highway shown on the Alburtis Comprehensive Plan Map has a proposed right-of-way (page 87 in Comprehensive Plan) greater than that existing, the front yard requirements shall be measured in accordance with the proposed right-of-way.

(b) Ground-story bays and porches not over half the length of the front wall may project a distance of five (5) feet into any front yard. Chimneys, flues, columns, sills, ornamental features, cornices, and gutters may project not more than two (2) feet into any front yard.

(c) Bays, balconies, chimneys, and flues may project into a required side yard not more than one-third (1/3) of its width or not more than four (4) feet, whichever is less. Ground-story bays and porches not over half the length of the side wall may project into any side yard for a distance of four (4) feet.

(d) Surface parking structures and lots shall be subject to required setbacks of the district where in the facility is located, except that subsurface parking structures may extend to the property lines.

(e) Off-street parking may be permitted in required yard areas, provided there is no encroachment into required sight triangles, *provided* that no more than fifty percent (50%) of the affected required yard area is utilized, and provided that it is not possible or desirable to place the required off-street parking elsewhere on the lot.

(f) In the case of a corner lot, the front yard requirements for the applicable district shall apply along only one of the streets on which the lot abuts. All other front yards shall be not less than fifteen (15) feet.

(g) In the case of irregularly shaped lots, the minimum lot width specified in the district shall be measured at the rear line of the required front yard, *provided* that in no case shall the lot frontage measured at the street right-of-way line be less than seventy percent (70%) of the minimum lot width. In measuring the depth of rear yards, average dimensions may be used where the rear lot line is not parallel to the street line.

§ 21-906 Traffic Visibility at Intersections.

(a) No fence, wall, hedge, shrub, or planting shall be maintained between thirty (30) inches above curb level and ten (10) feet above curb level within the triangular area formed by the street or alley property lines and a line connecting them at points fifteen (15) feet from the intersection of the property lines or, in the case of a rounded property corner, from the intersection of the property lines extended.

(b) On any lot where a private drive enters a street, no obstruction between thirty (30) inches above curb level and ten (10) feet above curb level shall be located within the triangular area formed by the street property line, the private drive line, and a line connecting them at points eight (8) feet from their intersection.

(c) In any district where signs are permitted, a pole(s) or standard(s) may be located at any point within a required yard or sight triangle if, between the level of thirty (30) inches above curb level and the level of ten (10) feet above curb level, the diameter or greatest dimension of the supporting pole(s) or standard(s) does not exceed ten (10) inches.

§ 21-907 Maximum Height of Buildings.

(a) No building shall exceed the maximum height of buildings specified in this chapter.

(b) Height shall be measured as the vertical distance derived from the average finished grade at the foundation corners of the building or structure to the highest point of the building or structure, excluding a chimney or other similar structure.

§ 21-908 Noise.

(a) **In General.** The sound level of any operation (other than outdoor athletic facilities and the operation of motor vehicles or other transportation facilities, operations involved in the construction or demolition of structures, emergency alarm signals, or time signals) shall not exceed the decibel levels in the designated octave bands as stated below. The sound-pressure level shall be measured with a sound-level meter and an octave band analyzer that conforms to specifications published by the American Standards Association (American Standard Sound Level Meters for Measurement of Noise and Other Sounds, Z 24.3 - 1944, American Standards Associ-

ation, Inc., New York, New York, and the American Standard Specification for Octave-Band Filter Set for the Analysis of Noise and Other Sounds, Z 24.10 - 1953, American Standards Association, Inc., New York, New York, shall be used).

(b) **Maximum Permissible Sound-Pressure Levels.** The maximum permissible sound-pressure levels for smooth and continuous noise shall be as follows (all of the decibel levels stated below shall apply for each use):

Frequency Band (cycles per second)	Maximum Permitted Sound-Pressure Level (decibels)
0-150	67
150-300	59
300-600	52
600-1,200	46
1,200-2,400	40
2,400-4,800	34
Above 4,800	32

(c) **Corrections for Certain Noise.** If the noise is not smooth and continuous or is radiated during sleeping hours, one (1) or more of the corrections shall be added to or subtracted from each of the decibel levels given above:

Type of Operation and Character of Noise	Correction in Decibels
Noise occurs between the hours of 10:00 P.M. and 7:00 A.M.	-3
Noise occurs less than 5% of any one-hour period from 7:00 A.M. to 10:00 P.M.	+5
Noise is of periodic character (hum, scream, etc.) or is of impulsive character (hammering, etc.). (In the case of impulsive noise, the correction shall apply only to the average pressure during an impulse, and impulse leaks shall not exceed the basic standards given above)	-5

§ 21-909 Smoke, Dust, Fumes, etc.

The emission of smoke, dust, fumes, gases, odors, mists, vapors, pollens, and similar matter, or any combination thereof, which can cause any damage to human or animal health, or vegetation, or to property, or which can cause any soiling or staining of persons or property at the point beyond the lot line of the use creating the emission, is prohibited. Standards concerning such emissions shall be in accord with the rules and regulations of the Commonwealth of Pennsylvania or any applicable Borough ordinance, whichever is more restrictive.

§ 21-910 Heat and Glare.

Any operation producing glare and/or heat shall be performed within an enclosed building or in such a manner as not to be visible or to produce any effect beyond the property line of the lot on which the operation is located.

§ 21-911 Vibrations.

No use shall cause earth vibrations or concussions detectable beyond its lot lines without the aid of instruments, with the exception of that vibration produced as a result of construction activity.

§ 21-912 Power.

Every use requiring power shall be so operated that the service lines, substation, or other facilities shall conform to the highest safety requirements and shall be so constructed and installed as to be an integral part of the architectural features of the plant and, except for essential poles and wires, shall not extend into any yard and shall be suitably screened from streets or any adjacent property which would be deleteriously affected by such installations.

§ 21-913 Storage and Disposal.

The following regulations shall apply to the storage of materials and the disposal of materials:

(a) No highly flammable or explosive liquids, solids, or gases shall be stored in bulk above ground, except tanks or drums of fuel directly connecting with energy devices, heating devices, or appliances, located and operated on the same lot as the tanks or drums of fuel.

(b) All outdoor storage facilities for fuel, raw materials, and products, and all fuel, raw materials, and products stored outdoors, shall be enclosed by an approved safety fence.

(c) No materials or wastes shall be deposited upon a lot in such form or manner that they may be transferred off the lot by natural causes or forces, nor shall any substance which can contaminate a stream or watercourse or otherwise render such stream or watercourse undesirable as

a source of water supply or recreation, or which will destroy aquatic life, be allowed to enter any stream or watercourse.

(d) All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible or otherwise attractive to rodents or insects shall be stored outdoors only if enclosed in containers which are adequate to eliminate such hazards.

(e) No raw materials, products, or equipment shall be stored outside of an enclosed building in any district other than the L-1 Light Industrial-Office Research District.

§ 21-914 Light Control.

(a) **Height.** No luminaire, spotlight, or other light source that is within two hundred (200) feet of a dwelling unit or residential district shall be placed at a height exceeding thirty (30) feet above the average surrounding ground level. This limitation shall not apply to lights needed for air safety nor lights intended solely to illuminate an architectural feature.

(b) **Diffusion.** All light sources, including signs, shall be properly diffused as needed with a translucent or similar cover to prevent exposed bulbs from being directly visible from abutting streets or lots. No spotlight shall be directed such that the bulb itself is directly visible from a public street or dwelling.

(c) **Shielding.** All light sources, including signs, shall be shielded around the light source and carefully directed and placed to prevent the lighting from creating an annoyance to a reasonable person in a nearby dwelling or residentially-zoned area, and to prevent the lighting from shining into the eyes of passing motorists.

(d) **Flickering.** Flashing, flickering, or strobe lighting is prohibited, except for non-advertising seasonal lights between November 15th and January 3rd.

(e) **Maximum Candlepower.** No lighting source, including signs, shall be operated in such a way as to cause an illumination of greater than any of the following amounts, measured on the surface at the lot line of the receiving lot or street:

(1) 0.1 foot-candles spillover at the lot line of a lot used for residential purposes or located in a residential district, between the hours of 10:00 P.M. and 7:00 A.M.;

(2) 0.5 foot-candles spillover at the lot line of a lot used for residential purposes or located in a residential district, between the hours of 5:00 P.M. and 10:00 P.M.;

(3) 4.0 foot-candles spillover at any other lot line or street right-of-way line.

(f) **Measurement.** The maximum illumination levels set forth in subsection (e) shall be measured with a photoelectric photometer having a spectral response similar to that of the human eye. The standards of the International Commission on Illumination shall serve as a general guide in measurements in case of uncertainty. A foot-candle is defined as a unit of measurement equaling the illumination on a surface one square foot in area where there is a distribution of light having a candlepower of one candela.

(g) **Street Lighting Exempted.** This § 21-914 shall not apply to street lighting that is owned or maintained by the Borough or the Commonwealth of Pennsylvania.

§ 21-915 Exterior Speakers or Microphones.

Any exterior speaker or microphone shall be located, directed, and/or screened to prevent objectionable noise impact on adjoining residential properties. No exterior speaker or microphone shall be located within thirty (30) feet of any lot which is used for residential purposes or is located in a residential zoning district, and no exterior speaker or microphone which is located within one hundred (100) feet of any lot which is used for residential purposes or is located in a residential zoning district shall be operated between the hours of 9:00 P.M. and 8:00 A.M.

§ 21-916 Minimum Size of Dwellings.

The minimum size of living-space floor area for dwellings erected in any district shall be nine hundred (900) square feet for a one-family dwelling and one thousand six hundred fifty (1,650) square feet for a two-family dwelling [eight hundred (800) square feet minimum for each of the two (2) living units within the building]. Living-space floor area shall be considered to be the area of the one (1) or more main floors of the dwelling, measured from the exteriors of the four (4) main walls, not including the floors of an attached garage, breezeway, carport, or open porch, or the floor of a basement with ceiling less than four (4) feet above the average exterior ground level. Finished or unfinished attic space having fixed, permanent stairway access and an average height of five (5) feet from floor to roof may be included in living-space floor area, *provided* at least forty percent (40%) of such area has a height of at least eight (8) feet similarly measured, and that all provisions of § 21-906 shall be met.

§ 21-917 Mobile Home Siting.

All mobile home placements on an individual lot, whether or not a mobile home lot, shall satisfy the following minimum conditions:

(a) The mobile home shall be situate on a foundation which, for purposes of this Chapter, shall be known as the “stand”. The stands or lot shall be elevated on compacted fill, or on pilings, so that the lowest floor of the mobile home shall be at least one and one-half (1-1/2) feet above the elevation of the line for floods having an average frequency of occurrence on the order of once in one hundred (100) years.

(b) The stands shall be constructed from material sufficient to adequately support the mobile home and prevent abnormal settling or heaving. The corners of the mobile home shall be anchored to prevent wind overturn and rocking with tie-down, such as concrete “dead-men”, screw augers, arrowhead anchors, or other devises suitable to withstand a tension of at least two thousand eight hundred (2,800) pounds and otherwise to resist floatation, collapse, or lateral movement.

(c) The mobile home site shall be provided with adequate surface drainage and adequate access for a hauler.

(d) After a mobile home has been anchored to the mobile home stand, the hitch which is employed for the transportation of the mobile home shall be removed if the same can be accomplished without damaging the mobile home. Further, a skirt shall be installed around the base of the mobile home.

(e) All mobile homes placed on a permanent foundation or on foundation piers shall be designed and constructed to comply with all of the requirements of Chapter 31 (relating to Building Construction) for on-site and prefabricated construction.

§ 21-918 Substandard Lots.

Notwithstanding any other provision of this Ordinance to the contrary, Council may approve as a conditional use, in accordance with the provisions of Article XIII (relating to Conditional Uses and Special Exceptions), the creation and use of a lot which fails to satisfy one or more of the dimensional requirements of §§ 21-407, 21-408, 21-507, 21-508, 21-607, 21-608, 21-707, 21-708, 21-808, and 21-809, so long as the lot is restricted to use as:

(a) a buffer area, a detention or retention pond, or a way of passage for pedestrian, vehicles, or utilities, *provided* that the lot is identified on all applicable subdivision plans as “Not a Building Lot”;

(b) a water ejector station; or

(c) a public facility owned or operated by the Borough or other government unit;

and such use on the substandard lot is not detrimental to the public health, safety, or general welfare.