

**PART 7**

**GENERAL REGULATIONS**

**Section 701. Application.**

Unless otherwise specified elsewhere in this Chapter, the regulations contained in this Part 7 of this Chapter shall apply to all uses within the Borough of Wormleysburg.

**Section 702. Accessory Buildings and Similar Structures.**

In all zoning districts, accessory buildings and/or similar structures, including but not limited to detached garages, carports, barns, storage buildings, sheds, garden structures, etc., are permitted subject to the following criteria:

- A. Accessory buildings and similar structures shall not be erected, set, placed or otherwise permitted to be constructed upon a lot until the construction of the principal use has actually begun, except as provided in this subsection and elsewhere in this Chapter:
  - 1. For purposes of this subsection, accessory building shall mean storage buildings, sheds, garden structures, or similar structure, and may be erected, set, placed or otherwise permitted to be constructed upon a vacant lot in accordance with the following:
    - a. Said accessory building or similar structure shall:
      - (1). Be less than ten (10) feet in height;
      - (2). Have a building footprint of less than one hundred (100) square feet;
      - (3). Not be located upon a permanent foundation, but must be anchored;
      - (4). Be located within twenty (20) feet of the rear lot line; and
      - (5). Be set back at least two (2) feet from any side or rear lot line.
- B. Accessory buildings and similar structures shall be located no closer than five (5) feet to the closest point of any exterior wall of the principal building on the same lot; otherwise they shall be attached to the principal building and shall be considered as part of that principal building.
- C. Accessory buildings and similar structures shall comply with the yard, setback, and other dimensional requirements of the applicable zoning district relating to accessory buildings and similar structures, except as otherwise provided for in this Section:
  - 1. For accessory buildings and similar structures located in the Residential Zoning Districts or Mixed Use Zoning Districts on a lot with a residential use upon it:
    - a. No more than two (2) accessory buildings or similar structures may be located on a lot used for single family dwellings and two-family dwellings.
    - b. The gross floor area for all accessory buildings and similar structures shall not exceed fifty (50) percent of gross floor area of the principal building.

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- c. Accessory buildings and similar structures that are less than fifteen (15) feet in height, have a building footprint of less than one hundred (100) square feet, and which are not located upon a permanent foundation, shall be set back at least two (2) feet from any lot line.
  - d. When a private garage, carport, and other similar enclosed structures that is designed for the parking and/or storage of motor vehicles, abuts and has direct access to an alley, such structures shall be set back at least five (5) feet from the alley right-of-way or fifteen (15) feet from the centerline of the alley, whichever is greater.
  - e. For lots containing single family semi-detached dwellings and/or single family attached dwellings, accessory buildings and similar structures may be attached to similar accessory buildings and similar structures on abutting lots and may have the same side setback as the principal building at the shared lot line, provided that the owner of the abutting lot and building provides notarized, written consent.
  - f. Accessory buildings and similar structures that can be described as “children’s swing sets”, “children’s play equipment”, “tree houses” and “play houses”, shall be set back at least two (2) feet from any lot line.
2. The total building footprint of all accessory buildings or similar structures on a lot shall not exceed the building footprint of the principal structure on the same lot.
- D. Swimming pools shall comply with Chapter 23 relating to swimming pools
- E. All accessory buildings and similar structures shall comply with all applicable standards herein this Chapter, Chapter 5 relating code enforcement, and elsewhere.

**Section 703. All Uses Must Show Compliance With Applicable Code and Licensing Requirements.**

In all zoning districts, all uses as applicable, must comply with Borough building, health, housing, rental, safety, property and other applicable local, county, state, and federal code and licensing requirements. All such licenses, certificates, and permits shall have been obtained and presented to the Borough, or shall be a condition of approval.

**Section 704. Alternative Energy Systems.**

In all zoning districts, accessory energy systems shall be permitted subject to the following criteria:

- A. Accessory Solar Energy Systems.
  - 1. The design and installation of solar energy systems shall conform to Chapter 5 relating to code enforcement, and with all other applicable Borough electrical, fire, life safety, and other similar standards.
  - 2. The design and installation of solar energy systems shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI), Underwriters Laboratories, the American Society for Testing and Materials (ASTM), or other similar certifying organizations. The manufacturer’s specifications shall be submitted as part of the application.
  - 3. All solar energy systems shall be designed and located to ensure solar access without reliance on or interference from adjacent properties.

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4. All solar energy systems shall be designed and located to prevent reflective glare toward any inhabited structure on adjacent properties as well as adjacent street rights-of-way.
5. All on-site utility and transmission lines that are part of the solar energy system shall, to the maximum extent feasible, be placed underground.
6. All solar energy systems shall, to the maximum extent feasible, be inconspicuously sited when viewed from adjacent street rights-of-way.
7. All solar energy systems shall, to the maximum extent feasible, be sited so that tree removal is not required. If any trees are to be removed, the applicant shall submit a plan demonstrating the need to remove trees and a plan for the replacement of the trees.
8. Roof and wall mounted solar energy systems shall be sited in accordance with the following:
  - a. Solar energy systems located on the roof of any structure shall not extend beyond the existing overhangs of the structure's roof.
  - b. Solar energy systems located on a pitched roof of any structure shall not extend vertically above the highest point (peak) of the pitched roof of the structure, as viewed from the lot line.
  - c. Solar energy systems located on a roof of any structure shall be the same slope as, or parallel to the pitched roof.
  - d. Solar energy systems located on a flat roof shall not exceed fifteen (15) feet in height above the height of the roof. In all zoning districts such facilities shall be screened by parapets, walls, fences, or other approved means as viewed from the lot line, except for the O Zoning District and GC Zoning District.
  - e. All solar energy systems mounted on roofs and walls of any structure shall be subject to the maximum height regulations specified within the applicable zoning district.
  - f. No solar energy system shall be attached to, or sited along the front facade (wall) or front building line of any principal building.
9. If the solar energy system is unable to be located on a roof or a wall of a structure as is preferred, then placement of free standing, ground mounted solar energy systems shall be provided in accordance with the following:
  - a. In addition to any yard and setback requirements set forth in this Section, all freestanding, ground mounted solar energy systems shall comply with all yard and setback requirements for accessory structures in the applicable zoning district.
  - b. All freestanding, ground mounted solar energy systems shall be set back from all property lines and street rights-of-way a distance equal to the total height of the solar energy system.
  - c. Freestanding, ground mounted solar energy systems shall not exceed fifteen (15) feet in height.
  - d. For purposes of determining the maximum surface area of all freestanding, ground mounted solar energy systems, the maximum surface area shall be considered the total

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surface area of the cumulative solar panels; where two (2) or more panels are grouped together, the total dimensions (length and width) of each panel shall be the cumulative dimension of the panels. The maximum surface area of all freestanding, ground mounted solar energy systems on any lot in:

- (1). Residential use shall not exceed fifteen (15) percent of the total lot area;
  - (2). Nonresidential use, except for the O Zoning District or GC Zoning District, shall not exceed twenty-five (25) percent of the total lot area.
  - (3). There shall be no maximum surface area requirement in the O Zoning District or GC Zoning District.
10. All applications for solar energy systems shall include the information required for a site plan approval pursuant to Part 12 of this Chapter relating to *Applications for Zoning Permits*. In addition, the applicant shall submit:
- a. A completed glare study ensuring that reflective glare is not directed towards nor upon any adjacent properties or adjacent street rights-of-way. The glare study shall include:
    - (1). Angle of the solar collector system panels, arrays, cells, etc. at the location;
    - (2). A diagram showing the maximum and minimum angles of reflective glare from the solar collector system panels, arrays, cells, etc. at the location and the relationship of that glare to adjacent properties, structures and rights-of-way; and,
    - (3). Mitigation plan that limits or eliminates reflective glare on adjacent properties, structures, and rights-of-way.
  - b. Certification from a qualified professional engineer licensed and registered to practice in the Commonwealth of Pennsylvania that the proposed installation of the solar energy system will not exceed the structural capacity of the building or other structure, considering wind and other loads associated with any solar energy system, and applicable requirements of Chapter 5 relating to code enforcement; and
  - c. Confirmation that the public utility company has been informed of the customer's intent to install an interconnected customer-owned generator and also approves of such connection. Off-grid systems shall be exempt from this requirement.
11. Prior to the issuance of a permit for the installation of a solar energy system, the applicant shall provide the Zoning Officer with written confirmation that the public utility company has been informed of the customer's intent to install an interconnected customer-owned generator and also approves of such connection. Off-grid systems shall be exempt from this requirement.

B. Accessory Wind Energy Systems.

1. The design and installation of wind energy systems shall be in strict accordance Chapter 5 relating to code enforcement, and with all other applicable Borough electrical, fire, life safety, and other similar standards.
2. The design and installation of all wind energy systems shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI), Underwriters

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Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energies, the American Society for Testing and Materials (ASTM), or other similar certifying organizations, or as approved under an emerging technology program (e.g., the California Energy Commission, International Electrotechnical Commission), or any other wind certification program recognized by the American Wind Energy Association (AWEA) or the U.S. Department of Energy. The manufacturer's specifications shall be submitted as part of the application.

3. All on-site utility and transmission lines as part of the wind energy shall system shall, to the extent feasible, be placed underground.
4. All wind turbines shall have a flat finish and non-obtrusive colors (e.g., white, off-white, or gray) as applied by the manufacturer in order to reduce the visual impact to the extent feasible.
5. All wind turbine towers shall be painted silver or have a galvanized finish retained in order to reduce the visual impact to the extent feasible. Towers may be painted green or brown up the height of nearby trees.
6. All wind energy systems shall be equipped with manual—electronic or mechanical—and automatic over-speed controls to limit the blade rotation speed to within the design limits of the wind energy system.
7. Wind energy systems shall not be installed in any location where they would interfere with existing fixed broadcast, re-transmission, or reception antenna. This includes interference with residential radio, television, or wireless phone, or other personal communication system reception. No wind energy system shall be installed in any location along the major axis of an existing microwave communication link where its operation is likely to produce electromagnetic interference in the link's operation.
8. All wind energy systems shall, to the extent feasible, be sited to prevent shadow flicker on any adjacent properties as well as any adjacent street rights-of-way.
9. In addition to any yard and setback requirements set forth in this Section, all wind energy system shall comply with the yard and setback requirements for accessory structures in the applicable zoning district.
10. Wind turbines shall be set back a distance equal to the total height of the wind turbine from all property lines, streets and other rights-of-way, and overhead utility lines.
11. The maximum height of wind energy systems shall comply with the following:
  - a. For all roof mounted wind turbines, the height of the wind turbine shall not exceed the height of the existing building by more than fifteen (15) feet.
  - b. For lots less than one-half (1/2) acre in area, wind turbines shall be roof mounted. The maximum rotor diameter for wind turbines shall be six (6) feet.
  - c. For lots between one-half (1/2) acre but less than one (1) acre, the wind turbines may be sited on wind turbine towers, the turbine height shall be limited to seventy-five (75) feet, or twenty (20) feet above the tree line, whichever is lower.
  - d. For lots greater than or equal to one (1) acre, wind turbines may be sited on wind turbine towers, the turbine height shall be limited to one hundred twenty (120) feet or forty (40) feet above tree line, whichever is lower.

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- e. The maximum height of any wind turbine in the O Zoning District or GC Zoning District, regardless of lot area shall be one hundred forty (140) feet.
12. For all wind energy systems not otherwise mounted on a roof, unauthorized access to the turbine and tower shall be prevented by design, with a minimum of twelve (12) feet from the ground to the bottom of the ladder. All doors to turbine and tower shall be locked.
  13. The minimum height of the lowest position of the wind turbine shall be fifteen (15) feet above the ground. If the wind turbine proposed is a Vertical Axis Wind Turbine (also referred to as a 'helix type' turbine or VAT), the height between the lowest point of the turbine and the ground may be reduced to eight (8) feet.
  14. Wind energy systems shall not be lighted, except to comply with applicable Federal Aviation Administration (FAA) regulations.
  15. No portion of any wind energy system shall extend over parking areas, access drives, driveways or sidewalks.
  16. Unless otherwise prohibited or regulated in Part 8 of this Chapter, wind energy systems shall not display advertising, except for reasonable identification of the wind energy system's manufacturer. Such sign shall have an area of less than four (4) square feet.
  17. When an accessory building or structure is necessary for storage cells or related mechanical equipment, the accessory building shall comply with the accessory building and structure requirements specified within the applicable zoning district.
  18. All applications for wind energy systems shall include the information required for a site plan approval pursuant to Part 12 of this Chapter relating to *Applications for Zoning Permits*. In addition, the applicant shall submit:
    - a. A plot / site plan showing:
      - (1). Property lines and physical dimensions of all areas of the subject property that are within a distance equal to two (2) times the total height of the wind energy system.
      - (2). Location, dimensions, and types of existing principal and accessory structures on the property.
      - (3). Location of the proposed wind energy system tower, foundations, guy anchors, and associated equipment.
      - (4). The rights-of-way of any public street abutting the property.
      - (5). Any overhead utility lines.
    - b. Wind energy systems system specifications, including manufacturer and model, rotor diameter, tower height, and tower type—freestanding or guyed.
    - c. Certification from a qualified professional engineer licensed and registered to practice in the Commonwealth of Pennsylvania that the tower has been designed and will be constructed in accordance with the current industry standards and applicable

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requirements of Chapter 5 relating to code enforcement. A copy of the foundation analysis shall also be provided.

19. Prior to the issuance of a permit for the installation of a wind energy system, the applicant shall provide the Zoning Officer with written confirmation that the public utility company has been informed of the customer's intent to install an interconnected customer-owned generator and also approves of such connection. Off-grid systems shall be exempt from this requirement.

**Section 705. Appurtenant Service Equipment Screening and Location for Non-Residential and Other Uses.**

In all zoning districts, for uses other than single family detached, single family semi-detached, and two-family dwellings, appurtenant service structures and areas including solid waste dumpsters, trash and refuse bins, and recycling containers; propane tanks; air conditioning units and condensers, except window units; generators; electrical transformers; and other similar appurtenant equipment or elements providing essential services to a building or lot are permitted subject to the following criteria:

- A. Appurtenant service equipment, structures, and areas including solid waste dumpsters, refuse and recycling containers, propane tanks, air conditioning units and condensers, except window units, electrical transformers and other equipment or elements providing essential services to a building or a lot shall not be located:
  1. In the front yard between the principal building and the public street, excluding alleys, or within any required front setback in the Residential Zoning Districts or Mixed Use Zoning Districts;
  2. In any required accessory use or structure setback, excluding those lot lines abutting any alley, or a required buffer yard;
  3. In any area of a parking lot that causes obstructed access to designated parking spaces; nor
  4. Within ten (10) feet of the Residential Zoning Districts or an existing residential use in the Mixed Use Zoning Districts.
- B. In addition to the following requirements, all service structures and areas shall be screened on all sides with a minimum of one hundred (100) percent opacity in accordance with Part 7 of this Chapter relating to *Buffer and Screening Regulations*.
  1. Required screening shall enclose any service structure on all sides unless such structure must be frequently moved, in which case screening on all but one (1) side is required.
  2. Fencing, if erected, shall be constructed of the same color and material as the principal building of a lot, but may be a decorative masonry wall, excluding exposed "cinder block". If solid weather-resistant wood or material of similar appearance (e.g., white vinyl vertical planks) is used, vegetative screen planting shall also be provided. The fence or wall shall include a self-latching door or gate. In no case shall "chain link" material or pattern fencing be used for screening.
  3. The average height of the screening shall be one (1) foot more than the height of the enclosed structure, but shall not be required to exceed eight (8) feet in height unless specified otherwise by this Chapter.
  4. When a service structure is located adjacent to a building wall, perimeter landscaping material may fulfill the screening requirements for that side of the service structure if that wall or

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screening material is of an average height sufficient to meet the height requirement set forth in this Section.

5. Although service structures may be screened by plant material, such plant material may not count towards the fulfillment of any required landscaping.
  6. Whenever screening material is placed around any solid waste or trash disposal unit that is emptied or removed mechanically on a regular basis, a fixed barrier (e.g. mounted metal brackets) to contain the placement of the container shall be provided within the screening on those sides where there is such material. The barrier shall be at least eighteen (18) inches from the screening and shall be of sufficient strength to prevent possible damage to the screening when the container is moved. The minimum front opening of the screening shall be twelve (12) feet to allow service vehicles access to the container.
- C. Kitchen windows capable of being opened, and ventilation equipment outlets and other similar equipment associated with food service, restaurants, taverns / bars, and other similar food and drink service uses shall not be located or oriented directly toward any abutting property in the Residential Zoning Districts or existing residential use in the Mixed Use Zoning Districts.
  - D. All ventilation equipment outlets, fume collection, and other similar equipment associated with any service / repair work area(s) and/or service / repair bay doors / openings for non-residential uses, shall not be located or oriented directly toward any abutting property in the Residential Zoning Districts or existing residential use in the Mixed Use Zoning Districts.
  - E. For all non-residential uses, mixed uses, and multi-family dwelling uses in the Residential Zoning Districts or Mixed Use Zoning Districts, all rooftop mounted equipment and other similar appurtenances including stair wells, air conditioning units, large vents, heat pumps, and mechanical equipment, shall to the maximum extent feasible, be inconspicuously sited on the roof, screened via use of parapets, walls, fences, landscaping, or other approved screening, or integrated be within the roof form, so as to not be viewed from adjacent street rights-of-way, excluding alley. When fencing is proposed to be used as a rooftop equipment screen, it shall be designed to be architecturally compatible with the principal building, including design, materials, and colors.
  - F. The locations of all service structures and screening shall be shown on all site plans and land development plans submitted to the Borough of Wormleysburg.
  - G. This Section shall not apply to dumpsters temporarily placed during actual construction or demolition on the premises.

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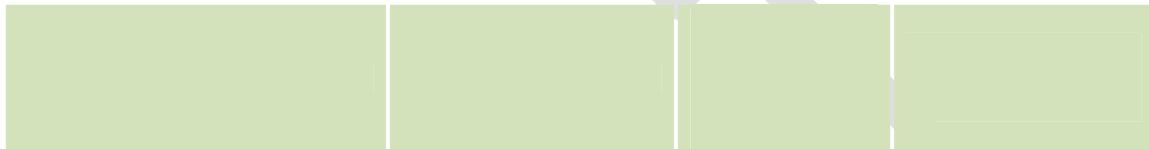


**Section 706. Buffer and Screening Regulations.**

In all zoning districts, buffering and screening shall be provided in all zoning districts subject to the following criteria:

- A. Required buffer yard and screening shall be provided on a lot proposed for development of non-residential uses and/or higher density/intensity residential dwelling types and extend the entire length of the lot line abutting a Residential Zoning District and/or lower density/intensity residential dwelling lots. See Table 7-1 Required Buffer Yards and Screening for required minimum buffer yard widths and required minimum screening opacity:

**TABLE 7-1  
REQUIRED BUFFER YARDS AND SCREENING**



\* Where an existing or former residential building is being proposed for reuse for a permitted non-residential use, and where there is insufficient distance between said building and the abutting lot line to achieve the required five (5) foot buffer yard, there shall be no buffer yard required for the area of the lot where said building is located, as long as screening with no less than one hundred (100) percent opacity is provided in the area of the lot where said building is located. Remaining portions of the lot shall comply with the buffer yard and screening requirements provided for elsewhere in this Section.

- B. No buffer yard shall be required for a non-residential use, mixed use, or higher density residential dwelling type use separated from the Residential Zoning Districts and/or existing lower density residential dwelling type lots in the Mixed Use Zoning Districts (as applicable) by a public street right-of-way, excluding alleys.
- C. All required buffer yard areas shall be planted and maintained with vegetative cover and living material, as well as any required screening, and kept free of:
  - 1. Buildings and structures, excluding fences and walls;

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<b>WHERE A PERMITTED:</b>	<b>ABUTS:</b>	<b>MINIMUM REQUIRED BUFFER YARD WIDTH</b>	<b>MINIMUM REQUIRED OPACITY OF SCREENING</b>
Non-Residential uses in the O Zoning District or GC Zoning District	the Residential Zoning Districts or a lot with an existing residential use	35 ft.	80%
Non-Residential uses in the Residential Zoning Districts	a lot with an existing residential use	25 ft.	90%
Higher density residential dwelling types, except as provided herein this table below	a lot with an existing lower density dwelling type residential use	15 ft.	90%
Non-Residential uses or higher density residential dwelling types in the Mixed Use Zoning Districts*	a lot with an existing residential use or an existing lower density dwelling type residential use*	5 ft.*	90%*

2. Dumpsters and refuse containers;
  3. Parking lots / areas;
  4. Loading and unloading areas; and
  5. Any type of storage of goods, materials, equipment, or vehicles;
  6. Any type of display and sales; and
  7. Any business activity.
- D. Unless otherwise prohibited or regulated in Part 8 of this Chapter, signs shall be permitted in a buffer yard that abuts a street right-of-way.
- E. Stormwater management facilities and structures may be maintained within a buffer yard, but the existence of such facilities or structures shall not be a basis for a failure to meet the screening requirements.
- F. Buffer yards may be crossed by access drives, driveways, sidewalks, or easements with a maximum width of thirty-five (35) feet, provided the centerline of the access drive, driveway, sidewalk, or easement crosses the lot line and buffer yard at not less than seventy-five (75) degrees; however, no turning or maneuvering of vehicles shall be permitted in the buffer yard area.
- G. Buffer yards may be located within any required setback or yard.
- H. Screen Plantings. Where screen plantings are provided in buffer yards, said screen plantings must be located in the exterior portion of the required buffer yards, and shall be evenly spaced extending the length of the lot line in accordance with the following:
1. Plant materials used in screen plantings shall be of such species as will produce, within two (2) years, a year-round visual screen in accordance with the standards set forth in Table 7-2 Screen Planting Materials:

**TABLE 7-2  
SCREEN PLANTING MATERIALS**

<b>DESCRIPTION</b>	<b>MINIMUM HEIGHT - MEASURED FROM THE FINISHED GRADE</b>	<b>MINIMUM DISTANCE - MEASURED ON CENTER</b>
<b>Trees</b>		
Deciduous Trees*	6 ft.	30 ft.
Evergreen Trees	6 ft.	15 ft.
<b>Shrubs</b>		
Deciduous Shrubs	4 ft.	3 ft.
Evergreen Shrubs	4 ft.	3 ft.

\* Deciduous trees that are used in the planting of a buffer yard and elsewhere on the lot shall be in accordance with those identified within Chapters 22 relating to subdivision and land development and 25 relating to trees.

2. Screen plantings shall be maintained permanently in a healthy condition. Any screen plantings that die or are severely damaged shall be replaced by the current property owner to the maximum extent feasible considering growing seasons, within a maximum of one hundred fifty (150) days.
  3. Screen plantings shall be placed so that at maturity they will be located not closer than two (2) feet from any street right-of-way line or property line.
  4. In order to aid surveillance and minimize the potential for crime, screen plantings shall also be sited, massed, and scaled to maintain visibility of doors and first (1st) or ground floor windows from the street and from within the development to the maximum extent feasible. Planting patterns shall not obstruct sight lines or create isolated areas, especially near pedestrian walking paths. A clear sight triangle in accordance with Part 9 in this Chapter relating to *Driveways and Access Drives* shall be maintained at all street intersections and at all points where access drives and driveways intersect public streets.
  5. Screening plantings shall be interrupted only at:
    - a. Approved vehicle or pedestrian ingress and egress approximately perpendicular, not less than seventy-five (75) degrees, to the lot;
    - b. Locations necessary to comply with safe sight distance requirements; and
    - c. Locations needed to meet other specific state, Wormleysburg Borough, and utility requirements.
  6. Trees that are used in the planting of a buffer yard and elsewhere on the lot shall be in accordance with those identified within Chapters 22 relating to subdivision and land development and 25 relating to trees.
    - a. If more than twenty (20) evergreen plants are proposed, no more than fifty (50) percent shall be of one (1) species.
  7. Screen plantings shall be provided between the lot line and any off-street parking area, loading area, and any outdoor solid waste storage and refuse area for any non-residential use, multi-family dwelling use, single family attached use, and/or mixed use where the parking or solid waste storage and refuse area abuts property in the Residential Zoning Districts or existing single family detached dwelling or two family detached dwelling in the Mixed Use Zoning Districts.
- I. Fences and Walls as Screening.
1. Each buffer yard may include fences and walls which shall be located in the interior portion of the required buffer yards that extend the length of the lot line in accordance with the following:
    - a. Fences and walls shall not be used the sole means of complying with required screening, and screen plantings shall be used in combination with fences or walls.
    - b. Fences and walls that are placed in a buffer yard shall be located between the principal and related accessory uses and any required screen plantings.

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- c. In addition to any requirements set forth in this Section, all fences and walls shall comply with the requirements set forth in Part 7 of this Chapter relating to *Fences and Walls*.

J. Berms as Screening.

- 1. Each buffer yard may include berms in accordance with the following requirement:
  - a. Berms shall be constructed with slopes not to exceed thirty-three (33) percent with side slopes designed and planted in such a manner so as to prevent erosion and stormwater runoff, and with a rounded top surfaces that are a minimum of two (2) feet in width at the highest points of the berm, extending the length of the berms.
  - b. The top of berms shall be planted with screen plantings.

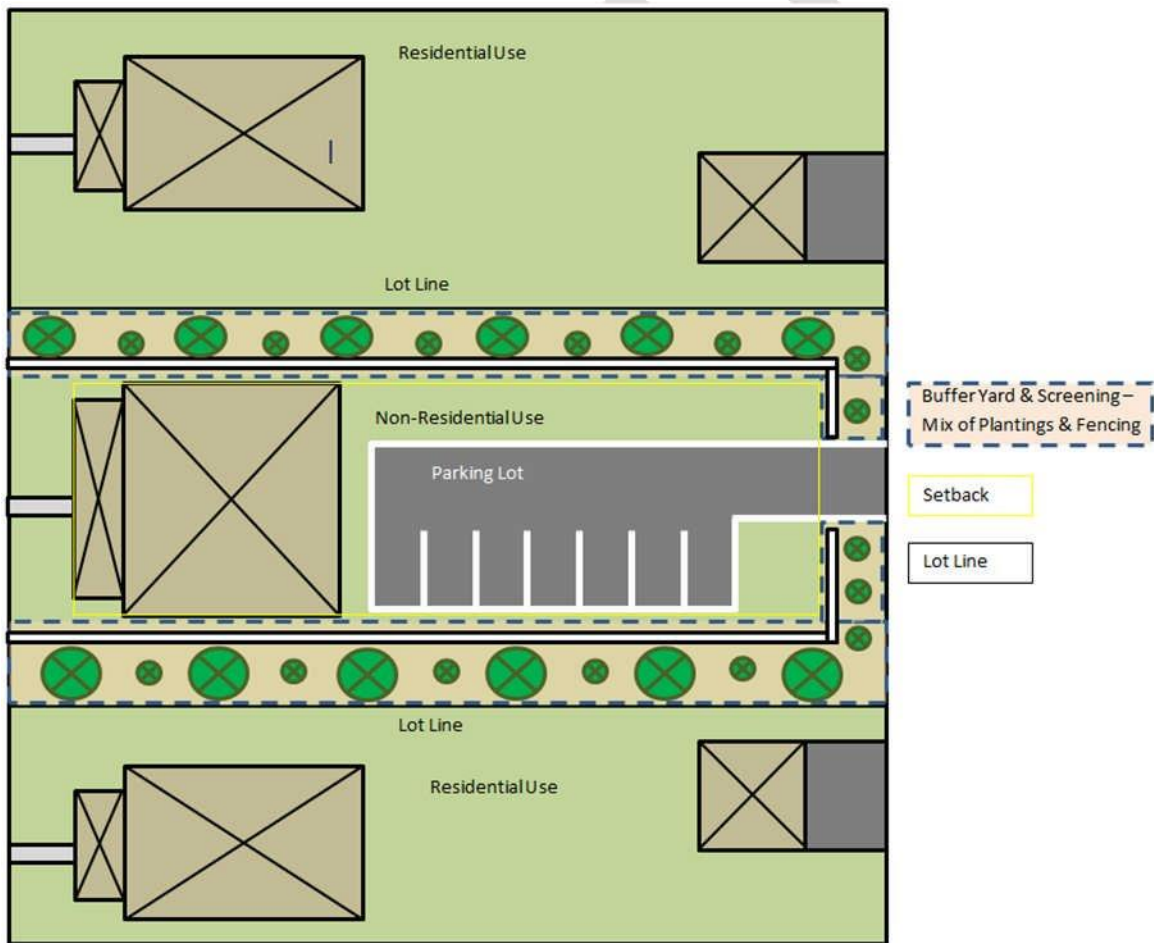


Figure 7.1 Buffer and Screening Example – Plan View

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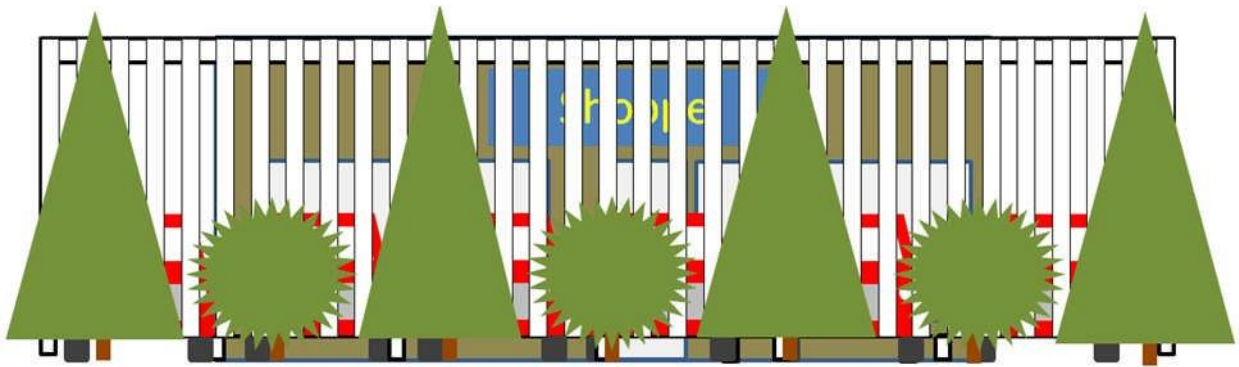


Figure 7.2 Buffer and Screening Example – Profile View

**Section 707. Bus / Transit Shelters.**

In all zoning districts, bus / transit shelters are permitted subject to the following criteria:

- A. Bus / transit shelters may be located within any required yard or setback.
- B. Unless otherwise prohibited or regulated in Part 8 of this Chapter, only the following signs shall be permitted:
  1. One (1) two (2) sided sign with a maximum sign area of eight (8) square feet, which shall only be internally illuminated in the WF Zoning District, O Zoning District, or GC Zoning District.
  2. Non-illuminated signs identifying the name of the transit provider, route schedules and maps.
- C. The location of a bus / transit shelter shall not interfere with pedestrian traffic along a sidewalk and shall be not located within a clear-sight triangle as set forth in Part 9 of this Chapter relating to *Driveways and Access Drives*.
- D. There shall be a legally binding commitment provided by a responsible entity to properly maintain the bus / transit shelter and to remove the shelter if it is not needed in the future or if it is not properly maintained.
- E. Bus / transit shelters shall be durably constructed and shall be covered by a roof. For security and safety purposes, the majority of the side and rear walls of the bus / transit shelter shall be constructed of a clear, shatter resistant material.
- F. Any lighting elements shall not be directly visible from outside the bus / transit shelter, and shall comply with Part 7 of this Chapter relating to *Performance Standards for All Uses*.

**Section 708. Crops / Gardening.**

In all zoning districts, crops / gardening is permitted subject to the following criteria:

- A. The use includes the sale of harvestable products, limited to those grown on-site.
- B. Crops / gardening is not subject to yard or setback requirements, but shall be located completely within the property boundary and no part may coincide with any property line

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- C. All related accessory structures shall comply with requirements of this Chapter, including the requirements for accessory structures in the applicable zoning district

**Section 709. Essential Services.**

In all zoning districts, essential services are permitted as needed to provide service to lots, structures, and buildings. See also Part 7 of this Chapter relating to *Appurtenant Service Equipment Screening and Location for Non-Residential and Other Uses*.

**Section 710. Fences and Walls.**

- A. In all zoning districts, fences and walls are permitted subject to the following criteria:

1. Fences and walls shall be setback a minimum of one (1) foot outside any right-of-way or from any lot line or sidewalk whichever is greater.
2. Fences and walls shall be durably constructed and well-maintained. Fences and walls that have deteriorated parts and materials shall be replaced or removed.
3. No fence or wall shall obstruct the clear-sight triangle requirements set forth in Part 9 of this Chapter relating to *Driveways and Access Drives*.
4. No fence or wall shall be erected in a street right-of-way or other rights-of-way or easements including public or private drainage, utility or access easements, unless otherwise required by this Chapter and/or any other chapter in the Codified Ordinance of the Borough of Wormleysburg.
5. Fences and walls, in addition to the applicable standards provided in Part 7 of this Chapter relating to *Fences and Walls*, shall also comply with the following:
  - a. Fences and walls shall be located in the front yard between the principal building and the street, excluding alley, in the Residential Zoning Districts or Mixed Use Zoning Districts shall:
    - (1). Be an open-type of fence (e.g., picket, metal post, wrought iron or split rail) with a minimum of fifty (50) percent open area to fifty (50) percent structural area.
    - (2). Not exceed forty-eight (48) inches in height, except on corner lots, where fences and walls shall not exceed thirty-six (36) inches in height but the height of any fence or wall may exceed the maximum height by one (1) additional foot for each two (2) additional feet by which the fence or wall is set back behind the principal building's front building line.
    - (3). Not be constructed of "chain link" material or pattern. Fences shall not be constructed of corrugated metal, corrugated fiberglass, or sheet metal. Fences are encouraged to be constructed using weather resistant wood, vinyl materials that resemble wood, or vinyl materials that resemble historic style metal post fences.
  - b. Fences and walls that are located within the Residential Zoning Districts or Mixed Use Zoning Districts or upon a lot with a residential use upon it shall not exceed eight (8) feet six (6) inches in height along the side and rear lot lines.

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- c. Fences within the other zoning districts shall not exceed twelve (12) feet in height.
  - d. Any fence or wall exceeding six (6) feet in height shall contain openings therein equal to fifty (50) percent of the area of that portion of the wall or fence exceeding six (6) feet.
  - e. Structural posts of a fence shall not extend more than six (6) inches above the height of the fence.
  - f. Unless required for security purposes, no fence or wall shall be constructed of barbed wire, razor, or other sharp components capable of causing injury, and only then if the portion of the fence containing the barbed wire, razor, or other sharp components capable of causing injury is not lower than six (6) feet above the average surrounding ground level.
  - g. No fence or wall shall be constructed out of fabric, junk, inoperable vehicles, appliances, tanks or barrels.
  - h. If one (1) side of a fence or wall includes posts, supports, and framework that clearly are not designed and integrated as a decorative feature of the fence, or if one (1) side of a fence or wall does not match design patterns of the opposite side, then the side of the fence including the framework shall be placed to face toward the interior of the lot upon which it is located, as opposed to the side of the fence which faces a street or abutting lots.
  - i. Brick may be used for posts, supports, or as a base for a fence or wall, provided the maximum fence or wall height for the fence or wall portion is not exceeded.
6. Walls, in addition to the applicable standards provided in this subsection, shall also comply with the following standards:
- a. Engineered retaining walls necessary to hold back slopes are exempt from the regulations of this Section and are permitted by right as needed in all zoning districts.
  - b. Walls that are structurally part of a building shall be regulated as part of that building.
  - c. Concrete and/or similar other block walls shall be of a decorative nature, painted or have decorative colors and/or materials on all sides that face outward away from or toward the exterior of the lot or parcel upon which it is located, as opposed to facing toward the interior of the lot.
7. One arbor, gate, awning, canopy, trellis or similar decorative garden structure not exceeding ten (10) feet in height and four (4) feet in width shall be permitted within the front yard, provided that it is not within a clear sight triangle as required herein Part 9 of this Chapter relating to *Driveways and Access Drives*.

**Section 711. Height Exceptions and Alterations.**

In all zoning districts, the following height exceptions and alterations shall apply:

- A. Height regulations shall not apply to the following structures, provided the structures do not exceed the height limitations of the applicable zoning district, by more than fifteen (15) feet: skylights, steeples of places of worship, antennas, flagpoles, roof or buildings mounted wind energy systems, spires, belfries,

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cupolas, domes, chimneys, ventilators, water tanks, bulkheads, utility poles or towers, silos, clock or bell towers, elevator shafts, mechanical equipment or other appurtenances usually required to be and customarily placed above roof level and not intended for human occupancy.

- B. Height regulations shall not apply to the following structures, provided the structures comply with the specific height regulations for the use, set forth in this Chapter:
1. Telecommunication towers as set forth in Part 11 of this Chapter relating to *Telecommunication Signal Site*;
  2. Wind energy systems as set forth in this Part 7 of this Chapter relating to *Alternative Energy Systems*.

**Section 712. Hours of Operation and Management Plan.**

In all zoning districts, the hours of operation and management of activities of proposed non-residential uses and mixed use developments shall be appropriately scheduled, operated, and maintained to protect the existing neighborhood and residential uses from detrimental noise, disturbance, or interruption. A “hours of operations and management plan” shall include the following, unless the Zoning Officer determines such information is unnecessary to determine compliance with this Section.

- A. Address of the premises of proposed use including tax parcel identification number.
- B. Name and general and specific type of the proposed use (e.g. commercial use, retail sales).
- C. Name and related contact information of the owner, on-site manager, and/or other authorized agent of the proposed use and the lot (e.g. telephone number[s], email address, etc.).
- D. The nature of the on-site activities and operations involved in the proposed use (e.g. the type of products, materials, equipment and/or processes, etc.).
- E. Advertising associated with the proposed use, as applicable.
- F. Estimated number of employees, patrons, and/or occupants, including per shift and maximum permitted occupancy, as applicable.
- G. The gross floor area of the building(s) and gross area of the lot devoted to the proposed use.
- H. Estimated amount of sales from the proposed use, as applicable.
- I. General description of the land uses adjacent to the property and on the same block.
- J. Intended market area / service area of the proposed use, as applicable.
- K. Vehicles and traffic associated with the proposed use (e.g. employees and customers / occupants deliveries, loading, etc.).
- L. Hours and days the proposed use will be open and/or operating including any expected “special events”, as applicable.
- M. The disposal of materials will be accomplished in a manner that complies with Borough, State, and Federal regulations.

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- N. A discussion of any possible impacts and/or problems the proposed use may cause (e.g. traffic, odor, noise, smoke, dust, litter, glare, vibration, electrical disturbance, wastewater, stormwater, solid waste, etc.) and specific measures employed to mitigate or eliminate any negative impacts / problems. The applicant shall further furnish evidence that the impacts generated by the proposed use will be within acceptable levels, as regulated by applicable laws and ordinance, including but not limited to those listed in this Part 7 of this Chapter relating to *Performance Standards for All Uses*.

### **Section 713. Landscaping and Vegetation Preservation.**

In all zoning districts, landscaping and vegetation shall be subject to the following criteria:

- A. Any part of a lot which is not used for structures, buildings, access drives, driveways, loading areas, parking spaces and aisles, sidewalks, designated storage areas, other structures, or hardscaping shall be provided with an all-season, well-maintained groundcover, and to the maximum extent feasible, include trees and shrubs.
- B. In order to aid surveillance and minimize the potential for crime, plantings shall be sited, massed, and scaled to maintain visibility of doors and first (1st) or ground floor windows from the street and from within the development to the greatest extent possible. Planting patterns shall not obstruct sight lines or create isolated areas, especially near pedestrian walking paths. A clear sight triangle in accordance with Part 9 of this Chapter relating to *Driveways and Access Drives*, shall be maintained at all street intersections and at all points where access drives and driveways intersect public streets.
- C. Vegetation Preservation. Vegetation preservation is governed by the standards in this Section and the provisions of the PA MPC. The removal of trees, shrubbery, foliage, grass, or groundcover, other natural growth shall be permitted when in conformance with the provisions of this Chapter, or Chapter 22 relating to subdivision and land development, and/or other relevant chapter of the Codified Ordinances of the Borough of Wormleysburg. The grubbing activity shall be permissible, upon zoning officer review and approval of the application as required by the Borough. A permit shall be prepared and issued for an approved application. Violations and penalties associated with cutting and clearing of vegetation include:
1. Forestry activities of timber harvesting and/or logging shall comply with Part 11 of this Chapter relating to *Forestry (Timer Harvesting)*.
  2. The cutting of trees and/or clearing of vegetation within a required buffer yard as required by Part 7 of this Chapter relating to *Buffer and Screening Regulations* is prohibited. Only the removal and replacement of damaged/deceased trees and/or vegetation is permitted. Grubbing activity is permitted where the purpose is to improve the appearance of the lot.
- D. Shade Trees. As part of the construction of any new street or establishment of any new principal use, shade trees shall be required to be planted in accordance with Chapters 25 relating to trees and 22 relating to subdivision and land development.

### **Section 714. Lot Frontage onto Improved Streets.**

- A. Lot frontage required on improved streets in all zoning districts shall be subject to the following criteria:
1. Each proposed new lot and principal building shall abut one (1) of the following:
    - a. A public street right-of-way, excluding alleys, with at least twenty-four (24) feet of right-of-way;

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- b. A street, excluding alleys, proposed to be dedicated to the Borough by the subdivision plan which created such lot; or
    - c. An existing (at date of adoption of this Chapter) private street, excluding alleys, which meets all of the requirements of a public street.
  2. The erection of a principal building on any lot which existed at the time of the enactment of this Chapter and does not have lot frontage on a public street right-of-way, excluding alleys, shall be permitted if the applicant provides proof of access to the property in the form of a legal document recorded at the Cumberland County courthouse. If the existing document does not address access rights and maintenance responsibilities between the landowner and affected parties, or if no such document exists, a new document shall be recorded that does address these issues. In addition, the landowner shall enter into a binding legal agreement with the Borough of Wormleysburg prepared by the Borough of Wormleysburg Solicitor outlining the responsibility of each party as it pertains to the private right-of-way.
3. Access to lots shall comply with Part 9 of this Chapter and/or Chapter 22 relating to subdivision and land development.

**Section 715. Non-Residential and Other Uses Waste Handling Requirements.**

In all zoning districts, all for uses other than single family and two-family dwellings, waste handling and material disposal methods and procedures shall be subject to the following criteria. The following detailed information is required to be submitted concerning waste handling and material disposal methods and procedures:

- A. Evidence shall be provided indicating that the disposal of all materials and wastes shall be accomplished in a manner that complies with Chapter 20 relating to solid waste, as well as any county, state and federal regulations. Such evidence shall, at a minimum, include copies of working plans for the cleanup of litter and recycling showing exterior trash and recycling receptacles that are provided amid any an outdoor display and/or sales area, parking lot facilities open to the public, and other outside public areas designed and proposed for patrons and customers of the use. Such receptacles shall be routinely emptied so as to prevent the scattering of litter and debris.

**Section 716. Number of Principal Uses and/or Principal Structures Per Lot.**

In all zoning districts, the number of principal uses and/or principal structures permitted per lot shall be subject to the following criteria:

- A. A lot in the O Zoning District, GC Zoning District, VMU-2 Zoning District, or WF Zoning District may include more than one (1) permitted principal use and/or structure provided all other requirements of this Chapter are met. If differing dimensional requirements apply for different uses on the lot, then the most restrictive requirement shall apply.
  1. For example, if “use A” requires a twenty (20) foot minimum setback and “use B” on the same lot requires a ten (10) foot minimum setback, then the lot shall have a required minimum setback of twenty (20) feet.
  2. The lot may include a condominium form of ownership of individual buildings, with a legally binding property owner or other similar type of association, if the applicant proves to the satisfaction of the Zoning Officer, based upon review by the Borough Solicitor, that there will be appropriate legal mechanisms in place and compliance with applicable State law.
- B. A lot within the Residential Zoning Districts or the VMU-1 Zoning District, shall not include more than one (1) principal use or one (1) principal structure unless specifically permitted by this Chapter.

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1. A mobile / manufactured home park, condominium residential development, single family attached dwelling, or multi-family dwelling development may include more than one (1) principal building per lot, provided all other requirements of this Chapter are met.
2. A condominium form of ownership of individual dwelling units, with a legally binding homeowners or other association, may be established if the applicant proves to the satisfaction of the Zoning Officer, based upon review by the Borough Solicitor, that there will be appropriate legal mechanisms in place and compliance with applicable state law.

**Section 717. Outdoor Storage and Outdoor Stockpiling.**

In all zoning districts, unless otherwise permitted elsewhere in this Section, Part 3 through 5 of this Chapter relating to *Permitted Uses*, and Part 11 of this Chapter, the outdoor storage and outdoor stockpiling shall be permitted subject to the following criteria:

- A. Outdoor storage and outdoor stockpiling shall not include the sale of any bulk materials including goods, material, and merchandise offered for sale to customers. Otherwise, it shall be considered outside sales and display and must comply with the provisions set forth elsewhere in Part 7 and Part 11 of this Chapter relating to *Outside Display and Sales*.
- B. Outdoor storage and outdoor stockpiling shall not occupy any part of the existing or future street right-of-way (including sidewalks and alleys), required off-street parking areas, buffer yards, or any other areas specifically prohibited as set forth in this Chapter.
- C. In the Residential Zoning Districts or Mixed Use Zoning Districts:
  1. On lots used for single family dwellings and two-family dwelling lots, the outdoor storage and stockpiling of:
    - a. Personal material, except for firewood, for more than one (1) year shall be prohibited. In all instances, outdoor stockpiling of personal material shall not be located in the front yard between the principal building and the public street, excluding alleys, or within any required front setback. All such stockpiling shall comply with accessory use and structure yard and setback requirements for the applicable zoning district.
    - b. Non-personal material including goods, junk, material, or merchandise associated with and generated by an off-site business or non-residential establishment shall not be permitted.
  2. On non-residential use, mixed use, and multi-family dwelling use lots, the outdoor storage and stockpiling of bulk items, including but not limited to goods, material, equipment, merchandise, junk, waste, discarded or salvaged material, machinery, equipment, or automobile, truck, or other vehicle parts shall not be permitted. All related storage must be within a completely enclosed building.
  3. Outdoor storage and outdoor stockpiling shall not be located in the front yard between the principal building and the public street, excluding alleys, nor within any required front, side, or rear setback.
- D. In the GC Zoning District:
  1. All bulk items, materials and activities not within completely enclosed buildings shall be surrounded by a fence or wall at least six (6) feet in height and provided with screening in

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accordance with Part 7 of this Chapter relating to *Buffer and Screening Regulations*, with no less than one hundred (100) percent opacity. Any gate in a fence shall be similarly constructed and maintained and shall be kept securely locked at all times when the establishment is not in operation.

2. The outdoor storage and outdoor stockpiling may be located in the front yard between the principal building and the public street, excluding alleys, but shall not be located within any required yard or setback.
3. In order to prevent dust, erosion, and excessive water flow across streets or abutting property, all areas used for the outdoor storage and stockpiling shall be graded for proper drainage and shall be improved with a durable and dustless surface (e.g., concrete or bituminous concrete unless an alternative material and/or design as part of a readily accepted stormwater BMP in accordance with Chapter 26 relating to water [stormwater management], Chapter 22 relating to subdivision and land development, or any other construction materials specifications adopted by the Borough), and approved by the Borough Engineer.
4. All items and materials stored as part of outdoor storage and stockpiling shall be kept in an orderly fashion to permit access by emergency responders.

**Section 718. Performance Standards for All Uses.**

In all zoning districts, all uses (as applicable) shall be subject to the following performance standards:

- A. All projects that require the additional use of new facilities or essential services including sewers, storm drains, fire hydrants, potable water, public streets, street lighting and similar services, shall obtain such approval as required by the agency providing such service prior to project approval. No availability of essential services shall be permitted to be grounds for denying permits for additional development until such services are available. The jurisdiction is not obligated to extend or supply essential services if capacity is not available. If capacity is available, the extension of services shall be by and at the cost of the developer, unless the jurisdiction agrees otherwise. All service extensions shall be designed and installed in full conformance with the jurisdiction's standards for such service, and shall be subject to review, permit and inspection as required by other policies or ordinances of the jurisdiction.
- B. All uses shall be subject to and comply with the following regulations, where applicable.
  1. **Vibration.** Ground vibration inherently and recurrently generated on the lot and detectable without instruments on any adjacent lot shall be prohibited, except that temporary vibration as a result of construction or vehicles which enter or leave the lot (e.g., trucks, trains, airplanes, helicopters, and other similar motor vehicles) shall be permitted. Otherwise all of the applicable "Rules and Regulations" of the Pennsylvania Department of Environmental Protection (DEP) shall be complied with.
  2. **Air Pollution and Airborne Emissions:** No pollution of air by fly ash, dust, vapors or other substance shall be permitted which is harmful to health, animals, vegetation or other property or which can cause spoiling of property. Otherwise all of the applicable "Rules and Regulations" of the DEP shall be complied with.
  3. **Odors:** No malodorous gas or matter shall be permitted which is discernible at any and all property lines of the subject property on which the odor source is located.

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4. **Water Pollution:** Water pollution shall be subject to the standards established by the Pennsylvania Fish and Boat Commission, Department of Environmental Protection, and The Clean Streams Law, June 22, 1937 P.L. 1987, 35 P.S. 691, or as amended.
5. **Mine Reclamation and Open Pit Setback:** Refer to Pennsylvania Act 147, the “Surface Mining Conservation and Reclamation Act” of 1971, or as amended.
6. **Glare and Heat:** Any operation producing intense glare or heat shall be conducted within an enclosed building or with other effective screening in such a manner as to make such glare or heat completely imperceptible from any point along the property line. No heat from any use shall be sensed at any property line to the extent of raising the ambient temperature of air or materials more than five (5) degrees Fahrenheit. Any operation or activity that produces glare shall be conducted so that direct or indirect light from the source shall not cause illumination in excess of five-tenths (0.5) footcandles measured at the property line. Otherwise, all of the applicable “Rules and Regulations” of the DEP shall be complied with.
7. No use or operation shall be permitted which creates a public nuisance or hazard to adjoining property by reason of fire, explosion, radiation or other similar cause. Additionally, all uses and operations shall comply with the following:
  - a. **Electromagnetic Interference.** In all zoning districts, no use, activity or process shall be conducted which produces electric and/or magnetic fields which adversely affect public health, safety and welfare, including but not limited to interference with normal radio, telephone or television reception and/or transmission off the premises where the activity is conducted.
  - b. **Fire and Explosive Hazards.** Fire protection and fire-fighting equipment, procedures and safety protocols acceptable to the Borough of Wormleysburg fire standards, National Fire Protection Association, Chapters 5 relating to code enforcement and 7 relating to fire protection and fire prevention, and other applicable chapters of the Codified Ordinances of the Borough of Wormleysburg shall regulate hazards of fire and explosion arising from the storage, handling or use of substances, materials or devices and from conditions hazardous to life, property or public welfare in the occupancy of a structure or premises.
  - c. **Toxic and Hazardous Substance Storage.** Storage of toxic and hazardous substance shall meet the requirements of the Pennsylvania Department of Environmental Protection, Pennsylvania Labor and Industry (L&I), and/or the United States Environmental Protection Agency (USEPA).
8. **Outdoor Lighting:** Outdoor lighting is permitted subject to the following criteria:
  - a. All outdoor lighting fixtures including but not limited to those used for parking areas, buildings, building overhangs, canopies, signs and billboards unless otherwise prohibited or regulated in Part 8 of this Chapter, displays and landscaping, shall be full cut-off type fixtures.
  - b. Full cut-off fixtures shall be installed and maintained so that the shielding is effective so that all light emitted is projected below a horizontal plane running through the lowest light-emitting part of the fixture.
  - c. Automobile-oriented uses including but not limited to automobile, boat, heavy equipment, mobile / manufactured home, recreational vehicle and similar motor vehicle

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rental / sales, repair / service, washing and/or fuel / gas sales and drive-thru facilities shall install recessed ceiling fixtures in any canopy.

- (a). Any canopy over gasoline pumps shall have a maximum distance between the ground level and the underside of the canopy of twenty (20) feet. If the ground level is sloped, or the canopy is sloped to deflect noise and soot away from neighboring properties, then a portion of the canopy may have a greater height, provided that the maximum height is twenty (20) feet at the portion of the canopy that is closest to an adjacent street.
  
- d. Where permitted and unless otherwise prohibited or regulated in Part 8 of this Chapter, signs that are wholly illuminated from within and freestanding signs that are externally illuminated with an exposed lamp not exceeding twenty-five (25) watts do not require shielding.
  
- e. Light trespass over a non-residential or mixed use property line shall be limited to no more than five-tenths (0.5) footcandles measured at the property line. All on-site lighting of buildings, lawns, parking areas and signs unless otherwise prohibited or regulated in Part 8 of this Chapter, shall be designed so as not to shine onto any adjacent property or building, or to cause glare onto any public street right-of-way or vehicle thereon.
  
- f. Measurement.
  - (1). Light levels shall be measured in footcandles with a direct reading, portable light meter. Readings shall be taken only after the cell has been exposed long enough to take a constant reading.
  - (2). Measurements shall be taken at the lot line, along a horizontal plane at a height of three and one-half (3 ½) feet above the ground.
  
- g. All non-essential outdoor lighting fixtures, including parking, sign unless otherwise prohibited or regulated in Part 8 of this Chapter, display and aesthetic lighting, shall be turned off after business hours. Only lighting needed for safety or security may remain lit after close of business, in which case the lighting shall be reduced to the minimum level necessary.
  
- h. Light poles shall not exceed a height of:
  - (1). Twenty (20) feet within the Residential Zoning Districts or Mixed Use Zoning Districts; and
  - (2). Thirty-five (35) feet within the O Zoning District or GC Zoning District.
  
- i. Exemptions.
  - (1). Decorative outdoor lighting fixtures with bulbs of less than twenty-five (25) watts, installed seasonally, are exempt from the requirements of this subsection.
  - (2). Overhead street lighting, warning, emergency, and traffic signals are exempt from the requirements of this subsection.

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- (3). Temporary construction or emergency lighting is exempt from the requirements of this subsection. Such lighting shall be discontinued immediately upon completion of the construction work or abatement of the emergency necessitating such lighting.
  - (4). Nothing in this subsection shall apply to lighting required by the FAA or any other federal regulatory authority.
10. In order to determine whether a proposed use will conform to the requirements of this Section of this Chapter, Wormleysburg Borough may obtain a qualified consultant's report, whose cost for services shall be borne by the applicant.

**Section 719. Public Water and Sewage Required.**

All lots in all zoning districts shall be subject to the following criteria:

- A. All lots shall be served by both public water and public sewage services in accordance with Chapters 18 relating to sewers and sewage disposal and 22 relating to subdivision and land development.
- B. If, however, a lot is permitted without having both public water and public sewage services, then:
  1. A minimum lot area of one (1) acre shall be required; and
  2. The applicant shall demonstrate compliance with DEP's sewer module standards and review process.

**Section 720. Reverse Frontage Lots or Double Frontage Lots.**

In all zoning districts, reverse frontage lots or double frontage lots shall be subject to the following criteria:

- A. Reverse frontage lots or double frontage lots shall follow the frontage, front and rear setbacks, building and development orientation, and access patterns of the surrounding development of the majority of the existing adjacent reverse frontage lots or double frontage lots on the same shared block face (between two [2] intersecting streets) along the same side of the street.
- B. Where no other reverse frontage lots or double frontage lots exist nearby, such reverse frontage lots or double frontage lots shall comply with the Chapter 22 relating to subdivision and land development and have two (2) required front yards and front setbacks, resulting in one (1) front yard on each street. Building and development orientation shall face the street conveying the higher amount of existing or proposed daily traffic, while access to the lot shall be provided from the street conveying the lesser amount of existing or proposed daily traffic. This specifically includes alleys.

**Section 721. Temporary Structures.**

In all zoning districts, the following temporary structures are permitted on a temporary basis subject to the following criteria:

- A. Temporary Construction Sheds and Trailers are permitted on a temporary basis subject to the following criteria:
  1. Temporary construction sheds and trailers shall be permitted only during the period that the construction work is in progress. A permit for the temporary structure shall be obtained from the

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Zoning Officer prior to the commencement of construction and shall be renewed every one hundred eighty (180) days.

2. Temporary construction sheds and trailers shall be located on the lot on which the construction is progressing and shall not be located within ten (10) feet of any lot line abutting an existing residential use.
  3. Temporary construction sheds and trailers shall be used only as temporary field offices and for storage of incidental equipment and supplies and shall not be used for any dwelling use.
  4. A temporary construction shed and trailer may be permitted to be used for use as a temporary sales center for residential lots. The maximum gross floor area of such a temporary sales center shall be five hundred (500) square feet.
  5. No hazardous or flammable materials shall be stored in temporary construction sheds or trailers.
- B. Temporary, Non-Traditional Storage Units, including those commercially known as “pods” or enclosed “containers” of a box trailer with or without wheels, are permitted on a temporary basis subject to the following criteria:
1. Temporary, non-traditional storage units shall be permitted for a maximum period of sixty (60) consecutive days in any one (1) calendar year. This period may be extended upon written request to the Zoning Officer for a period not exceeding one hundred eighty (180) days.
  2. Temporary, non-traditional storage units shall comply with the yard and setback requirements for accessory structures in the applicable zoning district.
  3. No temporary, non-traditional storage unit shall be used for permanent storage.

**Section 722. Traffic Impact Study Required.**

Unless provided in elsewhere in the Codified Ordinances of the Borough of Wormleysburg Chapters 22 relating to subdivision and land development, a traffic impact study shall be required for certain developments (as provided below) to be submitted subject to the following criteria:

- A. Studies Required
1. Abbreviated Traffic Impact Study. Whenever a proposed development project will generate fifty (50) to ninety nine (99) new vehicle trips in the peak direction (inbound or outbound) during the site peak traffic hour, the applicant shall perform an abbreviated traffic impact study. Based on this study, certain improvements may be identified as necessary to provide safe and efficient access to the development. The abbreviated traffic impact study shall include:
    - a. A capacity analysis report prepared under the supervision of a qualified and experienced professional transportation engineer licensed and registered to practice in the Commonwealth of Pennsylvania, or professional or certified transportation planner.
    - b. The study area for the capacity analysis report shall only include all proposed site access intersections.
  2. Comprehensive Traffic Impact Study. Whenever a proposed development project will generate one hundred (100) or more new vehicle trips in the peak direction (inbound or outbound) during the site peak traffic hour or generate an Average Daily Traffic (ADT) of greater than three

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thousand (3,000), the applicant shall perform a comprehensive traffic impact study. Based on this study, certain improvements may be identified as necessary to provide safe and efficient access to the development.

a. Transportation demand management measures such as staggered start and end work times, telecommuting, utilization of transit, greenway or trail linkages, park and ride lots, etc. may be used to reduce trip generation for the proposed development. If such measures will reduce the new vehicle trips in the peak direction during the peak traffic hour to less than one hundred (100), then an abbreviated traffic impact study may be performed in lieu of a comprehensive study. When such trip reduction measures are used to justify performance of an abbreviated study as permitted by this section, a developer and successors shall be bound by a recorded agreement to implement such measures. The terms and form of agreement shall be as mutually agreed upon by the Borough and the developer(s).

3. In addition, a comprehensive traffic impact study shall be prepared at the discretion of the Borough whenever either of the following conditions exists within the impact study area:

a. Current traffic problems exist in the local area or neighborhood, including but not limited to a high crash location, confusing intersection, or a congested intersection that directly affects access to the development.

b. The ability of the existing roadway system to handle increased traffic or the feasibility of improving the roadway system to handle increased traffic is limited.

#### B. Traffic Impact Study Requirements

1. Area of Traffic Impact Study. The traffic impact study area shall be based on the characteristics of the surrounding area. The intersections to be included in the study shall be adjacent to the site or have direct impact upon the access to the site. The intersections shall be mutually agreed upon by the Borough and the transportation engineer preparing the study. If a Highway Occupancy Permit (HOP) is involved, include all intersections from any PennDOT scoping meeting.

2. Preparation by Transportation Engineer Required. Traffic impact studies shall be prepared by or under the supervision of qualified and experienced transportation engineers licensed and registered to practice in the Commonwealth of Pennsylvania with specific training in traffic and transportation engineering and at least two (2) years of experience related to preparing traffic studies for existing or proposed developments.

3. Horizon Year. The traffic forecasts shall be prepared for the anticipated opening year of the development, assuming full build out and occupancy. This year shall be referred to as the "Horizon Year."

4. Non-Site Traffic Estimates. Estimates of non-site traffic shall be made, and will consist of through motorized and non-motorized traffic and motorized and non-motorized traffic generated by all other developments within the study area for which preliminary or final plans have been approved. Non-site traffic may be estimated using any one of the following three (3) methods: "Build-up" technique, area transportation plan data or modeled volumes, and trends or growth rates.

5. Trip Generation Rates Required. The traffic impact study shall include a table showing the land use categories and quantities, with the corresponding trip generation rates or equations (with

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justification for selection of one or the other), and resulting number of trips. The trip generation rates used must be either from the latest edition of Trip Generation by ITE, or from a local study of corresponding land uses and quantities. All sources must be referenced in the study.

6. Consideration of Pass-By Trips. If pass-by trips or shared trips are a major consideration for the land use in question, ITE studies should be referenced and interviews should be conducted and documented at similar land uses.
7. Rate Sums. Any significant difference between the sums of single-use rates and proposed mixed-use estimates must be justified and explained in the study.
8. Explanations Required. The reasoning and data used in developing a trip generation rate for special/unusual generators must be discussed and agreed upon with the Borough prior to using.
9. Definition of Influence Area. Prior to trip distribution of site-generated trips, an influence area must be defined which contains eighty (80) percent or more of the trip ends that will be attracted to the development. A market study can be used to establish the limits of an influence area, if available. If no market study is available, an influence area should be estimated based on a reasonable documented estimate. The influence area can also be based on a reasonable maximum convenient travel time to the site, or delineating area boundaries based on locations of competing developments.

Other methods, such as using trip data from an existing development with similar characteristics or using an existing origin-destination survey of trips within the area, can be used in place of the influence area to delineate the boundaries of the impact.

10. Estimates of Trip Distribution Required. Trip distribution can be estimated using any one of the following three (3) methods:
  - a. Analogy.
  - b. Trip distribution model.
  - c. Surrogate data.

Whichever method is used, trip distribution must be estimated and analyzed for the horizon year. A mixed-use development may require more than one distribution and coinciding assignment for each phase (for example, residential and retail phases on the same site). Consideration must also be given to whether inbound and outbound trips will have similar distributions.

11. Trip Assignments. Assignments must be made considering logical routings, available roadway capacities, left turns at critical intersections, and projected (and perceived) minimum travel times. In addition, multiple paths should often be assigned between origins and destinations to achieve realistic estimates rather than assigning all of the trips to the route with the shortest travel time. The assignments must be carried through the external site access points and in large projects [those producing five hundred (500) or more additional peak direction trips to or from the site during the developments peak hour] through the internal roadways. When the site has more than one (1) access drive or driveway, logical routing and possible multiple paths should be used to obtain realistic access drive or driveway volumes. The assignment should reflect conditions at the time of the analysis. Assignments can be accomplished either manually or with applicable computer models.

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If a thorough analysis is required to account for pass-by trips, the following procedure should be used:

- a. Determine the percentage of pass-by trips in the total trips generated.
  - b. Estimate a trip distribution for the pass-by trips.
  - c. Perform two (2) separate trip assignments, based on the new and pass-by trip distributions.
  - d. Combine the pass-by and new trip assignment. Upon completion of the initial site traffic assignment, the results should be reviewed to see if the volumes appear logical given characteristics of the road system and trip distribution. Adjustments should be made if the initial results do not appear to be logical or reasonable.
12. Total Traffic Impacts. Motorized and non-motorized traffic estimates for any site with current traffic activity must reflect not only new traffic associated with the site's redevelopment, but also the trips subtracted from the traffic stream because of the removal of a land use. The traffic impact study should clearly depict the total traffic estimate and its components.
13. Capacity Analysis. Capacity analysis must be performed at each of the major street and project site access intersection locations (signalized and unsignalized) within the study area. In addition, analyses must be completed for roadway segments deemed sensitive to site traffic within the study area as determined by the Borough. These may include such segments as weaving sections, ramps, internal site roadways, parking facility access points, and reservoirs for vehicles queuing on- and off-Site. Other locations may be deemed appropriate depending on the situation.
- The recommended level-of-service analysis procedures detailed in the most recent edition of the Highway Capacity Manual must be followed.
- The operational analyses in the Highway Capacity Manual should be used for analyzing existing conditions, traffic impacts, access requirements, or other future conditions for which traffic, geometric, and control parameters can be established.
14. Turn Lane Warrant Analysis. Conduct turn lane warrant analysis at all unsignalized intersections in accordance with current PennDOT methodology.
15. Required Levels-of-Service. The recommendations of the traffic impact study shall provide safe and efficient movement of traffic to and from and within and past the proposed development, while minimizing the impact to non-site trips. The current levels-of-service must be maintained if they are levels "C" or "D", not allowed to deteriorate to worse than level "C" if they are currently levels "A" or "B", and improved to level "D" if they are levels "E" or "F".
16. Documentation Required. A traffic impact study report shall be prepared to document the purpose, procedures, findings, conclusions, and recommendations of the study.
- a. The documentation for a traffic impact study shall include, at a minimum:
    - (1). Study purpose and objectives.
    - (2). Description of the site and study area.
    - (3). Existing roadway conditions in the area of the development.

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- (4). Recorded or approved development(s) within the traffic impact study area.
  - (5). Trip generation, trip distribution, and modal split.
  - (6). Projected future motorized and non-motorized traffic volumes.
  - (7). An assessment of the change in roadway operating conditions resulting from the development traffic.
  - (8). Recommendations for site access and transportation improvements needed to maintain and/or improve motorized and non-motorized traffic flow to, from, within, and past the site at an acceptable and safe level-of-service.
  - (9). Transit location, availability of bike routes, connection to a park and/or trail system.
- b. The analysis shall be presented in a straight forward and logical sequence. It shall lead the reader step-by-step through the various stages of the process and resulting conclusions and recommendations.
  - c. The recommendations shall specify the time period within which the improvements should be made (particularly if the Improvements are associated with various phases of the development construction), and any monitoring of operating conditions and improvements that may be required. The recommendations shall also identify who will be responsible for making the improvements.
  - d. Data shall be presented in tables, graphs, maps, and diagrams wherever possible for clarity and ease of review.
  - e. To facilitate examination by the Borough, an executive summary of one (1) or two (2) pages shall be provided, concisely summarizing the purpose, conclusions, and recommendations.
  - f. The study documentation outlined above provides a framework for site traffic access/impact study reports. Some studies will be easily documented using this outline. However, the specific issues to be addressed, local study requirements, and the study results may warrant additional sections.
17. A traffic impact study shall include all of the aforementioned components, unless the applicant can demonstrate by credible evidence, and is agreed upon by the Borough, that certain components are not necessary for certain projects.
- C. Responsibility for Improvements. Based upon the findings and recommendations of the traffic impact study, the applicant shall be responsible for the transportation related improvements required to provide safe and convenient ingress and egress to the development site and shall be incorporated into the subdivision and/or land development plan and implemented and installed at the applicant's expense.

**Section 723. Yard and Setback Exceptions and Alterations.**

In all zoning districts, yard and setback exceptions and alterations are permitted subject to the following criteria:

- A. Projections into Required Yards and Setbacks.

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1. Covered and uncovered stoops less than thirty (30) square feet, and related awnings and hand railings, may project into required yards or setbacks, not more than five (5) feet.
2. Patios, terraces, decks, and other similar uncovered structures provided the structure elevation shall not be more than three (3) feet above the yard grade, may extend or project into required side or rear yard or setback not more than five (5) feet as long as there is a minimum of five (5) feet remaining between the structure and the lot line.
3. Cornices, eaves, sills, or other similar architectural features (e.g., gutters, bay windows, window awnings, chimneys, or similar structures including solar energy systems), attached to the wall of any building, may extend or project into any required yard or setback, not more than three (3) feet.
4. Exterior stairways, fire escapes, or other required means of egress, ground-mounted doors for basement access, or other similar structures that do not include space usable by persons may extend or project into a side or rear yard or setback of a lot, not more than five (5) feet as long as there is a minimum of five (5) feet remaining between the structure and the lot line.
5. Covered porches and those porches with enclosed habitable spaces, shall be considered as part of the principal building and shall not extend or project into any required yard or setback.
6. Exterior walkways, sidewalks, stairs and related hand railings, window wells, and such other structures customarily incidental to the principal or accessory building, may extend or project into any required yard or setback of a lot provided the structure height shall be not more than twelve (12) inches above the yard grade. The maximum structure height shall not apply to related hand railings.
7. For all handicapped ramps, landings, and other features necessary to provide entrance and accessibility to a building which project into any required yard or setback, see Chapter 5 relating to code enforcement and the reasonable accommodation provisions set forth in Part 12 of the Chapter relating to *Administration*.

B. Yard and Setback Alterations.

1. Front Yard and Setback. Except as otherwise provided in this Chapter, on a lot proposed for development, where the required front setback regulations for the applicable zoning district are greater than the actual distances that the existing buildings on abutting lots are setback from the street right-of-way, the required front yard and setback may be altered to be similar to those distances between existing principal buildings and the street right-of-way on the abutting lots, in accordance with the following standards:
  - a. Identify the existing principal buildings on the lots abutting the lot proposed for development. Calculate the average setback distance between the existing principal buildings and the street rights-of-way line(s) on the abutting lots.
    1. If an abutting lot is vacant, the required setback of the abutting vacant lot shall be assumed to be the minimum front setback standard regulated in the applicable zoning district.
    2. For corner lots, this value shall be calculated using each abutting lot, which includes those abutting lots having frontage on and the existing principal buildings oriented toward the intersecting street.

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- b. The front building setback for the building on the lot proposed for development shall be no closer toward, and no farther away from, the street right-of-way than the front building line of existing buildings on abutting lots, unless all buildings on the abutting lots have the same building setback distance.
  - 1. Front building façades and/or covered front porches shall be permitted to fulfill this requirement.
- c. No building shall extend into any street right-of-way.

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