



ZONING ASSESSMENT MEMO

Project Name: Boyertown

Project Number: 230240

Date: 08/01/2023

Borough of Boyertown Zoning Ordinance Assessment:

- **Borough of Boyertown Zoning Map**
 - 25 S Reading Ave = TC Town Center

- **JMZO: Joint Municipal Zoning Ordinance**
 - Boyertown – Colebrookdale – Pike Joint Zoning

- **Section 306 Table of Allowed Uses (JMZO)**
 - Applicable Permitted Uses Summary
 - Apartments* Shall be limited to being in the same building as a principal commercial use that is on the street level. In the TC zoning district, no portion of the street level of the building may be used for an apartment.
 - Conversion of an Existing Building to result in an increased number of dwelling units
 - Bakery, Retail
 - Bed and Breakfast Inn
 - Beverage Distributor
 - Catering, Custom, for Off-site Consumption
 - Conference Center
 - Crafts or Artisan’s Studio
 - Custom Printing, Copying, Faxing, Mailing or Courier Service
 - Exercise Club
 - Financial Institutions (includes banks) with any “drive-through” facilities meeting Section 403
 - Flea Market/ Auction House
 - Funeral Home
 - Garden Center, Retail
 - Hotel or Motel
 - Laundromat
 - Office (may include medical labs, see also home occupations)
 - Personal Services (includes tailoring, custom dressmaking, haircutting/styling, travel agency, drycleaning, shoe repair, "massage therapy, certified" and closely similar uses) (See also Home Occupation)
 - Plant Nursery
 - Recording Studio, Music

- Recreation, Commercial Indoor (§ 402) (includes bowling alley, roller or ice skating rink, batting practice, and closely similar uses); other than uses listed separately in this Section 306
- Repair Service, Household Appliance
- Restaurant or Banquet Hall – without drive-through service
- Retail Store (not including uses listed individually in this Section 306) or Shopping Center
- Theater, Indoor Movie, other than an Adult Use
- Trade/Hobby School
- Veterinarian Office
- Community Recreation Center (limited to a government sponsored or non-profit facility) or Library
- Cultural Center or Museum
- Day Care Center, Adult
- Day Care Center, Child
- Emergency Services Station
- Membership Club meeting and non-commercial recreational facilities, provided that an "After Hours Club", "Tavern" or uses listed separately in this Section 306 shall only be allowed if so listed in this table and if the requirements for that use are also met.
- Nursing Home or Personal Care Home/ Assisted Living
- Place of Worship (includes Church)
- School, Public or Private, Primary or Secondary
- Borough/Township Government Uses, other than uses listed separately in this Section 306
- Publicly Owned or Operated Recreation Park or Non-Motorized Recreation Trail
- U.S. Postal Service Facility, which may include a leased facility
- Applicable Special Exception Uses Summary
 - Construction Company or Tradesperson's Headquarters (including but not limited to landscaping, building trades or janitorial contractor)
 - Tavern which may include a State-licensed micro-brewery (not including an After Hours Club or Nightclub)
 - Government Facility, other than uses listed separately in this Section 306
 - Public Utility Facility (See also Section 114) other than uses listed separately in this Section 306
 - Manufacturing, Custom, of Prototypes or Accessory Manufacturing in Combination With Principal Research and Development
- **Section 307 Dimensional Requirements (JMZO)**
 - Building Height: 60 feet
 - Min. Front Yard Setback: 0 feet. No new vehicle parking shall be located between the front lot line and the front of the principal building.
 - Note D: Setbacks shall be measured from the future/ultimate right-of-way, if one is established under the municipal subdivision and land development ordinance. Otherwise, setbacks shall be measured from the legal existing right-of-way that will exist upon completion of the development. An unenclosed front porch or deck may intrude up

to 10 feet into the minimum front yard. This porch or deck may be covered by a roof, but may not be enclosed on front or sides.

- Min. Rear Yard Setback: 10 feet
- Min. Side Yard Setback (each): 0 feet
- Maximum Percent Building Coverage: 90%
- Maximum Percent Impervious Coverage: 100%

- **Section 805 Nonconformities (JMZO)**

- 805.B: Continuation of Nonconformities
 - A lawful nonconforming use, structure or lot as defined by this Ordinance may be continued and may be sold and continued by new owners.
 - Any expansion of, construction upon or change in use of a nonconformity shall only occur in conformance with this section.
 - If an existing use was not lawfully established, it shall not have any right to continue as a nonconforming use.
- 805.C: Expansion of or Construction Upon Nonconformities. The following shall apply, unless the structure is approved under Section 805.D.
 - Nonconforming Structure
 - The Zoning Officer shall permit a nonconforming structure to be reconstructed or expanded provided:
 - That such action will not increase the severity or amount of the nonconformity (such as the area of the building extending into the required yard) or create any new nonconformity, or
 - That any expanded area will comply with the applicable setbacks in that District and other requirements of this Ordinance, except as may be allowed under subsection 1.c. or 1.d. below.
 - In the case of a nonconforming structure which is used by a nonconforming use, any expansion shall also meet the requirements of this Section regarding nonconforming uses.
 - As a special exception, the Zoning Hearing Board may approve a reduction of up to 50% in a side or rear setback for an existing dwelling if the applicant proves such setback is necessary to allow an addition of up to 800 square feet of floor area onto such dwelling or a replacement of an existing undersized dwelling with a new dwelling. This subsection shall not allow a reduction in setback to increase the number of dwelling units on the lot, except for a Unit for Care of Relative.
 - As a special exception, the Zoning Hearing Board may approve a reduction of a front, side or rear setback to allow a reasonable expansion of an existing historic building if the applicant proves such reduced setback will: a) maintain the historic character of the building, b) not create a conflict with an abutting existing dwelling, and c) will not result in an expanded portion of the building being closer to a public street than the existing building, if such setback will be nonconforming.
 - Nonconforming Lots
 - Permitted Construction on a Nonconforming Lot. A single permitted by right principal use and its customary accessory uses may be constructed, reconstructed

or expanded on a nonconforming lot provided all of the following additional requirements are met:

- The lot must be a lawful nonconforming lot of record;
- Minimum setback requirements shall be met;
- State and Federal wetland regulations shall be met;
- If a septic or well is used, the requirements for such shall be met.
- Lot Width. The fact that an existing lawful lot of record does not meet the minimum lot width requirements of this Ordinance shall not by itself cause such lot to be considered to be a nonconforming lot.
- Expansion of a Nonconforming Non-Residential Use. A non-conforming use or a building used by a nonconforming use shall not be expanded, except in accordance with the following provisions:
 - An expansion of more than 5% in total building floor area shall require special exception approval from the Zoning Hearing Board under Article 1.
 - Such reconstruction or expansion shall be only upon the same lot that the nonconforming use was located upon at the time the use became nonconforming.
 - The 1) total building floor area used by a nonconforming use or the 2) total land area covered by the nonconforming use, whichever is more restrictive, shall not be increased by greater than 50% beyond what existed in the nonconforming use at the time the use first became nonconforming.
 - The above maximum increase shall be measured in aggregate over the entire life of the nonconformity. All expansions of the nonconforming use and/or building(s) that occurred since the use originally became nonconforming shall count towards the above maximum increase.
 - Any expansion of a nonconforming use shall meet the required setbacks and other requirements of this Ordinance unless the Zoning Hearing Board grants a variance.
- 805.D: Damaged or Destroyed Nonconformities
 - A nonconforming structure or nonconforming use that has been destroyed or damaged may be rebuilt in a nonconforming fashion only if: a) the application for a building permit is submitted within 18 months after the date of damage or destruction, b) work begins in earnest within 12 months following the date the building permit is issued and continues, c) no nonconformity may be newly created or increased by any reconstruction, and d) except where otherwise prohibited by this Ordinance or the municipal floodplain regulations. The property shall be properly secured during such time in such a way to keep out trespassers and to avoid harm to neighboring properties.
- **Section 601.B Parking Reduction in the TC District within the Borough of Boyertown (JMZO)**
 - Off-street parking shall not be required within the following portion of the TC district, in recognition of the availability of municipal parking:
 - Lots fronting upon the west side of South Reading Avenue between Philadelphia Avenue and the right-of-way of East Third Street.
- **Section 604 Off-Street Loading (JMZO)**

- Each use shall provide off-street loading facilities, which meet the requirements of this Section, sufficient to accommodate the maximum demand generated by the use and the maximum size vehicle, in a manner that will not routinely obstruct traffic on a public street and traffic entering and exiting the lot. If no other reasonable alternative is feasible, traffic may be obstructed for occasional loading and unloading along an alley, provided traffic has the ability to use another method of access.
 - At the time of review under this Ordinance, the applicant shall provide evidence to the Zoning Officer on whether the use will have sufficient numbers and sizes of loading facilities. The Planning Commission, Board of Commissioners, Board of Supervisors and/or Borough Council may provide advice to the Zoning Officer on this matter as part of any plan review by such boards. For the purposes of this Section, the words "loading" and "unloading" are used interchangeably.
 - In general, loading spaces for smaller trucks shall be 10 feet wide by 20 feet long, for medium trucks shall be 10 feet wide by 40 feet long, for larger trucks shall be 10 feet wide by 50 feet long, and for tractor-trailers shall be 11 feet wide by 65 feet long.
 - Each space and the needed maneuvering room shall not intrude into approved buffer areas and landscaped areas.
- **Chapter 168 Streets and Sidewalks (Boyertown Ordinance)**
 - 168-13: Design Standards
 - All new sidewalks and curbs to be constructed shall be made of cement or brick. Sidewalks shall be constructed to the full width of the footwalk as designated on the topographical survey of the Borough, except that on streets hereafter to be opened or on streets on which sidewalks have not yet been laid out, the width of the pavement to be constructed shall be at least five feet. The owner shall have the right but not the obligation to leave a clear space of at least two feet between the curb and pavement, which shall be planted with grass. Curbs shall be eight inches in width and at least 22 inches in height from top to bottom, and shall be dressed in cement on the street side for the space of eight inches from the top. Whenever a new curb or sidewalk is constructed or an existing curb or sidewalk is replaced at an intersection, it must be constructed with a depressed curb ramp, accessible to the physically handicapped. The Borough Council may also establish such additional specification for the construction of sidewalks within the Borough as it may deem appropriate from time to time.
 - 168-23 Sidewalk Cafes – permit required
 - **Chapter 181 Trees (Boyertown Ordinance)** (this section takes precedence over section 804 of the Joint Municipal Zoning Ordinance for street trees)
 - **Section 804 Landscaping (JMZO)**
 - 804.A: Any part of a commercial, industrial, institutional or apartment lot which is not used for structures, loading areas, parking spaces and aisles, sidewalks and designated storage areas shall be provided with an all-season, well-maintained vegetative groundcover, and shall be landscaped with trees and shrubs. Landscaped areas shall be kept free of debris, rubbish and noxious weeds.

- See section 804 for specific requirements
- **Section 313 Additional Requirements and Guidelines in the TC, GR and GR/O Districts (JMZO)**
 - 313.E: Continuity of Street-Front Activity. Uninterrupted continuity of pedestrian-related uses and activities should be encouraged along main streets, particularly in areas of present activity. Outward street orientation with storefronts, entrances and windows relating to the street, rather than in inward focus away from the street, should be emphasized in new buildings. Street-oriented parking lots, blank building faces and non-pedestrian-related uses should be discouraged along major pedestrian streets.
 - 313.F Lighting: Adequate lighting shall be provided for security, but in a manner that does not generate glare. Light fixtures should be visually in keeping with the character of the Historic District. The luminaire itself (such as in a floodlight) should not be visible from a street or sidewalk.
- **Berks County Tax Parcel Map**
 - Northeast lot line dimension: 116.7 feet
 - Southeast lot line dimension: 70.9 feet
 - Southwest lot line dimension: 117.5 feet
 - Northwest lot line dimension: 70.9 feet

