

Any reconstruction, rehabilitation, addition or other improvement of a structure, of which the cost equals or exceeds 50% of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred substantial damage (or repetitive loss, when a repetitive loss provision is used) regardless of the actual repair work performed. The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.

### **UNIFORM CONSTRUCTION CODE (UCC)**

The statewide building code adopted by the Pennsylvania General Assembly in 1999, applicable to new construction in all municipalities whether administered by the municipality, a third party or the Department of Labor and Industry. Applicable to residential and commercial buildings, the UCC adopted the International Residential Code (IRC) and the International Building Code (IBC), by reference, as the construction standard applicable with the state floodplain construction. For coordination purposes, references to the above are made specifically to various sections of the IRC and the IBC.

### **VIOLATION**

The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

*Editor's Note: The former definition of "special permit," which immediately followed this definition, was repealed 2-22-2016 by Ord. No. 2016-05.*

## **§ 195-25 LI Limited Industrial District.**

In an LI Limited Industrial District, the following regulations shall apply.

- A. Purpose of legislative intent. In addition to the purposes set forth in § 195-1 of this chapter, it is the intent of this section to provide for nonpolluting industry, office and certain manufacturing operations, as further regulated below:
- (1) Establish standards and certain limitations which encourage orderly and planned development of industrial parts, including an internal road network, while prohibiting polluting or noxious uses.
  - (2) Ensure that residential and institutional development will be buffered against Limited Industrial Districts and prevent encroachments upon existing highways by the use of setbacks and installation of new landscape material and/or require the preservation of existing natural features to accomplish the same effect.
- B. Use regulations. A building or group of buildings may be erected, altered or used, and a lot may be used or occupied, for any of the following purposes and no other:
- (1) Raising and harvesting of crops.
  - (2) General service excluding retail sales, such as plumbing or other building supplies, provided that such storage of product or merchandise shall be within a fully enclosed building, and further excluding interior or exterior storage and sale of coal, petroleum distillates or highly flammable materials of any kind.
  - (3) Offices for administration, executive, professional, sales and other similar uses.
  - (4) Laboratory for scientific, agricultural or light industrial research and development, training or product development.
  - (5) Printing, publishing, lithographing and similar processes.
  - (6) Wholesale, warehousing and distributing, provided that the handling or exchange of highly flammable or explosive materials shall be permitted only when authorized as a special exception and the applicant shall demonstrate that there is no substantial danger to employees or the general public, and further provided that satisfactory provisions are made to prevent traffic congestion and hazard.
  - (7) Manufacturing, fabricating, assembling and/or processing of scientific and precision instruments and controls; computer products and components; electronics and parts assembly; pharmaceutical and optical goods; medical and dental equipment; photographic reproduction and films; musical instruments, toys, cosmetics and tobacco products; jewelry and timepieces; hardware, tools and appliances; ceramics, clothing and textile products; products from previously

- prepared paper, rubber and plastics (see exceptions); beverages, confections, dairy and all food products (exclusive of meat and fish).
- (8) The manufacture and assemblage of products from the following previously prepared materials: wood, glass, textiles, cork, leather, bone, shell, fur, feathers, hair, sheet rubber and paper.
- (9) Repair and maintenance of office equipment, computers, electronic products and household items.
- (10) Parks, public or privately owned, primarily consisting of the preservation of environmentally sensitive open space such as stream corridors, areas of natural vegetation, and which is primarily unpaved and un-built-upon open space, with the exception of walking trails, visitor parking lots and accessory structures such as gazebos and picnic pavilions. Such a park shall be limited to passive recreation involving activities such as walking, sitting, picnicking, nature walks and observation areas and would exclude activities such as sports fields, swimming pools, paved play courts, such as basketball, volleyball and tennis, and lighting facilities for recreation purposes.

[Added 10-26-2015 by Ord. No. 2015-09<sup>[1]</sup>]

[1] *Editor's Note: This ordinance also redesignated former Subsection B(10) through (12) as Subsection B(11) through (13), respectively.*

- (11) Accessory use on the same lot and incidental to any permitted use and shall include:
  - (a) Cafeteria facilities for employees.
  - (b) Recreational facilities for employees and occupants; provided, however, that there shall be no exterior lighting for such facilities.
  - (c) Outside storage within a completely screened area but not within the minimum required front yard or within 100 feet of any other zoning district, in conjunction with a permitted use.
  - (d) Incidental retail sales of products assembled or manufactured on the premises or repair and replacement items or items distributed or used by the occupant.
  - (e) Repair and maintenance of vehicles for only those such vehicles used on the same property and/or in connection with a permitted use.
  - (f) Electrical substations, provided that the use shall be permanently screened to a height of 10 feet from any existing dwelling adjacent thereto.
  - (g) Educational, trade, technical and professional school or institute not incompatible with this district.
  - (h) Metalworking, extrusion of small metals, welding, plating, laundering, cleaning and dyeing, excluding bleaching, in connection with a foregoing permitted use.
- (12) The following uses, when permitted by special exception:
  - (a) Metalworking, extrusion of small metals, welding, plating, cleaning and dyeing, excluding bleaching, when proposed as a principal use in a building or on a lot.<sup>[2]</sup>
    - [2] *Editor's Note: Former Subsection B(12)(b), which referenced the former ARD District and immediately followed this subsection, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. I). Former Subsection B(12)(c) and (d) have been designated as (b) and (c), respectively.*
  - (b) Any use of the same general character as any permitted use.
  - (c) Handling, storage or exchange of highly flammable, hazardous, toxic or explosive materials. The applicant shall have the burden to demonstrate that there is no substantial danger to employees or the general public.
- (13) The following uses or activities involving use, storage, utilization or manufacture are specifically prohibited:
  - (a) Truck terminal or freight station, express, carting or hauling station.
  - (b) Tire and rubber tube products, rubber, synthetic and wood processing.
  - (c) General vehicle engine or body repair.

- (d) Landfill, trash refuse compacting or solid waste disposal facilities, including incinerator.
  - (e) Nuclear fuels, fissionable materials and products and reactor elements, including but not limited to Uranium 235 and Plutonium 239.
- C. Air and thermal pollution. Air and thermal pollution shall be controlled in compliance with all regulations in regard to air and thermal pollution of the Commonwealth of Pennsylvania and the United States.<sup>[3]</sup>
- [3] *Editor's Note: Former Subsection D, Control of noise, which immediately followed this subsection, was repealed 4-26-1999 by Ord. No. 99-7. Said ordinance also redesignated former Subsections E through L as Subsections D through K, respectively.*
- D. Control of odors. There shall be no emission or odorous gases or other odorous matter in such quantities as to be offensive at or beyond the lot boundary line. Any process which may involve the creation or emission of any odors shall be provided with a secondary safeguard system, so that control will be maintained if the primary safeguard system should fail. There is hereby established as a guide in determining such quantities of offensive odors Table III (Odor Thresholds, Chapter 5, Air Pollution Abatement Manual, copyright 1951, as amended by Manufacturing Chemists' Association, Inc., Washington, D.C.).
- E. Control of glare or heat. Any operation producing intense glare or heat shall be performed within an enclosed building or behind a solid fence in such manner as to be completely imperceptible from any point beyond the lot lines.
- F. Control of vibration. No vibration shall be discernible at any point beyond the lot line.
- G. Control of radioactivity or electrical disturbance. There shall be no activities which emit uncontrolled dangerous or harmful radioactivity. Activities or processes licensed under the Atomic Energy Commission of the United States shall be considered, prima facie, controlled. There shall be no electrical disturbance, except from domestic household appliances, adversely affecting the operation of any equipment located beyond the property of the creator of such disturbance.
- H. Outdoor storage and waste disposal.
- (1) The method of storage of flammable liquids, solids or gases shall conform to regulations of the Pennsylvania Department of Labor and Industry, the Pennsylvania State Police Bureau of Fire Protection, the Township Fire Code, and all federal regulations, provided that, if visible from and within 200 feet of abutting residential properties or a public road, it shall be concealed by coniferous planting.
  - (2) All materials or wastes shall be stored in approved containers.
- I. Electric, diesel, gas or other power. Every use requiring power shall be so operated that substations, etc., shall conform to the most acceptable safety requirements recognized by the Pennsylvania Bureau of Labor and Industry. Substations shall be so constructed and installed so as to be an integral part of the architectural features of the plant or, if visible from abutting residential properties, shall be concealed by coniferous planting.
- J. Provision and use of water. All water requirements shall be supplied, wherever reasonably possible, by water distributing companies operating and supervised as municipal or public utilities. No permit for construction, building or use or for the drilling of wells shall be issued by the Zoning Officer until satisfactory proof of the availability and supply of water, considered, in the case of wells, in light of other well users, is furnished the Board of Commissioners, and the Board shall have authorized the issuance of such permit.
- K. Area and yard regulations.
- (1) A lot area of not less than 43,560 square feet and a lot width of not less than 200 feet at the building line or at the point of the proposed building closest to the street and extending the full depth of the building shall be provided for every building hereafter erected or used for any purpose permitted in this district.
  - (2) Lot coverage.
    - (a) Principal and accessory buildings shall not occupy more than the percentage determined by the following formula, but in no case shall it exceed 40%.
    - (b) The maximum building coverage shall be 20% of the square-foot area of the lot plus 2 1/2% per acre multiplied by the lot area in acres.
  - (3) Yard requirements.

- (a) The required minimum depth of a front yard shall be as follows:
- [1] Where a building is located on a street, on the opposite side of which the land is zoned residential, at least 200 feet.
  - [2] In all other cases, at least 75 feet.
- (b) There shall be two side yards, one on each side of the principal building, each of which shall be no less than 25 feet in width.
- (c) There shall be a rear yard, the depth of which shall be at least 40 feet.
- (d) The yard requirements hereinabove set forth shall be subject to the following additional provisions:
- [1] Buildings. In no case, except adjacent to an existing railroad, shall any building be erected, either upon the surface or under the ground, closer than 200 feet to any residential district. No side or rear yard shall be required for the side or rear of a building abutting on an existing railroad right-of-way.
  - [2] Driveways. No driveway shall be established or maintained closer than 10 feet to any side or rear lot line or, within a side or rear yard adjacent to a residential district, closer than 100 feet.
- (e) Side and rear yards adjacent to a residential district shall be planted and maintained as a screen buffer as provided in § 195-90(1); and front yards and all yards adjacent to a nonresidential district other than limited industrial and industrial shall be planted and maintained as a softening buffer as provided in § 195-90(2) and be maintained by the owner or tenants in a careful and prudent manner.  
[Amended 6-29-1992 by Ord. No. 92-11]
- (f) Parking. Parking shall be permitted as set forth by the Code of Upper Gwynedd.
- (g) Additional parking regulations:
- [1] No parking shall be permitted within the first 50 feet of a required open front yard of 75 feet.
  - [2] No parking shall be permitted within the first 175 feet of a required open front yard of 200 feet.
  - [3] No parking shall be permitted within 100 feet of any side or rear property line forming a boundary between an industrial district and a residential district, nor within 100 feet of any boundary line between an industrial district and a residential district, wherever located.
  - [4] No parking shall be permitted within 10 feet of any lot boundary line.

### ~~§ 195-26 IN Institutional District.~~

- A. Purpose. In expansion of the statement of purpose contained in Article I, § 195-1, of this chapter, it is hereby declared to be the intent of this article, with respect to IN Institutional Districts, to encourage the preservation and subsequent logical and timely development of land for institutional purposes; to assure the suitable design of institutions in order to protect the environment of the adjacent and nearby neighborhoods; and to ensure that institutional development will take place only when served by adequate public utilities.
- B. Use regulations. A building may be erected, altered or used and a lot or premises may be used or occupied for any one of the following purposes and no other:
- (1) Churches, chapels or other places of worship and their adjunct residential dwellings.
  - (2) Schools, colleges, universities, theological schools and other institutions of learning, adjunct residential dwellings, including dormitories, and adjunct play and recreational grounds and facilities.
  - (3) Convents and monasteries.
  - (4) Institutional headquarters for educational, professional, religious and other nonprofit organizations of a similar nature.
  - (5) Medical and surgical hospitals.