



# MEDIA

## **HYBRID FORM-BASED CODE**

### **“E Section” of the Zoning Ordinance**

June 6, 2022 **DRAFT**

Changes are identified in red.

*This document has been updated to address changes needed to facilitate the creation of the Hybrid Form-Based Code. Changes are intended to impact only those areas that are covered by the hybrid form-based code (R1, R2, R3, R4 and Office District).*

# Article E-I. Supplemental Regulations

## § 311.E-1. Legislative intent.

The purpose of this article is to identify certain regulations and standards which are either common to all zoning districts or applicable to more than one district.

## § 311.E-2. Overall requirements.

- A. No building or structure, or part thereof, shall hereafter be erected, constructed or altered, and no new use or change shall be made or maintained of any building, structure or land, or part thereof, except in conformity with the provisions of this chapter.
- B. Every principal building shall hereafter be built on a lot with frontage on a public or private street.
- C. No lot or premises shall hereafter be subdivided or reduced in area or size in any manner so as to violate the provisions of this chapter.

## § 311.E-3. Sidewalks and curb cuts.

*[Amended 8-15-1996 by Ord. No. 903]*

All new construction, excluding decks and accessory structures, on lots where there is currently no sidewalk shall install a sidewalk with accessible curb cut ramps at the crosswalks.

## § 311.E-4. Projections into required setbacks.

*[Amended 8-15-1996 by Ord. No. 903; 3-19-2009 by Ord. No. 1057]*

- A. No building or part thereof shall be erected within or project into any required yard in any district, except for one-story bay windows, eaves, chimneys, balconies, fire escapes, buttresses, cornices or steps; and none of these or similar projections shall encroach more than three feet into the required yard.
- B. In the R1, R2, and R3 Zoning Districts, where a structure has a conforming front yard setback, an unenclosed porch may project into such conforming front yard setback up to 1/3 of the required depth of the front yard setback for such respective zoning district.
  - (1) Prior to the issuance of a building permit for such a porch, the architecture of said porch shall be reviewed by the Media Borough Planning Commission.
  - (2) No porch erected under ~~§ 311.E-4B~~ ~~§ 311-61B~~ may subsequently be enclosed unless permitted in Article B-X.
- C. A ramp designed to fulfill the minimum Americans with Disabilities Act requirements shall be permitted within the required setbacks, up to one foot from the property lot line. Accessory structures shall follow guidelines as set forth in ~~§ 311-63C~~ § 311.E-6D.

## § 311.E-5. Visibility at corner lots.

- A. On any corner lot, no wall, fence or other structure shall be erected or maintained, and no hedge, tree, shrub or other growth shall be planted, grown or maintained, which may cause danger to vehicular traffic by obscuring the view or in any other way be a source of

danger.

- B. In residential districts, where a lot is located at the intersection of two streets, no obstruction of any kind whatsoever of a height greater than 24 inches shall be maintained or permitted within a triangle the legs of which measured from the intersection of the curblines at the corner shall be 25 feet.
- C. The Borough shall have the right to declare any obstruction to vision within the line of the sight triangle to be a safety hazard and shall direct the owner of the property to have it removed. If the owner fails to do so within 30 days after written notice, the Borough shall remove the obstruction and bill the owner and lien the property for the expense involved.

#### § 311.E-6. Accessory structures.

A. Accessory structures in the R-1, R-2, R-3, R-4, and Office district shall first be governed by the form-based code (Article 311B) and then by the standards in this section. Where the two conflict, Article 311B shall govern.

A.B. Accessory structures shall cover no more than the below listed percentage of the area of the lot on which they are located for the zoning districts and principal uses indicated:

- (1) All uses in MERC and ROA Districts and multifamily dwellings with five or more units: 5%.
- (2) All other uses: 10%.

B.C. No accessory structure shall exceed one story or 14 feet in height, except with regard to private garages for which a steep slope requires more room for vehicular access, in which case the side for access shall not exceed 24 feet in height.

C.D. Accessory structures shall be placed not less than three feet from any side or rear lot line and behind the rearmost portion of the principal building. In the case of corner lots, accessory structures shall not be placed closer to the side street than the principal building.

D.E. Decks for residential uses only. In order for a deck for residential uses only to be built, it shall meet all of the following requirements: [Added 5-20-2004 by Ord. No. 989]

- (1) A deck without any roof structure or walls shall be allowed to project into a preexisting nonconforming side yard; and
- (2) No deck shall be built to project into any rear yard setback as a use by right; and
- (3) Prior to obtaining any building permit for the construction of a deck, it shall be established to the satisfaction of the Borough that the footings are structurally designed to support only the deck, defined as a nonexpandable deck, or that the footings are structurally designed to support in the future an enclosed room, defined as an expandable deck; and
- (4) A nonexpandable deck shall not be later expanded or constructed as an enclosed additional living area, such as but not limited to, an additional room or rooms; and
- (5) In addition, the owner shall designate in writing that there is an expandable deck at the time of filing for the building permit by including a letter of intent to later

expand or construct an enclosed additional living area. In addition, the owner shall provide in writing the following:

- (a) That the enclosed or expanded deck is compliant with all applicable setback regulations; and
  - (b) That the enclosed or expanded deck follows the zoning regulations as provided for enlargement of nonconforming structures in Article F-IV; and
- (6) The owner of a preexisting open deck shall provide the following in writing if he/she applies to expand and/or enclose the deck:
- (a) The owner shall demonstrate to the satisfaction of the Borough that the existing footings of the open deck provide the proper load-bearing capacity to support the enlargement and/or enclosure; and
  - (b) The owner shall provide proof, to the satisfaction of the Borough, as demonstrated in building plans that the proper fire separation exists between structures as provided in the BOCA Code.

E.F. Calculation of building coverage for properties that include accessory structures. The total building coverage of a property that includes accessory structures shall include the footprint of the accessory structure(s). [Added 5-20-2004 by Ord. No.989]

#### § 311.E-7. Regulations for private, noncommercial swimming pools.

- A. The swimming pool is intended, and is to be used, solely for the enjoyment of the occupants of the principal permitted use of the property on which it is located and their guests.
- B. No swimming pool shall be constructed in the Borough except in accordance with a permit previously secured from the Code Enforcement Officer.
- C. All swimming pools where the water may reach a depth of more than two feet shall be completely enclosed by a good quality chain link, wooden or other equivalent fence of not less than four feet in height. The type, quality and design of the fence shall be adequate to serve as a safeguard and protection to children. Such fence shall have self-locking gates and shall be such as to prevent unauthorized children and animals from entering the pool area.
- D. The type, quality and construction of such fence shall be approved by the Code Enforcement Officer.
- E. No swimming pool shall be located less than 10 feet from any property line and 10 feet from the principal permitted use on the lot.
- F. No swimming pool shall be located under electric lines.
- G. Swimming pools shall be placed behind the front line of the principal building. In the case of a corner lot, no swimming pool shall be placed closer to the side street than the principal building.

#### § 311.E-8. Public utility buildings.

Public utility buildings shall be permitted in any zoning district, provided that buildings and equipment used by these utilities shall be subject to the following regulations:

- A. Front, side and rear yards shall be provided in compliance with the requirements of the district in which the building is located.
- B. The height of the building shall comply with district regulations.
- C. In residential districts, the permitted public utility facilities shall not include storage of maintenance vehicles or equipment, and no equipment creating unreasonable noise, vibration, smoke, odor or hazardous condition shall be installed.
- D. Unhoused equipment shall be enclosed with a fence or wall not less than six feet in height which shall be so constructed as not to have openings, holes or gaps larger than six inches in any dimension.

**§ 311.E-9. Fence and wall regulations.**

- A. In all districts, except for the Industrial District as specifically provided in Subsection E, no fence or wall (excepting a retaining wall or a wall of a building permitted under the terms of this chapter) shall be erected to a height of more than four feet in the front yard. Similarly, such fences or walls shall not exceed six feet in height in the side and rear yards; however, fences surrounding tennis courts and ball fields may have a height of not more than 12 feet, and fences screening a dumpster shall be subject to the height requirements of [§ 311.E-9](#) ~~§ 311-66F~~ hereof. [Amended 7-15-2004 by Ord. No. 994; 4-19-2007 by Ord. No. 1025]
- B. All fences shall be constructed inside, and not directly on the property line.
- C. No fence shall be of a type or design so as to be clearly out of character with the architecture of the surrounding line.
- D. Prior to the erection of a fence, a permit must be obtained from the Code Enforcement Officer.
- E. In the Industrial District for fences surrounding businesses or portions thereof, the fence(s) shall have a height not to exceed eight feet. [Added 7-15-2004 by Ord. No. 994]
- F. Any dumpster required by § 119-9 of the Code of the Borough of Media, authorized pursuant to § 253-39 of the Code of the Borough of Media or otherwise located on a permanent basis on any property within the Borough, shall be screened from public view by a fence with a height at least equal to that of the dumpster it is shielding and no higher than six inches in excess of the height of the dumpster that it is shielding. [Added 4-19-2007 by Ord. No. 1025]

*§ 311-67. Restrictions on keeping of animals.  
[Amended 3-18-2021 by Ord. No. 1147]*

No lot or premises in any part of the Borough shall be used to keep or raise chickens, except in compliance with Article III of Chapter 149 of the Code of the Borough of Media, entitled "Raising and Keeping of Chickens." No exterior grounds of any lot or premises in any part of the Borough shall be used to keep or raise pigeons or other fowl, or any rabbits, hares, guinea pigs, white mice, hamsters or any other small animals; such animals may be kept or raised inside residential structures as household pets, provided the keeping of same shall not cause a nuisance. No lot or

premises in any part of the Borough shall be used to keep or raise any horses, cows, sheep or any other farm animals or wild animals or reptiles, whether domesticated or not.

#### § 311.E-10. Refuse.

All refuse shall be placed in closed, rigid, vermin-proof containers. In the case of multifamily dwellings and nonresidential buildings, all refuse receptacles shall be effectively screened from the view of the residents and from public streets and sidewalks by means of a fence, wall or plantings. All such refuse receptacles shall be placed on the property responsible for such refuse.

#### § 311.E-11. Lighting.

In the case of multifamily dwellings and nonresidential buildings, lighting facilities shall be provided and arranged in a manner that will protect the street and neighboring properties from excessive glare and hazardous interference of any kind. Lighting facilities shall be provided for the safety and convenience of the residents of multifamily dwellings or patrons of nonresidential buildings. All driveways and parking areas must be properly lighted to assure safe driving conditions at night and security for residents and patrons.

#### § 311.E-12. Condominiums.

In the event that multifamily dwellings are converted or developed as condominiums, such condominiums shall be owned and operated in accordance with the Pennsylvania Unit Property Act of 1963, as amended.

#### § 311.E-13. Satellite antennas.

The following provisions shall regulate satellite antennas in the Borough:

- A. Only ground-based satellite antennas are permitted in residential zoning districts.
- B. Ground-based satellite antennas shall be placed only in the side or rear yard. No antenna shall be placed in the front yard.
- C. If ground-based, the maximum height of the satellite antenna shall be 14 feet, as required for accessory structures in § 311.E-6 of this chapter.
- D. If ground-based, the maximum area of the satellite antenna shall not exceed two square feet of surface area. [Amended 8-15-1996 by Ord. No. 903]
- E. Roof-mounted satellite antennas shall be placed only in nonresidential zoning districts.
- F. A roof-mounted antenna shall not exceed two square feet in surface area.

*[Amended 8-15-1996 by Ord. No. 903]*

- G. The total height of a roof-mounted antenna shall not extend more than six feet above the roofline.
- H. Roof-mounted antennas shall be located on the portion of the roof sloping away from the front of the lot.
- I. All applications for a roof-mounted antenna shall be accompanied by specific mounting and stress analysis designs, prepared by a professional engineer.
- J. No more than one satellite antenna shall be permitted on a lot with its use limited to that lot.

- K. The satellite antenna shall be of a color that blends with the surrounding landscape. It shall have an open mesh rather than a solid surface in order to blend with the landscape and reduce visual blockage.
- L. All wiring for ground-based antennas shall be underground.
- M. Satellite antennas shall be located and designed so as to reduce their visual impact on the surrounding properties and public streets.
- N. Every satellite antenna shall be adequately grounded for protection against a direct strike of lightning.
- O. A Media Borough permit shall be obtained prior to installation.
- P. The installation of satellite antennas shall meet all other local, state or federal codes where applicable, including but not limited to the Media Building Code. See Ch. 119, Building Construction.

**§ 311.E-14. Community residence facilities.**

- A. Only family-based community residence facilities and those for the mentally and/ or physically disabled as defined in Article A-II shall be permitted in the Borough. [Amended 8-15-1996 by Ord. No. 903]
- B. Proposed community residence facilities are subject to the conditions and requirements listed below:
  - (1) Supervision, on a twenty-four-hour basis, shall be available by adults qualified in the field for which the facility is intended.
  - (2) No community residence facility shall be located within 750 feet from another, measured from dwelling unit to dwelling unit.
  - (3) The maximum number of residents in a community residence facility shall not exceed eight.
  - (4) Each facility shall have one off-street parking space for each employee on the greatest shift and one off-street parking space for every four residents.
  - (5) All new facilities shall meet the dimensional requirements of the district in which they are located.
  - (6) There shall be a planted buffer, five feet in height, along the side and rear lot lines of all community residence facilities.
  - (7) Any alterations or additions to the exterior of a community residence facility shall be compatible with the existing structure and in keeping with the neighborhood character, excluding safety required modifications. Upon the closing of a community residence facility, all safety required modifications shall be removed.
  - (8) Each facility must receive all pertinent approvals and/or licenses from the appropriate state agencies prior to special exception approval.
  - (9) All other applicable requirements of the Zoning Chapter, building code, fire code and all other applicable Borough codes and state regulations and statutes shall be met.

- (10) All facilities must supply the Borough (and keep current) the name of a person responsible for responding to a complaint filed by the Borough.
- (11) All community residence facilities will be available for reasonable periodic inspections by appropriate Borough officials.
- (12) A record of all community residence facilities and their locations shall be maintained by the Borough Code Enforcement Officer.

**§ 311.E-15. Landscaping, buffering and screening.**

A. General regulations.

- (1) Any part or portion of a site which is not used for buildings, other structures, loading and parking spaces, driveways and aisles, sidewalks and designated storage areas shall be planted with an all-season ground cover and shall be landscaped. Maximum advantage shall be taken of existing trees and shrubs in landscaping.
- (2) All landscaped planting areas, as defined in Article A-II, shall be maintained and kept clean of all debris, rubbish, weeds and tall grass; provided, however, that if such area is part of a naturally wooded area on the property that will remain at least 20 feet wide after the proposed land development is completed, it may continue in its natural state. [Amended 8-15-1996 by Ord. No. 903]
- (3) Unless otherwise specified, landscaped planting areas may be part of the required front, side and rear yards.
- (4) In all districts, a privacy type fence or wall may be substituted for the planted visual screen required in ~~§ 311.E-15-§ 311-73B(5)~~ along a property line which abuts a residential district. [Amended 8-15-1996 by Ord. No. 903]

*Editor's Note: The above language was ambiguous: it referred to "all districts" but the cross reference was to a section that only pertained to the office district. The cross reference was updated to refer Section B "Specific Regulations" to resolve the ambiguity.*

(4)

- (5) All water towers, storage tanks, cooling towers, vents, or any other structures which rise above roof lines, as well as mechanical equipment, shall be architecturally compatible with adjacent neighborhood or effectively screened from view from any public street or sidewalk by the architecturally sound method. [Amended 8-15-1996 by Ord. No. 903]
- (6) Landscaping and screening of parking and loading areas shall be as required by Article E-II of this chapter.

B. Specific regulations. Landscaping, buffering and screening requirements shall be as required by § 311-84 and as indicated below: [Amended 8-15-1996 by Ord. No. 903]

Dwelling or Building Type and Zoning District	Requirements (All dimensions are minimums)
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(1)	R-2 and R-3 Residential Districts, multifamily building with maximum of 4 units per building	<del>Landscaped planting area, 5 feet wide, adjacent to front of principal building.</del> <del>Planted visual screen, 5 feet high, along property lines adjacent to nonresidential district. See Article B-XIV</del>
(2)	R-3 Residential District, multifamily building with 5 or more units per building	<del>Landscaped planting area, 5 feet wide, adjacent to front of principal building. This is part of required common open space.</del> <del>Planted buffer, 5 feet high and 4 feet wide, along each side and rear property line. This buffer is in addition to required common open space.</del> <del>Planted visual screen, 5 feet high, along property lines adjacent to nonresidential district. No planted buffer required. See Article B-XIV</del>
(3)	R-3 Residential District, townhouses	<del>Landscaped planting area, 5 feet wide, adjacent to front of principal building. See Article B-XIV</del>
(4)	Municipal, Educational, Recreational and Community Use District, all buildings	Landscaped planting area, 10 feet wide, along all street frontages, and 5 feet wide around perimeter of principal building.
(5)	O-Office District	<del>Landscaped planting area, 5 feet wide, adjacent to front of principal building. See Article B-XIV</del>
(a)	Nonresidential buildings	<del>Planted visual screen, 5 feet high, along property lines adjacent to residential district. See Article B-XIV</del>
(b)	Multifamily building with maximum of 4 units per building	<del>As noted in Subsection (1) above relating to multifamily buildings with maximum 4 units, in R-3 Residential District. See Article B-XIV</del>
(6)	Retail-Office Apartment District, nonresidential building	Landscaped planting area, 5 feet wide, adjacent to rear of principal building, and front of building if an adjoining property is landscaped.
(7)	Highway, Business-Office District, nonresidential building	Landscaped planting area, 5 feet wide, around perimeter of principal building. Additional

		landscaped planting area may be required by the Planning Commission following a review by the Art and Architectural Commission, at the front and rear of the lot. Planted visual screen, 6 feet high, along all property lines adjacent to a residential district.
(8)	I-Industrial District, all buildings	Planted visual screen, 8 feet high, along all property lines adjacent to a residential use.
(9)	Community residence facilities in all districts permitted	As required by § 311-72B(6) of this chapter.

C. Setback regulations for lots in nonresidential districts, ROA District, R-3 District and R-4 District which abut lots within the R-1 District or R-2 District. [Added 8-21-2008 by Ord. No. 1048]

(1) Setback requirements.

- (a) In addition to the landscaping, buffering and screening requirements set forth in subsection § 311-73B above, there shall be a fifty-foot setback between any nonresidential structure proposed to be erected on a lot in a nonresidential district, an ROA District, an R-3 or an R-4 District that abuts an R-1 or R-2 Residential Zoning District and the boundary lines of the R-1 Residential District or R-2 Residential District, as applicable; or a thirty-foot setback between any residential structure proposed to be erected on a lot in a nonresidential district, an ROA District, an R-3 or an R-4 District that abuts an R-1 or R-2 Residential Zoning District and the boundary lines of the R-1 Residential District or R-2 Residential District, as applicable.
- (b) Where the boundary line separating the districts is the middle of a street, there shall be a twenty-five-foot setback measured between the edge of the street right-of-way and the structure proposed to be erected, regardless of whether the proposed structure shall be a residential structure or a nonresidential structure.
- (c) For purposes of this Subsection C(1), the following terms shall have the meanings indicated:

NONRESIDENTIAL STRUCTURE — Any structure used wholly or in part for nonresidential purposes, including, without limitation, a mixed-use retail/apartment building.

RESIDENTIAL STRUCTURE — Any structure used solely for residential dwelling units, ranging from single-family dwellings to apartment buildings.

- (2) The setback required by Subsection C(1) above shall be landscaped, but driveways, drainage devices and sidewalks may be included in the setback, subject to the impervious-cover requirements of this Zoning Code. The Planning Commission, with the advice of the Shade Tree Commission, shall determine the nature and extent of plantings which will serve as an appropriate buffer in these setback areas between districts taking into account public safety concerns involving sight distances and visibility created by the proposed plantings. The Planning Commission shall also approve the locations of all proposed incursions into these buffer areas to include driveways, drainage devices and sidewalks.
- (3) Where, because of unique and particular physical and topographical conditions, the above setback and buffering requirements are impractical, a lesser setback of physical buffering barriers such as fencing, street walls, landscaping, berms, mounds or a combination of such barriers shall be acceptable when approved by the Zoning Hearing Board as a special exception in accordance with the standard of review for special exceptions set forth in ~~§ 311-109~~ § 311.F-11. In reviewing such special exception applications, the Zoning Hearing Board shall also take into consideration the advice and recommendations of the Borough Planning Commission and the Shade Tree Commission. In no case shall such lesser setback be less than the applicable yard setback requirements for the zoning district in which the property is located.

#### § 311.E-16. Accessory structures for keeping of chickens.<sup>1</sup>

*[Added 3-18-2021 by Ord. No. 1148]*

Where permitted by Chapter 149, Article III, the owner or occupant of a residence in the R-1, R-2, R-3, or R-4 Zoning Districts in the Borough of Media may erect an accessory structure for the keeping of chickens in conformity with the following standards:

- A. Permitted accessory structures for the keeping of chickens include henhouses/ chicken coops and/or chicken runs or pens.
- B. Permitted accessory structures for the keeping of chickens shall only be in the rear yard within the required setbacks.
- C. All accessory structures for the keeping of chickens must be located at least 10 feet from the property line and at least 25 feet from any adjacent residential dwelling, church, school or place of business.
- D. Permitted accessory structures shall be located not less than 10 feet behind the rearmost portion of the principal building. In the case of corner lots, accessory structures shall not be placed closer to the side street than the principal building.
- E. Permitted accessory structures shall only be permitted as an accessory use to a single-

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<sup>1</sup> 6. *Editor's Note: Former § 311-74, Building placement at corner lots, was deleted 8-15-1996 by Ord. No. 903.*

family residence. No chickens shall be permitted in mobile home parks or on properties containing multifamily units, including duplexes.

- F. Maximum height. No structure shall exceed eight feet in height.
- G. Accessory structures for the keeping of chickens shall apply against the lot area restrictions of this chapter.
- H. Enclosures must be impermeable to rodents, wild birds and predators, including dogs and cats.
- I. Prior to the erection or installation of an accessory structure for the keeping of chickens, a permit must be obtained from the Code Enforcement Officer.

**§ 311.E-17. Stormwater management.**

- A. All activities and uses shall comply with the standards and criteria of the Ridley Creek Stormwater Management Plan, as regulated by the Ridley Creek Stormwater Management Ordinance, as now in effect or as later adopted, and with the applicable provisions of the local building code.
- B. No building permit shall be issued for any construction or alteration until the requirements of the Ridley Creek Stormwater Management Ordinance have been fulfilled.
- C. The Zoning Map shows the boundary of the Ridley Creek watershed in the Borough. The Subarea Map (Plate 1) of the Delaware County Stormwater Management Plan for the Ridley Creek Watershed, which map was prepared in November 1982 (revised November 1987) shows the subarea boundaries and indicates the allowable release rate percentages for each subarea, including those in the Borough.
- D. The release rate percentage, as defined in Article A-II, is 100 for all subareas in the Borough.

**§ 311.E-18. Conversions.**

- A. Eligibility.
  - (1) In order to be eligible for conversion, a single-family detached dwelling must contain a minimum of 2,500 square feet of floor area, and a single-family semi-detached dwelling shall contain a minimum of 1,750 square feet of floor area, exclusive of basement in both cases.
  - (2) The conversion shall strictly comply with all requirements of the district in which it is located.
- B. In all districts, a minimum lot area of 2,200 square feet per unit shall be provided.
- C. Except for the area requirement in Subsection B above, other dimensional requirements shall be as noted below:

District	Requirements
R1	<del>Same as for multifamily dwellings (4 units maximum) in R-2 (§ 311-22D).</del>

R2	Same as for R-1 above.
R-3, Office, ROA and HBO	Same as for multifamily dwellings (4 units maximum) in <u>§ 311.C-16BR-3</u> ( <del>§ 311-27D</del> ).

D. Off-street parking for each dwelling unit shall be provided as indicated in the following table:

Bedrooms	Number of Parking Spaces
1	1.0
2 or more	2.0

E. Each unit will be a complete, separate housekeeping unit that is separate from every other unit.

F. Minimum floor space per unit, exclusive of public access, common stairs and hallways serving more than one unit, will be based on the number of bedrooms in units as follows:  
[Amended 8-15-1996 by Ord. No. 903]

Number of Bedrooms in Unit	Minimum Square Footage per Unit
1	625
2	775
3	925

- G. The total number of units in the structure after conversion shall not exceed four.
- H. Separate entrances to the outside or to a common hallway opening to the outside shall be provided.
- I. No external alterations inconsistent with the residential use or architectural character of the dwelling shall be permitted.
- J. All utility connections shall meet utility company standards.
- K. Applications for conversions shall be submitted to the Planning Commission, which will issue a report with its recommendation to Media Borough Council. The applicant shall be present at the time the Planning Commission meeting reviews the conversion application. The application shall include the following information items: [Amended 8-15-1996 by Ord. No. 903]
  - (1) Floor plan showing the layout, including all dimensions of each unit.
  - (2) Site development plan showing and locating the dwelling and other existing buildings; all property lines; any proposed additions; building setback lines; location, size and extent of all underground utilities; length, width and function of all rights-of-way and easements; required parking spaces, and the one-hundred-year floodplain.
- L. All plans shall be drawn to a scale of not less than one inch equals four feet for the floor plans and one inch equals 20 feet for the site development.
- M. All conversions on lots where there is currently no sidewalks shall install a sidewalk with handicapped accessible curb cut ramps at the crosswalks.

**§ 311.E-19. Traffic plans.**

In all zoning districts, whenever a parking area with five or more spaces is proposed to be constructed, a traffic circulation plan showing all points of ingress and egress, as well as on-site traffic flow, shall be submitted to the Planning Commission for its recommendation.

**§ 311.E-20. Wireless communications facilities.**

*[Added 5-21-1998 by Ord. No. 928]*

In recognition of the nature of wireless communications systems and the Federal Telecommunications Act of 1996, the following regulations shall apply:

- A. Purposes. The purpose of this section and the standards established herein is to govern the use, construction and siting of wireless communications so as:
  - (1) To accommodate the need for wireless communications facilities while regulating their location and number in the Borough and to ensure compliance with all applicable governmental regulations.
  - (2) To minimize any adverse visual effects of wireless communications facilities, antenna(e) and antenna support structures through proper design, siting and screening.
  - (3) To ensure the structural integrity of the antenna support structure through

compliance with applicable industry standards and regulations.

- (4) To encourage the joint use of any new antenna support structures to reduce the number of such structures needed in the future.
- (5) To promote the health, safety and welfare of the residents of the Borough.

B. Definitions. For the purposes of this section, the following definitions shall apply:

ANTENNA — A device used to collect and/or transmit wireless communications or radio signals, including panels, microwave dishes and single poles known as "whips."

ANTENNA SUPPORT STRUCTURE — Any pole, telescoping mast, tower, tripod, lattice construction steel structure or any other structure which supports or has attached to it, an antenna(e).

ANTENNA SUPPORT STRUCTURE HEIGHT — The vertical distance measured from the base of an antenna support structure at grade to the highest point of the structure, including any antenna(e) affixed thereto. If the antenna support structure

is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna support structure height.

EMERGENCY USE — For noncommercial communications via antenna(s) and pertaining to governmental concerns regarding health, safety and/or welfare issues for the public.[Added 11-20-2003 by Ord. No. 980]

LAND SITE — A tract or parcel of land that contains a wireless communications facility and associated parking, and may include other uses associated with and ancillary to wireless communication transmission.

WIRELESS COMMUNICATIONS EQUIPMENT BUILDING — A building or cabinet in which electronic receiving, relay or transmitting equipment for a wireless communications facility is housed.

WIRELESS COMMUNICATIONS FACILITY — The antenna(e), antenna support structure, wireless communications equipment building, parking and/or other structures, building, cabinets and equipment involved in receiving or transmitting wireless communications or radio signals.

C. Use regulations.

- (1) Attachment of facilities to existing antenna support structures.
  - (a) Use by right on any local municipality-owned sites.
  - (b) Use by special exception in I - Industrial District and on any state, county and school district-owned sites for their own internal communication needs only.
  - (c) Use by right for emergency use by either or a combination thereof of local, county, state or federal communications antennas. The application procedure, engineering review and building permit procedures as provided in this chapter and the Borough Code shall still be complied with in order to install the antenna/structure. [Added 11-20-2003 by Ord.No. 980]
- (2) Erection of new antenna support structures and wireless communications facilities.

- (a) Use by right on any local municipality-owned sites.
  - (b) Use by special exception in I - Industrial District and on any state, county and school district-owned sites for their own internal communication needs only.
  - (c) Use by right for emergency use by either or a combination thereof of local, county, state or federal communications antennas. The application procedure, engineering review and building permit procedures as provided in this chapter and the Borough Code shall still be complied with in order to install the antenna/structure. [Added 11-20-2003 by Ord.No. 980]
- D. Standards for wireless communications facilities. All applicants seeking to construct, erect, relocate or alter a wireless communications facility shall comply with this chapter and shall demonstrate to the Borough Council the following:
- (1) Antenna location. The applicant shall demonstrate, using accepted technological and documentary evidence, that the antenna and/or antenna support structure must be located where proposed in order to satisfy its function within the applicant's regional plan or grid system. An accurate description of each relevant "area of service" shall be included in such evidence.
  - (2) Antenna height.
    - (a) The applicant shall demonstrate that the antenna(e) and antenna support structure must be at the height proposed in order to satisfy their function in the applicant's regional plan or grid system. The applicant shall also demonstrate that the antenna height requested is not in excess of the minimum required to function satisfactorily.
    - (b) Antenna that is attached to a support structure such as telephone electric or utility pole, existing wireless communications, cellular communications or personal communications services tower, smoke stack, water tower or other similar tall structure, together with any antenna support structure, shall not exceed the height of the existing structure by more than 10 feet.
    - (c) An antenna that is not mounted on an existing antenna support structure shall not have an antenna height or tower height in excess of the height restrictions in the zoning district in which it is located.
  - (3) Setbacks from base of antenna support structure.
    - (a) The minimum distance between the base of any antenna support structure and any property line or right-of-way line shall be the largest of the following:
      - [1] The minimum yard setback in the underlying zoning district; or
      - [2] One hundred percent of the proposed antenna support structure height.
    - (b) The minimum distance between the base of any guy wire anchors and any property line or right-of-way line shall equal 40% of the proposed antenna support structure height.
  - (4) Antenna support structure safety.
    - (a) The applicant shall demonstrate that the proposed antenna(e) and antenna



support structure are designed and constructed in accordance with all applicable national building standards for such facilities and structures, including but not limited to, the standards developed by the Electronics Industry Association, Institute of Electrical and Electronics Engineers, Telecommunications Industry Association, American National Standards Institute and Electrical Industry Association. The applicant shall demonstrate that the proposed wireless communications facility is designed in such a manner so that no part of the facility will attract/deflect lightning onto adjacent properties.

- (b) When an antenna(e) is to be located on an existing structure and the general public has access to the structure on which the antenna(e) is to be located, the applicant shall provide engineering details showing what steps have been taken to prevent microwave binding to wiring, pipes or other metals.
- (5) Safety to surrounding properties/other persons. The applicant shall demonstrate that the proposed antenna and antenna support structure, and entire wireless communication facility, are safe and are in accordance with applicable Borough codes, and the surrounding properties will not be negatively affected by antenna support structure failure, falling ice or other debris. All antenna support structures shall be fitted with anti-climbing devices, as comply with industry standards.
- (6) Fencing. A security fence shall be required around the antenna support structure and other equipment, unless the antenna(e) is mounted on an existing structure. The security fence shall be a maximum of eight feet in height and maintained in proper condition. No barbed wire or razor wire fencing will be permitted.
- (7) Licensing and applicable regulations. If the applicant is a commercial wireless communications company, it must demonstrate that it is licensed by the Federal Communications Commission (FCC) and provide the Borough Manager with copies of all FCC applications, permits, approvals, licenses and site inspection records. All such information shall be accompanied by a certification signed by two officers of the applicant, providing that, after due inquiry, the information being supplied is true and correct to the best of their knowledge, information and belief. The applicant shall also provide the Borough Manager with copies of all applicable federal regulations with which it is required to comply and a schedule of estimated FCC inspections.
- (8) Proof of inspection. The owner of an antenna support structure shall submit to the Borough Engineer proof of the annual inspection of the antenna support structure and antenna(e) by an independent professional engineer as required by the ANSI/EIA/TIA-222-E Code. Based upon the results of such an inspection, the Borough Council may require removal or repair of the wireless communications facility.
- (9) Inspection by Engineer. A structural engineer, registered in Pennsylvania, shall attest to the proposed antenna support structure's ability to meet the structural standards of Subsection D(4) preceding, herein, or those offered by either the

Electronic Industries Association or the Telecommunication Industry Associations and certify the proper attachment of antenna(e) and proper construction of the foundation and the erection of the antenna support structure.

- (10) Fully automated/required parking. The wireless communication facility shall be fully automated and not require any maintenance workers to be present on a full-time basis. Adequate parking shall be required for all maintenance workers, with a minimum of two spaces provided. All parking spaces shall be constructed to conform to applicable stormwater management regulations.
- (11) Site plan. A full site plan shall be required for all wireless communications facilities, showing all existing and proposed structures and improvements, including but not limited to, the antenna(e), antenna support structure, building, fencing, landscape, buffering, and ingress and egress; the plan shall include all necessary elevations and photo-overlays demonstrating the illustrated appearance of all facilities against actual photographic backgrounds in each of the four directions. The plan shall comply with the Borough Subdivision and Land Development Ordinance, as amended.<sup>19</sup>
- (12) Signs. No sign or other structure shall be mounted on the wireless communications facility, except as may be required by the FCC, FAA or other governmental agencies.
- (13) Lighting. Antenna support structures shall meet all Federal Aviation Administration (FAA) regulations. No antenna support structure may be artificially lighted except when required by the FAA or other governmental authority. When lighting is required by the FAA or other governmental authority, it shall be oriented inward so as not to project onto surrounding properties. The applicant shall promptly report any outage or malfunction of FAA mandated lighting to the appropriate governmental authorities.
- (14) Soil report. In the case of newly constructed antenna support structure, a soil report complying with the standards of Geotechnical Investigations, ANSI/ EIA-222E, as amended, shall be submitted to the Borough Engineer to document and verify the design specifications of the foundation for the antenna support structure, and anchors for the guy wires, if used.
- (15) Visual appearance. Antenna support structures shall be painted silver, or have a galvanized finish or may be painted green up to the height of nearby trees to disguise its appearance. All wireless communications equipment buildings and other accessory facilities shall be aesthetically and architecturally compatible with the surrounding environment and shall maximize the use of like-facades to blend with the existing surroundings and neighboring buildings to the greatest extent possible.
- (16) Additional development regulations.
  - (a) Sole use on a lot. A wireless communications facility is permitted as a sole use on a lot subject to the minimum lot area and yards complying with the requirements for the applicable zoning district, except as modified herein.

- (b) Combined with another use. A wireless communications facility may be permitted on a property with an existing use, or on a vacant parcel in combination with another industrial, municipal or other use subject to the following conditions:
  - [1] The existing use on the property must be a permitted use in the applicable district or any lawful nonconforming use, and need not be affiliated with the wireless communications facility.
  - [2] Minimum lot area: minimum lot area for a land site shall be 3,600 square feet.
  - [3] Where the wireless communications facility is located on a property with another principal use, vehicular access to the wireless communications facility shall, whenever feasible, be provided along the circulation driveways of the existing use. The applicant shall present documentation that the owner of the property has granted an easement for the proposed facility.
- (c) Combined with an existing structure. An antenna(e) may be attached to an existing structure or building subject to the conditions that vehicular access to the wireless communications facility shall not interfere with the parking or vehicular circulation on the site for the principal use.
- (17) Maintenance. The wireless communication facility shall be maintained and kept in good repair as required by Federal Law H.R. 6180/S. 2882, the Telecommunications Authorization Act of 1992, including amendments to Sections 303(q) and 503(b)(5) of the Communications Act of 1934 and all Borough ordinances not inconsistent therewith. Every year the facility owner shall certify to the Borough of the structural integrity of the wireless communication facility.
- (18) Landscaping - newly-constructed antenna support structures. The following landscaping shall be required to screen as much of a newly constructed antenna support structure, the fence surrounding the newly constructed antenna support structure, and any other new-constructed ground-level features (such as a building) as possible and, in general, soften the appearance of the wireless communications facility.
  - (a) The disturbance of the existing topography shall be minimized, unless such disturbance would result in less visual impact of the facility on the surrounding area.
  - (b) Existing vegetation on and around the land site shall be preserved to the greatest extent possible. Any tree or vegetative element which dies must be replaced within one month, ground permitting.
  - (c) An evergreen screen shall be required to surround the antenna support structure. The screen can be either a hedge (planted three feet on center maximum) or a row of evergreen trees (planted 10 feet on center maximum). The evergreen screen shall be a minimum height of six feet at planting, and

shall grow to a minimum of 15 feet at maturity.

- (d) Where the wireless communication facility abuts residentially developed land, a residential zoning district, public land, or streets, the land site perimeter shall be landscaped with at least one row of deciduous trees, not less than 3 1/2 inches in caliper, spaced not more than 30 feet apart, on center, and within 25 feet of the land site boundary, as well as at least one row of evergreen trees or shrubs, at least 14 feet high when planted and spaced not more than 15 feet apart and within 40 feet of the land site boundary.
- (19) Notification. All applicants seeking to construct, erect, relocate or alter a wireless communications facility shall demonstrate that all property owners within a two-hundred-foot radius of the proposed antenna support structure have been provided written notice of the applicant's intent to construct, erect, relocate or alter a wireless communications facility. Such notice shall also contain the date and time of the hearing before the Media Borough Planning Commission where the applicant will appear and demonstrate compliance with the provisions of this chapter.
- (20) Interference. In the event the wireless communications facility causes interference with the radio or television reception of any Borough resident for a period of three continuous days, the resident shall notify the operator of the facility of such interference and the applicant, at the operator's sole expense, shall thereafter ensure that any interference problems are promptly corrected.
- (21) Abandonment/height reduction. It being the legislative finding of the Borough Council of the Borough of Media that wireless communications facilities which have been abandoned present a danger to the health, safety and welfare of the general public, all abandoned structures shall be removed no more than 90 days after abandonment. The owner shall be responsible for any demolition costs related to the facilities. If in the future, technology is developed that the state-of-the-art for such facilities permits antennae of a lesser height, the facilities owner shall be required to reduce the height of its antenna to the lower height that new technology permits within one year of written notification by Borough.
- (22) Annual report. In January of each year, the owner of any wireless communications facility shall pay the registration fee established from time to time by resolution of the Borough Council and shall provide the Borough Manager with the following information:
  - (a) The name and address of the owner of the wireless communications facility and telephone number of the appropriate contact person in case of emergency.
  - (b) The name and address of the property owner on which the wireless communications facility is located.
  - (c) The location of the wireless communications facility by geographic coordinates, indicating the latitude and longitude.
  - (d) Output frequency of the transmitter.

- (e) The type of modulation, digital format and class of service.
  - (f) Antenna(e) gain.
  - (g) The certified and effective radiated power of the antenna(e).
  - (h) The number of transmitters, channels and antenna(e).
  - (i) A copy of the owner's or operator's FCC authorization.
  - (j) Antenna(e) height.
  - (k) Power input to the antenna(e).
  - (l) Distance to nearest base station.
  - (m) A certification signed by two officers of the applicant that the wireless communications facility is continuing to comply with this chapter and all applicable governmental regulations.
- (23) Federal Communications Commission license/certificate of insurance. The applicant shall submit a copy of its current Federal Communications Commission license; the name, address and emergency telephone number for the operator of the wireless communication facility; and a certificate of insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence covering the communications tower and communications antenna.
- E. Standards for special exceptions.
- (1) Burden of proof. The applicant shall have the duty of presenting evidence and the duty of presenting all studies and materials required herein, as well as the additional burden of persuading the Zoning Hearing Board that:
    - (a) All standards as contained in this chapter have been complied with; and
    - (b) The following additional specific special exceptions standards have been met.
    - (c) That the proposed facilities will not be injurious to health, safety and welfare of the community.
  - (2) Designed for collocation; notice to other users. In order to reduce the number of antenna support structures needed in the Borough in the future, the proposed antenna support structure shall also be required to accommodate, where possible, other users, including other wireless communication, cellular communication and personal communication service providers companies, and local police, fire and ambulance companies. Applicants shall provide documentary evidence that all other authorized users have been contacted by the applicant with an offer of collocation on the applicant's proposed antenna support structure.
  - (3) Review of site alternatives for new structures. If the applicant proposes to build an antenna support structure [as opposed to mounting the antenna(e) on an existing structure], the applicant shall demonstrate with documentary evidence that it has contacted the owners of structures of suitable location and height (such as smoke stacks, water towers and buildings housing existing antenna support structures) within a one-mile radius of the site proposed, requested for permission to install the antenna(e) on those structures, and has been denied. An application to

construct a new antenna support structure will be denied if the applicant has not made a good faith effort to mount the antenna(e) on an existing structure as set forth in this subsection.

- F. Submission of plans. All plans for the erection of wireless communication facilities shall be submitted to and be reviewed by the Borough Planning Commission for compliance with local Subdivision and Land Development Ordinance, with the exception of new antenna(e) attached to existing structures in the I-Industrial District or municipal use sites. The Borough Engineer and Solicitor shall review the plans for compliance with this chapter and any other applicable local regulations and evidence of review and approval of other agencies with jurisdiction over such facilities. The cost of review fees shall be reimbursed to the Borough by the owner. These fees shall be in addition to any applicable Borough building permit fees.

#### § 311.E-21. Flag lots; common or shared driveways.

*[Added 7-15-2004 by Ord.No. 994]*

- A. No flag lots shall be permitted within the Borough of Media for any zoning districts.
- B. Common or shared driveways shall be permitted, but only if a legal agreement acceptable to the Borough Solicitor shall be in place among the owners of all real estate parcels having access to the common or shared driveway. The legal agreement shall establish access provisions and major responsibilities, including maintenance, plowing, vegetation control, and cost sharing. The legal agreement must be recorded with the Recorder of Deeds of Delaware County and indexed against all real estate parcels having access to the common or shared driveway. This requirement applies to all driveway-sharing agreements or arrangements established or changed after adoption of this subsection. *[Amended 9-18-2014 by Ord. No. 1111]*

#### § 311.E-22. Propane tanks.

*[Added 10-21-2010 by Ord. No. 1077]*

Notwithstanding anything contained in this Chapter 311 to the contrary, in all zoning districts any propane tank shall be located at least 10 feet from all property lines of the property on which such propane tank is located.

#### § 311.E-23. Curb cuts, driveways and parking spaces on existing developed residential properties.

*[Added 10-15-2015 by Ord. No. 1119]*

- A. Purpose. There exists in the R-1, R-2 and R-3 Residential Districts of the Borough competing demands for off-street parking spaces and the maintenance of the traditional pedestrian-oriented character of such residential neighborhoods. The installation of new curb cuts and driveways in existing developed residential neighborhoods may result in the elimination of at least one on-street parking space and adversely affect the traditional appearance of the neighborhood. The purpose of this section is to impose regulations on

the installation and construction of new curb cuts, parking spaces and driveways on existing developed residential properties that are intended to balance the competing goals of providing off-street parking spaces and preserving the traditional character of residential neighborhoods.

- B. Installation in R-1, R-2 and R-3 Residential Districts.
  - (1) In the R-1, R-2 and R-3 Residential Districts, any new curb cut, driveway and parking space shall not be placed in front of the residential structure on the property. Rather, any new curb cut, driveway and parking spaces may be constructed only in the area between the residential structure and the side property line or the rear property line. Any new driveway shall extend at least 20 feet beyond the front façade of the residential structure on the property so that a vehicle may be parked beyond such front façade, rather than in the front yard of the property.
  - (2) No driveway shall have a width in excess of 12 feet in the front yard of any property or 20 feet at any point beyond the front facade of the residential structure on the property.
  - (3) Driveways shall be set back at least three feet from any side property line; provided, however, that any driveway shared by adjacent properties shall not be subject to this subsection.
  - (4) If there is not sufficient space in the side yard for a driveway, then it is the intention of this section that no curb cut, driveway or parking space be constructed or installed on the property.
- C. Exemption of compliant driveways from limitation on maximum impervious cover. Any such curb cut, driveway and/or parking space that complies with the foregoing requirements of Subsection B above shall be exempted from the calculation for determining maximum impervious surface requirements applicable in the R-1, R-2 and R-3 Residential Districts contained in this chapter, provided that the stormwater from the driveway footprint is managed in a manner satisfactory to the Media Borough Engineer.
- D. Limit of one curb cut per lot. In no event shall any property located in the R-1, R-2 or R-3 Residential District have more than one curb cut from a public street onto the property.
- E. Placement to minimize loss of on-street parking spaces. Any new curb cut for a driveway on any property located in the R-1, R-2 and R-3 Residential Districts shall be installed on the property in such location as will minimize the loss of on-street parking spaces, as determined by the Zoning Officer.

## Article E-II. Parking Regulations

### § 311.E-24. Legislative Intent

The purpose of this article is to adequately provide for the parking needs of all uses in the Borough, reduce traffic congestion on public streets by getting parking off streets, and allow faster emergency access. The secondary purposes include: minimizing development problems with neighboring uses, providing for special parking needs of handicapped drivers and providing flexibility in meeting the Borough's parking problems and needs by methods such as shared parking arrangements.

### § 311.E-25. Applicability.

- A. General. Off-street parking spaces shall be provided in accordance with the requirements established in ~~§ 311-81~~ § 311.E-26 below.
- B. Existing structures and uses. Structures and uses in existence on the effective date of this chapter shall not be subject to the requirements of this article so long as the kind or extent of use is not changed so as to require additional parking.
- C. Change or extension of use. Whenever a structure is altered or a use is changed or extended which increases the parking requirements of ~~§ 311-81~~ § 311.E-26, then the total additional parking required for the alteration, change or extension shall be provided in accordance with ~~§ 311-81~~ § 311.E-26.

### § 311.E-26. Required parking ratios.

Spaces for off-street parking shall be provided as required below:

Use	Minimum Number of Parking Spaces Required
A. R-1, R-2, R-3 and R-4 Residential Districts  <i>[Amended 8-15-1996 by Ord. No. 903; 11-20-1993 by Ord. No. 979; 1-15-2004 by Ord. No. 984]</i>	
(1) Single- and two-family dwelling [Amended 11-20-2003 by Ord. No. 979]	
(a) Single-family dwelling detached	2 per dwelling
(b) Single-family semidetached dwelling	2 per dwelling
(c) Single-family attached dwelling (townhouse) with one bedroom	2 per dwelling
(d) Two-family detached	2 per dwelling unit



	dwelling (duplex)	
(e)	Single family attached dwelling (townhouse) with two or more bedrooms	<del>3 per dwelling</del> 2 per dwelling in the R-1, R-2, R-3, R-4 and Office District. 3 per dwelling in all other districts.
(2)	Multifamily dwelling and residential conversion	
(a)	Multifamily dwelling (apartments) with one bedroom	1.5 per unit
(b)	Multifamily dwelling (apartments) with 2 or more bedrooms	2 per unit
(c)	Residential conversions with two or more bedrooms	2 per unit
(d)	Residential conversions with one bedroom	1.5 per unit
(3)	In addition to the parking requirements contained in the above Subsection A(2)(a) and (b) for multifamily dwelling (apartment), more than four	1 additional parking spot per every 5 units
(4)	Community residence facilities	1 for every 4 residents, plus 1 for each employee on the greatest shift.
(5)	Single-family attached dwellings (townhouses) that do not have separate deeds per dwelling unit and/or dwellings that contain a community-owned driveway and/or contain a community-parking area(s)  <i>[Added 7-15-2004 by Ord. No. 995[1]]</i>	1 per every 5 dwelling units
(6)	Church or meeting place	1 for every 10 fixed seats, or, when capacity is not determined by fixed seats, 1 for each 150 square feet of floor area devoted to patron/member use.
(7)	School	1 for each teacher plus 1 for every 2 full-time employees plus 1 for each classroom, plus 1 for every 12 students age 16 or older.

(8) Hotels, motels, inns	1 for each guest room plus 1 for every 2 full-time employees.
B. Municipal, Educational, Recreational and Community Use District (MERC).	
(1) School	Same as Subsection A(5) above.
(2) Community center or library	1 for every 300 square feet of floor area for public use.
(3) Hotels, motels, inns	1 for each guest room plus 1 for every 2 full-time employees.
C. O-Office District	
(1) Offices	1 for every 400 square feet of net floor area.
(2) Residential uses	Same as Subsection A above.
(3) Church or meeting place	Same as Subsection A(4) above.
(4) Medical or dental office	4 for each practitioner present at any one time.
(5) Hotels, motels, inns	1 for each guest room plus 1 for every 2 full-time employees
D. Retail-Office-Apartment District (ROA)	
(1) Retail store or personal service shop	1 for every 1,500 square feet of net floor area.
(2) Office <i>[Amended 8-15-1996 by Ord. No. 903]</i>	1 for every 400 square feet of net floor area.
(3) Bank <i>[Added 8-15-1996 by Ord. No. 903]</i>	1 for every 400 square feet of net floor area, plus requirements of <del>§ 311-83</del> <u>§ 311.E-28</u> for each drive-through teller window.
(4) Restaurant	1 for every 300 square feet of floor area devoted to patron use.
(5) Church or meeting place	Same as Subsection A(4) above.
(6) School	Same as Subsection A(5) above
(7) Multifamily units, including residential conversions	1 for each dwelling unit.
(8) Medical or dental office	4 for each practitioner present at any one time.
(9) Hotels, motels, inns	1 for each guest room plus 1 for every 2 full-time employees.
E. Highway, Business-Office District (HBO)	
(1) Retail store, personal service	1 for every 600 square feet of net floor area.

	shop, or office (including bank)	
(2)	Restaurant	
	(a) Sit-down	1 for every 150 square feet of floor area devoted to patron use, plus 1 for every 3 employees on the greatest shift.
	(b) Drive-through <i>[Amended 8-15-1996 by Ord. No. 903]</i>	1 for every 75 square feet of floor area devoted to patron use, plus 1 for every 3 employees on the greatest shift, plus area for stacking as per <del>§ 311-83</del> <u>§ 311.E-28</u> .
	(c) Walk-up <i>[Added 8-15-1996 by Ord. No. 903]</i>	One for each employee at the greatest shift, plus four per service window.
(3)	Auto maintenance or auto repair shop	1 for every 200 square feet of floor and or ground area devoted to service or repair, or 3 for every bay, whichever is greater, plus 1 for each employee on the greatest shift.
(4)	Gasoline service station	1 space, either within or outside the structure, for every 200 square feet of floor or ground area devoted to repair or service facilities, and, in addition, sufficient space for gasoline purchase and/or vehicle storage.
(5)	Car wash	1 for each employee on the greatest shift, plus area for stacking of at least 10 vehicles, plus 4 spaces between the exit of the facility and the street.
(6)	Laundromat, self-service	1 for every 2 washing machines
(7)	Funeral home	1 for every 75 square feet of floor area in viewing rooms or parlors, plus 1 for each official funeral car, plus 2 for resident family, plus 1 for each 2 employees exclusive of resident family members.
(8)	Wholesale establishment	1 for every 700 square feet of floor area, exclusive of basement areas not used for sale or display of merchandise, plus 1 for each employee on the greatest shift.
(9)	Church, theater or meeting place	Same as Subsection A(4) above.
(10)	School	Same as Subsection A(5) above.
(11)	Nursing or convalescent home	1 for every 10 beds plus 1 for each employee on the greatest shift.
(12)	Multifamily units including residential conversions	1 for each dwelling unit.
(13)	Medical or dental office	4 for each practitioner present at any one time.
(14)	Hotels, motels, inns	1 for each guest room, plus 1 for every 2 full-time

	employees.
F. I-Industrial Uses	
(1) Industrial or manufacturing establishments	1 for every 1,000 square feet of gross floor area, plus 1 for each company vehicle.

§ 311.E-27. General regulations for off-street parking.

- A. No off-street parking area shall be used for any use that interferes with the availability of parking spaces for the parking needs it is required to serve.
- B. Any off-street parking area existing at the effective date of this chapter, or hereafter established, shall not be subsequently reduced so as to provide fewer parking spaces than required by ~~§ 311-81~~ § 311.E-26 of this chapter.
- C. If the computation of the parking ratios listed in ~~§ 311-81~~ § 311.E-26 of this chapter results in a fraction, an additional parking space shall be required.
- D. Where a use is not specifically listed in ~~§ 311-81~~ § 311.E-26 of this chapter, the Code Enforcement Officer shall apply the standards of the most similar use listed to determine the number of parking spaces required. When a legal nonconforming use is expanded, the parking ratio shall match the parking ratio of the most restrictive district parking ratio for that building type. [Amended 8-15-1996 by Ord. No. 903]
- E. No commercial motor vehicle with more than single rear wheels may be stored on a lot in a residential district, unless such vehicle is stored in a private garage. Only one such commercial vehicle may be stored on a lot in a residential district.
- F. No neglected vehicle shall be left or parked upon the public and/or private streets and/or upon private property in the Borough of Media. [Amended 5-20-2004 by Ord. No. 988]
- G. The parking of any motor vehicle on the sidewalk or in the front yard of any lot zoned residential is strictly prohibited, except upon a driveway paved with asphalt, masonry or similar hardened surface and constructed in accordance with Borough regulations. [Added 8-15-1996 by Ord. No. 903]

§ 311.E-28. Design regulations.

- A. Standard parking spaces shall have an area of not less than 162 square feet, measured nine feet wide by 18 feet long, except that parallel parking spaces shall be eight feet wide and 21 feet long.
- B. Accessible parking spaces shall have an area of not less than 216 square feet, measured 12 feet wide by 13 feet long. Accessible parking spaces must be clearly marked on the pavement in the standard blue marking, with a sign heading the space using the international wheelchair profile symbol for handicapped persons. These spaces must be located as close as possible to public entrances and ramps to buildings. [Amended 8-15-1996 by Ord. No. 903]
- C. Accessible handicapped spaces shall be provided in the amounts required below for parking

areas serving multifamily dwellings with five or more units and commercial, institutional or public uses: [Amended 8-15-1996 by Ord. No. 903]

Total Parking Spaces	Number of Required Accessible Handicapped Spaces
10 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9

D. The minimum width of aisles in parking areas with one-way traffic flow shall be as noted below: [Amended 8-15-1996 by Ord. No. 903]

Parking Angle	Minimum Width of Aisle (One Way)
30°	11 feet
45°	13 feet
60°	18 feet
90°	24 feet

E. Two-way aisles shall have a minimum width of 24 feet. [Amended 8-15-1996 by Ord. No. 903]

F. Parking areas for 10 or more vehicles shall be so divided by permanent raised curbing that access lanes and parking spaces are clearly defined, and that moving traffic will be confined to designated lanes.

G. Parking areas for three or more vehicles shall not be designed to require or encourage cars to back into a street in order to exit the parking area, except in the case of parking areas with end-on-end parking, as permitted in Subsection K below.

H. A structurally sound wall or bumper guard to ensure safety shall be provided so that no part

of any parked vehicle shall extend over the property line.

- I. Drive-through establishments such as fast food order and pickup, automatic bank teller and similar uses shall provide not fewer than three waiting spaces for each drive-up lane, in addition to the space where the transaction takes place and in addition to the required parking. Drive-through car wash establishments shall comply with ~~§ 311-81~~ § 311.E-26(5).
- J. In the O-Office District and the Retail-Office-Apartment District, parking areas serving office or commercial uses may be designed or used for end-on-end parking, as defined in **Article A-II** of this chapter. The maximum number of parking spaces in a parking area designated or used for end-on-end parking shall not exceed eight. End-on-end parking may be employed only at the rear of the lot and only when no conventional arrangements would meet the minimum parking requirements. See Illustration 2.<sup>2</sup>
- K. In the O-Office District and ROA-Retail Office Apartment District there shall be no parking in the required front or rear yards. However, where there is a through lot parking shall be permitted in such required rear yard, provided that a five-foot-wide landscaped planting aisle is maintained between the parking area and side lot lines. Landscaped area of 60 square feet per parking space, and one shade tree per three parking spaces, is maintained between the side lot lines and the parking area. [Amended 8-15-1996 by Ord. No. 903]
- L. No remote lot parking, accessory to any commercial use, shall be permitted in any residential district. [Added 8-15-1996 by Ord. No. 903]

#### **§ 311.E-29. Landscaping and screening of parking areas.**

- A. Landscaping.
  - (1) Except in the Retail-Office-Apartment District, there shall be a landscaped planting area of not less than six feet wide between the street line and any off-street parking area with 10 or more spaces.
  - (2) Not less than 5% of the interior of each off-street parking area which serves a multifamily dwelling and which provides 20 or more parking spaces shall be landscaped. Each such parking area shall have no less than one shade tree with a minimum 2 1/2 inch caliper for every eight parking spaces.
  - (3) The types of plant materials to be used shall be subject to the review of the Planning Commission. [Amended 8-15-1996 by Ord. No. 903]
- B. Screening.
  - (1) In the case of a parking area which is accessory to a permitted use and which has facilities for five or more motor vehicles, any property which abuts a residential district shall be effectively screened from the adjacent residential property by means of plantings, wall or fence which shall be not less than five feet high.
  - (2) In the case of a parking area which is a principal use, such lot shall be enclosed, except for entrances and exits, by an ornamental fence or wall or by a compact

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<sup>2</sup> Editor's Note: [Illustration 2](#) is included at the end of this chapter.

evergreen hedge or similar dense planting, which shall be not less than four feet high. Where the boundary of such a parking area is an adjoining building, vines may be planted to grow on the building subject to permission by the owner of the building, in order to prevent graffiti.

- (3) In the case of each parking area which has facilities for 10 or more vehicles, a planted buffer shall be provided along those property lines where such parking area is exposed to the street.

#### § 311.E-30. Common parking.

Two or more nonresidential uses may provide for required parking in a common area if the area provided is on or adjacent to both such uses and equal to the sum of the requirements of the various uses computed separately. However, the number of spaces required in such a common parking area may be reduced below the sum of the total requirements if it can be demonstrated to the Code Enforcement Officer that the hours and/or days or peak parking need for the uses in operation are so different that a lower total will provide adequately for all uses served by the common parking area. In that situation, the requirements of the use with the greatest parking need shall be applied.

#### § 311.E-31. Surfacing, drainage and lighting.

- A. Each off-street parking space shall be provided with a paved, all weather, hard surface to prevent dust and erosion.
- B. Each parking area shall be adequately drained to prevent excessive water flow onto adjacent properties and public streets and sidewalks, or the formation of pools of water.
- C. All parking areas with five or more spaces shall be adequately lighted so as to assist in the safe maneuvering of motor vehicles and to provide security for users of the lot. All lighting shall be arranged to avoid glare on adjacent properties. See ~~§ 311-69~~ § 311.E-11.

#### § 311.E-32. Loading and unloading regulations.

- A. Areas for loading and unloading of delivery trucks and service vehicles shall be provided. Such areas shall be adequate in size and shall be so arranged that they may be used without blockage or interference with the use of accessways or automobile parking facilities.
- B. Except in the I-Industrial District, all loading and unloading activity shall be at the rear of the building or use.
- C. Off-street loading areas shall be located completely on the site.
- D. In the event that off-street loading areas are located adjacent to residential districts, such areas shall be effectively screened from view.
- E. Off-street loading areas shall be designed and used in such a manner as to at no time constitute a nuisance or hazard.

## Article E-III. Sign Regulations

### § 311.E-33. Legislative intent.

The purpose of this article is to regulate the type and dimensions of signs in the various zoning districts of Media Borough; to recognize the commercial communication requirements of all sectors of the business community; to protect the public from damage or injury caused or attributable to distractions and obstructions caused by improperly designed or located signs, to safeguard property values; to promote the community environmental setting and preserve the distinctive appearance and historic character of the business district and other areas where the use of signs is necessary, and to assure the orderly development of signs in keeping with the architecture and design of structures in the Borough.

### § 311.E-34. Determination of size of signs.

The size of any sign shall be determined in accordance with the provisions of this article and the following requirements:

- A. When a sign consists of letters, numbers and/or logos and not a lettered board and such sign is erected on or attached to a building wall or other similar surface, the size of such sign shall be measured by the rectangle, triangle, square, or arc as measured by the area formed between the inside and outside radius of the arc formed by the extreme outside edge of the largest letters, numbers or logos contained in the sign. [Amended 6-19-2003 by Ord. No. 974]
- B. When a sign consists of a lettered board and such sign is erected on or attached to a building, wall or other similar surface, the size of such sign shall be determined by calculating the area of the lettered board.

### § 311.E-35. Sign restrictions.

- A. Prohibited signs. It is unlawful to erect or maintain the following signs:
  - (1) Spinning, twirling, rotating or any other animated signs or objects used for advertising purposes, whether containing a message or not, except for time and temperature signs.
  - (2) Signs that emit sound, smoke or steam.
  - (3) Signs that glare. A sign that can cause glare is prohibited except in accordance with the following:
    - (a) It must be so effectively shielded that glaring beams or rays of light are not directed to any portion of a public street.
    - (b) It must not be internally illuminated so as to obscure and detract from the adjoining properties or impair the vision of any motor vehicle driver, or otherwise interfere with a driver's operation of his motor vehicle.
  - (4) Signs with prohibited words. No sign may use the words "stop," "look," "danger" or any other word, symbol or character which attempts or appears to attempt to direct the movement of traffic or which interferes with or resembles any official



traffic sign, signal or device.

- (5) Signs placed on property without the permission of the owner or his agent.
  - (6) Signs with obscene or prurient words, scenes or graphics.
  - (7) Signs painted on buildings, or painted on or attached to trees, utility poles, fences, outdoor benches or similar natural or man-made features. [Amended 8-15-1996 by Ord. No. 903]
  - (8) Signs which obscure other signs or obstruct fire escapes, doors or windows.
  - (9) Unsafe and damaged signs, including signs within the safety clearances of electrical and utility lines.
  - (10) Projecting signs, roof signs or animated signs; provided, however, that projecting signs shall be permitted on properties fronting on the blocks of Orange Street, Veterans Square, Olive Street, Jackson Street and Monroe Street between Jasper Street and Baker Street and on the Plum Street Pedestrian Mall, subject to the provisions of ~~§ 311-92§ 311.E-31~~B(2) and E(2)(a) of this chapter. [Amended 8-16-2007 by Ord. No. 1035; 12-18-2008 by Ord. No. 1054]
  - (11) Advertising cloth, paper or plastic banners or similar signs suspended or hung on any property, except for temporary banners which may be permitted through special permission of the Code Enforcement Officer and displayed only for a duration of 14 days. [Amended 2-18-1993 by Ord. No. 857; 8-15-1996 by Ord. No. 903]
  - (12) Wall bulletins or any other signs painted directly on the facade of any building or structure. [Amended 1-20-2000 by Ord. No. 940]
  - (13) Signs or mobile stands which can be moved from place to place and thereby not permanently affixed to the ground.
  - (14) Swinging or hanging signs.
  - (15) Signs placed on vehicles or trailers which are parked or located for the primary purpose of displaying the signs. This does not apply to lettering on buses, taxis or vehicles operating in the normal course of business.
  - (16) Off-premise signs, except as specifically permitted by this chapter.<sup>3</sup>
- B. General restrictions and standards. The following restrictions shall apply to all permitted signs:
- (1) No sign other than exempt signs shall be erected within or over a public right-of-way or shall be of such character, form or shape as to confuse or dangerously distract the attention of the operator of a motor vehicle on a publicstreet.
  - (2) All signs and billboards constructed or erected under the provisions of this chapter shall comply with the standards set forth in the BOCA Code, as amended, and the National Electric Code, as amended, as well as all federal, state and local laws and

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<sup>3</sup> Editor's Note: Former Subsection 1.q, regarding "A" frame signs, which immediately followed this subsection, was deleted 8-15-1996 by Ord. No. 903.

regulations. [Amended 1-20-2000 by Ord. No. 940]

- (3) All signs shall be constructed of durable, all-weather material and shall be solidly and firmly attached, supported and/or anchored.
- (4) Where an establishment moves from or vacates a particular address or premises, the owner of such building or premises shall within 30 days remove, or cause to be removed, any sign which was displayed by such establishment. However, this provision shall not apply where a new establishment at that address or location shall continue or assume the same name as the establishment which vacated the premises.
- (5) All signs shall be properly maintained. Exposed surfaces shall be clean and, if required, painted. Defective parts shall be replaced. The Code Enforcement Officer shall have the right to order the repair or removal of any sign which is defective, damaged or substantially deteriorated.
- (6) All permanent signs shall be integrated into the architectural design of the building on or adjacent to which they are placed.
- (7) Signs in Residential Districts, O-Office District and the MERC District shall be used for the purpose of identifying the occupant or activity and not for general advertising purposes.
- (8) Self-illuminating signs shall be prohibited in the Historic District.<sup>4</sup>

#### § 311.E-36. Signs exempt from zoning regulations.

The following signs to the extent indicated are exempt from the requirements of this chapter, from the need to secure permits and from the allowable sign area requirements, except as specified below in this section:

- A. Official signs, including but not limited to route number, street name, traffic and parking, or other sign of the same character.
- B. Decorations for a recognized, officially designated holiday provided they do not create a traffic or fire hazard.
- C. Directional signs not exceeding two square feet.
- D. Memorial or historic markers where approved by the Planning Commission and when not more than six square feet in area.
- E. Nonilluminated nameplate signs not exceeding 90 square inches in size, provided that only one such sign per lot shall be exempted.
- F. Real estate rental or sale signs not exceeding six square feet provided they are removed within seven days after settlement or agreement for lease. Not more than one such sign may be erected per street frontage, except that real estate "open house" signs

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<sup>4</sup> Editor's Note: Former Subsection 2.i, regarding awnings and canopies, which immediately followed this subsection, was deleted 8-15-1996 by Ord. No. 903.

- may be placed off the premises but shall be removed within 24 hours of such open house.
- G. Signs advertising the development, subdivision, major repair or renovation of the property, provided that:
    - (1) The size of such sign shall not exceed 12 square feet.
    - (2) Not more than one such sign shall be erected.
    - (3) No such sign shall be illuminated.
    - (4) All such signs shall be removed upon settlement of all lots or within seven days after the completion of the repairs or renovation.
  - H. Political signs, provided they do not exceed six square feet and are removed within seven days after the election. Not more than two signs with an aggregate total of eight square feet shall be permitted per street frontage.
  - I. A governmental flag or insignia, provided that the area does not exceed 32 square feet.
  - J. A legal notice (to be removed when legal requirements have been met).
  - K. Public service information signs advertising the availability of rest rooms, telephones or similar public conveniences and signs advertising meeting times and places of nonprofit service or charitable organizations. Any such sign shall not exceed four square feet.
  - L. A sign which is a permanent architectural feature or is of architectural significance to the building, such as a cornerstone or identifying letters carved into or embossed on a building, providing the letters are not made of a reflective material or contrast in color with the building.
  - M. Temporary yard sale or garage sale signs, provided such signs:
    - (1) Do not exceed six square feet in area.
    - (2) Shall be removed within 24 hours after the sale.
  - N. Trespassing signs or signs indicating the private nature of a driveway or premises, provided that the size of any such sign shall not exceed two square feet; an official sign indicating the premises is protected by burglar alarm.
  - O. Signs of contractors, mechanics and artisans provided that:
    - (1) The size of any such sign shall not exceed six square feet.
    - (2) No such sign shall be illuminated.
    - (3) Such signs shall be removed within three days after the completion of the work.
    - (4) Not more than one such sign for each frontage shall be erected for any
    - (5) premises or lot.
  - P. For sale or for lease/rent signs on vehicles, boats or trailers.
  - Q. One or more signs applied to a window pane, giving store hours and credit cards, charge cards, debit cards and bank cards accepted, when the total area of such signs together does not exceed two square feet. [Amended 8-15-1996 by Ord. No. 903]
  - R. Barber poles, gasoline pricing and car wash signs. Changing of prices on pricing signs; business window signs advertising periodic sales and special events signs.

- S. Signs for street fairs and parades; school, church and periodic events signs.
- T. Identification signs for churches, schools or similar institutions provided that:
  - (1) The area of one side of such sign does not exceed 12 square feet.
  - (2) No more than one such sign is erected for each street frontage.
- U. Menu boards, not exceeding six square feet, relating to, and on premises of eating or drinking establishments.

**§ 311.E-37. Permitted signs for which a permit is required.**

The following signs, as described under each district or group of districts below, are permitted, provided a sign permit has been obtained.

- A. Signs in residential districts.
  - (1) Permanent identification signs for apartment buildings with more than four units, provided that:
    - (a) The types of permanent signs permitted shall be wall signs and freestanding signs only.
    - (b) The size of such signs shall not exceed 12 square feet.
    - (c) Not more than one such sign shall be erected for each building or group of buildings.
    - (d) No such sign shall be illuminated.
    - (e) All such signs shall be placed so that all portions including the overhang of the sign are within the lot line.
  - (2) Signs identifying nonresidential uses where such uses are permitted as valid nonconforming uses provided that:
    - (a) The types of signs permitted shall be wall signs or freestanding signs only.
    - (b) The size of such sign shall not exceed six square feet. [Amended 8-15-1996 by Ord. No. 903]
    - (c) Not more than one such sign shall be erected for each frontage.
    - (d) Such sign shall be designed so as to create a minimal impact on the residential district in which it is located. Illumination, if provided, shall be by indirect, white light only.
- B. Signs in the O-Office District.
  - (1) Any sign permitted in a residential district which applies to a use permitted in the O-Office District.
  - (2) Permanent signs identifying an office or office related use. Such signs may identify the firm, the name, occupation or profession of practitioners, or type of business, profession or activity. In addition, projecting signs shall be permitted solely on properties fronting on the Plum Street Pedestrian Mall, which signs shall project towards the Plum Street Pedestrian Mall at a ninety-degree angle from the front building wall facing the Plum Street Pedestrian Mall. [Amended 8-16-2007 by Ord. No. 1035]

- (a) The types of signs permitted shall be limited to wall signs, window signs and freestanding signs.
- (b) The total sign area of such signs shall not exceed an aggregate of nine square feet and no such individual sign shall exceed six square feet.
- (c) Not more than two such signs shall be erected for any office use or premises, except in the case of a corner property where three such signs may be erected.
- (d) Freestanding signs may be erected, provided they are placed not less than six feet from the street right-of-way line.
- (e) Signs which are to be illuminated shall be by means of external white light only, and shall be illuminated after dusk only.

C. Signs in the MERC District.

- (1) Signs identifying an educational, recreational or community use.
  - (a) The types of permanent signs permitted shall be wall signs and freestanding signs only.
  - (b) The size of such signs shall not exceed one square foot for each three lineal feet of building width.
  - (c) Not more than one such sign shall be erected for each building frontage.
  - (d) These signs shall be permitted in the following combinations only.
    - [1] Two wall signs.
    - [2] One wall sign and one freestanding sign.
- (2) Signs which are to be illuminated shall be by means of external white light only, and shall be illuminated only after dusk.

D. General regulations for signs in nonresidential districts.

- (1) Signs shall be permitted on not more than three sides of a detached corner property.
- (2) Where there is a wall sign at the front of a building and another wall sign at the side of a building, no freestanding sign shall be permitted on such property.
- (3) Business establishments, or other permitted nonresidential uses located exclusively above the ground floor, or below the ground floor, may utilize wall or window signs. The sign area for such establishment(s) shall be within the total allotted for the building in its zoning district. However, where an establishment(s) on the ground floor has fully used its allotted sign area at the time of the effective date of this chapter, an additional 10 square feet of sign area shall be permitted for establishments situated on an upper floor and 10 square feet for those below the ground floor when such establishments are initiated after the effective date of this chapter. [Amended 8-15-1996 by Ord.No. 903]
- (4) Requirements for freestanding signs shall be applied per deeded property.
- (5) Requirements for wall signs shall be applied per street address.

E. Signs in the ROA District.

- (1) Any sign permitted in Residential or Office District which applies to a use permitted or existing in the ROA District. The requirements applicable to such signs shall be those of the Residential or Office District, whichever applies.
- (2) Signs advertising or identifying a commercial use or activity or advertising the product or service of the establishment.
  - (a) The types of signs permitted shall be limited to wall signs, window signs, A-frame signs and awning signs. However, other types of signs may be permitted when authorized as a special exception. In addition, projecting signs shall be permitted solely for properties fronting on the blocks of Orange Street, Veterans Square, Olive Street, Jackson Street and Monroe Street between Jasper Street and Baker Street and on the Plum Street Pedestrian Mall (each such street being referred to herein as a "north-south street"), which signs shall project towards the respective north-south street at a ninety-degree angle from the front building wall facing the north-south street. [Amended 6-19-2003 by Ord. No. 974; 8-16-2007 by Ord. No. 1035; 12-18-2008 by Ord. No. 1054]
    - [1] At the front of a building, one square foot of sign area for every lineal foot of building width, up to 30 square feet may be provided.
    - [2] In the case of a corner property, a maximum sign area of 15 square feet may be provided at the side of a building.
    - [3] At the rear of a building, signs shall be wall signs only, and a maximum sign area of 15 square feet may be provided on the rear of the building. The maximum sign area for the rear of the building may be increased to one square foot of sign area for each lineal foot of the rear building width for the use by right in question, up to a maximum of 30 square feet if the following conditions are present:
      - [a] The sign is for a use by right as per Chapter 311 Section 38, and has a rear entrance for the use by right onto a public right-of-way or street and the rear entrance has undergone facade enhancement; or
      - [b] The rear of the building extends to a sidewalk directly abutting the curblin, street, or alley, thereby forming a wall at the street, and the rear facade has undergone facade enhancement.
    - [4] The total sign area of any projecting sign on properties fronting on the blocks of Orange Street, Veterans Square, Olive Street, Jackson Street and Monroe Street between Jasper Street and Baker Street and on the Plum Street Pedestrian Mall shall not exceed six square feet per property. If such a projecting sign is installed, the actual total sign area of such projecting sign shall be deducted from the aggregate sign area permitted by ~~§ 311-92~~ § 311.E-31 E(2)(a)[1] hereof. [Amended 8-16-2007 by Ord. No. 1035; 12-18-2008 by Ord. No. 1054]
  - (b) Nonilluminated window signs are permitted at the front and side of a

building and shall be exempt from dimensional limitations, except for window signs giving store hours and identifying charge cards accepted, which signs shall be limited to an aggregate area of two square feet, as per ~~§ 311-91~~ § 311.E-36Q. [Amended 8-15-1996 by Ord. No. 903]

- (c) Wall signs shall be limited in content to business name, address, telephone number or logos of the establishment. [Amended 8-15-1996 by Ord. No. 903]
  - (d) A-frame signs no larger than 30 inches by 48 inches may be displayed only while establishments adjacent thereto are open for business.
  - (e) Opaque window signs; text or graphics. [Added 1-17-2013 by Ord. No.1101]
    - [1] A permanent opaque window sign shall not occupy more than 20% of the total area of the window area in which the sign is displayed. (See Drawing No. 1.)<sup>24</sup> The entire background area of the sign shall be used in determining allowable coverage. Internally lit or neon "open" signs will count against the twenty-percent limit. Unlit "open" signs will not be counted against the twenty-percent limit.
    - [2] Text or graphics that are applied as individual entities to a windowpane that do not have the effect of obscuring sight into the building may cover up to 10% of the total area of the window area in which the sign is displayed. (See Drawing No. 15)
  - (3) Signs identifying multi-tenant buildings.
    - (a) Such signs shall be wall signs only.
    - (b) The size of such signs shall not exceed one square foot of sign area for each lineal foot of the rear building width for the use by right in question, up to a maximum of 30 square feet at the front of the building and up to 15 feet where there is a rear entrance. The rear sign size may be increased to one square foot per one lineal foot of rear building width for the use by right up to a maximum of 30 feet at the rear of a building where there is a rear entrance if the provisions of Chapter 311, Section 92, Subsection E(2)(a)(3) are met. [Amended 6-19-2003 by Ord. No. 974]
    - (c) Only one such sign per street frontage shall be permitted.
  - (4) Signs identifying individual establishments in a multi-tenant building.
    - (a) Such signs shall be wall signs only.
    - (b) All individual establishments shall be listed on one sign.
    - (c) The size of such sign shall not exceed eight square feet.
- F. Signs in the HBO District.
- (1) Any sign permitted in Residential, Office, MERC and ROA Districts which sign applies to a use permitted or existing in the HBO District.
    - (a) Signs relating to residential, institutional or office uses shall comply with the sign standards for such signs in Residential, MERC or Office Districts.

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<sup>5</sup> Editor's Note: Drawing No. 1 is on file in the Borough offices.

- (b) Signs relating to commercial uses shall be regulated by the sign standards of the HBO district listed in Subsection F(2). [Amended 8-15-1996 by Ord. No. 903]
- (2) Signs advertising or identifying a commercial use or activity or advertising the product or service of the establishment.
  - (a) The types of signs permitted shall be limited to wall signs, awning (and/ or canopy) signs, window signs, freestanding signs and directory signs. Other type of signs may be permitted only when authorized by special exception. [Amended 8-15-1996 by Ord. No. 903]
  - (b) The size of signs for commercial uses shall not exceed the following dimensions:
    - [1] At the front of a building, the area of freestanding signs shall not exceed 50 square feet. Only one such sign shall be permitted per deeded property.
    - [2] At the front of a building, the area of permitted signs, except freestanding signs, shall not exceed one square foot of sign area for every linear foot of building width, up to 50 square feet. [Amended 8-15-1996 by Ord. No. 903]
    - [3] In the case of a corner property, the maximum sign area of 25 feet shall be permitted on a side of the building. If a freestanding sign exists at any location on the property, another sign will be permitted on this side of a building provided the total square footage of both signs does not exceed 50 feet. [Amended 8-15-1996 by Ord. No. 903]
    - [4] At the rear of a building, a maximum sign area of 15 square feet shall be permitted.<sup>6</sup>
- (3) Signs identifying shopping centers or multi-tenant buildings and listing or identifying all the establishments of a shopping center or multi-tenant building.
  - (a) The identification of shopping centers or multi-tenant buildings and the listing of all establishments in a shopping center or multi-tenant buildings shall be one sign.
  - (b) Such sign shall be a freestanding sign.
  - (c) Only one such sign per street frontage shall be permitted.
  - (d) The size of such signs shall not exceed 50 square feet.
- (4) Signs identifying the individual establishments in a shopping center.
  - (a) In addition to permitted signs identifying a shopping center and directory signs listing all the establishments in a shopping center, each establishment in such shopping center shall be permitted one additional sign affixed to the building.

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<sup>6</sup> Editor's Note: Former Subsection 6.b.3, regarding window signs, which immediately followed this subsection, was deleted 8-15-1996 by Ord. No. 903.



- (b) Such signs shall be wall signs only.
  - (c) Such individual signs shall not exceed 16 square feet.
  - (d) The design, lettering and type of sign shall be in keeping with a single, harmonious scheme for all businesses in the shopping center.
- (5) Notwithstanding anything in the Code to the contrary, remote change electronic digital display fuel price signs shall be permitted at gasoline stations so long as they comply with the following requirements: [Added 6-21-2012 by Ord. No. 1093]
- (a) Such signs shall utilize LED digits to display price numbers;
  - (b) LED digits of each price line shall be one color: red, amber or green;
  - (c) LED arrays within the digits shall be designed such that if a group of LEDs go out, the correct numbers will continue to be legible;
  - (d) LED digits shall show static display only, flashing or moving action by digits is prohibited;
  - (e) LED light intensity shall be controlled automatically to dim or brighten in response to changing ambient light conditions;
  - (f) Signs shall also be equipped with LED light intensity limit via manual control;
  - (g) LED digits shall have a maximum brightness of 4,000 nits at maximum brightness level; and
  - (h) The LED digits shall not exceed 24 square feet in area.

G. Signs in the Industrial District.

- (1) Signs advertising or identifying an industrial use. Sign dimensions and other standards shall be those permitted in the HBO District.
- (2) Billboards, as defined herein, and digital billboard signs, as defined herein (For purposes of this ~~§ 311-92~~ § 311.E-31G(2), all references to “billboards” shall be deemed to also refer to and include digital billboard signs except where otherwise indicated.) in addition to other signs permitted in the district. Billboards shall be considered a sign and shall be subject to all relevant provisions of the Zoning Code relating to signs and in addition shall be subject to the following additional requirements and regulations. [Added 1-20-2000 by Ord. No. 940; amended 6-21-2012 by Ord. No. 1095]
  - (a) Location.
    - [1] The minimum front, side and rear yard requirements applying to a principal use as designated within an industrial district shall apply to each structure. The maximum lot coverage as specified within the Zoning Chapter shall apply to any lot upon which a billboard structure is located and shall include any other structure or buildings on the same lot therewith. If the district in which the billboard is located abuts a residential district, the minimum set back for that residential district shall apply.
    - [2] No billboard shall be erected in such a manner as to block the view

from the road or street of any existing business sign, logo sign, residential or nonresidential structure or limit or reduce the lighting and ventilation requirements under the Borough Building Code.

- [3] Billboards shall be set back to the required distance for building located within said zoning district or a distance of not less than the minimum setback of adjoining properties or 25 feet, whichever is the greatest. All newly constructed billboards shall be of the single pole design.

(b) Size and height.

- [1] A billboard shall have a maximum allowable gross surface area of 160 square feet per sign face. A billboard shall have a maximum of two sign faces per billboard structure, and the gross surface area of each sign face shall not exceed the 160 square foot maximum, provided that the billboard structure sign faces are placed back-to-back.

- [2] No billboard's gross surface area shall exceed eight feet in total height or 20 feet in total length.

- [3] A billboard structure shall have a maximum height above the curb or a roadway, from which it is intended to be viewed, of 35 feet; provided, however, that the height of a billboard structure oriented to a depressed roadway shall be measured from the grade at the base of the billboard.

- [4] No billboard sign shall be more than 25 feet average to the bottom of the sign above the ground level immediately below and shall not in any way interfere with normal pedestrian or vehicular traffic.

(c) Construction methods. Billboards shall be constructed in accordance with the applicable provisions of all Borough codes. In addition:

- [1] A billboard structure shall have a minimum of one vertical support being a minimum of 48 inches in diameter, with 1/2 inch wall or width, and without bracing or vertical supports.

- [2] A billboard sign face shall be independently supported and have vertical supports of metal which are galvanized or otherwise treated to prevent rust and corrosion.

- [3] One vertical support shall be capable of enabling the entire sign face to be able to withstand a minimum seventy-five-mile-per-hour wind load.

- [4] The entire base of the billboard structure shall be permanently landscaped with suitable shrubbery and/or bushes of minimum height of six feet placed in such a manner as to screen the foundation of the structure. A landscaping plan shall be submitted for review and approval by the Code Enforcement Officer. Said landscaping shall be maintained by the officer in an attractive and healthy manner in accordance with accepted conservation practices. Landscaping shall form a base and backdrop to the billboard sign when practical.

- [5] No bare cuts are permitted on a hillside, and all cuts or fills are to be permanently seeded or planted.
  - [6] A billboard shall not be illuminated by artificial lighting; a digital billboard sign may be illuminated by artificial light. To prevent causing a distraction to passing vehicle traffic, the display face of a digital billboard, whether letters, images or other displays, shall not change more frequently than one time for every 60 seconds.  
[Amended 6-21-2012 by Ord. No. 1095]
  - [7] No billboard structure, sign face or display lighting shall move, flash or emit noise. No display shall cause distraction, confusion, nuisance or hazard to traffic, aircraft or other properties.
  - [8] No billboard shall be constructed within the clear sight triangle of the public street or road on which it is situated and shall not in any manner obstruct or impede traffic safety, including ingress or egress.
  - [9] Billboards shall maintain a lateral minimum spacing of 500 feet between billboard structures, measured in all directions.
  - [10] Billboards may not be mounted on a roof, wall or face or other part of a building or any other structure, including trees.
  - [11] Applicability of BOCA Standards. All sign standards herein shall exist in full force and effect in conjunction with all sign standards existing in the most recent edition of the BOCA Building Code, as amended. Whenever any conflict exists between this chapter and the BOCA Code, the more restrictive provisions shall have precedence.
- (d) Maintenance requirements.
- [1] The billboard structure shall be entirely repainted every three years.
  - [2] Every five years the owner of the billboard shall have a structural inspection made of the billboard by a qualified Pennsylvania registered structural engineer and shall provide to the Borough a certificate from the engineer or architect certifying that the billboard is structurally sound.
  - [3] Annual inspections of the billboard shall be conducted by the Borough Code Enforcement Officer to determine compliance, and billboards found to be in violation of this section shall be brought into compliance within 30 days of notice or ordered removed upon proper notification by the Borough.
  - [4] Billboards using removable paper or other materials shall be maintained in such a condition as to eliminate loose or frayed material protruding or hanging from the structure. The owner of such structure shall eliminate loose or frayed material within 15 days upon proper notification by the Borough.

§ 311.E-38. Freestanding signs.

- A. Each sign shall be placed so that all portions, including the overhang, are within the lot line.
- B. The height of freestanding signs shall be measured from the ground or sidewalk to the top

of the sign. The maximum height of such signs shall be as follows:

- (1) Residential, MERC, Office and ROA Districts: eight feet.
  - (2) HBO and Industrial Districts: 16 feet.
- C. Landscaping shall be provided around the base of each freestanding sign for not less than two feet in each direction from the base of the sign.

#### § 311.E-39. Nonconforming signs.

- A. Any sign existing and lawful at the time this chapter becomes effective that does not conform to use, location, height or size regulations of this article shall be considered a nonconforming sign and may continue in its present location, except as modified in this section.
- B. Where the name of an establishment is changed, any nonconforming sign at such establishment must be removed and any new sign must conform to the provisions of this article.
- C. No nonconforming sign which has been damaged to more than 50% of its value or has been removed or discontinued for 60 days or longer shall be repaired, rebuilt or replaced, except as a conforming sign or when authorized as a special exception.
- D. If a nonconforming use of a building ceases or is discontinued for a continuous period of one year or more and such nonconforming use is deemed to be abandoned, any nonconforming sign on the premises shall also be considered to be abandoned and any subsequent signs erected or maintained on the premises shall be in conformity with the provisions of this chapter.
- E. Temporary movable freestanding signs, banners, streamers and similar types of prohibited signs shall be abated or removed within 90 days after the effective date of this chapter.

#### § 311.E-40. Temporary signs/banners.

[Amended 2-18-1993 by Ord. No. 857]

Where temporary signs are not exempt from the requirements of this chapter in ~~§ 311-91~~ § 311.E-36; they shall be permitted, provided that:

- A. They are placed so as not to obstruct vehicular or pedestrian traffic.
- B. A permit is obtained following the procedures set forth in ~~§ 311-96~~ § 311.E-41 of this chapter.
- C. Such signs shall only be used to promote special events such as sales, holiday sales events, etc. Any other use is specifically prohibited.
- D. The duration of such permit may not exceed 14 days. [Amended 8-15-1996 by Ord. No. 903]
- E. The size of such sign shall not exceed 65% of the largest single sign allowed for a property or establishment as set forth in ~~§ 311-92~~ § 311.E-31 of this chapter.
- F. Only one such sign shall be permitted during any fourteen-day permit period.

[Amended 8-15-1996 by Ord. No. 903]

- G. No more than three permits within a one-year period shall be issued for any one property or establishment. Said permits will not be issued for consecutive fourteen-day periods. Furthermore, a period of at least 30 days must elapse between the issuance of permits to any one property or establishment. [Amended 8-15-1996 by Ord. No. 903]
- H. Sign shall be removed immediately upon the expiration of the permit. Failure to remove a sign immediately upon the expiration of the permit shall result in the forfeiture of the establishment's ability to apply for and receive such a permit under this subsection for a period of one year from the expiration of the permit. The forfeiture imposed by this subsection shall be in addition to any other penalty imposed by any other section of this article.

#### § 311.E-41. Awnings and canopies.

[Added 8-15-1996 by Ord. No. 903]

- A. A permit shall be obtained from the Code Enforcement Officer for the erection, repair or replacement of any awning or canopy, following a review by the Planning Commission.
- B. Awning and canopies shall be designed and constructed to withstand wind or other lateral loads, and live loads as required by the BOCA Code, with due allowance for shape, open construction, and similar features that receive the pressure and loads.
- C. Canopies shall be constructed of a metal framework with an approved covering that is flame-resistant as determined by both the small-scale and large-scale tests in accordance with NFPA 701, or that has a flame spread rating not greater than 25 when tested in accordance with ASTM 84.
- D. All awnings shall have a minimum clearance of seven feet from the sidewalk to the lowest part of the framework or any awning, except that the bottom of the valance of canvas awnings shall have a minimum clearance of six feet nine inches above the sidewalk.
- E. The horizontal position of a canopy framework shall not be less than eight feet, not more than 12 feet above the walking surface, and the clearance between the covering or valance and the walking surface shall not be less than seven feet.
- F. Retractable or fixed awnings are permitted to project up to four feet into a public right-of-way, provided they meet clearance requirements and are no closer than one foot to a curbline.
- G. No post of any canopy is permitted within the public right-of-way.
- H. All awnings and canopies shall have totally opaque covering material, with the sole exception of awnings in the HBO District which may have translucent material. It shall be required that down lighting be provided to illuminate any walking surface below an awning or canopy to a minimum light level of one foot-candle, but the canopy or awning must have sufficient opacity to prevent this light from shining through the material.
- I. Lettering delineating the name of the establishment only, and logos shall be permitted only on the face of the awning or canopy that is parallel to the building facade. If such lettering, and/or logos, as determined by Article E-III shall be counted against the total allowable building signage for the district. In the event that the lettering is placed on a translucent

awning and/or canopy, as allowed in the HBO District, the entire translucent face of the awning, and/or canopy, parallel to the building shall be considered as a sign. If only the portion of the awning, and/or canopy, containing letters and/or logos is translucent, and the rest is opaque, then only the translucent portion shall be computed as sign area.

**§ 311.E-42. Administration and enforcement.**

- A. All signage shall be designed, manufactured and installed only by companies licensed by the Borough of Media. Borough Council shall establish reasonable standards for such sign licenses and list them on a license application form. [Added 8-15-1996 by Ord. No. 903]
  - (1) A signage license fee will be set by Borough Council. This fee will include Zoning Chapter book and updates as published, and any official design guidelines available.
  - (2) Any licensed company which installs a sign in violation of any regulation herein shall have license revoked by the Borough Council for not more than one year and/or a fine of not more than \$500. After one year's revocation, a sign company can reapply for a license.
- B. Permits, procedure and review by the Code Enforcement Officer. Except for exempt signs or unless otherwise specified in this article, no sign shall be erected, repaired or replaced in the Borough until a permit for such sign has been obtained in the following manner:
  - (1) An application in writing shall be made to the Code Enforcement Officer by the sign maker or installer.
  - (2) The application submitted to the Code Enforcement Officer shall give the full particulars regarding size, shape, material and supports of the sign as well as a plan showing the location of the sign on the building or lot, the distance from the curblineline and the height of the sign. The application shall be sufficiently specific to enable the Code Enforcement Officer to determine if the sign complies with this **Article** as well as other local regulation relating to signs.
  - (3) If the person submitting the application is not the owner of the property, the written consent of the owner of the property on which the sign is located shall accompany the application.
  - (4) In the case of multi-tenant buildings applications for signs shall be submitted by the owner.
  - (5) All permanent signs must be designed by a recognized sign company<sup>7</sup>
  - (6) Where a sign has been referred to the Art and Architectural Commission, the review and report of the Art and Architectural Commission shall include the evaluation of the lettering, coloring and design of signs, sign location, compatibility

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<sup>7</sup> Editor's Note: Former Subsections B(6), regarding review of applications by the Planning Commission, as amended, and B(7), regarding forwarding of sign information to the Planning Commission, as amended, which immediately followed this subsection, were repealed 4-21-2011 by Ord. No. 1084. This ordinance also provided for the redesignation of former Subsection B(8) as Subsection B(6).

with building on or adjacent to which the sign shall be located and compatibility of the proposed sign with the architectural character of the buildings in the surrounding area.<sup>8</sup>

- C. Except for exempt signs, whenever any sign is replaced by another sign, enlarged in any manner or altered, dismantled or damaged or otherwise destroyed to the extent of more than 50% of its value, a permit shall be required as provided in this section before the sign is replaced, enlarged, altered or replaced. However, no permit shall be required for additions, deletions or other changes in the names of practitioners on signs relating to professional or office uses.
- D. Permit fees. All applications for permits filed with the Code Enforcement Officer shall be accompanied by a permit fee according to a schedule of fees as established by Borough Council.
- E. Inspections. Any person installing, altering or relocating a sign for which a permit has been issued shall notify the Code Enforcement Officer upon completion of the work. The Code Enforcement Officer may require a final inspection, including an electrical inspection and inspection of the footings of freestanding signs.
- F. Violations.
  - (1) When, in the opinion of the Code Enforcement Officer, there exists a violation of this article, the Code Enforcement Officer shall issue a written order to the alleged violator. Such order shall specify those sections of this article of which the individual may be in violation and shall indicate that the violator shall correct such violation within 30 days from the date of the order.
  - (2) If, upon inspection, the Code Enforcement Officer finds that the sign is abandoned or structurally, materially or electronically defective, or in any way endangers the public, he shall issue a written order to the owner of the sign and the occupant of the premises stating the nature of the violation and require the owner and occupant to repair or remove the sign within seven days of the date of the order.
  - (3) In cases of emergency the Code Enforcement Officer may, without notice, cause the immediate removal of a dangerous or defective sign. Signs removed in this manner must present a hazard to the public health, welfare and safety.
- G. Appeal from sign permit denial. An applicant whose application for a sign permit has been denied by the Code Enforcement Officer may appeal such decision to the Zoning Hearing Board for a variance. Such appeal must be filed with the Borough not later than 30 days after notice of denial.
- H. Penalties. In accordance with ~~§ 311-98~~ § 311.F-1.
- I. Liability for damages. The provisions of this chapter shall not be construed to relieve or to limit in any way the responsibility or liability of any person, firm or corporation which

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<sup>8</sup> Editor's Note: Former Subsection B(9), regarding the review and report of the Planning Commission, which immediately followed this section, was repealed 4-21-2011 by Ord. No. 1084.

erects or owns a sign for personal injury or property damage caused by the sign, and the provisions of this chapter shall not be construed to impose upon the Borough, its officers or its employees any responsibility or liability by reason of the approval of any sign under the provisions of this chapter.<sup>9</sup>

## Article E-IV. Nonconforming Uses, Structures and Lots

### § 311.E-43. Legislative intent.

- A. Within the districts established by this chapter or amendments thereto, there exist certain uses, structures and lots which were lawful before this chapter was enacted or amended, but which do not conform to the provisions of this chapter or amendment thereto. These uses, structures or lots are referred to as nonconformities.
- B. The regulations governing existing nonconforming uses, structures and lots are set forth in this article and are intended to provide a gradual remedy for the undesirable conditions resulting from such nonconformities. While such nonconformities are generally permitted to continue, these regulations are intended to restrict further investment in such nonconformities and to bring about their gradual reduction.

### § 311.E-44. Continuation.

All structures, lots, uses of structures and uses of land that do not conform to the regulations of the district in which they are located after the effective date of this chapter or amendment thereto shall be regarded as nonconforming and may be continued so long as they remain otherwise lawful, including subsequent sales of property.

### § 311.E-45. Enlargement.

*[Amended 5-20-2004 by Ord. No. 989; 5-15-2008 by Ord. No. 1047; 3-18-2010 by Ord. No. 1072]*

- A. A nonconforming use or structure may be extended, enlarged or altered by special exception if:
  - (1) It is clear that such enlargement or extension is not materially detrimental to the surrounding area or the interest of the Borough.
  - (2) The proposed enlargement or extension only occurs on the tract where the nonconformity is currently located.
  - (3) The nonconforming structure, or the area devoted to the nonconforming use, shall not be increased by more than 25%.
  - (4) Any extension or enlargement of a building shall conform to the area, height, building coverage, impervious coverage and setback regulations of the district in which it is located.
  - (5) No more than one extension or enlargement to a nonconforming use or structure

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<sup>9</sup> Editor's Note: Former **Article F-1**, Design Guidelines and Architectural Review, which immediately followed this section, was deleted 8-15-1996 by Ord. No. 903.



shall be granted.

- B. Any and all extensions and/or enlargements of a residential structure that is preexisting nonconforming as to the side yard setback shall be allowed to extend such nonconforming structure by right, provided that the following requirements are met to the satisfaction of the Borough:
- (1) A full and complete building permit application is provided by the owner of the property. The application shall include a to-scale plan of the property designating all setback dimensions, dimensions from existing structures to all property lines and dimensions from the existing building to all neighboring structures.
  - (2) The application shall be accompanied by a fee that covers the Borough's costs for processing the application, in addition to any other building permit fees that may be required, which fee shall be established from time to time by Council by resolution.
  - (3) The nonconforming structure shall not be increased by more than 25%, and the nonconforming structure shall extend no deeper into the side yard setback than the current nonconformance.
  - (4) The Borough shall then mail a letter notifying the immediate adjacent owners of property, including front, side and rear yards.
  - (5) It is demonstrated and clear to the Borough that such enlargement or extension is not materially detrimental to the surrounding area or the interest of the Borough.
  - (6) The application shall include an architectural rendering of the proposed extension or enlargement for review and approval by the Borough.
- C. The area of the nonconforming use or structure for this section shall be defined as the entire gross floor area(s) of the use or structure, which thereby includes the gross floor area(s) of multiple floors.

#### § 311.E-46. Change of use.

Once changed to a conforming use, no structure or land shall be permitted to revert to a nonconforming use. A nonconforming use may be changed to another equally restrictive or more restrictive nonconforming use only if permitted as a special exception and subject to the following conditions:

- A. The applicant shall show that the nonconforming use cannot be reasonably changed to a conforming use.
- B. The applicant shall show that the proposed change will be no more objectionable in external effects than the existing nonconforming use, or will be more appropriate than the existing nonconforming use with regard to:
  - (1) Traffic generation and congestion.
  - (2) Parking.
  - (3) Noise, smoke, dust, fumes, vapors, gases, heat, odor, glare or vibration.

- (4) Outdoor storage.
- (5) Sanitary sewage disposal.

#### § 311.E-47. Enclosure.

Where a nonconforming use is conducted entirely on unenclosed premises, no structure to house or enclose such use, whether or not such structure would otherwise conform to zoning regulations, shall be permitted to be erected on the premises.

#### § 311.E-48. Abandonment.

If a nonconforming use of a building or land is abandoned for six months or more, whereby the owner discontinues the use, the subsequent use of such a building or land shall conform with the regulations of the district in which it is located, unless another nonconforming use is approved by the Zoning Hearing Board. Such approved use shall be initiated within 90 days after the end of the six-month period.

#### § 311.E-49. Restoration.

A nonconforming structure or a conforming structure devoted to a nonconforming use which has been destroyed by fire or other cause to an extent of not more than 50% of the value of the structure, or a nonconforming structure which has been legally condemned, may be reconstructed and used for the same nonconforming use, provided that:

- A. The reconstructed structure shall not exceed the height, area and volume of the building destroyed or condemned.
- B. Reconstruction of the structure shall commence within one year from the date the structure was destroyed or condemned, unless the Zoning Hearing Board shall authorize a special exception for an extension of this time limit.

#### § 311.E-50. Repairs and maintenance.

- A. On any nonconforming structure or portion of a structure containing a nonconforming use work may be done in any period of six consecutive months on ordinary repairs or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing, provided that the cubic content existing when it became nonconforming shall not be increased.
- B. If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by the Code Enforcement Officer to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired or rebuilt except in conformity with the regulations of the district in which it is located.
- C. Nothing in this chapter shall be construed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by the Code Enforcement Officer or other official charged with protecting the public safety.

#### § 311.E-51. Displacement.

No nonconforming use shall displace a conforming one.

§ 311.E-52. **Nonconforming lots.**

A lot held in single and separate ownership on the effective date of this chapter which does not contain the required minimum area or width may be used for the construction, alteration or reconstruction of a building, or may be otherwise used if the construction, alteration, reconstruction or other use is in compliance with the use, yard, setback and other pertinent provisions of this chapter.

§ 311.E-53. **Reduction of lot area.**

No lot area shall be so reduced that the area of the lot or the dimensions of the open space shall be smaller than herein prescribed.

§ 311.E-54. **Registration of nonconforming uses.**

The Code Enforcement Officer shall prepare, or cause to be prepared, within three years after the effective date of this chapter, a complete list of all nonconforming uses, structures, lots and signs in the Borough.

§ 311.E-55. **Ownership.**

Whenever a lot is sold to a new owner, a previously lawful nonconforming use may be continued by the new owner.

§ 311.E-56. **Violations.**

A nonconforming structure altered or a nonconforming use created in violation of any previous provisions in this article shall be regarded as continuing in such violation and shall not enjoy the privilege of legal continuance conferred by § 311-114 upon other nonconforming structures and uses.

## **Article E-V. Industrial Performance Standards**

§ 311.E-57. **Legislative intent.**

The purpose of this article is to ensure adequate protection for the residents of the Borough against the possible negative effects of certain uses, processes or activities, particularly those carried out in the Industrial District, but not limited to that district.

§ 311.E-58. **Administration.**

- A. Interpretation and application of standards.
  - (1) The performance standards contained herein shall be the minimum standards to be met and maintained by all uses established after the effective date of this chapter. Standards established by the Pennsylvania Department of Environmental Resources or the United States Environmental Protection Agency shall apply where those standards are more restrictive than the standards set forth below.
  - (2) If any existing use or building or other structure is extended, enlarged or reconstructed, the performance standards herein shall only apply to such extended,

enlarged or reconstructed portion or portions of such use, building or other structure.

- (3) Determination necessary for administration and enforcement of performance standards set forth herein range from those which can be made with satisfactory accuracy by a reasonable person using normal senses and no mechanical equipment to those requiring great technical competence and complex equipment for precise measurement. It is the intent of this chapter that:
  - (a) Where determinations can be made by the Zoning Officer or other Borough employees using equipment normally available to the Borough or obtainable without extraordinary expense, such determinations shall be made before notice of violation is issued.
  - (b) Where technical complexity or extraordinary expense makes it unreasonable for the Borough to maintain the personnel or equipment necessary for making difficult or unusual determinations, procedures shall be available for causing corrections of apparent violations of performance standards, protecting individuals from arbitrary, capricious and unreasonable administration and enforcement of performance standards regulations and protecting the general public from unnecessary costs for administration and enforcement.

B. Application submittal.

- (1) Applications for industrial uses shall be accompanied by a certification from a professional engineer registered in the Commonwealth of Pennsylvania that the proposed use can meet the performance standards set forth in this chapter. All applications shall include, but shall not be limited to, the following informational items:
  - (a) Plans of existing or proposed construction and development.
  - (b) A description of existing or proposed machinery, processes and products.
  - (c) Specifications for the mechanisms and techniques used or proposed to be used in restricting possible dangerous or objectionable conditions as set forth in this chapter.
  - (d) Measurement or estimate of the amount or rate of emission of any dangerous or objectionable elements as set forth in this chapter.

C. Application review. All applications for industrial use shall be reviewed by the Borough Engineer for compliance with these performance standards. No application for industrial use shall be approved until it is certified in writing by the Borough Engineer that the proposed use can meet these performance standards.

D. Enforcement.

- (1) The Code Enforcement Officer shall investigate any purported violation of these performance standards. If the Code Enforcement Officer finds, after making determination in the manner set forth in this chapter, that there is a violation of the performance standards set forth herein, he shall take or cause to be taken lawful

action to cause correction to within the limits established by such performance standards. Failure to obey lawful orders concerning such corrections shall be punishable under the provisions of Section 1604.2 of this chapter.

*Editor's Note: Former Section 1604.2 of this chapter was deleted 8-15-1996 by Ord. No. 903. See now ~~§ 311-98~~ § 311.F-1.C.*

- (2) If, in the considered judgment of the Code Enforcement Officer, there is probable violation of the performance standards set forth herein, the following procedures shall be followed:
  - (a) The Code Enforcement Officer shall give written notice by certified mail or delivered personally to the person or persons responsible for the alleged violation. The notice shall describe the particulars of the alleged violation and the reasons why the Code Enforcement Officer believes there is a violation and shall require an answer or correction of the alleged violation to the satisfaction of the Code Enforcement Officer within 30 days. The notice shall state, and it is hereby declared, that failure to reply or correct the alleged violation to the satisfaction of the Code Enforcement Officer within the time set constitutes admission of violation of the terms of this chapter. The notice shall state that, on request of those to whom it is directed, technical determinations as described in this chapter will be made and that, if violations as alleged are found, costs of such determinations shall be charged against those responsible for the violation, in addition to such other penalties as may be appropriate but that, if it is determined that no violation exists, the cost of the determination will be paid by the Borough.
  - (b) If there is no reply within the time limit set but the alleged violation is corrected to the satisfaction of the Code Enforcement Officer, he shall note "Violation Corrected" on his copy of the notice and shall retain it among his official records, taking such other actions as may be warranted.
  - (c) If there is no reply within the time limit set and the violation is not corrected to the satisfaction of the Code Enforcement Officer within the time limit set, he shall take or cause to be taken such action as is warranted by continuation of a violation after notice to cease.
  - (d) If a reply is received within the time limit set indicating that the alleged violation will be corrected to the satisfaction of the Code Enforcement Officer but requesting additional time, the Code Enforcement Officer may grant an extension of time if he deems it warranted in the circumstances of the case and if the extension will not, in his opinion, cause imminent peril to life, health or property.
  - (e) If a reply is received within the time limit set requesting technical determination as provided in this chapter and if the alleged violation continues, the Code Enforcement Officer may call in properly qualified experts to make the determinations.

§ 311.E-59. Performance standards.

- A. Noise. [Amended 8-15-1996 by Ord. No. 903]
  - (1) All noise shall be muffled so as not to be objectionable due to intermittence, beat frequency, or shrillness. In no event shall sound pressure level of noise radiated continuously from a facility after 9:00 p.m. exceed at the lot line the value of 70 dBA. However, where the lot line adjoins or lies within 25 feet of the boundary of a residential district, the sound pressure levels of noiseradiated after 9:00 p.m. shall not exceed at the lot line the value of 65 dBA.
  - (2) For any source of sound which emits an impulsive sound, the excursions of sound pressure level shall not exceed 80 dBA regardless of time of day or night.
- B. Vibration. No vibration shall be produced which is transmitted through the ground and is discernible without the aid of instruments at or at any point beyond the lot line; nor shall any vibration produced exceed 0.002g peak measured at or beyond the lot line using either seismic or electronic vibration measuring equipment.
- C. Air pollution. Ambient Air Quality Standards have been established by the Commonwealth of Pennsylvania and are enforced by the Regional Air Pollution Control Board. However, to govern situations of a local nature, the following additional regulations are provided:
  - (1) Smoke.
    - (a) For the purpose of grading the density or equivalent opacity of smoke, the Ringelman Smoke Chart as published by the United States Bureau of Mines shall be used.
    - (b) Smoke emitted from any source shall not be of a darker shade than No. 1 on the Ringelman Smoke Chart, except that smoke of a shade not darker than No. 2 on the Ringelman Smoke Chart may be emitted for not more than four minutes in any eight-hour period.
  - (2) Odor.
    - (a) There shall be no emission of odors into the atmosphere in such quantities as to be offensive at any point on or beyond the lot boundary line within which the operation is situated.
    - (b) Odor thresholds shall be measured in accordance with the "Standard Method For Measurement of Odor in Atmosphere" (dilution method) ASTM-57 or its equivalent.
  - (3) Other air pollutants.
    - (a) No use shall emit fly ash, dust, dirt, fumes, vapors or gases into the atmosphere that would cause demonstrable damage to the public health, animals or vegetation or other forms of property or that would cause visible soiling of any structure beyond the lot line of the use creating the emission.
    - (b) In no event shall any use permit or cause the discharge of particulate matter into the atmosphere from incinerators in excess of 0.1 grains per cubic foot of gas at standard conditions corrected to 12% CO<sup>2</sup>.

- (c) The Ambient Air Quality Standards for the Commonwealth of Pennsylvania shall be the guide to the release of airborne toxic materials across lot lines. Where toxic materials are not listed in the Ambient Air Quality Standards of the Commonwealth of Pennsylvania, the release of airborne toxic matter shall not exceed 1/30 of the Threshold Limit Value adopted by the American Conference of Governmental Industrial Hygienist beyond the district boundary line.
- D. Heat. No heat from any source shall be sensed at the property line of that source to the extent of raising the temperature of air or materials more than 1° F.
- E. Glare.
  - (1) Glare from any use or activity shall be so limited that direct or indirect light from the source shall not cause illumination in excess of the 0.5 footcandles when measured at any window of the nearest residential property.
  - (2) Such light shall not create a nuisance or hazard along the property line.
- F. Fire and explosion. All activities or storage involving flammable and explosive materials shall be provided with adequate safety and fire-fighting devices in accordance with the Fire Prevention Code of the Borough of Media.
- G. Radioactive materials. The handling of radioactive materials, the discharge of such materials into air and water, and the disposal of radioactive wastes shall be in conformance with the regulations of the Nuclear Regulatory Commission (NRC), as set forth in Title 10, Chapter One, Part 20 — Standards for Protection Against Radiation, as amended; and all applicable regulations of the Commonwealth of Pennsylvania.
- H. Nonradioactive liquid or solid wastes. There shall be no discharge at any point into any public or private sewage disposal system or stream or into the ground of any liquid or solid materials except in accordance with the Laws and Regulations of the United States, the Commonwealth of Pennsylvania, Delaware County, the Delaware County Regional Water Quality Control Authority (DELCORA) and the Borough of Media.
- I. Electrical and electromagnetic interference. No use shall cause electrical or electromagnetic disturbances that would adversely affect the operation of any equipment other than that of the creator of such disturbances.
- J. Hazardous materials and toxic wastes. The handling and storage of hazardous materials, corrosives, flammables, toxic wastes, toxic materials, combustibles, and EP toxics shall be in accordance with the applicable regulations of the United States Environmental Protection Agency (EPA), the Pennsylvania Department of Environmental Resources (DER), and the Occupational Safety and Health Administration (OSHA).

# Article E-VI. Adult Entertainment

[Added 6-16-1994 by Ord. No. 871]

## § 311.E-60. Uses.

- A. Only in the ROA, HBO and Industrial Districts, in addition to those uses by special exception stated in ~~Article VIII, Article C-II, § 311-39, § 311.C-13, Article IX, Article C-III, § 311-45, § 311.C-19~~ and ~~Article X, Article C-IV, § 311.C-25, § 311-51~~, the land, buildings or premises shall be by special exception only for the following additional uses:
  - (1) Adult arcade.
  - (2) Adult cabaret, adult dance hall, adult club, adult bar, adult tavern, nightclub, restaurant or similar commercial establishment.
  - (3) Adult entertainment.
  - (4) Adult material sales.
  - (5) Adult mini motion picture theater.
  - (6) Adult motel.
  - (7) Adult motion picture theater.
  - (8) Peep shows.
  - (9) Sexual encounter center.
- B. The above additional uses are allowed by permit only in the ROA, HBO and Industrial Districts if the property line of this use is greater than 1,000 feet from the property lines of a:
  - (1) School;
  - (2) House of worship; or
  - (3) Borough-owned park.
- C. For purposes of this chapter or Article E-VI, measures shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where an adult entertainment business is conducted, to the nearest property line of a school, house of worship and/or Borough-owned park.

## § 311.E-61. Permit process.

The Code Enforcement Officer upon the Borough application present applicant with a building permit for adult entertainment business(es) as follows:

- A. In the ROA, HBO and Industrial Districts, a permit shall be issued only if the applicant is successful in obtaining a special exception for the proposed type of adult entertainment and the application successfully meets all health, use and occupancy and/or building permit requirements as defined in the pertinent ordinances and their amendments/revisions in Article F-I of this chapter and the location of said use is demonstrated to comply with ~~§ 311-127, § 311.E-60~~, Article E-VI.
- B. The application for a permit to operate an adult entertainment business must be made on



the form provided by the Code Enforcement Officer of the Borough. The application must be accompanied by a sketch or diagram showing the configuration of the premises, including a statement of the total floor space occupied by the business. The sketch or diagram need not be professionally prepared, but at least be drawn to a designated scale or drawn with marked dimensions on the interior and exterior of the premises to an accuracy of plus or minus six inches.

- C. The applicant must be qualified according to the provisions of Article E-VI and the premises must be inspected and found to be in compliance with the law by the Code Enforcement Officer, the Fire Marshal and the police.
- D. If a person wishes to operate an adult entertainment business as an individual, he (she) must sign the application for permit as an applicant. If a person who wishes to operate an adult entertainment business is other than an individual, each individual that has 10% or greater interest in the business must sign the application for permit as applicant. If a corporation is listed as owner of an adult entertainment business or as the entity which wishes to operate such a business, each individual having a direct or indirect interest of 10% or greater in the corporation must sign the application for permit as applicant.
- E. The fact that a person possesses other types of Borough permit(s) does not exempt the person from the requirement of obtaining an adult entertainment business permit.
- F. The Code Enforcement Officer shall approve the issuance of a permit to an applicant within 30 days after applicant is awarded a special exception by the Zoning Hearing Board of the Borough of Media and will not approve a permit if the Code Enforcement Officer finds one or more of the following to be true:
  - (1) Applicant is under 18 years of age.
  - (2) Applicant or applicant's spouse is overdue on his or her payment to the Borough of taxes, fees, fines or penalties assessed against him or her or imposed upon him or her in relation to an adult entertainment business.
  - (3) Applicant has failed to provide information reasonably necessary for issuance of the permit or has falsely answered a question or request for information on the application form.
  - (4) Permit to be used for the adult entertainment business has been reviewed and has been disapproved by either the Code Enforcement Officer, the Fire Marshal or the police as not being in compliance with the applicable laws and ordinances.
  - (5) The permit fee required by this chapter has not been paid or the permit fees for health, use, occupancy and/or building permits have not been complied with or the fee was not paid before.
  - (6) Applicant of the proposed establishment is in violation of or is not in compliance with any of the provisions of this chapter.
- G. The permit, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, and the address of the adult entertainment business. The permit shall be posted in a conspicuous place at or near the entrance of the adult entertainment business so it can be read at any time.

- H. The permit, if granted, shall have a life of one year from the date of issuance. At that time the applicant must file another application before the expiration of the permit in order to continue doing business without interruption. Application for renewal should be made at least 30 days before the expiration date. When an application is made less than 30 days before the expiration date, the pendency of the application will not prevent the expiration of the permit. Again, all of the above rules listed in this section and the entire article must be complied with as if a new permit is being issued.
- I. The Code Enforcement Officer, Fire Marshall and the police shall complete their certification that the premises is in compliance or not in compliance within 20 days of receipt of the application by the Code Enforcement Officer. This certification shall be promptly presented to the Code Enforcement Officer.
- J. If the Borough Code Enforcement Officer denies a renewal of a license, the applicant shall not be issued a permit for one year from the date of denial, except that after 90 days of lapse since the date of denial, the applicant may be granted a permit if the Code Enforcement Officer finds that the basis for denial of the renewal permit has been corrected or abated.

#### § 311.E-62. Inspection.

- A. An applicant or permittee shall permit representatives of the police, Fire Marshall, Code Enforcement Officer or other Borough departments or agencies to inspect the premises of an adult entertainment business for the purpose of ensuring compliance with the law, at any time the adult entertainment business is occupied or opened for business. These inspection departments/agencies shall certify in writing to the Code Enforcement Officer whether compliance is achieved.
- B. A person who operates an adult entertainment business or his agent or employee violates the Zoning Chapter of the Borough of Media (Ordinance No. 823) if he refuses to permit such lawful inspection of the premises at any time it is occupied or opened for business.

#### § 311.E-63. Fees.

The annual fee for an adult entertainment business permit is \$500.

#### § 311.E-64. Suspension of permit.

The Code Enforcement Officer shall suspend a permit for a period not to exceed 30 days if he determines that a permittee or an employee of the permittee has:

- A. Violated or is not in compliance with any section of this article or the Zoning Chapter.
- B. Engaged in excessive use of alcoholic beverages while on the adult entertainment premises.
- C. Refused to allow an inspection of the adult entertainment premises as authorized by this article.

#### § 311.E-65. Revocation of permit.

- A. The Code Enforcement Officer shall revoke a permit if a cause of suspension set forth in §

311-131 occurred and the permit has been suspended within the preceding 12 months.

- B. The Code Enforcement Officer shall also have power to revoke a permit if he determines that:
- (1) A permittee or any of the persons specified has given false or misleading information or materials submitted to the Borough during the application process.
  - (2) A permittee or employee of the permittee has knowingly allowed prostitution on the premises as defined by the Pennsylvania Crime Codes.
  - (3) A permittee or employee of the permittee knowingly operated the adult entertainment business during a period of time when the permittee's permit was suspended or revoked.
  - (4) A permittee or employee of the permittee knowingly allowed any action of sexual intercourse, sodomy, oral copulation, masturbation or other sexual conduct to occur in or on the permitted premises.
  - (5) A permittee is delinquent in payment of the Borough or state for any taxes or fees past due.
- C. When the Code Enforcement Officer revokes the permit, the revocation shall continue for one year and the permittee shall not be issued an adult entertainment business permit for one year from when the date of revocation became effective. If subsequent to revocation the Code Enforcement Officer finds that the basis for the revocation has been corrected or abated, the applicant may be granted a permit if at least 90 days have elapsed since the date the revocation became effective.
- D. After denial of an application, or denial of a renewal of an application, or suspension or revocation of a permit, the applicant or licensee or permittee may seek prompt judicial review of such administrative action in any court of competent jurisdiction. The administrative action shall be promptly reviewed by the court.

#### § 311.E-66. Transfer of permit.

A permittee shall not transfer his permit to another person, nor shall a permittee operate an adult entertainment business under the authority of a permit at any place other than the address designated within the application.

#### § 311.E-67. Exemption.

As a defense to prosecution under this article that a person appearing in a state of nudity did so in a modeling class operated as follows:

- A. By a proprietary school licensed by the Commonwealth of Pennsylvania or college, junior college or university supported entirely or partly by taxation.
- B. By a private college or university which maintains and operates an educational program in which credits are transferable to any college, junior college or university supported entirely or partly by taxation.

#### § 311.E-68. Injunction.

A person who operates or causes to be operated an adult entertainment business without a valid permit or in violation of this article is subject to an action in equity or a suit for injunction as well as citations for violations of the Zoning Chapter.

**§ 311.E-69. Violations and penalties.**

A person who operates or causes to be operated an adult entertainment business is guilty of a violation and will be fined \$1,000 per day of violation if in violation of the Zoning Chapter if:

- A. He/she operates such a business within 1,000 feet of the places mentioned in
- B. ~~§ 311-127~~ § 311.E-60.
- C. He/she operates such a business outside the districts as listed in ~~§ 311-127~~ § 311.E-60.
- D. He/she operates such a business when a special exception has not been granted for location of this use.