

ARTICLE XXIII GENERAL PROVISIONS

Section 2300 APPLICABILITY OF REGULATIONS

The provisions of this Article represent certain additional regulations and standards that are common to all zoning districts unless stated as pertaining to a specific district or uses stated herein. These provisions are in addition to those established by the applicable zoning district. In the event that the provisions of this Article conflict with other provisions of this Ordinance, the most restrictive provisions shall apply.

Section 2301 RESERVED

Section 2302 REDUCTION OF LOT AREA

- A. An existing lot that complies with the area and dimensional standards of the zoning district in which it is located shall not be reduced in size so that the minimum lot area and/or dimensional requirements of this Ordinance are no longer met.
- B. An existing lot that does not comply with the minimum lot area standards shall not be subdivided.
- C. A lot that does not comply with the minimum dimensional standards shall not be subdivided so as to further reduce the nonconforming standard or create a new nonconforming condition.

Section 2303 YARD REQUIREMENTS

- A. Corner lots shall require a front yard on each street which the corner lot abuts as provided for in the lot area and bulk requirements for the district in which the lot is located. The yard opposite the front lot line having the official designated property address shall be considered the rear yard, and the remaining yard shall be considered the side yard.
- B. Where an unimproved lot of record is situated on the same street frontage and within two hundred fifty (250) feet of two (2) or more improved lots, or one (1) unimproved and one (1) improved lot, the front yard requirements for the district may be modified so that the front yard shall be the average of the existing and required front yards.
- C. **Front Yard.** No structures or uses shall be permitted within required front yard areas except for driveways, sidewalks, and any signs expressly permitted by this Ordinance, and as expressly permitted according to the following conditions:
 - 1. Awnings or removable canopies shall not project more than four (4) feet over a public walkway and the lower edge of such projecting structure shall not be less than eight (8) feet above the level of such walkway.
 - 2. Bay windows, balconies, patios, or unroofed porches may project a maximum of four (4) feet into a required front yard.

3. Arbors, open trellises, and unroofed steps shall be permitted with no restrictions. No other permanent structure shall project into the front yard.
- D. **Side and Rear Yards.** No structures or uses shall be permitted within required side and rear yard areas except for driveways, sidewalks, and any accessory uses or signs expressly permitted by this Ordinance, and as expressly permitted according to the following conditions:
1. Open fire escapes, bay windows, balconies, patios, or unroofed porches may project a maximum of four (4) feet into a required yard.
 2. A projection from a building, using such building for support, but not being enclosed or part of the living area of such structure, may extend into the required yard not more than fifteen (15) feet, provided that no projection shall extend closer than five (5) feet to any lot line. Such projections may include overhanging eaves, gutters, cornices, chimneys, decks, or patios.
- E. **Commercial and Industrial.** For commercial and industrial districts and uses, the following shall apply for projections into required yards in addition to the above standards with the exception of Section 2303.D.2:
1. No projection, including those cited in the previous subsections, shall obstruct pedestrian or vehicular circulation, visibility or access to buildings by emergency vehicles.
 2. No portion of a projection shall be located within four (4) feet from a curb line, with the exception of awnings, marquees, or canopies, and the lower edge of such projecting structure shall not be less than eight (8) feet.

Section 2304 LOT WIDTH AT STREET LINE

Each lot in any district shall have a minimum width at the street line of not less than sixty-five (65) percent of the required lot width at the building setback line.

Section 2305 USE OF RESIDENTIAL FRONT YARD AREA

The front yard areas of all residential uses shall be maintained mainly as pervious surfaces, covered by vegetation and/or mulching in order to minimize soil erosion, except that paved sidewalks may be provided across the width of the property and from the street to the residence, and a paved driveway and parking area up to twenty (20) feet wide and an adjacent turnaround may be provided within the front yard area.

Section 2306 OBSTRUCTIONS TO VISION AT INTERSECTION

No obstructions to visibility at intersections shall be permitted. No fence, wall, or other structure shall be erected, allowed, or maintained and no hedge, tree, shrub, or other growth shall be planted or allowed to exist that obstructs required sight distance at street intersections, vision for through traffic at private streets, driveways, street intersections or along streets. A clear sight triangle shall be maintained in accordance with the standards set forth in the Malvern Borough Subdivision and Land Development Ordinance.

Section 2307 FLOODLIGHTING AND OTHER OUTDOOR LIGHTING

The intent of the provisions in this Section is to minimize the off-site impact of lighting while providing for lighting that is sufficient for safe use of a property. The following standards shall apply in regard to outdoor lighting in the Borough:

A. Applicability.

1. Outdoor lighting shall be required for the purpose of safety and personal security in areas of public assembly and traverse, including, but not limited to:
 - a. Parking areas of multi-family, commercial, and industrial uses.
 - b. Loading facilities of commercial and industrial uses.
 - c. At the ingress and egress of parking areas for multi-family, commercial, and industrial parking areas.
 - d. At street intersections.
 - e. The Borough Council may require lighting to be incorporated for other uses where personal security and safety reasons warrant.
2. Outdoor lighting may be used for additional purposes such as security and safety for residential, commercial, and industrial uses.
3. The requirements herein apply to all uses and situations mentioned above, as well as, but not limited to, signs, security, landscaping, and residential lighting.

B. Plan Submission.

1. Lighting Plans shall be submitted to the Borough for review and approval with all applications for conditional uses, special exceptions, variances, and subdivision and land development plans. Additionally, the Borough Zoning Officer may require the submission of a lighting plan with any building permit application: The required lighting plan shall include the following information:
 - a. A site plan containing a layout of the proposed fixture locations and type.
 - b. Catalogue cuts and photometrics for each light fixture, the method of energizing each light fixture, a listing of the hours of operation and a plan showing the photometrics for

the entire site, based upon the proposed placement of the light fixtures. A description of glare reduction devices, lamps, control devices, mounting heights, pole foundation details, and mounting methods, as appropriate for each fixture, should also be included.

2. Post-approval alterations to lighting plans shall be submitted to the Borough for review and approval.
3. The Borough reserves the right to conduct a post-installation nighttime inspection to verify compliance with the requirements of this Ordinance, and if appropriate, to require remedial action at no expense to the Borough.

C. **Illumination Levels.** Lighting, where required by this Ordinance, shall have intensities and uniformity ratios in accordance with, but not limited to the following examples:

Use/Task	Maintained Footcandles (Avg)	Uniformity Ratio (Avg/Min)
Pedestrian Walkways	0.5 Avg	5:1
Local Commercial Streets – Intersections of Streets-Parking Areas	1.0 Avg	6:1
Local Residential Streets – Intersection of Streets-Parking Areas	0.4 Avg	4:1
Parking: Multi-Family	0.4 Min – 1.0 Max	4:1
Parking: Commercial/Industrial	0.6 Min – 1.2 Max	4:1
Illuminated Signs	0.6 Avg	6:1
Recreational Uses/Parks	0.6 Min	4:1
Institutional Activities	1.0 Avg	4:1

*Avg – Average; Min – Minimum; Max – Maximum

D. **Design Standards.**

1. Floodlighting and outdoor lighting in all districts, whether or not required by this Ordinance, shall be diffused, directed, shielded, located, designed, and maintained in such a manner as not to present any hazardous situations for passing vehicular or pedestrian traffic or create a nuisance by objectionable light projected beyond its lot line onto a neighboring use or property.
2. All outdoor lighting shall be shielded to eliminate glare beyond an angle of thirty-five (35) degrees from a vertical plane and no glare shall be discernable beyond its lot line onto adjacent properties. All fixtures shall be equipped with or have the capacity to be equipped with light directing or shielding of a type and design appropriate to the lighting application, for the purpose of redirecting offending light or reducing direct or reflected glare.
3. Floodlights and spotlights shall not be aimed, installed, or directed as to project into the windows of neighboring residential uses, and shall not be directed skyward or onto a roadway.
4. Lighting proposed for use after 11 p.m. or after the normal hours of operation for any non-residential use, shall be reduced by seventy-five (75) percent between 11 p.m. and dawn, unless for an express purpose approved by the Borough.

5. No outdoor lighting shall have blinking, flashing, or fluttering lights or devices that cause changing intensity, brightness, or color.
6. Except for public street lights and traffic signals, freestanding light fixtures shall not exceed twenty (20) feet in height.
7. All lighting standards and necessary equipment shall be approved by the appropriate utility.
8. All outdoor lighting fixtures and ancillary equipment shall be maintained as to continuously meet the requirements of this Ordinance.

Section 2308 FENCES AND WALLS

- A. No fence, wall, or other obstruction shall be erected, allowed, or maintained and no hedge, tree, shrub, or other growth shall be planted or allowed to exist that dangerously obstructs vision for through traffic at private streets, driveways, street intersections or along streets in accordance with Section 2306.
- B. Fences, walls, and hedges that are in conformance with this Ordinance and other applicable ordinances are allowed with the required setbacks for that district. Fences and walls shall be constructed within the property lines of the lot being enclosed by such fence or wall.
- C. Fences and walls may be erected, altered, and maintained within the yards, excluding required buffer yards, provided that any such fence in the front yard shall not exceed three and one-half (3.5) feet in height; and any fence or wall in the side or rear yard shall not exceed six (6) feet in height, except as permitted in this Ordinance. Retaining walls, constructed for the express purpose of holding back or supporting earth, shall be exempted from said height provisions.
- D. A fence shall have the finish side facing adjacent properties.
- E. In a case relating to Storage and Waste Disposal of Hazardous Materials under this Article, a fence or wall is exempt from height restrictions, and shall be of sufficient height and construction as deemed appropriate by the Borough Zoning Officer.

Section 2309 BUFFERING AND SCREENING

The following provisions are established to create a transition and reduce conflicts between potentially incompatible uses.

- A. **Applicability and Buffer Classification.** All buffers shall include a screen planting of trees, shrubs or other plant materials, fencing, or a combination there of, as prescribed in this Section, in a manner to best mitigate any adverse impacts of the proposed action and serve as a barrier to visibility, air borne particles, glare and noise. Buffer classifications shall be as follows (inclusive of on-site parking and loading/unloading areas):
 1. Residential Buffer - Any residential use consisting of ten (10) or more multi-family dwelling units and any mobile home parks abutting any residentially zoned district or residential use shall provide a Residential Buffer.

2. Commercial Buffer - Any commercial use or office use, any off-street parking facility that is the principal use of a lot, or any loading/unloading area abutting any residentially zoned district or residential use shall provide a Commercial Buffer.
3. Industrial Buffer - Any industrial use, unless otherwise specified in this Ordinance, outdoor storage areas, utility use, in addition to standards in Article XXIV, abutting any residentially zoned district or residential use shall provide a Industrial Buffer.
4. Intensive Use Buffer - A junkyard, recycling center, or similar intensive commercial or industrial use shall provide a Intensive Use buffer, in addition to standards in Article XXIV, along all property lines.
5. Where otherwise determined by the Borough Council upon recommendation from the Borough Planning Commission.

B. General Requirements.

1. Existing vegetation should be preserved wherever possible and incorporated into screening and buffering. Existing plantings, woodlands, topography, or man-made structures can reduce or eliminate the buffering requirements if they partially or completely achieve the same level of screening as the planting requirements outlined in this Section. This determination shall be made at the discretion of the Borough Council, upon recommendation by the Planning Commission. Existing trees within the required buffer yard greater than four (4) inches in caliper or greater than eight (8) feet in height shall be preserved to the extent feasible. Such trees may be counted towards required plant materials, as determined by the Borough Council, upon recommendation by the Planning Commission.
2. Because of the many benefits, buffering should use native and non-invasive species of plants unless otherwise authorized by the Borough. Recommended planting materials are provided in Appendix A. Borough Council, upon recommendation by the Planning Commission, may permit other plant types if they are hardy to the area, are not subject to blight or disease, and are of the same general character and growth habit as those listed in Appendix A. All planting materials shall meet the standards of the American Association of Nurserymen. Planting materials shall be selected with emphasis on hardiness, growing habit for safe vehicular and pedestrian passage, minimum maintenance, and compatibility with site features and the surrounding area.
3. The applicant is encouraged to install buffer plantings in naturalistic groupings and be compatible with site features and existing neighborhood characteristics, if a satisfactory buffer can be achieved.
4. All plant materials used in screen planting shall achieve screening or buffering objectives within three (3) years of installation.
5. Planting Size Requirements. Plantings intended to meet screening and buffering requirements of this Section shall meet the minimum size requirements as follows:
 - a. Trees - Two-and-one-half (2.5) inch caliper
 - b. Shrubs - Two-and-one-half (2.5) feet in height from grade.

6. The screen planting shall be installed and thereafter maintained permanently by the property owner and any plant material which does not live shall be replaced within six (6) months. Required buffer plantings shall not be removed without the prior approval of the Borough. If such plantings are removed, the Borough may require that they be replaced, in kind, at the expense of the property owner. Buffer plantings shall be assured by a performance guarantee posted with the Borough in an amount equal to the estimated cost of the plant materials for a period of eighteen (18) months from installation. Such guarantee shall be released after this eighteen (18) month replacement period.
7. The screen planting shall be so placed that, at maturity, it will be not closer than two (2) feet from any street right-of-way.
8. Required plantings for buffering shall be chosen that shall not interfere with pre-existing overhead wiring or other pre-existing overhead permanent structures.
9. Plantings and Public Safety. Plantings shall not be located where they may be hazardous to public safety. This includes, but shall not be limited to the following:
 - a. A clear-sight triangle shall be maintained at all street intersections and at all points where private vehicular accessways intersect public streets, in accordance with Section 2306 and the Malvern Borough Subdivision and Land Development Ordinance.
 - b. No trees shall be planted closer than fifteen (15) feet from a fire hydrant, stop sign, or street light.
10. Where buffering is required, a Landscape Plan prepared by a qualified Landscape Architect shall be submitted to the Zoning Officer and reviewed by the Planning Commission to insure compliance with this Section, and approved by Borough Council. The plan shall display all proposed plantings required to buffer and screen the use, and show how the requirements of this Section have been achieved on that property in question for the particular use.
11. Materials Permitted Within Buffers. No structures may be placed within the buffer and no manufacturing or processing activity or storage of materials shall be permitted, except for the following:
 - a. Landscaped treatments, such as berms, fences or walls which aid in screening and do not conflict with the character of adjoining properties, including drainage, light, and air flow, or block clear sight distance required at intersections.
 - b. Structures relating to and used for landscaping, such as tree wells, tree guards, tree grates and retaining walls to preserve stands or specimens of existing trees or used for other functional purposes.
 - c. Roads which provide direct ingress/egress for the tract or lot, including appurtenant structures within road rights-of-way, such as curbs, sidewalks, signs, lighting or benches.
 - d. Underground utilities.
12. Fencing shall be in conformance with Section 2308.
13. Buffer yards shall be maintained and kept clean of all debris, rubbish, weeds and tall grass.

14. Mechanical equipment, storage structures, garbage and waste disposal facilities, and similar facilities shall be fully screened from view from adjacent streets or residential districts or uses, through the use of fences or buffering planting materials.
 15. Where earthen berms are required to provide effective screening, the specified elevation of the berm shall be that achieved after the earth has settled.
 16. To the extent possible, landscaping around detention basins shall be naturalized (e.g. clusters of evergreens interspersed with groupings of deciduous trees and shrubs) and designed to blend with the surrounding environment. When buffering storm water detention basins, trees shall not be planted on the basin berm or dam, however, shrubs may be planted in this area.
 17. Where it is determined that, due to topography or other factors, these buffer classes prescribed in Section 2309.C do not alone provide an adequate buffer between adjoining incompatible uses, the planting shall be placed upon a berm at a height of three (3) to five (5) feet to increase its effectiveness.
- C. **Buffer Standards.** After determining the required buffering classification in Section 2309.A, the applicant shall select an appropriate planting option listed below. Plantings are not required to be aligned on property or right-of-way boundaries, rather, the applicant is encouraged to site plantings as necessary to achieve the optimal screening level. Plant materials shall be selected from the Plant Materials List in Appendix A.
1. There shall be a buffer area of not less than twenty (20) feet in width provided.
 2. Residential Buffer: One (1) canopy tree per thirty (30) feet, plus one (1) evergreen per sixty (60) feet of boundary; or one (1) canopy tree per sixty (60) feet, plus one (1) flowering tree per sixty (60) feet, plus one (1) evergreen per sixty (60) feet of boundary.
 3. Commercial Buffer: One (1) flowering tree per forty (40) feet, and one (1) evergreen tree per twenty (20) feet of boundary, or one (1) canopy tree per forty (40) feet, and one (1) evergreen tree per thirty (30) feet of boundary, plus one (1) flowering tree per sixty (60) feet of boundary.
 4. Industrial Buffer: One (1) evergreen per twenty (20) feet, plus one (1) berm four (4) feet high; or six (6) foot high cedar or spruce fencing with one (1) flower or evergreen tree every twenty (20) feet.
 5. Intensive Use Buffer: In addition to fencing of at least six (6) feet in height, either one (1) canopy or flowering tree at an average of one (1) tree per thirty (30) feet, plus one (1) evergreen tree at an average of one (1) tree per thirty (30) feet; or one (1) canopy or flowering tree at an average of one (1) tree per twenty (20) feet, plus one (1) shrub per six (6) feet shall be provided between the fence and street or property line.
- D. **Off-Street Parking.** Standards for buffering and screening for Off-Street Parking are located in Section 2501.D.10.
- E. Any part of a lot which is not used for buildings, other structures, loading or parking spaces and aisles, sidewalks and designated storage areas shall be planted with an all season ground cover

approved by Borough Council. It shall be maintained to provide an attractive appearance, and all non-surviving plants shall be replaced.

- F. Requirements for street trees and other landscaping shall be in accordance with the Borough Subdivision and Land Development Ordinance.

Section 2310 OUTDOOR STORAGE AND DISPLAY

- A. Outdoor storage of man-made products shall be screened from view of public right-of-way and adjacent residential uses. Screening shall be in accordance with Section 2309.
- B. All organic refuse or garbage shall be stored in durable, vermin-proof containers. In multi-family uses over five (5) units, commercial, and industrial developments, garbage storage shall be centralized to expedite collection and screened from adjacent uses.
- C. Outdoor display and storage areas shall occupy less than one-half (0.5) the allowed building coverage in the district in which it is located.
- D. **Vehicles and Vehicle Parts.**
1. No vehicle which is unregistered or unlicensed under the Pennsylvania Vehicle Code, or without current and valid state inspection, or which would not, in its current condition, pass a Pennsylvania inspection as required by the Pennsylvania Vehicle Code to operate the vehicle on public streets, and no large vehicle parts, including but not limited to one (1) or more of the following: a motor, chassis, transmission, muffler, exhaust pipe, door, hood, trunk lid, fender, frame, bumper and seat, shall be stored outside of an enclosed building on any lot in any district other than the C1 and C4 Commercial Districts, or the LI and LIILimited Industrial Districts.
 2. Any storage of such vehicles for sale in the C1 and C4 Commercial Districts or the LI and LIILimited Industrial Districts shall be permitted only as an accessory use to an existing related principal use on the same property including, but not limited to, gasoline service stations or motor vehicle repair establishments, and subject to the following provisions:
 - a. Motor vehicles being stored for sale shall not be placed in any location that fulfills the required off-street parking for the primary use.
 - b. Motor vehicles being stored for sale shall not be placed on a public street or within the public right-of-way.
 3. The occupant of a lot, not within either the C1 and C4 Commercial Districts or the LI and LIILimited Industrial Districts, may store, on the lot and outside of a building, only for purposes of repairing and/or performing maintenance, no more than one (1) noncommercial passenger vehicle, with valid Pennsylvania license and registration, registered to such occupant, provided that there is no building on the lot in which the vehicle could be safely stored and worked on and provided, further, that the vehicle must have a valid Pennsylvania inspection within sixty (60) days of the day the vehicle was first stored on the lot without such valid inspection.

E. Recreational Vehicles.

1. All recreational vehicles shall be stored or parked within an enclosed building or within a side or rear yard when parked for a period exceeding twenty-hour (24) hours. No such vehicle shall be used for living, sleeping or housekeeping purposes when parked or stored on a residential lot.
2. Recreational vehicles that are stored outdoors in the side or rear yard, shall be no closer to a property line than the setback lines created by the various yard requirements for the applicable Zoning District.
3. Screening. Recreational vehicles stored outdoors shall be screened from adjacent properties from which the equipment is visible so that no part of the vehicle may be seen from such properties. The screening shall be in the form of either fencing in conformance with Section 2309, a vegetative buffer, mounding, or a combination there of, in conformance with the following provisions:
 - a. Screening shall use native and non-invasive species of plants unless otherwise authorized by the Borough.
 - b. Screening shall provide a year round buffer by incorporating a variety of deciduous and evergreen species to produce a seventy-five (75) percent opaque buffer within one (1) year of planting. Evergreen species shall represent not less than seventy-five (75) percent of the total plantings in the vegetative screen. The minimum height of vegetation in the initial planting shall be no less than six (6) feet.
 - c. The design of the screening shall be reviewed and approved by the Borough Zoning Officer prior to installation.
 - d. Vegetative screens and buffers shall be continually maintained by the property owner as long as the vehicle which requires the screening remains in the stated location. All non-surviving plants shall be replaced within six (6) months of the initial planting.
 - e. The minimum height of fencing shall be six (6) feet and the finished side of the material must face the abutting property.

F. Outdoor Display for Commercial Uses in Commercial Districts. In the C1, C2, and C4 Zoning Districts, merchandise available for retail sale may be displayed in a neat and orderly fashion outside of the retail establishment that is selling the merchandise, provided:

1. The merchandise shall not be placed so as to interfere with pedestrian or vehicular traffic or within required parking spaces.
2. No merchandise shall be placed within six (6) feet of the cartway.
3. For purposes of this Ordinance, a four (4) foot wide clear sidewalk path shall be maintained at all points.
4. No merchandise shall be displayed outdoors that is pornographic, includes explicit depictions of violence, or is otherwise unsuitable for viewing by children.

5. No merchandise shall be displayed outdoors in a manner that is intended to or has the effect of interfering with vehicular traffic or is distracting to motorists.
6. The outdoor display of merchandise shall not interfere with the sight lines of traffic and shall not impair the visibility of any public or private sign.
7. No merchandise shall be displayed outdoors in a manner that is likely to result in the merchandise falling into the street or sidewalk, blowing, spilling, or otherwise becoming disorderly, hazardous or a nuisance.
8. All merchandise displayed outdoors shall be removed and placed indoors at the close of business each day.
9. No additional signage in excess of that approved for the property shall be attached to or placed in conjunction with the merchandise being displayed.
10. Longer-term outdoor display for a permitted use which traditionally requires such need, may be authorized at the discretion of the Zoning Officer if the applicant can demonstrate that indoor storage is not practical or feasible.
11. Any merchandise that is placed on the public sidewalk or right-of-way in violation of this provision or that otherwise constitutes a hazard to the public may be removed by the Borough Zoning Officer or police officer with or without notice to the owner.

G. **Industrial and Commercial Uses Requiring Substantial Amounts of Land for Outdoor Storage or Display.** For Industrial and Commercial Districts or uses, storage of materials, equipment or vehicles, but not including parking and similar activities, shall generally be carried on within a building and shall meet the provisions of this Article and other applicable regulations of this Ordinance, except that additional outdoor storage and display area for a permitted industrial or commercial use may be authorized for those uses requiring substantial amounts of land area for outdoor storage or display where all of the following conditions are met and those such uses shall be exempt from the provisions of Sections 2310.A and 2310.C:

1. The industrial or commercial use involved traditionally employs long-term outdoor storage including uses such as lumberyard, junkyard, nursery/greenhouse, and automobile retail sales.
2. Such storage is needed for the successful operation of the use, and the proposed site is suitable for outdoor storage.
3. The applicant can demonstrate that indoor storage is not practical.
4. The storage shall comply with all applicable setback requirements and shall cover only that percentage of total lot area that is deemed practical and feasible in the opinion of the Zoning Officer. Wherever feasible, outdoor storage shall be located to the side or rear of the property.
5. The storage area shall be screened from view from any public right-of-way or any residential district by buildings, walls or an effective screen, as required by this Section 2309.
6. These provisions shall be enforced by the Borough Zoning Officer who shall have the discretion to make proper determinations on the above provisions. Any objections to the

determination of the Zoning Officer may be appealed with the Zoning Hearing Board in accordance with Section 2807 of this Ordinance.

7. Among uses that shall not be considered appropriate for inclusion under this provision are retail store, personal service shop, service station, car wash facility, business or professional office or office campus, educational use, and automotive accessories.
- H. Any establishment which furnishes shopping carts as an adjunct to shopping shall provide definite areas within the building and parking area for storage of said carts. Each designated storage area shall be enclosed by a barrier at least six (6) inches higher than the parking area surface, and shall be clearly marked for storage of shopping carts. All shopping carts shall be stored indoors, or otherwise secured during non-operating hours.
- I. Storage and Waste Disposal of Hazardous Materials shall be in conformance with Section 2311.H.

Section 2311 PERFORMANCE STANDARDS

The following standards shall govern in all districts and all standards shall be considered minimums and shall be superceded by any more stringent state or federal regulations:

- A. **Dust, Dirt, Smoke, Fly Ash, Fumes, Vapors, And Gases.**
1. There shall be no emission of dust, dirt, smoke, ash, fumes, vapors, or gases or other hazardous or noxious materials to the air in such quantities that does not comply with Pennsylvania Air Pollution Control laws, including standards set forth by Standards for Contaminants and Ambient Air Quality Standards of the Pennsylvania Department of Environmental Protection, Rules and Regulations, and the National Emission Standards for Hazardous Air Pollutants of the United States Environmental Protection Agency.
 2. No emission shall be permitted which contains inert particulates in excess of fifteen (15) milligrams per cubic meter, based on an eight (8) hour maximum average exposure.
 3. No user shall operate or maintain or be permitted to operate or maintain any equipment or devise which by reason of its operation or maintenance will discharge contaminants to the air in excess of the limits prescribed herein unless the owner and/or operator shall install and maintain such control that will prevent the emission of an air contaminant in such quantity that will violate any provision of this Ordinance.
 4. The emission of dust, dirt, fly ash, fumes, vapors, or gases which can cause damage to human health, to animal, or vegetation or to other forms of property, or which can cause any soiling or staining of persons or property at any point beyond the lot lines of the use creating the emission is prohibited.
 5. No user shall cause, allow, permit, or maintain any bonfire, junk fire, refuse fire, salvage operations fire, or any other open fire within the Borough.
- B. **Noise.** Noise levels shall be maintained at a level that is not objectionable due to intermittence, frequency or intensity and shall not exceed the standards established by this Section. No person shall operate or cause to be operated on private or public property any source of continuous sound

(any sound which is static, fluctuating or intermittent with a recurrence greater than one (1) time in any fifteen (15) second interval) in such a manner as to create a sound level which exceeds the limits set forth in the following when measured at or within the lot line of the receiving land use:

1. At no point on the boundary of any lot shall sound level of any operation exceed the decibel levels shown below for the receiving land uses indicated.

Continuous Sound Level Limits by Receiving Land Use			
Decibel Limit (dbA) and time	Sound levels at lot lines abutting residential uses	Sound levels at commercial and institutional uses	Sound levels at industrial uses
From 7 a.m. to 10 p.m. e.s.t.	60 dbA	65 dbA	70 dbA
From 10 p.m. to 7 a.m. e.s.t., Sundays, and holidays	50 dbA	60 dbA	65 dbA

2. The maximum permissible sound levels by the receiving land use category, as listed in the previous table, shall not apply to the following noise sources:
 - a. Emergency alarm signals for the purpose of alerting persons to the existence of an emergency.
 - b. Work to provide, repair, or replace electricity, water or other public utilities involving public health or safety.
 - c. Normal and legally permitted residential activities customarily associated with residential use.
 - d. Domestic power tools.
 - e. Temporary activities involving construction and demolition activities.
 - f. Agriculture.
 - g. Motor vehicle operations on public streets. Such noise shall be regulated by Pennsylvania Transportation Regulations governing established sound levels.
 - h. Public celebrations or activities authorized by the Borough.
 - i. The unamplified human voice.

- C. **Odors.** There shall be no emission of odorous gases or other odorous matter in such quantities as to be offensive at lot boundary line. Any process which may involve the creation or emission of any odors shall be provided with a secondary safeguard system, so that control will be maintained if the primary safeguard systems should fail. Hereby established as a guide in determining such quantities of offensive odors is Table 1 (Odor Thresholds in Air), "Research on Chemical Odors: Part 1 – Odor Thresholds for 53 Commercial Chemicals", October 1968. Manufacturing Chemists Association, Inc., Washington, D.C.
- D. **Glare Or Heat.** Any operation producing intense glare or heat shall be performed within an enclosed building or behind a solid fence in such a manner as to be completely imperceptible from any point along the lot lines.
- E. **Electrical Disturbance.** There shall be no electrical disturbance (except from domestic household appliances) adversely affecting the operating at any point of any equipment other than that of the creator of such disturbance. No use, activity, or process shall be conducted which produces electromagnetic interference with normal radio or television reception from off the lot on which the activity is conducted.
- F. **Radioactivity.**
1. There shall be no activities which emit dangerous levels of radioactivity.
 2. No operation involving radiation hazards shall be conducted which violates the federal regulations and standards. In addition, any proposed use which incorporates the use of radioactive material, equipment or supplies, shall be in strict conformity with Pennsylvania Department of Environmental Protection, Rules and Regulations.
- G. **Vibration.** No vibration shall be produced which is transmitted through the ground and is discernable without the aid of instruments at or at any point beyond the lot lines and any vibration produced shall not exceed 0.002g peak measured at or beyond the lot line using either seismic or electronic vibration measuring equipment.
- H. **Storage and Waste Disposal of Hazardous Materials.**
1. No highly flammable or explosive liquids, solids or gases shall be stored in bulk above ground, except the following:
 - a. Tanks or drums of fuel directly connected with energy devices, heating devices or appliances located on the same lot.
 - b. Tanks or drums of fuel no larger than two hundred fifty (250) gallon per container located no closer than twenty- five (25) feet to any building and in the rear yard of any lot or no closer than fifty (50) feet from any street line.
 2. All outdoor storage facilities for fuel, raw materials, and all such products, including those listed in Subsection 1. above, stored outdoors shall be permitted only within the buildable area of the lot behind the front building line of the principal buildings, shall not exceed six (6) feet in height, and enclosed by a fence of adequate sufficient construction, type, and size to enclose, protect, and conceal the facilities from any adjacent properties. Provisions for fences and walls are included in Section 2308.

- 3. No materials or wastes shall be deposited upon a lot in such form or manner that they may be transported off the lot by natural causes or forces, nor shall any use shall be conducted in such a way as to discharge any untreated sewage or industrial waste into any reservoir, lake, or stream. Discharge of treated waste into water bodies and all other methods of sewage industrial waste treatment and disposal shall be approved by the County Health Department and Pennsylvania Department of Environmental Protection, as appropriate.
 - 4. All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible or otherwise be attractive to rodents or insects, shall be stored outdoors only in closed containers.
- I. **Electric Power.** Every use requiring electrical power shall be so operated that the service lines, substation, or other equipment shall conform to the safety requirements of the National Electrical Code ANSI-CI, as amended, and shall be so constructed and installed as to be an integral part of the plant building, where possible. If visible from adjacent residential lots, it shall be screened in accordance with Section 2309.
- J. **Fire and Explosion Hazards.**
- 1. All activities and all storage of flammable and explosive material at any point shall be provided with adequate safety devices against the hazard of fire and explosion, and adequate fire fighting and fire suppression equipment, and devices as detailed and specified by the laws of the Commonwealth of Pennsylvania.
 - 2. All buildings and structures, and activities within such buildings and structures shall comply with applicable Borough codes and ordinances. Any explosive material shall conform to the requirements of Pennsylvania Department of Environmental Protection, Rules and Regulations, for storing, handling and use of explosives.
- K. **General Public Health and Safety.** No use shall create any other objectionable condition in an adjoining area which will endanger public health and safety, or be detrimental to the proper use of the surrounding area.

Section 2312 KEEPING OF PETS AND LIVESTOCK

- A. **Pets.** Up to three (3) pets may be kept on any lot in any zoning district within the Borough. Greater numbers of pets may be kept only on lots greater than one-half (0.5) an acre in area. The total number of additional pets permitted on any lot that exceeds one-half (0.5) an acre in lot area shall be computed according to the number of acres (listed below) required per animal. For example, three (3) dogs may be kept on a lot of up to one-half (0.5) acre. One-third (0.3) of one (1) additional acre is required for each additional cat and one-half (0.5) of one (1) additional acre is required for each additional large dog.

Pet	Required additional acreage per additional animal
Dog	0.5
Cat	0.3

Animals not specifically listed above shall be judged based on animals of similar size, diet, temperament, and behavior.

Small caged pets (including, but not limited to: fish, parakeets, canaries, frogs, hamsters, small reptiles, etc.) are not subject to these acreage requirements, and shall be permitted, provided that they are not kept for commercial purposes and provided that they do not create a nuisance of any kind, including objectionable odors, noise or straying onto other property.

- B. **Livestock.** Livestock may be kept only on lots greater than three (3) acres in size. Only one (1) such animal may be kept on a lot which is at least three (3) acres in size. The total number of additional livestock or poultry animals permitted on any lot exceeding three (3) acres in lot area shall be computed according to the number of acres (listed below) required per animal. For example, one (1) horse may be kept on a lot of three (3) acres. Two (2) more acres are required for each additional horse. One (1) sheep may be kept on a lot of three (3) acres. One-half acre (0.5) is required for each additional sheep.

Livestock	Required additional acreage per additional animal
Equines	2.0
Bovines	2.0
Pig	1.5
Sheep	0.5
Goat	0.5
Poultry	0.1
Rabbits	0.1

Animals not specifically listed above shall be judged as animals of similar size, diet, temperament, and behavior.

- C. **Wild, dangerous, or poisonous animals.** Wild, dangerous, or poisonous animals (including but not limited to: deer, skunks, raccoons, wolves, “wolf-dog hybrids”, constricting or venomous snakes, alligators, crocodiles, bobcats, or lynxes) may not be kept within the Borough for any purpose unless adequately confined in a facility operated by a licensed veterinarian for purposes of treatment.
- D. No animals shall be maintained or allowed to stray so as to create any health or safety hazards or obnoxious or foul odor or objectionable noise or behavior. Likewise, all manure shall be managed so as to prevent any odor from affecting other properties and from contaminating any stream or otherwise having an adverse impact on the neighborhood. All animals shall be properly immunized.
- E. **Shelter and Fenced Area Requirements.**
1. In addition to the acreage requirements for pets and livestock, every owner of livestock or farm animals shall also provide a sheltered area of a size sufficient for good sanitation practices and adequate and sanitary drainage according to the following minimum requirements:
 - a. All shelters shall have a roof and at least three (3) enclosed sides.
 - b. Structures for the housing of any animals must be located not less than one hundred (100) feet from the lot line of the property. No such structures may be erected or maintained in a front yard or a side yard abutting a street.

- c. A shelter of one hundred fifty (150) square feet shall be provide for each horse or cow.
 - d. A shelter of one hundred (100) square feet shall be provided for each pony, mule, donkey, sheep, or goat.
 - e. A shelter for poultry or rabbits shall provide a minimum of ten (10) square feet per animal.
2. All pasture, grazing, and exercise areas shall be fenced with materials of sufficient height, strength, and density to adequately confine the animal in question. All such fencing must be in compliance with all other zinging regulations.

**Section 2313 COMPLIANCE WITH SUBDIVISION AND LAND
DEVELOPMENT REGULATIONS**

All development plans must comply with the Malvern Borough Subdivision and Land Development Ordinance.

