

BOROUGH OF TOPTON
BERKS COUNTY, PENNSYLVANIA

ORDINANCE No. 2018-2

AN ORDINANCE OF THE BOROUGH OF TOPTON, BERKS COUNTY, PENNSYLVANIA, AMENDING THE BOROUGH OF TOPTON ZONING ORDINANCE OF 2015, AS AMENDED, BY: (1) AMENDING AND SUPPLEMENTING SECTION 204 ENTITLED "SPECIFIC TERMS", OF ARTICLE II ENTITLED "DEFINITIONS", TO ADD A NEW DEFINITION FOR SHED; (2) AMENDING AND SUPPLEMENTING TABLE 2 ENTITLED "TABLE-2: DIMENSIONAL STANDARDS", OF ARTICLE IV ENTITLED "DISTRICT REGULATIONS", TO PROVIDE REFERENCES TO SPECIAL SETBACK REGULATIONS FOR GARAGES AND STORAGE SHEDS IN REAR AND SIDE YARDS; AND (3) AMENDING AND SUPPLEMENTING SECTION 503 ENTITLED "ACCESSORY USES - RESIDENTIAL", OF ARTICLE V ENTITLED "GENERAL REGULATIONS", TO PROVIDE FOR SPECIAL SETBACK REGULATIONS FOR GARAGES AND STORAGE SHEDS IN REAR AND SIDE YARDS.

IT IS HEREBY ENACTED AND ORDAINED by the Borough Council of the Borough of Tipton, Berks County, Pennsylvania, and it is hereby **ENACTED AND ORDAINED** by the authority of the same as follows:

SECTION 1. Section 204 entitled "Specific Terms", of Article II entitled "Definitions", of The Borough of Tipton Zoning Ordinance of 2015, as amended, is hereby amended and supplemented to add a new definition for Shed, as follows:

Shed - A building used for indoor storage but not used for storage of motor vehicles or hazardous or toxic materials, other than fuel for lawnmowers and appliances.

SECTION 2. Table 2 entitled "Table-2: Dimensional Standards", of Article IV entitled "District Regulations", of The Borough of Tipton Zoning Ordinance of 2015, as amended, is hereby amended and supplemented to provide references to special setback regulations for garages and storage sheds in rear and side yards. A copy of Table 2: Dimensional Standards is attached hereto and incorporated herein by reference as Exhibit A.

SECTION 3. Section 503 entitled "Accessory Uses - Residential", of Article V entitled "General Regulations", of The Borough of Tipton Zoning Ordinance of 2015, as amended, is hereby amended and supplemented to provide for special setback regulations for garages and storage sheds in rear and side yards, as follows:

Section 503 Accessory Uses - Residential

1. General:
 - a. No accessory use shall be permitted on a lot without a primary use.
 - b. No accessory uses shall be permitted within any required front or side yard, except the minimum side lot line setback for sheds shall be 6 feet or the side line setback achieved by the existing primary structure, whichever is less, subject to meeting all of the following:
 - (1) The shed is accessory to a permitted Residential Use.
 - (2) The shed is without a permanent foundation.
 - (3) The shed is one story in height.
 - (4) The shed is a maximum of 350 square feet in size.
 - c. No accessory uses shall be permitted within any required rear yard, except:
 - (1) The minimum rear lot line setback for garages shall be 0 feet along an alley.
 - (2) The minimum rear lot line setback for accessory uses of 150 square feet or less shall be ten feet.
 - (3) The minimum rear lot line setback for sheds shall be 6 feet, subject to meeting all of the requirements listed in subsection 1.b above.
 - d. No activities or accessory uses shall be permitted which create a public nuisance or interfere with the use of adjacent lots.
 - e. The maximum height of any accessory building or structure shall not exceed 50% of the permitted height of the primary structure.

- f. Accessory uses include, but are not limited to, animal shelters, detached garages, swimming pools, greenhouses, storage sheds and tennis courts.

SECTION 4. Severability. If any sentence, clause, section, article or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections articles or parts of this Ordinance. It is hereby declared as the intent of the Borough Council of the Borough of Topton that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section, article or part thereof not been included herein.

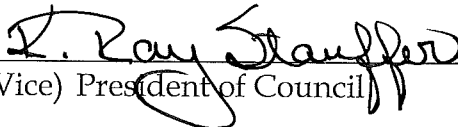
SECTION 5. Repealer. All ordinances or parts of ordinances of this Borough which are inconsistent herewith are hereby repealed.


SECTION 6. Remainder of The Borough of Topton Zoning Ordinance of 2015 in Full Force and Effect. The Borough of Topton Zoning Ordinance of 2015, shall be and remain unchanged and in full force and effect, except as amended, supplemented or modified by this Ordinance. This Ordinance shall become a part of The Borough of Topton Zoning Ordinance of 2015 upon adoption.

SECTION 7. Effective Date. This Ordinance shall become effective on the earliest date allowed by law.

ENACTED AND ORDAINED this 12th day of March, 2018.

BOROUGH OF TOPTON
BERKS COUNTY, PENNSYLVANIA

By: 
(Vice) President of Council

Attest: 
Secretary

Approved as an Ordinance this 12th day of March, 2018:

By: 
Thomas Biltcliff, III, Mayor

District	Use Type	Maximum				Minimum					
		Bldg. Ht.	Bldg. cover	Imp. cover	Density	Lot size	Lot width	Bldg. setback	Side yard total	Side yard (one) (A)(E)	Rear yard (E)
		ft/stories	%	units/ac.	SF	Feet					
R-1	Fire station				1 ac.		30	100	50	50	
	Place of worship				1 ac.		30	100	50	50	
	All other permitted uses	35 (3)	30			10,500	90	30	30	15	40
R-2	Apt bldgs, 2FA, THs (B)	35 (3)	30	30	10	20,000	18	25		25	25
	(in-dvpmnt bldgs, unattached)							25		30	40
	SFD	35 (3)	35			5,000	50	25	20	10	30
	Non-residential	35 (3)	35			5,000	50	25	20	10	30
	2FD	35 (3)	35			7,500	60	25	20	10	30
	SFSD	35 (3)	35			7,500	60	25	20	10	30
R-2A	All permitted uses	35 (3)	35			5,000	50	10	20	10	30
R-3	All permitted uses	35 (3)	35			5,000	50	10	20	10	30
C-1	Apt bldgs, 2FA, THs (B)	35 (3)	30	35	10	20,000	18	0	0	25	25
	(in-dvpmnt bldgs, unattached)							0	0	30	40
	Car wash					10,000		0			
	Commerical w/dwelling					+1,500/DU		0			
	MV service					10,000		0			
	all other permitted uses	40 (3)	50			5,000	50	0	12	6	20
WSO	All permitted uses	C	C	C	B	B	B	C	B	B	B
I-G	All permitted uses	40 (3)	50	65		5,000	18	0	0	0	25
I-1	All permitted uses	40 (3)	35	65		1 ac.	125	40	60	30	30
I-1A	Residential uses	35 (3)	35			5,000	50	10	20	10	30
	All other permitted uses	40 (3)	35	65		1 ac.	125	40	60	30	30

Notes:

- Imp. Impervious
- 2FA Two-family attached home.
- 2FD Two-family detached home.
- 2FSD Two-family semi-detached home.
- TH Town home
- SFD Single family detached home.
- MH Mobile Home
- MHP Mobile Home Park
- MV Motor vehicle
- SFSA Single-family semi-attached home

Cluster development = combination of SFD, SFSD, THs per Sec. 403(2)c

- A The minimum distance between two primary or more structures on the same lot, not in the same continuous row of structures, shall be 40'
- B Same as underlying district
- C Same as underlying district unless otherwise permitted via Conditional Use
- D See text for more complete application of overlay districts
- E See Section 503 for special setback regulations for garages and storage sheds.