

**BOROUGH OF LANSDALE  
MONTGOMERY COUNTY, PENNSYLVANIA  
ORDINANCE NO. 2010-1801**

**“Residential Zoning and Sub-division and Land Development Amendments”**

**AMENDING THE CODIFIED ORDINANCE OF THE BOROUGH OF LANSDALE PART 2 (GENERAL LEGISLATION) CHAPTER 122 (ZONING) TO: DELETE, ADD AND REVISE NUMEROUS DEFINITIONS; REVISE FRONT YARD FENCE REQUIREMENTS; REPEAL AND REVISE ARTICLE XXI (FENCE) SECTION 122-2102 (FRONT YARD FENCE REQUIREMENT) SUBSECTION D; REPEAL ARTICLE XXII (ADDITIONAL PROVISIONS) SECTION 122-2208 (FRONT YARD SETBACK RELIEF) AND ADD NEW SECTIONS 122-2208 (SPECIAL CRITERIA FOR HOME OCCUPATIONS), 122-2209 (GROUP HOMES), AND 122-2210 (NO IMPACT HOME BASED BUSINESS); REPEAL, REPLACE AND AMEND ARTICLE VII (CLASS A RESIDENTIAL DISTRICT) TO, AMONG OTHER THINGS, INCLUDE DESIGN STANDARDS FOR TRADITIONAL NEIGHBORHOODS; REPEAL, REPLACE AND AMEND ARTICLE IX (CLASS B RESIDENTIAL DISTRICT); REPEAL, REPLACE AND AMEND ARTICLE X (CLASS C RESIDENTIAL DISTRICT) TO, AMONG OTHER THINGS, ADD PROVISIONS PERTAINING TO UNLOTTED DEVELOPMENT DIMENSION CRITERIA; AND, ADD NEW ARTICLE XLI (TRADITIONAL RESIDENTIAL INFILL DEVELOPMENT STANDARDS) AND, FURTHER, AMENDING SUB-DIVISION AND LAND DEVELOPMENT ORDINANCE NO. 1226, AS AMENDED, (AS INCORPORATED BY REFERENCE INTO PART 2 (“GENERAL LEGISLATION”) CHAPTER 107 (“SUBDIVISION OF LAND”) OF THE CODIFIED ORDINANCE OF THE BOROUGH OF LANSDALE) ARTICLE IV (“DESIGN STANDARDS”), SECTION 403.1 (“ALLEYS”), SECTION 404 (“SIDEWALKS AND CURBS”) AND SECTION 420 (“PLANTING”), SUBSECTION 420.4 (“BUFF AND SCREEN PLANTING”) PARAGRAPH C .**

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The Borough Council of the Borough of Lansdale does hereby **ENACT** and **ORDAIN** as follows:

**SECTION I. – Amendment to the Code**

Part 2 (“General Legislation”) Chapter 122 (“Zoning”) Article II (“Definitions and Word Usage”) Section 122-201 (“Definitions”) is hereby amended by deleting the following definitions in their entirety:

**ACCESSORY BUILDING**

A subordinate, uninhabitable building, including but not limited to private garages and other similar structures, located on the same lot as the principal building and clearly incidental and subordinate to that principal building. Any portion of a principal building devoted or intended to be devoted to an accessory use is not an accessory building. "Accessory building" shall include an uncovered, unenclosed deck or patio as long as the floor surface of said deck or patio, excluding railings, does not exceed four feet in height above the surrounding grade.

## **BUILDING HEIGHT**

The vertical distance measured from the elevation of the proposed finished grade at the front of the building to the highest point of the roof, as further defined below:

- A. Flat roof: highest point measurable.
- B. Mansard roof: deckline.
- C. Gable, hip, gambrel: ridgeline.
- D. For a building with two or more roof heights, to the higher roof.
- E. Chimneys, spires, towers, mechanical penthouses, tanks communication antennae and similar structures shall not be included in calculating the height.

## **LOT**

A parcel of land, used or set aside and available for use as the site of one or more buildings and any buildings accessory thereto or for any other purpose, in one ownership and not divided by a street, not including any land within the right-of-way of a public or private street upon which said parcel of land abuts, even if the ownership to such right-of-way is in the owner of the lot. A "lot" for the purpose of this chapter may or may not coincide with a lot of record. A lot may be occupied by one principal building, or one other principal structure, and one use, together with any accessory buildings or other structures or uses customarily incidental to such principal building or structure and use.

## **SINGLE-FAMILY ATTACHED DWELLING**

A dwelling designed for and used exclusively as a residence for one family, with party walls on either side except as to end units. There shall be no more than three such dwelling units within any attached dwelling building or structure.

## **SINGLE-FAMILY SEMIDETACHED DWELLING or TWIN**

A dwelling unit in which only one side wall is a party wall in common with a neighboring dwelling unit, designed so that the vertical party wall is located on the side lot line and separates two families.

## **YARD**

An open space, unobstructed from the ground up, on the same lot with a structure, extending along a lot line and inward to the structure. The size of a required "yard" shall be measured as the shortest distance between the structure and a lot line or street line.

### **A. YARD, FRONT**

- A yard between a structure and a street line and extending the entire length of the street line. In the case of a corner lot, the yards extending along all streets are "front yards." In the case of a lot other than a corner lot that fronts on more than one street, the yards extending along all streets are "front yards."

### **B. YARD, REAR**

- A yard between a structure and a rear lot line and extending the entire length of the rear lot line.

### **C. YARD, SIDE**

- A yard between a structure and a side lot line and extending from the front yard to the rear yard. In the case of a lot having no street frontage or a lot of odd shape, any yard that is not a front yard or a rear yard shall be considered a "side yard."

## **SECTION II. – Amendment to the Code**

Part 2 (“General Legislation”) Chapter 122 (“Zoning”) Article II (“Definitions and Word Usage”) Section 122-201 (“Definitions”) is hereby amended in a manner consistent with the existing alphabetized list of definitions set forth in Section 122-201 by adding the following definitions :

**ACCESSORY BUILDING**

A subordinate, uninhabitable building, including but not limited to private garages and other similar structures, located on the same lot as the principal building and clearly incidental and subordinate to that principal building. Any portion of a principal building devoted or intended to be devoted to an accessory use is not an accessory building.

**ARCHITECTURAL FENCE**

A fence which is primarily designed for purposes of decoration and ornamentation or the separation of public and private space, but not for purposes of enclosure of space.

**BLOCK**

The lots included in an area on both sides of a street between consecutive cross streets that includes only homes with a mailing address for that street.

**BUILDING HEIGHT**

The vertical distance measured from the elevation of the proposed finished grade at the front of the building to the midpoint between the highest and lowest point of the roof. Chimneys, spires, towers, mechanical penthouse, tanks, communications antennae and similar structures shall not be included in calculating the building height.

**DECK**

An uncovered, unenclosed structure at ground level or elevated and used primarily for private recreational purposes, which is attached to the principal building and located in the side yard, rear yard, or courtyard of a lot used for residential purposes. A deck is not part of the occupied area of the principal building and its area is not factored into the calculation of footprint. A deck is considered an accessory building and shall be subject to §122-2204 Accessory building setbacks and specifications.

**FACING WALLS**

The exterior walls of two structures are considered to be facing walls when a straight line drawn perpendicular to and extending outward from any point on an exterior wall of one structure intersects an exterior wall of another structure.

**FRONT FAÇADE**

The elevation with the main entrance to a building facing the front yard streetline.

**LOT**

A parcel of land, used or set aside and available for use as the site of one or more buildings and any buildings accessory thereto or for any other purpose, in one ownership and not divided by a street, not including any land within the right-of-way of a public or private street upon which said parcel of land abuts, even if the ownership to such right-of-way is in the owner of the lot. A "lot" for the purpose of

this chapter may or may not coincide with a lot of record. A lot may be occupied by one principal building, or one other principal structure, and one use, together with any accessory buildings or other structures or uses customarily incidental to such principal building or structure and use. .

**PATIO**

An uncovered, unenclosed area at ground level and used primarily for private recreational purposes, which is located in the side yard, rear yard, or courtyard of a property used for residential purposes but is not necessarily attached to the principal building. A patio is not part of the occupied area of the principal building and is not factored into the calculation of footprint. A patio is considered an accessory building and shall be subject to §122-2204 Accessory building setbacks and specifications.

**UNLOTTED DEVELOPMENT**

An Unlotted Development is a parcel of land planned as a single unit, rather than as an aggregate of individual lots. The entire parcel of land shall be under one ownership and management, with individual building sites (known as “units”). All Unlotted Developments require the recording of irrevocable cross-easements or the creation and recording of a condominium or planned community declaration in a form satisfactory to the Borough in favor of and duly binding on all title owners, their successor and assigns, within the area of the development with respect to use, control, maintenance of the common areas, access, green space, and parking.

**SINGLE FAMILY ATTACHED DWELLING**

A dwelling unit in which one or both side walls are a party wall in common with a neighboring dwelling unit, designed so that the vertical party wall separates the living areas of neighboring families. There shall be no fewer than 3 dwelling units grouped together as single family attached dwellings.

**SINGLE-FAMILY SEMIDETACHED DWELLING**

A dwelling unit in which only one side wall is a party wall in common with a neighboring dwelling unit, designed so that the vertical party wall is located on the side lot line and separates two families. Each unit shall be located on its own lot.

**TRADITIONAL NEIGHBORHOOD DEVELOPMENT**

A type of development characterized mainly by residential uses, designed to certain architectural standards and organized in a compact pattern by an interconnected network of streets and neighborhood open space. The type of development municipalities are authorized to regulate under the provisions of Pennsylvania Municipalities Planning Code Section VII-A Traditional Neighborhood Development and subsequent amendments.

**YARD**

An open space, unobstructed from the ground up, on the same lot with a structure, extending along a lot line and inward to the structure. The size of a required "yard" shall be measured as the shortest distance between the structure and a lot line or street line.

A. YARD, FRONT

- A yard between a structure and a street line and extending the entire length of the street line. In the case of a corner lot, the yards extending along all streets are "front yards." In the case of a lot other than a corner lot that fronts on more than one street, the yards extending along all streets are "front yards." In the case of multiple lots which span the distance of an entire block and are being developed simultaneously, the Developer shall designate one Front Yard for each corner lot on the plans consistent with interior lots being submitted for approval.

**B. YARD, REAR**

- A yard between a structure and a rear lot line and extending the entire length of the rear lot line.

**C. YARD, SIDE**

- A yard between a structure and a side lot line and extending from the front yard to the rear yard. In the case of a lot having no street frontage or a lot of odd shape, any yard that is not a front yard or a rear yard shall be considered a "side yard."

**SECTION III. – Amendment to the Code**

Part 2 ("General Legislation") Chapter 122 ("Zoning") is hereby amended by repealing Article XVIII ("Dwellings on Smaller Lots") in its entirety.

**SECTION IV. – Amendment to the Code**

Part 2 ("General Legislation"), Chapter 122 ("Zoning"), Article XXI ("Fence"), Section 122-2102 subsection D. ("Front Yard Fence Requirements") is hereby repealed in its entirety and replaced with the following:

- D. Notwithstanding any of the foregoing provisions, an architectural fence may be erected in the front yard areas of a lot at the front edge of the property, on the property corners, at the sides of dwellings, or at the front porch or entrance. In no event shall the total length of an architectural fence along the frontage of the property exceed 25% of the total frontage of the property. Architectural fences shall contain openings therein equal to 75% or more of the total area of the fence, and the highest point of such fences shall be a minimum of two feet and maximum of three feet above the existing grade.

**SECTION V. – Amendment to the Code**

Part 2 ("General Legislation"), Chapter 122 ("Zoning"), Article XXII ("Additional Provisions") is hereby amended by repealing Section 122-2208 ("Front yard setback relief") in its entirety; and, adding new Section 122-2208 ("Special Criteria For Home Occupations"), new Section 122-2209 ("Special Criteria for Group Homes") and new Section 122-2210 ("No Impact Home Based Business") as follows:

**§122-2208 Special Criteria for Home Occupations**

- A. Home occupations according to the following standards are a permitted use:
- (1) Said use does not change the character of the dwelling for dwelling purposes.
  - (2) No goods are publicly displayed on the premises.
  - (3) There is no more than one nonresident employee, there being no limit as to the number of members in the family residing in the dwelling who may be engaged in such occupation.
  - (4) Such home occupation shall be conducted only during the hours of 8:00 a.m. to 6:00 p.m., except for in-house office work which may be conducted at any time.

- (5) Such home occupation shall not occupy more than 25% of the ground floor area of the residence or up to 700 square feet of any one accessory building in which it is located, provided no other portions of the residence are used for such purposes.
  - (6) Any additional parking required for the home occupation in addition to that required by the standards of the Zoning District shall be provided off street and located to the rear of the property.
- B. A sign may be erected in an area in the front yard no closer than four feet to the inside sidewalk line, said sign to be a maximum of 8 inches by 18 inches, excluding support structure, bearing the name of the occupant and/or his profession only, Any such permitted sign shall be located not closer than 10 feet to either side lot line. Any such sign shall not be more than 36 inches high, measured from ground level, including support structures.

### **§122-2209 Special Criteria for Group Homes**

- A. Group homes according to the following standards are a permitted use:
- (1) The use shall be licensed by the Commonwealth of Pennsylvania under the applicable regulations.
  - (2) All medical and counseling services provided shall be restricted to the residents of the group home, with no outpatient services.
  - (3) Parking shall be provided in accordance with the method set forth below which shall require the greater number of parking spaces:
    - (a) Pursuant to the provisions of § 122-2003 of this chapter; or
    - (b) One off-street parking space shall be provided for each employee and one off-street parking space shall be provided for every four residents of the group home. Parking shall be provided to the rear of dwelling units.
  - (4) All other applicable requirements of this chapter, the Building Code, Fire Code, and other applicable regulations shall be met.
  - (5) All group homes shall be available for reasonable periodic inspection for building code and fire safety by appropriate Borough employees and/or officials.

### **§122-2210 No Impact Home Based Business**

- A. A no-impact home based business shall be a business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. No-impact home-based businesses are permitted by right in all residential districts according to the following standards:
- (1) The business activity shall be compatible with the residential use of the property and surrounding residential uses.
  - (2) The business shall employ no employees other than family members residing in the dwelling.
  - (3) There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
  - (4) There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.

- (5) The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
- (6) The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
- (7) The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area
- (8) The business may not involve any illegal activity

**SECTION VI. – Amendment to the Code**

Part 2 (“General Legislation”) Chapter 122 (“Zoning”) Article XXXVI (“Transit Oriented Design (TOD) Overlay District”) Section 122-3601 (“Definitions”) is hereby amended by deleting the following definition in its entirety:

**FACADE, FRONT**

Any side of a building or structure that faces a street or driveway utilized by more than one dwelling unit.

**SECTION VII. – Amendment to the Code**

Part 2 (“General Legislation”) Chapter 122 (“Zoning”) Article VIII (“Class A Residential District”) of the codified ordinance of the Borough of Lansdale is hereby repealed in its entirety and replaced with the following:

ARTICLE VIII  
**Class A Residential District**

**§122-801. Legislative Intent**

The following is an expansion of the purpose in Section 102 of this Chapter. It is the intent of this article to provide well-designed residential land uses and uses accessory to the same in conformance with the goals and objectives of the Borough of Lansdale Comprehensive Plan in addition to the following:

- A. Maintain and enhance the residential environment of neighborhoods, promoting uniformity of sizes and densities.
- B. Require new development in existing neighborhoods to be compatible with nearby (block level) residential development.
- C. To retain neighborhood character by promoting flexible dimensional standards.
- D. To continue to promote a variety of housing types in congruence with existing conditions.

**§122-802. Permitted Uses**

A building may be erected, altered or used and a lot or premises may be used for the following uses and no other:

**Residential Uses**

Single family detached dwelling	Permitted
Single family semidetached dwelling	Permitted
Home occupations (according to §122-2208)	Permitted
Group homes (according to §122-2209)	Permitted
Traditional Neighborhood Development	Conditional

**Recreation Uses**

Public playgrounds or parks	Special Exception
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### **Institutional Uses**

Municipal uses	Special Exception
Schools	Special Exception
Churches	Special Exception

### **§122.803 Dimensional Criteria for Special Exceptions**

The following dimensional standards apply to uses by special exception, in addition to special exception standards of §122-2505.

- A. Minimum Lot Area 60,000 square feet
- B. Minimum Lot Width 200 feet
- C. Minimum Front Yard 25 feet with a maximum of 50 feet
- D. Minimum Side Yard not less than 20 feet each with an aggregate width of not less than 50 feet
- E. Maximum Building Coverage 40%
- F. Maximum Impervious Coverage 75%
- G. Maximum Building Height 35 feet or 3 stories

### **§122-804 Dimensional Criteria for Permitted Uses**

- A. Where more than two permitted residential structures are present on a block the following standards shall apply. The Borough of Lansdale Residential Design Review Manual, copies of which are available from the Code Enforcement Officer of the Borough of Lansdale, contains median lot size and setback data for all residential neighborhoods and uses.
  - (1) Lot Area – The minimum lot area for each dwelling unit shall be the median of all lots of permitted residential uses on the block of the subject property.
  - (2) Lot Width – The minimum lot width for each dwelling unit shall be the median of all lots of permitted residential uses on the block of the subject property.
  - (3) Front Yard – The minimum front yard shall be the median of all lots of residential use on the block of the subject property. In no case may the front yard be greater than ten feet of the median. At least 75% of the front façade, at ground level, must be located within the front yard setback area.
  - (4) Side Yard – The minimum side yard for single family detached homes shall be eight feet. Single family semi detached dwellings shall have one side yard for each dwelling unit, that is, for each half of the twin that shall be 8 feet; provided, however, that in the event that either unit is ever extended upon the lot to the rear of the dwelling unit, a four-foot setback from the common property line between the units shall be provided.
  - (5) Rear Yard – The minimum rear yard shall be 20 feet.
  - (6) Building coverage shall not exceed 30% of the lot area.
  - (7) Impervious coverage shall not exceed 45% of the lot area
  - (8) Building Height – shall not exceed 35 feet or 3 stories
- B. Where two or less permitted residential structures are present on a block, or blocks are not present, the following options and criteria shall apply:
  - (1) Permitted Use: Standard Option
    - (a) Lot Area – The minimum lot area shall be 9,000 square feet per dwelling unit.
    - (b) Lot Width – The minimum lot width shall be 60 feet.

- (c) Front Yard – The minimum front yard shall be 24 feet, the maximum shall be 30 feet.
  - (d) Side Yard – The minimum side yard for single family detached homes shall be 8 feet. Single family semi detached dwellings shall have one side yard for each dwelling unit, that is, for each half of the twin that shall be 8 feet; provided, however, that in the event that either unit is ever extended upon the lot to the rear of the dwelling unit, a 4-foot setback from the common property line between the units shall be provided.
  - (e) Rear Yard – The minimum rear yard shall be 20 feet.
  - (f) Building coverage shall not exceed 30% of the lot area.
  - (g) Impervious coverage shall not exceed 45% of the lot area.
  - (h) Building Height – shall not exceed 35 feet or 3 stories.
- (2) Conditional Use: Traditional Neighborhood Development Option
- (a) Tract Area – The minimum tract area shall be 15 acres
  - (b) Open Space – 15% of the tract area shall be reserved as open space and designed according to the standards of §122-804.C.(1).
  - (c) Lot Area – The minimum lot area shall be 6,000 square feet.
  - (d) Lot Width – The minimum lot width shall be 50 feet.
  - (e) Front Yard – The minimum front yard shall be 15 feet, the maximum shall be 25 feet.
  - (f) Side Yard - The minimum side yard for single family detached homes shall be 8 feet. Single family semi detached dwellings shall have one side yard for each dwelling unit, that is, for each half of the twin that shall be 8 feet; provided, however, that in the event that either unit is ever extended upon the lot to the rear of the dwelling unit, a four-foot setback from the common property line between the units shall be provided
  - (g) Rear Yard – The minimum rear yard shall be 20 feet.
  - (h) Building coverage shall not exceed 45% of the lot area.
  - (i) Impervious coverage shall not exceed 55% of the lot area.
  - (j) Building Height – shall not exceed 35 feet or 3 stories.

C. Design Standards for Traditional Neighborhood Option

- (1) Open Space – Open spaces shall be located at or near the center of the development, surrounded by homes that face the open space, be accessible via streets, and designed for public use such as a village green or park. Stormwater management facilities such as detention basins, rain gardens, and vegetated swales may be located in open spaces provided that no more than 20% of the total area of open space is dedicated to these uses.
- (2) Orientation of Homes – Homes that abut a street that is adjacent to open space shall face the open space. Homes shall also face existing streets to help integrate the new development.
- (3) Streets – Streets shall be laid out in a rectilinear or grid pattern of interconnecting streets and blocks that provide multiple routes from origin to destinations with sidewalks on both sides of the street and connecting to existing, off tract, streets.
- (4) Alleys and Garages – Homes shall be designed with alleys and rear facing garages. Alleys shall be at least 11 feet and no more than 15 feet wide. Homes shall take vehicle access from alleys and rear facing

- garages; or in the case of homes bordered by two alleys, the option for access via the side yard shall be permitted.
- (5) Porches – Homes shall include front porches spanning at least 50% of the front façade of the building and be at least 8 feet deep.
  - (6) Architectural Standards for Front Façade – The following materials shall be used to clad the entire front façade – brick, brick veneer, stone, cultured stone, clapboard or board and batten (wood or fibered cement), or shingles (wood or fibered cement). The following materials are not permitted to be used to clad the front façade – vinyl siding, stucco, aluminum siding, metal, or concrete.
  - (7) Front Yards – Homes shall contain at least one of the following features.
    - (a) A front yard raised above sidewalk grade by at least 2 feet.
    - (b) A front yard enclosed by a continuous hedge of low growing shrubs and perennials between 2 and 3 feet in height located at the edge of the sidewalk.
    - (c) The first floor level of the house, including the front porch is raised at least two feet above ground level at the front façade of the building.
  - (8) Building Height – shall not exceed 35 feet or 3 stories.

**§122-805 Design Standards for Residential Development in Existing Neighborhoods**

Where new homes or major renovations are proposed on a block with existing homes the following standards shall apply.

- A. Applicability - The following activities shall conform to the standards of Article XLI (Traditional Residential Infill Development Standards) within the District.
  - (1) All new construction whether on a vacant lot or the result of demolition of an existing building.
  - (2) Additions to an existing residential dwelling visible on the front façade of the building, such as a second story addition.
  - (3) Major renovations to the front façade of buildings which may include but are not limited to a change in exterior surface materials, new porches, enclosing porches, changes in the ratio of openings to wall, rooflines, etc.
- B. Exceptions - Design standards for infill development shall not be enforced for the repainting, repair, restoration, or reconstruction of existing features where such work maintains the outer dimensions and surface relationships of the existing structure. Changes in paint color are exempt from review. Design review is also not required for the replacement of doors, windows, or other transparent surfaces, provided that they are replaced with similar looking materials that do not substantially alter the front façade of the building.

**SECTION VIII. – Amendment to the Code**

Part 2 (“General Legislation”) Chapter 122 (“Zoning”) Article IX (“Class B Residential District”) of the codified ordinance of the Borough of Lansdale is hereby repealed in its entirety and replaced with the following:

ARTICLE IX  
**Class B Residential District**

**§122-901. Legislative Intent**

The following is an expansion of the purpose in Section 102 of this Chapter. It is the intent of this article to provide well-designed residential land uses and uses accessory to the same in conformance with the goals and objectives of the Borough of Lansdale Comprehensive Plan in addition to the following:

- A. Maintain and enhance the residential environment of neighborhoods, promoting uniformity of sizes and densities.
- B. Require new development in existing neighborhoods to be compatible with nearby (block level) residential development.
- C. To retain neighborhood character by promoting flexible dimensional standards.
- D. To continue to promote a variety of housing types in congruence with existing conditions.

**§122-902. Permitted Uses**

A building may be erected, altered or used and a lot or premises may be used for the following uses and no other:

**Residential Uses**

Single family detached dwelling	Permitted
Single family semidetached dwelling	Permitted
Two family duplex dwelling	Permitted
Single family attached dwelling	Permitted
Home occupations (according to §122-2208)	Permitted
Group homes (according to §122-2209)	Permitted
Conversion of single family detached to other uses	Not Permitted

**Recreation Uses**

Public playgrounds or parks	Special Exception
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**Institutional Uses**

Municipal uses	Special Exception
Schools	Special Exception
Churches	Special Exception

**§122-903 Dimensional Criteria for Special Exceptions**

The following dimensional standards apply to uses by special exception, in addition to special exception standards of §122-2505.

- A. Minimum lot area 60,000 square feet
- B. Minimum lot width 200 feet
- C. Minimum front yard 25 feet with a maximum of 50 feet
- D. Minimum side yard not less than 20 feet each with an aggregate width of not less than 50 feet
- E. Maximum building coverage 40%
- F. Maximum impervious coverage 75%
- G. Maximum building height 35 feet or 3 stories

**§122-904 Standard Dimensional Criteria**

All new construction on vacant land and redevelopment of residential properties at a density greater than existed prior to beginning work, whether a new building(s) or expansion/conversion of an existing structure, must conform to the following criteria:

- A. Minimum lot area per dwelling unit
  - (1) Single family detached – 5,600 square feet.
  - (2) Single family semidetached – 2,800 square feet
  - (3) Two family duplex dwelling – 5,600 square feet

- (4) Single family attached dwelling – 1,860 square feet
- B. Minimum lot width per dwelling unit
  - (1) Single family detached – 45 feet
  - (2) Single family semidetached – 24 feet
  - (3) Two family duplex dwelling – 45 feet
  - (4) Single family attached dwelling – 15 feet for interior units, or 21 feet for end units.
- C. Front Yard – The minimum front yard shall be the median of all lots on the block of the subject property that are a permitted use in the District. In no case may the front yard be greater than ten feet of the median. Where a block lacks residential properties, the minimum front yard shall be 24 feet.
- D. Minimum side yard
  - (1) Single family detached, two family duplex – 8 feet
  - (2) Single family semidetached– 6 feet with no side yard for the party wall portion of the lot; provided that in the event that any unit is ever extended upon the lot to the rear of the dwelling, a four foot setback from the common property line between the units shall be provided.
  - (3) Single family attached – 6 feet for end units with no side yard for interior units.
- E. Rear Yard – The minimum rear yard shall be 20 feet.
- F. Building Coverage - shall not exceed 40% of the lot area.
- G. Impervious Coverage – shall not exceed 75% of the lot area.
- H. Building Height – shall not exceed 35 feet or 3 stories.

**§122-905 Flexible Dimensional Criteria**

The following flexible dimensional standards are applied to all lots that meet any of the following conditions:

- 1. Existing properties of residential use, excluding mixes of residential and nonresidential uses.
- 2. Alterations or additions to residential structures that do not result in an increase in residential density.
- 3. New residential construction that is either equal to or at a lesser density than existing conditions.

The Borough of Lansdale Residential Design Review Manual, copies of which are available from the Code Enforcement Officer of the Borough of Lansdale, contains median lot size and setback data for all residential neighborhoods and uses.

- A. Lot Area – The minimum lot area for each dwelling unit shall be the median of all lots on the block that are of the same residential use classification. Where fewer than two lots of the same residential use are located on the block, the lot area from §122-904 (“Standard Dimensional Criteria”) shall be used.
- B. Lot Width – The minimum lot width for each dwelling unit shall be the median of all lots on the block that are of the same residential use classification. Where fewer than two lots of the same residential use are located on the block, the lot width from §122-904 (“Standard Dimensional Criteria”) shall be used.
- C. Front Yard – The minimum front yard shall be the median of all lots on the block of the subject property that are a permitted use in the District. In no case may the front yard be greater than ten feet of the median. At least 75% of the front façade, at ground level, must be located within the front yard setback area.
- D. Side yard – The minimum side yard shall be the following:

- (1) Single family detached, two family duplex – 8 feet
- (2) Single family semidetached– 6 feet with no side yard for the party wall portion of the lot; provided that in the event that any unit is ever extended upon the lot to the rear of the dwelling, a four foot setback from the common property line between the units shall be provided.
- (3) Single family attached – 6 feet for end units with no side yard for interior units.
- E. Rear Yard – The minimum rear yard shall be 20 feet.
- F. Building Coverage - shall not exceed 40% of the lot area.
- G. Impervious Coverage – shall not exceed 75% of the lot area.
- H. Building Height – shall not exceed 35 feet or 3 stories.

**§122-906 Design Standards for Residential Infill Development**

- A. Applicability - The following activities shall conform to the standards of Article XLI (Traditional Residential Infill Development Standards) within the District.
  - (1) All new construction whether on a vacant lot or the result of demolition of an existing building.
  - (2) Additions to an existing residential dwelling visible on the front façade of the building, such as a second story addition.
  - (3) Major renovations to the front façade of buildings which may include but are not limited to a change in exterior surface materials, new porches, enclosing porches, changes in the ratio of openings to wall, rooflines, etc.
- B. Exceptions - Design Standards for Infill Development shall not be enforced for the repainting, repair, restoration, or reconstruction of existing features such as doors, windows, and siding where such work maintains the outer dimensions and surface relationships of the existing structure. Design review is not required for the replacement of doors, windows, or other transparent surfaces, provided that they are replaced with similar looking materials that do not substantially alter the front façade of the building.

**SECTION IX. – Amendment to the Code**

Part 2 (“General Legislation”) Chapter 122 (“Zoning”) Article X (“Class C Residential District”) of the codified ordinance of the Borough of Lansdale is hereby repealed in its entirety and replaced with the following:

ARTICLE X  
**Class C Residential District**

**§122-1001. Legislative Intent**

The following is an expansion of the purpose in Section 102 of this Chapter. It is the intent of this article to provide well-designed residential land uses and uses accessory to the same in conformance with the goals and objectives of the Borough of Lansdale Comprehensive Plan in addition to the following:

- A. Maintain and enhance the residential environment of neighborhoods, promoting uniformity of sizes and densities.
- B. Require new development in existing neighborhoods to be compatible with nearby residential development.
- C. To retain neighborhood character by promoting flexible dimensional standards.
- D. To continue to promote a variety of housing types in congruence with existing conditions.

**§122-1002. Permitted Uses**

A building may be erected, altered or used and a lot or premises may be used for the following uses and no other:

**Residential Uses**

Single family detached dwelling	Permitted
Single family semidetached dwelling	Permitted
Two family duplex dwelling	Permitted
Single family attached dwelling	Permitted
Home occupations (according to §122-2208)	Permitted
Group homes (according to §122-2209)	Permitted
Mobile home parks*	Permitted
Unlotted Developments	Permitted
Conversion of single family detached to other uses	Not Permitted

**Recreation Uses**

Public playgrounds or parks	Special Exception
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**Institutional Uses**

Municipal uses	Special Exception
Schools	Special Exception
Churches	Special Exception
Headquarters for educational, fraternal, professional, Religious or other non-profit organization	Special Exception

\* provided that the requirements of Article XXXIV are met.

**§122-1003 Dimensional Criteria for Special Exceptions**

The following dimensional standards apply to uses by special exception, in addition to special exception standards of §122-2505.

- A. Minimum lot area 60,000 square feet
- B. Minimum lot width 200 feet
- C. Minimum front yard 25 feet with a maximum of 50 feet
- D. Minimum side yard not less than 20 feet each with an aggregate width of not less than 50 feet
- E. Maximum building coverage 40%
- F. Maximum impervious coverage 75%
- G. Maximum building height 35 feet

**§122-1004 Standard Dimensional Criteria**

All new construction on vacant land and redevelopment of residential properties at a density greater than existed prior to beginning work, whether a new building(s) or expansion/conversion of an existing structure, must conform to the following criteria:

- A. Minimum lot area per dwelling unit
  - (1) Single family detached – 4,500 square feet.
  - (2) Single family semidetached – 2,250 square feet
  - (3) Two family duplex dwelling – 4,500 square feet
  - (4) Single family attached dwelling – 1,800 square feet
- B. Minimum lot width per dwelling unit
  - (1) Single family detached – 32 feet
  - (2) Single family semidetached – 24 feet
  - (3) Two family duplex dwelling – 32 feet
  - (4) Single family attached dwelling – 15 feet for interior units, or 21 feet for end units.

- C. Front yard – The minimum front yard shall be the median of all lots on the block of the subject property that are a permitted use in the District. In no case may the front yard be greater than ten feet of the median. At least 75% of the front façade, at ground level, must be located within the front yard setback area. Where a block lacks residential properties, the minimum front yard shall be 24 feet.
- D. Minimum side yard
  - (1) Single family detached, two family duplex – 8 feet
  - (2) Single family semidetached– 6 feet with no side yard for the party wall portion of the lot; provided that in the event that any unit is ever extended upon the lot to the rear of the dwelling, a four foot setback from the common property line between the units shall be provided.
  - (3) Single family attached – 6 feet for end units with no side yard for interior units.
- E. Rear Yard – The minimum rear yard shall be 20 feet.
- F. Building Coverage - shall not exceed 40% of the lot area.
- G. Impervious Coverage – shall not exceed 75% of the lot area.
- H. Building Height – shall not exceed 35 feet or 3 stories.

**§122-1005. Unlotted Development Dimensional Criteria.** Triplex, quadruplex and townhouse buildings may be developed without separate lots for each dwelling unit. In such cases, all of the dimensional standards outlined above, except for minimum lot size, minimum lot width, rear yard setback and side yard setback must be met. Unlotted developments must also meet the following requirements:

1. Where walls of two unattached structures are facing (see definition of "facing walls") and where surface area of each wall includes 3% or less window or other transparent surface, the structures shall be set back at least 25 feet from each other.
2. Where walls of two unattached structures are facing and where surface area of either wall includes more than 3% window or other transparent surface, the structures shall be set back at least 50 feet from each other."

**§122-1006 Flexible Dimensional Criteria**

The following flexible dimensional standards are applied to all lots that meet any of the following conditions:

1. Existing properties of residential use, excluding mixes of residential and nonresidential uses.
2. Alterations or additions to residential structures that do not result in an increase in residential density.
3. New residential construction that is either equal to or at a lesser density than existing conditions.

The Borough of Lansdale Residential Design Review Manual, copies of which are available from the Code Enforcement Officer of the Borough of Lansdale, contains median lot size and setback data for all residential neighborhoods and uses.

- A. Lot Area – The minimum lot area for each dwelling unit shall be the median of all lots on the block that are of the same residential use classification. Where fewer than two lots of the same residential use are located on the block, the lot area from §122-1004 (Standard Dimensional Criteria) shall be used.
- B. Lot Width – The minimum lot width for each dwelling unit shall be the median of all lots on the block that are of the same residential use classification. Where fewer than two lots of the same residential use are located on the

block, the lot width from §122-1004 (Standard Dimensional Criteria) shall be used.

- C. Front Yard – The minimum front yard shall be the median of all lots on the block of the subject property that are a permitted use in the District. In no case may the front yard be greater than ten feet of the median. At least 75% of the front façade, at ground level, must be located within the front yard setback area.
- D. Side yard – The minimum side yard shall be the following:
  - (1) Single family detached, two family duplex – 8 feet
  - (2) Single family semidetached – 6 feet with no side yard for the party wall portion of the lot; provided that in the event that any unit is ever extended upon the lot to the rear of the dwelling, a four foot setback from the common property line between the units shall be provided.
  - (3) Single family attached – 6 feet for end units with no side yard for interior units.
- E. Rear Yard – The minimum rear yard shall be 20 feet.
- F. Building Coverage - shall not exceed 40% of the lot area.
- G. Impervious Coverage – shall not exceed 75% of the lot area.
- H. Building Height – shall not exceed 35 feet or 3 stories.

#### **§122-1007 Design Standards for Residential Infill Development**

- A. Applicability - The following activities shall conform to the standards of Article XLI (Traditional Residential Infill Development Standards) within the District.
  - (1) All new construction whether on a vacant lot or the result of demolition of an existing building.
  - (2) Additions to an existing residential dwelling visible on the front façade of the building, such as a second story addition.
  - (3) Major renovations to the front façade of buildings which may include but are not limited to a change in exterior surface materials, new porches, enclosing porches, changes in the ratio of openings to wall, rooflines, etc.

Exceptions - Design Standards for Infill Development shall not be enforced for the repainting, repair, restoration, or reconstruction of existing features such as doors, windows, and siding where such work maintains the outer dimensions and surface relationships of the existing structure. Design review is not required for the replacement of doors, windows, or other transparent surfaces, provided that they are replaced with similar looking materials that do not substantially alter the front façade of the building.

#### **SECTION X. – Amendment to the Code**

Part 2 (“General Legislation”) Chapter 122 (“Zoning”) is hereby amended by adding new Article XLI (“Traditional Residential Infill Development Standards”) as follows:

#### **ARTICLE XLI**

#### **Traditional Residential Infill Development Standards**

#### **§122-4101. Legislative Intent**

It is the intent of this Article, as authorized by Article VII-A of the Pennsylvania Municipalities Planning Code, to establish design criteria and a process for design review, applicable to Lansdale Borough’s Class A, B, and C Residential Districts established and regulated pursuant to this Chapter, which will ensure that future residential infill development recognizes the design challenges inherent in developing successful residential projects in established traditional neighborhoods, and to ensure

that such new development is consistent in character, location and scale with other dwellings on the block. The specific objectives are as follows:

- A. Promote neighborhood preservation and enhancement.
- B. Protect housing values.
- C. Ensure that infill development reinforces the existing community character and respects the neighborhood pattern.
- D. Provide design standards that promote compatibility between new and existing residential development.
- E. Allow for flexibility with regard to the design of new dwellings, accessory structures, and additions that will enable reasonable use of property without compromising neighborhood character.

### **§122-4102. Design Standards**

All new homes and additions subject to review by the Design Review Board as defined in this Chapter shall be consistent with the following design standards. These standards are explained in greater detail in the Borough of Lansdale Residential Design Review Manual, copies of which are available from the Code Enforcement Officer of the Borough of Lansdale. The Design Review Manual (hereafter referred to as "the Manual") is an illustrative guide for explaining appropriate design, standards for submittal, and pertinent lot dimension information.

Where a new development is proposed and/or insufficient residential buildings exist on a block, the applicant shall select an adjacent block with sufficient and similar residential dwellings upon which to refer. If no pattern exists regarding a specific design element, the Design Review Board may waive compliance requirements for that standard.

#### **A. Building Mass and Proportion**

- (1) New buildings and additions shall be consistent with the pattern of size, mass, and footprint, as viewed from the street, with other homes on the block.
- (2) The proportion of height and width of buildings viewed from the street shall be consistent with the pattern established by other homes on the block.
- (3) Proposed additions or new buildings that are unlike the pattern of size or ratio of height to width established by existing homes on the block are permitted provided that one of the techniques described in the Manual are used to mitigate the impacts.
- (4) New buildings shall conform to a pattern of heights of floor levels, where one exists on a block, with changes between floors occurring at the same height.

#### **B. Roof**

- (1) Roofs of new buildings and additions shall be consistent with regard to the style of roof and pitch, as viewed from the street, with other homes on the block.
- (2) Roofs shall not be evaluated with regard to the type (shingles, slate, metal, flat roof coatings, etc) or color of roofing material to be installed.

#### **C. Windows and Doors**

- (1) All buildings shall have one primary entrance in the front façade oriented toward the street of the property's mailing address. Multifamily structures (including triplexes, quads and residential conversions) shall share a primary entrance whenever feasible.

Additional entrances to structures with more than one dwelling unit shall be separated by at least 20 feet and be likewise oriented towards the street of the property's mailing address.

- (2) Windows of new buildings and additions shall be arranged to be consistent with the pattern of windows on homes on the block with regard to size, proportion of height to width, and location as viewed from the street.
- (3) Windows and doors shall not be evaluated with regard to color or materials (wood, vinyl, aluminum, steel, fiberglass, etc.).
- (4) Blank walls shall not be permitted along any exterior wall facing a street. The window pattern from the front or rear walls should be continued to side walls.

#### D. Porches and Porticos

- (1) On a block where there is a pattern of front porches and or porticos for existing homes, new homes shall have a front porch or portico. On entirely new blocks, front porches or porticos shall be required pursuant to the standards below.
- (2) Porches must be at least eight feet deep and may extend across the entire façade, half of the façade, or wrap around the sides of buildings.
- (3) Porticos must be at least five feet deep and five feet wide.
- (4) Porches and porticos may be enclosed provided that the ratio of windows to wall remains similar to the ratio of windows to wall that existed prior to enclosing the porch or portico. A pattern of porch enclosures need not be present on the block to permit a porch enclosure.

#### E. Surface Material

- (1) Where a pattern of surface material on the front façade of homes is present on the block (brick, stucco, stone, clapboard, or shingles, etc), new buildings shall employ materials that appear consistent with existing homes.
- (2) Where additions are proposed and visible from the street, the surface materials of the façade of the home being renovated (and in the case of semi detached twins, the adjoining dwelling unit) shall take precedence over the pattern on the block. Special considerations for the renovation of semi detached twins are outlined in the Manual.
- (3) Whether an addition or a new home, the front façade of buildings shall not mix more than two types of surface materials (excepting exposed foundation walls). Any change in materials shall be along a horizontal line corresponding to the change in levels of the home viewed from the street. Deviations from this standard are permitted, as outlined in the Manual, to preserve or replicate historic architectural styles found in the Borough.

#### F. Vehicle Access and Garages

- (1) Where alleys exist physically, new dwellings shall take access from the alley with parking spaces at the rear of the property regardless of the prevailing pattern of access of homes on the block. Where an alley exists only as a right of way or is only partially constructed, the applicant shall complete the applicant's portion of the alley from side lot line to opposite side lot line, provided that upon completion such

alley will provide vehicle access to the rear of the property. Where alleys do not exist either physically or as a right of way or a combination of both, or the completion of the applicant's portion of the alley will not result in vehicle access to the rear of the property, new dwelling units shall provide for vehicle access and parking consistent with the prevailing means of access and location of garages on the block. In new neighborhoods, the preference for vehicle access applies in the following order: 1) rear facing garages, 2) side facing garages, and 3) front facing garages.

- (2) Where rear facing garages are proposed, they shall be set back from the rear lot line within a range of five feet from the prevailing pattern of rear garage setbacks on the block. If a prevailing pattern of rear garage setbacks does not exist, then the requirements of §122-2204 Accessory Building Setbacks shall apply.
- (3) Where front facing garages are proposed, they shall be set back a minimum of ten feet from the closest point to the street line of the front façade of the home.
- (4) Where front facing garages are proposed, all driveways shall be at least twenty feet long as measured from the edge of the sidewalk to accommodate parked vehicles and keep sidewalks clear of obstructions.
- (5) Detached or semi detached garages shall be architecturally similar to the proposed or existing home with regard to roof style and pitch, cladding, and windows (if any).

#### G. Landscape

- (1) All new homes shall conform to the landscape standards of the Borough of Lansdale Subdivision and Land Development Ordinance.
- (2) Whenever feasible a minimum of 400 square feet of garden space shall be provided in the front yard area to accommodate future landscape planting by owners and tenants.

#### H. Additions

- (1) Additions should be constructed to the rear of dwellings and not be visible from the street.
- (2) Additions visible from the street, such as second floor additions, extensions into side yards, or large additions are permitted provided that one of the techniques described in the Manual are used to mitigate the impacts.

#### I. Apartment Houses

- (1) Fire escapes shall be located to the rear or sides of buildings.
- (2) All off-street parking areas shall be screened from view from neighboring properties by a six foot tall opaque fence, or continuous hedge of evergreen shrubs and trees in a six foot wide planting strip.
- (3) All outdoor trash containers shall be located in an enclosure constructed of materials similar in appearance to other structures on the property and surrounded by a six foot wide planting bed with a mixture of predominantly evergreen trees and shrubs.

#### J. Pedestrian Design Standards

- (1) Sidewalks are required along all public road frontages.

- (2) Sidewalks are required to connect the road frontage sidewalks to all front building entrances, parking areas, central open space, and any other destination that generates pedestrian traffic.

### **§122-4103. Design Review Process**

The Design Review Board, hereafter referred to as “the Reviewing Body”, as established by Borough Council and as authorized by Article VII-A of the Municipalities Planning Code, shall have authority to review all applications submitted to the Code Enforcement Officer and submit a written recommendation to the applicant, Code Enforcement Officer, and Borough Council regarding the manner in which the application is compliant or deficient with regard to the standards of Article XLI (Traditional Residential Infill Development Standards)

A. In accordance with the provisions of The Pennsylvania Uniform Construction Code, Title 34, Part XIV, Chapter 403 Administration §403.61-§403.66 Permit and Inspection Process for Residential Buildings, or as applicable Chapter 107 of the Borough of Lansdale Code Subdivision and Land Development Ordinance, the following application process and standards for submittal to the reviewing body shall apply.

- (1) All applications shall be submitted to the Code Enforcement Officer, to be evaluated for completeness with the standards herein. Any applicant deemed incomplete shall be returned to the applicant with an explanation of deficiencies either in writing or communicated verbally. All subsequent resubmissions of the same project shall not incur an additional fee.
- (2) To be deemed complete the application required shall contain the following information:
  - (a) A site plan, drawn to appropriate scale on a sheet 11 inches by 17 inches, indicating the location of lot lines, existing and proposed building footprints, driveways, garages, and other accessory buildings, centerline of the street, and sidewalk (if any).
  - (b) A front elevation of the dwelling and detached garage (if proposed), drawn to appropriate scale on a sheet 11 inches by 17 inches, indicating the type of existing and proposed surface materials, locations and dimensions of existing and proposed windows and doors, and roof line. Photographic samples of surface materials may be used when not depicted by the front elevation.
  - (c) An aerial photograph at a suitable scale on a sheet 11 inches by 17 inches that displays the location of homes on the street, size of front yards, and means of vehicle access.
  - (d) Photographs on one or more sheets 8.5 inches by 11 inches of the site and other homes on the block adequately depicting the design of homes and their spatial relationship to neighboring properties and the street.
- (2) Upon submission of a complete application to the Code Enforcement Officer, he or she shall schedule a public meeting of the reviewing body.
- (3) After the conclusion of the public meeting, the reviewing body shall mail a written recommendation to the applicant not later than 30 days following the date of the submission of a complete application,

detailing the manner in which the applicant's proposal is compliant or deficient with regard to the standards of Article XLI (Traditional Residential Infill Development Standards). Copies of the reviewing body's recommendation shall be forwarded to the Code Enforcement Officer and Borough Council.

B. Recommendation to Borough Council or Code Enforcement Officer

- (1) The Borough Council or, as appropriate, the Code Enforcement Officer shall consider comments and recommendations of the reviewing body prior to approving or denying the proposal or building permit as appropriate.
- (2) In the event that a completed application has been submitted by the applicant to the reviewing body, and a written recommendation has not been mailed within 30 days of the receipt of the application, the application shall be deemed compliant with the standards Article XLI (Traditional Residential Infill Development Standards). The building code official and the permit applicant may agree in writing to extend the deadline by a specific number of days.

**SECTION XI. – Amendment to the Code**

Sub-division and Land Development Ordinance No. 1226, as amended, (as incorporated by reference into Part 2 (“General Legislation”) Chapter 107 (“Subdivision of Land”) of the codified ordinance of the Borough of Lansdale) Article IV (“Design Standards”), Section 403.1 (“Alleys”) is hereby repealed in its entirety and replaced with the following:

Section 403.1 Alleys.

- (i) The cartway in residential alleys shall be at least eleven (11) feet and no more than fifteen (15) feet wide.
- (ii) In commercial or industrial districts without expressly designed loading areas, alleys with a minimum width of twenty-five (25) feet shall be required. Where such alleys dead end, they shall be provided with a cul-de-sac having a radius of not less than twenty-five (25) feet.

**SECTION XII. – Amendment to the Code**

Sub-division and Land Development Ordinance No. 1226, as amended, (as incorporated by reference into Part 2 (“General Legislation”) Chapter 107 (“Subdivision of Land”) of the codified ordinance of the Borough of Lansdale) Article IV (“Design Standards”), Section 404 (“Sidewalks and Curbs”) is hereby repealed in its entirety and replaced with the following:

Section 404 Sidewalks and Curbs. Sidewalks and curbs are required on all public streets in the Borough of Lansdale. All sidewalks and curbs shall be constructed in accordance with the regulations contained in Ordinance No. 1190, as amended of the Borough of Lansdale.

**SECTION XIII. – Amendment to the Code**

Sub-division and Land Development Ordinance No. 1226, as amended, (as incorporated by reference into Part 2 (“General Legislation”) Chapter 107 (“Subdivision of Land”) of the codified ordinance of the Borough of Lansdale) Article IV (“Design Standards”), 420 (“Planting”), Subsection 420.4 (“Buffer and Screen Planting”) Paragraph C is hereby repealed in its entirety and replaced with the following:

C. Where development on any side of the property line is or will be of essentially the same land use, but the use is less intense, the buffer along the effected property line shall be planted with shade trees selected from the plant material lists in Section 426 of this Ordinance, planted at a ratio of at least two (2) trees and three (3) shrubs for each one hundred (100) feet of property line or fraction thereof. Minimum spacing listed in Section 426 need not be adhered to; naturalistic clusters of trees are encouraged. Additional planting from the lists in Section 426 are encouraged.

**SECTION XIV. - Severability**

The provisions of this Ordinance are intended to be severable, and if any section, sentence, clause, part or provision hereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Council that this Ordinance would have been adopted even if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

**SECTION XV. - Failure to Enforce not a Waiver**

The failure of the Borough to enforce any provision of this Ordinance shall not constitute a waiver by the Borough of its rights of future enforcement hereunder.

**SECTION XVI. - Effective Date**

This Ordinance shall take effect and be in force from and after its approval as required by the law.

**SECTION XVII. - Repealer**

All other ordinances and resolutions or parts thereof insofar as they are inconsistent with this Ordinance are hereby repealed.

**ORDAINED AND ENACTED** by the Borough Council of the Borough of Lansdale, Montgomery County, Pennsylvania, this day \_\_\_\_\_ of \_\_\_\_\_, 2010.

**LANSDALE BOROUGH COUNCIL**

By: \_\_\_\_\_  
Matthew West,  
Council President

Attest: \_\_\_\_\_  
Timothea M. Kirchner,  
Borough Manager

APPROVED this \_\_\_\_\_ day of December, 2010

\_\_\_\_\_  
G. Andrew Szekely,  
Mayor