Zoning Code of the Borough of Lansdale

COUNTY OF MONTGOMERY

COMMONWEALTH OF PENNSYLVANIA

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Chapter 122

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[HISTORY: Adopted by the Council of the Borough of Lansdale 11-16-1988 by Ord. No. 1393. Amendments noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. 51.
One- and two-family dwellings — See Ch. 52.
Numbering of buildings — See Ch. 53.
Fire prevention — See Ch. 68.
Housing standards — See Ch. 77.
Junkyards and junk dealers — See Ch. 81.
Parking lots — See Ch. 88.
Parks — See Ch. 88A.
Plumbing — See Ch. 94.
Sewage disposal and sewer use — See Ch. 99.
Sewer rentals and charges — See Ch. 100.
Shade trees — See Ch. 102.
Sidewalks, curbs and driveways — See Ch. 104.
Street excavations — See Ch. 105.
Streets and sidewalks — See Ch. 106.
Subdivision of land — See Ch. 107.
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Annexation of territory — See Ch. A127.
Plan approval — See Ch. A136.
Reapportionment — See Ch A148.

ARTICLE I
Title, Purpose and Jurisdiction

§ 122-100. Title.

This chapter is an ordinance regulating the location, height, bulk, erection, construction, alteration, razing, removal and size of structures; the percentage of lot which may be occupied; the size of yards, courts and other open spaces; the density and distribution of population; the intensity of use of land or bodies of water for trade, industry, residence, recreation, public activities or other purposes; and the uses of land for agriculture, water supply, conservation or other purposes in all portions of the Borough of Lansdale.

§ 122-101. Short title.

This chapter shall be known and may be cited as the "Zoning Ordinance of the Borough of Lansdale."

§ 122-102. Purpose.

The purpose of this chapter is the promotion of the health, safety, morals, convenience, order and welfare of the present and future inhabitants of the Borough of Lansdale by:

A. Lessening the danger and congestion of traffic on the roads and highways.

B. Securing safety from fire, panic, flood and other dangers.

C. Providing adequate light and air.

D. Controlling and regulating the growth of the Borough, preventing the overcrowding of the land and avoiding undue concentration of population.

E. Providing standards for all types of dwelling units so that all the people may have access to decent, sound and sanitary housing so that the Borough may meet the goals of the Federal Housing Act of 1949.

F. Promoting such distribution of population and such classification of land uses and distribution of land development and utilization as will tend to facilitate and conserve adequate provisions for transportation, water flowage, water supply, drainage, sanitation, schools, parks and other public facilities, educational opportunities, recreation, soil fertility and food supply.

G. Protecting the tax base.

H. Securing economy in governmental expenditures.

I. Fostering industry.

J. Being a flexible document capable of responding to trends and needs of the people of the Borough, while at the same time providing the finest quality of environment.

K. Separating significantly different use intensities and avoiding piecemeal zoning changes that result in changing existing neighborhoods in an unplanned and uncoordinated fashion.

L. Being a viable document to respond to urban renewal pressures that exist and will exist in the Borough in the future.

M. Conserving the value of existing buildings and encouraging the most appropriate use of the land.

N. Permitting the historic rehabilitation of historic buildings and structures in the Industrial District, which may include industrial uses in adjacent residential districts to residential use in those areas identified by Borough Council. **[Added 4-5-2006 by Ord. No. 1741]**

§ 122-103. Interpretation.

In interpreting and applying the provisions of this chapter, they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience and general welfare of the Borough of Lansdale.

A. Whenever any regulations made under the authority of this chapter require a greater width or size of yards, courts or other open spaces or require a lower height of buildings or smaller number of stories or require a greater percentage of lot to be left unoccupied or impose other higher standards than are required in or under other statutes, the provisions of the regulations made under the authority of this chapter shall govern.

B. Whenever the provisions of any other statute require a greater width or size of yards, courts or other open spaces or require greater percentage of lot to be left unoccupied or impose other higher standards than are required by any regulations made under authority of this chapter, the provisions of such statute shall govern.

C. It is not intended by this chapter to interfere with, abrogate or annul existing provisions of other laws or ordinances, except those specifically or implied repealed by this chapter, or any private restrictions placed upon property by covenant, deed or other private agreement, unless repugnant hereto.

D. It is not intended by this chapter to interfere with, abrogate or annul the Borough Building Code or rules, regulations or permits previously adopted or issued thereunder or the rules and regulations of the Borough Board of Health or any other rules, regulations or permits previously adopted or issued thereunder and not in conflict with any of the provisions of this chapter; provided, however, that the provisions set forth in Subsections A through C of this section are met.

§ 122-104. Severability.

It is hereby declared to be the intent of the Borough Council that:

A. If a court of competent jurisdiction declares any provisions of this chapter to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this chapter shall continue to be separately and fully effective.

B. If a court of competent jurisdiction finds the application of any provision or provisions of this chapter to any lot, building or other structure, in whole or in part, the effect of such decision shall be limited to the person, property or situation immediately involved in the controversy, and the application of any such provisions to other persons, property or situation shall not be affected.

ARTICLE II
Definitions and Word Usage

§ 122-200. Word usage.

A. Unless a contrary intention clearly appears, the following words and phrases shall have, for the purpose of this chapter, the meanings given in the following subsections.

B. For the purpose of this chapter, the words and terms used herein shall be interpreted as follows:

(1) Words used in the present tense include the future.

(2) The singular includes the plural.

(3) The word "person" includes a corporation, partnership and association as well as the individual.

(4) The word "lot" includes the word "plot" or "parcel."

(5) The term "shall" is mandatory.

(6) The word "used" or "occupied," as applied to any land or building, shall be construed to include the words "intended, arranged or designed to be occupied."

(7) "Commission" and the words "Planning Commission" always mean the Lansdale Borough Planning Commission.

(8) The word "Board" or the words "Zoning Hearing Board" always means the Borough Zoning Hearing Board of the Borough of Lansdale.

(9) The word "Borough" always means the Borough of Lansdale.

(10) "Similar use" shall mean any use of the same character.

C. Any word or term not defined herein shall be used with a meaning of standard usage.

§ 122-201. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ABANDONMENT or ABANDONED — A nonconforming use shall be presumed "abandoned" when it has been discontinued for a period of at least one year.

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. **[Amended 10-7-1992 by Ord. No. 1492; 9-6-2000 by Ord. No. 1658; 12-15-2010 by Ord. No. 1801]**

ACCESSORY USE — A use located on the same lot with a principal use and clearly incidental or subordinate to and in connection with the principal use.

ALLEY — A right-of-way, municipality or privately owned, that provides secondary service access for vehicles to the side or rear of abutting properties.

ALLUVIAL SOIL — The low area adjoining and including any watercourse or drainagecourse or body of water subject to periodic flooding and delineated as "alluvial soils" or "local alluvium" by the Soil Conservation Service,[1] United States Department of Agriculture, in the Soil Survey of Montgomery County, April 1967.

ALTERATIONS — As applied to a building or structure, a change or rearrangement in the structural parts or an enlargement or diminution, whether by extending on a side or by increasing in height, or the moving from one location or position to another.

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1. **Editor's Note: Now the Natural Resources Conservation Service.**

AMENDMENT — A change in the use in any district which includes revisions to the zoning text and/or the Official Zoning Maps. The authority for any amendment lies solely with the Borough Council.

ANIMAL HOSPITAL — A building used for the treatment, housing or boarding of small domestic animals such as dogs, cats, rabbits and birds or fowl by a veterinarian.

APARTMENT — A dwelling unit within an apartment house.

APARTMENT HOUSE — A freestanding residential structure of three or more dwelling units, with common walls and floors, constructed on one lot, which may or may not have direct entrance from the outside to each dwelling unit, and with yard area where open space may be assigned to each dwelling unit for exclusive use or common use.

APPLICANT — A landowner or developer who has, personally or through his heirs, successors and assigns, filed an application for development.

APPLICATION or APPLICATION FOR DEVELOPMENT — Every application, whether preliminary or final, required to be filed and approved prior to the start of construction or development, including but not limited to an application for a building permit for the approval of a subdivision plan or a plan of approval of a development plan.

APPROXIMATED FLOODPLAIN — Those portions of land within the Floodplain Conservation District subject to inundation by the one-hundred-year flood, where a detailed study and profile have not been performed but where a one-hundred-year floodplain boundary has been approximated.

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. **[Added 12-15-2010 by Ord. No. 1801]**

ARTS AND CULTURAL CENTER — An establishment, institution, structure, building or group of buildings that houses the fine and performing arts. This may include museums, art galleries, and other functions of a historic, educational or cultural interest. The center may consist of a combination of uses, such as art galleries, classrooms, assembly halls, performance venues, and administrative offices. The primary use of the center shall not consist of the retail sale of goods or services. **[Added 7-3-2002 by Ord. No. 1681]**

BASE FLOOD ELEVATION — The one-hundred-year-flood elevation. **[Added 12-18-1996 by Ord. No. 1598]**

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. **[Added 12-15-2010 by Ord. No. 1801]**

BOARDER or ROOMER — A resident of a boardinghouse or rooming house.

BOARDINGHOUSE or ROOMING HOUSE — Any dwelling with fewer than 20 sleeping rooms in which more than three persons, either individually or as families, are housed or lodged, for hire or otherwise, with or without meals. A rooming house or a furnished rooming house shall be deemed a "boardinghouse."

BUILDING — A structure under a roof, used for the shelter or enclosure of persons, animals or property, and including covered porches or bay windows and chimneys. The word "building" shall include any part thereof.

BUILDING COVERAGE — The horizontal cross-sectional area of a building on a lot above the ground level, measured at the greatest outside dimensions. This definition excludes:

A. Cornices.

B. Eaves.

C. Gutters or chimneys projecting not more than 18 inches.

D. Bay windows not extending through more than one story and not projecting more than five feet.

E. Steps.

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 penthouses, tanks, communications antennas and similar structures shall not be included in calculating the building height. **[Amended 4-16-1997 by Ord. No. 1603; 12-15-2010 by Ord. No. 1801]**

BUILD-TO LINE — A line which dictates the placement of a building or structure in relation to the street right-of-way line on which the building or structure fronts. **[Added 7-3-2002 by Ord. No. 1681]**

CHURCH — Any structure or structures used for worship or religious instruction, including social and administrative rooms accessory thereto, but not including any commercial activity.

COMMON AREAS — Areas of open space and/or recreation within a development designed and intended for the use and enjoyment of tenants or residents of the development or, unless otherwise specified, for the general public, not including streets or off-street parking areas. **[Added 7-3-2002 by Ord. No. 1681]**

COMMUNITY CENTER — A public or quasi-public institution devoted exclusively to one or more of a variety of group activities, civic, social, recreational, educational or cultural, and maintaining the premises and facilities appropriate to such activity; provided, however, that the aforesaid premises shall not include living quarters for persons other than those engaged in the conduct or maintenance of the institution.

CONSTRUCTION — The construction, reconstruction, renovation, repair, extension, expansion, alteration, location or relocation of a building or structure.

CONVALESCENT HOME, NURSING HOME or HOMES FOR THE INFIRMED OR AGED — A building or structure with sleeping rooms (without individual cooking facilities) where elderly persons who require custodial care are housed or lodged and furnished with meals and nursing care.

DEAD STORAGE — Enclosed space used to store goods not in use and not associated with any office, retail or other business use on premises in a self-storage facility or structure. **[Added 7-3-2002 by Ord. No. 1681]**

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. **[Added 12-15-2010 by Ord. No. 1801]**

DEVELOPMENT — Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or the storage of equipment or materials. **[Added 12-18-1996 by Ord. No. 1598]**

DISTRICT or ZONE — Includes all buildings, lots and service areas within the certain designated boundaries as indicated on the Zoning Map.

DRIVE-IN — Any use in which the offering of goods or services is done in such manner or with such facilities that the customer or recipient is either not required to leave his vehicle or is not required to enter a building or structure in order to receive the goods or services.

DRIVEWAY — A paved means of passage upon a lot for motor vehicles.

DWELLING — A building containing one or more dwelling units.

DWELLING UNIT — Any room or group of rooms located within a residential building and forming a single, habitable unit with facilities used or intended to be used for living, sleeping, cooking and eating by one family.

ENTRY DOOR — A door which is used for primary or secondary ingress and egress to a structure and which is not used for loading/unloading or deliveries. **[Added 7-3-2002 by Ord. No. 1681]**

FACADE ARTICULATION — Changes of planes on the face of a building, such as provided by decks, bays and other projections or recesses. **[Added 7-3-2002 by Ord. No. 1681]**

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. **[Added 12-15-2010 by Ord. No. 1801]**

FAMILY — Any number of individuals living together on a nontransient basis as a single housekeeping unit and doing their cooking on the premises. (This definition shall not apply to the occupants of a group home, club, fraternity house, lodge or residential club.) **[Amended 10-4-1996 by Ord. No. 1596]**

FLOODPLAIN CONSERVATION DISTRICT — Those areas subject to inundation by the waters of the one-hundred-year flood as delineated by the Flood Insurance Study for the

Borough of Lansdale, Montgomery County, Pennsylvania, as prepared by the Federal Emergency Management Agency, Federal Insurance Administration, dated December 19, 1996, or the most recent revision thereof, and as further described in § 122-2901 of this chapter. **[Amended 12-18-1996 by Ord. No. 1598]**

FLOODPROOFING — Any combination of structural and nonstructural additions, changes or adjustments to properties under construction which reduces or eliminates flood damage to lands, waters and sanitary facilities, structures and contents of buildings.

FLOODWAY — That portion of the Floodplain Conservation District required to carry and discharge the waters of the one-hundred-year flood without increasing the water surface elevation at any point more than one foot above existing conditions as demonstrated in the Flood Insurance Study for the Borough of Lansdale, Montgomery County, Pennsylvania, as prepared by the Federal Emergency Management Agency, Federal Insurance Administration, dated December 19, 1996, or the most recent revision thereof, and as further described in § 122-2901 of this chapter. **[Amended 12-18-1996 by Ord. No. 1598]**

FLOODWAY FRINGE — Those portions of land within the Floodplain Conservation District subject to inundation by the one-hundred-year flood, lying beyond the floodway in areas where detailed study data and profiles are available, and as further described in § 122-2901 of this chapter.

FLOOR AREA — The sum of the areas of the several floors of the building or structure, including areas used for human occupancy or required for the conduct of the business or use and attics and penthouses, as measured from the exterior faces of the wall. It does not include:

A. Unenclosed porches.

B. Attics not used for human occupancy.

C. Any floor space in accessory building(s).

D. Any floor space in the main building intended or designed for the parking of motor vehicles in order to meet the parking requirements of this chapter.

E. Any floor space intended and designed for accessory heating and ventilating equipment.

FLOOR AREA RATIO — The relative comparison of building area to land area that is determined by dividing total floor area of all buildings on a platted lot or tract by the total area of the lot or tract. **[Added 7-3-2002 by Ord. No. 1681]**

FRONTAGE or LOT WIDTH — The linear dimension of a lot bounding on a public street.

FRONT FACADE — The elevation with the main entrance to a building facing the front-yard streetline. **[Added 12-15-2010 by Ord. No. 1801]**

FRONT YARD — See "yard, front."

GARAGE, PRIVATE — An accessory building or a part of a principal building used for the storage of personal vehicles owned or used by the owner or tenant of the premises and members of his immediate family residing on the premises.

GARAGE, PUBLIC — A building or lot used for the storage, service, care and repair of motor vehicles, but not including a gasoline filling station.

GARAGE, STORAGE — A building, not a private garage, used only for the storage of motor vehicles, where no repair facilities are maintained and no repairs except those of a minor nature are made.

GASOLINE FILLING STATION — A building or lot used for the retail sale of gasoline, oil and motor vehicle accessories and lubrication and minor repairs.

GROUP HOME — An establishment that provides a home, including room and board, to persons who are residents by virtue of receiving supervised specialized services, limited to health, social and/or rehabilitative services that are provided by a governmental agency, its licensed or certified agents or a responsible nonprofit social service corporation. This category shall not include persons released from or under jurisdiction of a government bureau of corrections or similar institution. The number of residents shall not exceed eight persons or the occupancy capacity of a dwelling as defined by the Pennsylvania Department of Public Welfare, whichever is less. Supervision shall be provided by responsible adults (professionals), whose number shall be determined and certified by the sponsoring agency. One responsible adult shall be available for the residents on a twenty-four-hour-a-day basis.

HEIGHT STEPBACK — The horizontal offset of a vertical building wall. **[Added 7-3-2002 by Ord. No. 1681]**

HISTORIC STRUCTURE — Any structure that is: **[Added 12-18-1996 by Ord. No. 1598]**

A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

   (1) By an approved state program as determined by the Secretary of the Interior; or

   (2) Directly by the Secretary of the Interior in states without approved programs.

HISTORIC REHABILITATION — The act or process of making a compatible use for a historic structure[2] which shall have been listed on the National Register of Historic Places, through repair, alterations and additions, while preserving those portions or features which convey its historical, cultural or architectural values. All modifications, additions or new

2. **Editor's Note: See the definition of "historic structure" included in this section.**

buildings shall be architecturally compatible with the historic character of the historic structure consistent with the above standards. **[Added 4-5-2006 by Ord. No. 1741]**

HOME OCCUPATION — An activity for gain customarily carried on in a dwelling or in a building or structure accessory to a dwelling, clearly incidental and secondary to the use of the dwelling for residential purposes. The conducting of a clinic, hospital, barbershop, beauty parlor, tearoom, tourist home, animal hospital, child day-care facility or any similar use shall not be deemed to be a "home occupation." **[Amended 5-6-1992 by Ord. No. 1477]**

HOTEL or MOTEL — A building containing 20 or more guest rooms or a group of such buildings specifically designed for the temporary lodging of transient guests in rooms rented on a daily basis. Such establishments may provide cooking facilities as well as room service for food and beverages and shall provide maid service and laundering of linens. **[Amended 10-4-2000 by Ord. No. 1661]**

INFILL — Development consisting of construction on one or more lots in an area which is mostly developed, or new construction between two existing structures. **[Added 7-3-2002 by Ord. No. 1681]**

JUNKYARD —

A. An area of land, with or without buildings, used for the storage (outside of a completely enclosed building) of used or discarded materials, including but not limited to:

   (1) Wastepaper.

   (2) Rags.

   (3) Metal.

   (4) Building materials.

   (5) House furnishings.

   (6) Machinery.

   (7) Vehicles or parts thereof, with or without the dismantling, processing, salvage, sale or other use or disposition of the same.

B. The deposit or storage of two or more motor vehicles not having valid inspection stickers issued by the Pennsylvania Department of Transportation or of two or more wrecked or broken vehicles or the major parts of two or more such vehicles shall be deemed to make the lot a junkyard.

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. **[Amended 12-17-2003 by Ord. No. 1709; 12-15-2010 by Ord. No. 1801]**

LOT AREA — The total horizontal area of the lot lying within the lot lines, provided that no area of land lying within any existing or designated future street shall be deemed a portion of any lot area.

LOT, CORNER — A lot which has an interior angle of less than 135° at the intersection of two street lines. A lot abutting upon a curved street or streets shall be considered a "corner lot" if the tangent to the curve at the points beginning within the lot or at the points of intersection of the side lot lines with the street lines intersects at an angle of less than 135° .

LOT LINE — Any boundary line of a lot.

A. LOT LINE, REAR — Any lot line which is parallel to or within 45° of being parallel to a street line, except that, in a case of a corner lot, the owner shall have the option of choosing which of the two lot lines that are not street lines is to be considered a "rear lot line."

B. LOT LINE, SIDE — Any lot line which is not a street line or a rear lot line.

C. STREET LINE — The dividing line between the street line and the lot. The street line" shall be the same as the legal right-of-way, provided that, where a future right-of-way width for a road or street has been established, then that width shall determine the location of the street line.

MOBILE HOME — A single-family detached dwelling intended for permanent occupancy which complies with local and state building codes and appropriate federal agencies and is certified by said agencies; is contained in one unit or in two units designed to be joined into one integral unit capable of again being separated for repeated towing; which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations; and which is constructed so it can be attached to a mobile home stand. **[Added 12-18-1996 by Ord. No. 1598]**

NEW STRUCTURE — A structure for which the start of construction commenced on or after April 29, 1978, and includes any subsequent improvements to such structures. **[Added 12-18-1996 by Ord. No. 1598]**

NONCONFORMING BUILDING — A building or structure which does not conform to all the height, area, yard and court regulations of the district in which it is located, where such building lawfully existed prior to the enactment of such regulation or prior to the application of such regulation to its location by reason of annexation.

NONCONFORMING LOT — A lot, the area or dimension of which was lawful prior to the adoption or amendment of a zoning ordinance but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment. **[Added 8-4-1993 by Ord. No. 1509]**

NONCONFORMING STRUCTURE — A structure or part of a structure manifestly not designed to comply with the applicable use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of

such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation.

ONE-HUNDRED-YEAR FLOOD — The flood having a one-percent chance of being equalled or exceeded in any given year. **[Added 12-18-1996 by Ord. No. 1598]**

PARKING AREA or PARKING LOT — An area on a tract of land employed for the transient and open-air parking of automobiles or other motor vehicles, not to include the permanent parking of automobiles, tractor-trailers or other vehicles.

PARKING SPACE — An open space used for parking motor vehicles which meets the requirements set forth in this chapter.

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. **[Added 12-15-2010 by Ord. No. 1801]**

PERSONAL SERVICE — A use which shall include tailor, barber, beauty salon, shoe repair, dressmaking, photographer, newspaper sales, copy center, travel agency, or similar personal service business. **[Added 7-17-2004 by Ord. No. 1722]**

PRIMARY FACADE — A side of a building that has the primary customer or visitor entrance for nonresidential uses and the primary resident entrance for residential uses. **[Added 7-3-2002 by Ord. No. 1681]**

PRINCIPAL BUILDING or MAIN BUILDING — A building in which is conducted or is intended to be conducted the principal use of the lot on which it is located. Only one principal building shall be permitted on any lot used for residential purposes. **[Amended 12-17-2003 by Ord. No. 1709]**

PROFESSIONAL OFFICE — The office of a member of a recognized profession, maintained for the conduct of that profession, such as offices of teachers, musicians, doctors, dentists, lawyers, architects, engineers, accountants, insurance agents, and similar professions. The conducting of a clinic, hospital, barbershop, beauty parlor, massage parlor, tattoo parlor, restaurant, motel, hotel, animal hospital, or any similar use shall not be deemed to be a professional office. **[Added 7-3-2002 by Ord. No. 1681]**

PUBLIC HEARING — A formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to taking action in accordance with this act.[3] **[Added 8-4-1993 by Ord. No. 1509]**

PUBLIC MEETING — A forum held pursuant to notice under the act of July 3, 1986 (P.L. 388, No. 84), known as the "Sunshine Act."[4] **[Added 8-4-1993 by Ord. No. 1509]**

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3. Editor's Note: "This act" refers to the Pennsylvania Municipalities Planning Code. See 53 P.S. § 10101 et seq.

4. Editor's Note: P.L. 388, No. 84 was repealed 10-15-1998 by P.L. 729, No. 93; see now 65 Pa.C.S.A. § 701 et seq.

PUBLIC NOTICE — A notice published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than seven days from the date of the hearing. **[Added 8-4-1993 by Ord. No. 1509]**

PUBLIC UTILITY BUILDING — A building, a structure and facilities used for serving and supplying public utilities or for other purposes of a public utility, provided that in a residential district such purposes shall not include public business facilities, storage of materials, truck or repair facilities or the housing of repair crews.

REAR YARD — See "yard, rear."

RIGHT-OF-WAY — Land set aside for use as a street, alley or other means of travel.

A. EXISTING RIGHT-OF-WAY — The legal rights-of-way as established by the commonwealth or other appropriate governing authority and currently in existence.

B. FUTURE RIGHT-OF-WAY — The right-of-way deemed necessary by the Borough of Lansdale Comprehensive Plan or the Montgomery County Comprehensive Plan, as appropriate, to provide adequate width for future street improvements.

SENIOR COMMUNITY CENTER — A not-for-profit organization where older adults, age 50 and over, come together for services and activities that reflect their experience and skills, respond to their diverse needs and interests, enhance their dignity, support their independence and encourage their involvement in and with the center and the community. Senior community centers offer services and activities within the center, such as those related to health and wellness, education, social and recreational opportunities, as well as link participants with resources offered by other agencies. **[Added 10-21-2009 by Ord. No. 1779]**

SHOPPING CENTER — A shopping center use is a building or combination of buildings which are designed as a planned complex of related structures, parking areas, circulation systems and related facilities, which may include a combination of the following permitted uses: **[Added 7-20-2005 by Ord. No. 1732]**

A. Offices, banks or financial institutions.

B. Retail stores for the sale of dry goods and general merchandise, clothing, foods, drugs or other household supplies; sale and repair of jewelry, watches, clocks, optical goods or musical, professional or scientific equipment; tires, batteries and similar vehicle accessories; hardware store.

C. Restaurants, tea rooms, places of business dispensing alcohol and malt beverages in accordance with the Pennsylvania Liquor Control Board Licensing Provisions.

D. Florist shops or personal service shops, including tailors, barbers, beauty salons, shoe repair, dressmaking or similar shops.

E. Laundries or dry-cleaning establishments, as long as there is no cleaning, laundering or other processing of goods on the premises.

F. Bowling lanes; indoor theater; billiard room; other place of indoor amusement or recreation.

G. Sale of general merchandise, including sales in department stores, the sale of apparel of all kinds, the sale of furniture and household goods, including furniture and accessory furniture stores, the sale of all other goods or merchandise or a bakery, candy or confectionery shop where the articles are made and sold on the premises, employing not more than 10 persons.

H. Pet stores for the retail sale and grooming of domestic animals contained within a fully enclosed building.

SIDE YARD — See "yard, side."

SIGN — An identification, description, illustration or device, illuminated or nonilluminated, which is visible from any public place and draws attention to a product, service, place, activity, person, institution, business or solicitation or any emblem, painting, banner, pennant, placard or temporary display designed to advertise, identify or convey information, with the exception of national flags of reasonable size.

SINGLE AND SEPARATE OWNERSHIP — The ownership of a lot or contiguous lots by one or more persons, partnerships or corporations, which ownership is separate and distinct from that of any abutting or adjoining lot.

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 three dwelling units grouped together as single-family attached dwellings. **[Amended 10-16-1996 by Ord. No. 1585; 12-15-2010 by Ord. No. 1801]**

SINGLE-FAMILY DETACHED DWELLING — A dwelling designed for and occupied exclusively as a residence for only one family, having no party wall in common with any adjoining building.

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. **[Amended 12-15-2010 by Ord. No. 1801]**

SPECIALTY RESTAURANT — A commercial establishment where food and beverages are prepared, served and consumed and whose design or principal method of operation is characterized by customers being provided with an individual menu and being served their food and drink by a restaurant employee at the same table or counter at which said items are to be consumed. Food and beverages are served in and on reusable containers, and dinnerware and customer turnover rates are usually one hour or longer. Drive-through, drive-up and drive-in service is prohibited. **[Added 5-18-2005 by Ord. No. 1730]**

STORY — That part of a building located between a floor and the floor or roof next above. The "first story" of a building is the lowest story having 75% or more of its wall area above grade level. A "half story" is a story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two feet above the floor.

STREET — A public or privately owned right-of-way, serving as a means of vehicular and pedestrian travel, furnishing access to abutting properties and space for public utilities and sewers.

STREET LEVEL — The elevation of the finished street, parking area, sidewalk or other circulation area open to the public. **[Added 7-3-2002 by Ord. No. 1681]**

STREET LINE — The dividing line between the street and the lot. The "street line" shall be the same as the legal right-of-way, provided that, where a future right-of-way width for a road or street has been established, then that width shall determine the location of the street line.

STREET, PUBLIC — A street which has been ordained or dedicated to municipal use and accepted by the Borough of Lansdale.

STRUCTURE — A combination of materials assembled, constructed or erected at a fixed location, including a building, the use of which requires location on the ground or in the ground or attachment to something having location on the ground or in the ground.

STUDIO — A business engaged in training individuals in art, photography, music, dance or martial arts or displaying for sale art, photography or music, not including a business which provides personal services such as barbershops, hair or nail salons, tattoo parlors or similar establishments. **[Added 9-6-2000 by Ord. No. 1658]**

SUBSTANTIAL DAMAGE — Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damage condition would equal or exceed 50% of the market value of the structure before the damage occurred. **[Added 12-18-1996 by Ord. No. 1598]**

SUBSTANTIAL IMPROVEMENT — Any repair, reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, as defined herein, regardless of the actual repair work performed. The term does not, however, include either:

A. Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

B. Any alterations of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

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 that municipalities are authorized to regulate under the provisions of Pennsylvania Municipalities Planning Code Article VII-A,[5] Traditional

5. **Editor's Note: See 53 P.S. § 10701-A et seq.**

Neighborhood Development, and subsequent amendments. **[Added 12-15-2010 by Ord. No. 1801]**

TOURIST HOME — A dwelling occupied in part by the owner or tenant, in which sleeping accommodations for less than 10 persons are provided or afforded primarily for automobile travelers for compensation.

TWO-FAMILY DUPLEX DWELLING or DUPLEX — A dwelling located on a single lot or parcel designed for and occupied exclusively as a residence for two families, where one dwelling unit is separated either vertically or horizontally from the other.

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. **[Added 12-15-2010 by Ord. No. 1801]**

USE — Any activity, occupation, business or operation carried on or intended to be carried on in a building or other structure or on a tract of land. Only one principal use shall be permitted on any lot and said one principal use shall be designated by any applicant at the time of filing any application with the Borough. **[Amended 12-17-2003 by Ord. No. 1709]**

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. **[Amended 12-15-2010 by Ord. No. 1801]**

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.

ARTICLE III
Districts

§ 122-300. Districts established. [Amended 11-16-2011 by Ord. No. 1813]

For the purpose of this chapter, the Borough of Lansdale has been divided into districts which shall be designated as follows:

Class A Residential
Class B Residential
Class C Residential
Residential Apartment
Professional Office A
Professional Office B
Limited Professional Office (LPO)
Commercial
Business
Industrial

§ 122-301. Zoning Map.

A. The boundaries of districts shall be shown upon the map attached to and made a part of this chapter, which shall be designated as the "Zoning Map." The map and all notations, references and other data shown thereon are hereby incorporated by reference in this chapter and shall be as much a part of this chapter as if all were fully described herein.[6]

B. The Floodplain Conservation District exists as an overlay to any Zoning District now or hereafter applicable to any lot in accordance with § 122-2902 of this chapter.

§ 122-302. Boundaries.

A. The boundaries between districts are, unless otherwise indicated, either the center lines of streets or railroad rights-of-way or such lines extended or lines parallel thereto.

B. In undivided property and in circumstances wherein the zoning district boundaries do not follow recognizable man-made or natural boundaries, the district boundary lines shall be determined by the use of a scale on the most current Zoning Map.

C. If a zoning district line affects an undivided property held in single and separate ownership, the regulation as to the use in the less restricted district shall extend over the portion of the lot in the more restricted district by not more than 50 feet beyond the district boundary line or to the actual property line, whichever shall be less.

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6. **Editor's Note: The Zoning Map is on file in the Borough offices.**

ARTICLE IV
(Reserved) [7]

ARTICLE V
(Reserved) [8]

ARTICLE VI
(Reserved) [9]

ARTICLE VII
(Reserved) [10]

ARTICLE VIII
Class A Residential District
[Amended 12-15-2010 by Ord. No. 1801[11]]

§ 122-801. Legislative intent.

The following is an expansion of the purpose in § 122-102 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. Retain neighborhood character by promoting flexible dimensional standards.

D. Continue to promote a variety of housing types in congruence with existing conditions.

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7. **Editor's Note: Original Art. IV, Class A-1 Residential District, as amended, was repealed 11-16-2011 by Ord. No. 1813.**

8. **Editor's Note: Original Art. V, Class A-2 Residential District, as amended, was repealed 11-16-2011 by Ord. No. 1813.**

9. **Editor's Note: Original Art. VI, Class A-3 Residential District, as amended, was repealed 11-16-2011 by Ord. No. 1813.**

10. **Editor's Note: Original Art. VII, Class A-4 Residential District, as amended, was repealed 11-16-2011 by Ord. No. 1813.**

11. **Editor's Note: This ordinance also repealed original Art. VIII, Class A Residential District, amended 10-16-1996 by Ord. No. 1583; 10-4-1996 by Ord. No. 1596; 9-6-2000 by Ord. No. 1658; 7-21-2010 by Ord. No. 1792, which article consisted of §§ 122-800 through 122-810.**

§ 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
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 the 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 three 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 10 feet of the median. At least 75% of the front facade, 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 semidetached dwellings shall have one side yard for each dwelling unit, that is, for each half of the twin, the side yard shall be eight 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 three 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 eight feet. Single-family semidetached dwellings shall have one side yard for each dwelling unit, that is, for each half of the twin the side yard shall be eight 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.

(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 three stories.

(i) Article XLI, Traditional Residential Infill Development Standards, applies, as appropriate, to developments using the Standard Option. **[Added 11-16-2011 by Ord. No. 1813]**

(2) Conditional use: Traditional Neighborhood Development Option.

(a) Tract area: The minimum tract area shall be 15 acres.

(b) Open space: Fifteen percent of the tract area shall be reserved as open space and designed according to the standards of § 122-804C(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 eight feet. Single-family semidetached dwellings shall have one side yard for each dwelling unit, that is, for each half of the twin the side yard shall be eight 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 three 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 origins 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 facade of the building and at least eight feet deep.

(6) Architectural standards for front facade. The following materials shall be used to clad the entire front facade: 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 facade: 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 two feet.

(b) A front yard enclosed by a continuous hedge of low-growing shrubs and perennials between two and three 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 facade of the building.

(8) Building height shall not exceed 35 feet or three 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 facade of the building, such as a second-story addition.

(3) Major renovations to the front facade 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 facade of the building.

ARTICLE IX
Class B Residential District
[Amended 12-15-2010 by Ord. No. 1801[12]]

§ 122-901. Legislative intent.

The following is an expansion of the purpose in § 122-102 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. Retain neighborhood character by promoting flexible dimensional standards.

D. 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 dwelling to other uses	Not permitted
Recreation uses	
Public playgrounds or parks	Special exception
Institutional uses	
Municipal uses	Special exception
Schools	Special exception
Churches	Special exception

12. **Editor's Note: This ordinance also repealed original Art. IX, Class B Residential District, amended 6-21-1995 by Ord. No. 1553; 10-16-1996 by Ord. No. 1583; and 9-6-2000 by Ord. No. 1658, which article consisted of §§ 122-900 to 122-911.**

§ 122-903. Dimensional criteria for special exceptions.

The following dimensional standards apply to uses by special exception, in addition to the 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 three 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 10 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: eight feet.

(2) Single-family semidetached: six 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: six 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 three stories.

§ 122-905. Flexible dimensional criteria.

A. The following flexible dimensional standards are applicable 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.

B. 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 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.

(2) 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.

(3) 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 10 feet of the median. At least 75% of the front facade, at ground level, must be located within the front yard setback area.

(4) Side yard: The minimum side yard shall be the following.

(a) Single-family detached, two-family duplex: eight feet.

(b) Single-family semidetached: six 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.

(c) Single-family attached: six feet for end units, with no side yard for interior units.

(5) Rear yard: The minimum rear yard shall be 20 feet.

(6) Building coverage shall not exceed 40% of the lot area.

(7) Impervious coverage shall not exceed 75% of the lot area.

(8) Building height shall not exceed 35 feet or three 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 facade of the building, such as a second-story addition.

(3) Major renovations to the front facade 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 facade of the building.

ARTICLE X
Class C Residential District
[Amended 12-15-2010 by Ord. No. 1801[13]]

§ 122-1001. Legislative intent.

The following is an expansion of the purpose in § 122-102 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. Retain neighborhood character by promoting flexible dimensional standards.

D. 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 dwellings to other uses	Not permitted
Recreation uses	
Public playgrounds or parks	Special exception
Institutional uses	
Municipal uses	Special exception
Schools	Special exception

13. **Editor's Note: This ordinance also repealed original Art. X, Class C Residential District, amended 5-6-1992 by Ord. No. 1477; 10-4-1996 by Ord. No. 1596; 10-16-1996 by Ord. No. 1583; 10-16-1996 by Ord. No. 1585; 12-8-1996 by Ord. No. 1597; and 9-6-2000 by Ord. No. 1658, which article consisted of §§ 122-1000 to 122-1009.**

Churches	Special exception
Headquarters for educational, fraternal, professional, religious or other nonprofit organization	Special Exception

NOTES

* 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 the 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 10 feet of the median. At least 75% of the front facade, 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: eight feet.

(2) Single-family semidetached: six 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: six 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 three 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:

A. Where walls of two unattached structures are facing (see definition of "facing walls")[14] 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.

B. 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.

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

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14. Editor's Note: See § 122-201, Definitions.

(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.

B. 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 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.

(2) 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.

(3) 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 10 feet of the median. At least 75% of the front facade, at ground level, must be located within the front yard setback area.

(4) Side yard: The minimum side yard shall be the following.

(a) Single-family detached, two-family duplex: eight feet.

(b) Single-family semidetached: six 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.

(c) Single-family attached: six feet for end units with no side yard for interior units.

(5) Rear yard: The minimum rear yard shall be 20 feet.

(6) Building coverage shall not exceed 40% of the lot area.

(7) Impervious coverage shall not exceed 75% of the lot area.

(8) Building height shall not exceed 35 feet or three 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 facade of the building, such as a second-story addition.

(3) Major renovations to the front facade 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 facade of the building.

ARTICLE XI
Residential Apartment District

§ 122-1100. Permitted uses.

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

A. Apartment houses.

B. Hotels or motels.

C. Single-family attached dwellings or two-family duplex dwellings.

D. Accessory buildings or uses customarily incidental to any of the above uses when located on the same lot and not involving the conduct of a business or home occupation.

E. The following uses shall be permitted when authorized by special exception by the Zoning Hearing Board:

(1) In the case of any apartment building, hotel or motel containing 50 or more such units, personal service and commercial uses serving only the needs of the residents therein and located only on the ground floor thereof shall be permitted. Such personal service or commercial uses shall be limited to restaurants, personal service shops, retail shops, cultural or recreational facilities or any use of the same general character.

§ 122-1101. Height.

The maximum height of any building or structure erected or used as an apartment building or hotel or motel shall be 40 feet. Any extension of height in excess of 40 feet shall be permitted solely for the purpose of safety warning devices. The height of any single-family attached dwelling or two-family duplex dwelling shall not exceed 40 feet.

§ 122-1102. Front yard.

A. There shall be a front yard with a depth of at least 30 feet. **[Amended 10-16-1996 by Ord. No. 1583]**

B. Notwithstanding anything to the contrary contained in this section, the front yard of an apartment building with more than four units shall be not less than 75 feet.

§ 122-1103. Side yards. [Amended 10-16-1996 by Ord. No. 1585]

There shall be two side yards, one on each side of the main building, neither of which shall be less than 10 feet. In the case of a single-family attached dwelling, a four-foot setback from the common property line shall be provided if the units are extended to the rear of the property.

§ 122-1104. Rear yard. [Amended 10-16-1996 by Ord. No. 1585]

There shall be a rear yard having a depth of not less than 50 feet on each lot as measured from the rear lot line.

§ 122-1105. Lot area.

A. The minimum lot area for a single-family attached dwelling shall be 3,750 square feet for each end unit and to 2,500 square feet for each center unit. **[Amended 10-16-1996 by Ord. No. 1585]**

B. The minimum lot area for any two-family duplex dwelling shall be 6,000 square feet.

C. The minimum lot area for any apartment house shall be 1,500 square feet per dwelling unit provided therein. Notwithstanding anything to the contrary, every apartment house shall have a lot area of at least twice the ground area of the building, exclusive of the building itself, any accessory building, the parking spaces required by this chapter and the driveways required to serve the parking area.

D. The minimum lot area for any hotel or motel having no cooking facilities in any room, suite or apartment shall not be less than 800 square feet per room or suite.

§ 122-1106. Lot width (frontage).

Every lot used for residential or other permitted purposes shall have a minimum lot width at the street line (or frontage) in accordance with the following standards:

A. Two-family duplex dwellings: 60 feet.

B. Apartment houses, hotels or motels: 75 feet for buildings up to four units, 90 feet for a building containing five to eight units, and 110 feet of minimum lot width for any building containing more than eight units.

C. Single-family attached dwellings: 30 feet for each end unit and 20 feet for any center unit. All units shall have a minimum width of 20 feet. **[Amended 10-16-1996 by Ord. No. 1585]**

§ 122-1107. Impervious surface coverage.

In no case shall more than 75% of the lot area of any lot be occupied by buildings, parking area, driveways and other impervious coverage.

ARTICLE XII
Professional Office District A

§ 122-1200. Permitted uses.

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

A. Business or professional offices or studios, provided that no goods are publicly displayed for sale on the premises.

B. Apartment houses; provided, however, that the off-street parking requirements shall be as specified in § 122-2003A(1) and (6). Notwithstanding anything to the contrary, every apartment house shall have a lot area of at least twice the ground area of the building, exclusive of the building itself, any accessory building, the parking spaces required by this chapter and the driveways required to serve the parking area. The following yard requirements shall be observed:

(1) Front yard: 25 feet.

(2) Rear yard: 25 feet.

(3) Side yard: 20 feet.

§ 122-1201. Lot area.

A lot area of not less than 1,500 square feet per apartment unit shall be provided for any apartment house located within this district. For all other permitted uses within this district, a lot area of not less than 7,500 square feet shall be provided for every building or use. For all above permitted uses, in no case shall more than 75% of the lot area be occupied by buildings, parking area, driveways and other impervious coverage.

§ 122-1202. Lot width (frontage).

Each lot shall have a width of at least 40 feet at the street line (frontage).

§ 122-1203. Yard requirements.

A. Front yard. For each building or use on a lot, there shall be a front yard of at least 15 feet.

B. Side yard. For each building or use on a lot, there shall be two side yards, neither of which shall be less than six feet; provided, however, that, as to the portion of the side yard between the rear wall of the main building and the rear property line, no more than two feet of said side yard may be used for parking.

C. Rear yard. For each building or use on a lot, there shall be a rear yard of at least 50 feet. Parking shall be permitted in the rear yard beginning three feet from the rear of the building. The three-foot buffer strip shall be suitably landscaped in a manner acceptable to the Building Inspector.

§ 122-1204. Driveways.

No driveway from any street shall enter directly therefrom into the front yard area or a side yard area or over any sidewalk; provided, however, that the Zoning Hearing Board may grant a special exception to permit such driveway. In determining whether such exception should be granted in any particular case, the Board shall consider, in addition to the tests and standards provided in § 122-2505, the location of the property in relation to density of traffic, the degree of pedestrian travel on the sidewalk in question, the particular need for such driveway in the particular case and such other considerations as may be deemed relevant to the public safety, health and welfare by the Board.

§ 122-1205. Height.

No building or structure shall exceed 40 feet in height.

§ 122-1206. Signs.

There shall be permitted, with the obtaining of a permit from the Borough of Lansdale, a maximum size sign of 16 square feet, neither dimension to exceed five feet either vertically or horizontally, to be of a freestanding and/or directory-type nature. The sign shall be set back at least four feet from the inside of the sidewalk line and shall be set back not less than six feet from any side property line.

ARTICLE XIII
Professional Office District B

§ 122-1300. Permitted uses.

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

A. Business or professional offices or studios, provided that no goods are publicly displayed for sale on the premises.

B. Banks or similar financial institutions, including savings and loan associations and finance companies.

C. Business or professional schools, not including trade schools.

D. Hospitals, convalescent homes, nursing homes, homes for the aged or religious uses.

E. Conversion of a single-family dwelling to apartment conversion units, provided that such apartment conversion units meet all requirements of the Borough Building Code,[15] that a minimum lot area of 1,500 square feet shall exist on the lot of the converted structure for each such apartment conversion unit, that the parking requirements of this chapter shall be met with respect to each apartment conversion unit, and further provided that the yard requirements contained in § 122-1303 shall be met for any structure containing such units.

F. Home occupations as they are defined and their use governed by the provisions of § 122-400D and E.[16]

G. Accessory uses customarily incidental to any of the foregoing permitted uses; provided, however, that any permitted accessory living accommodations shall be located within the principal building to which the use relates.

H. Apartment houses; provided, however, that the off-street parking requirements shall be specified in § 122-2003A(1) and (6). Notwithstanding anything to the contrary, every apartment house shall have a lot area of at least twice the ground area of the building, exclusive of the building itself, any accessory building, the parking spaces required by this chapter and the driveways required to serve the parking area; and provided, further, that the following yard requirements shall be observed:

(1) Front yard: 25 feet.

(2) Rear yard: 25 feet.

(3) Side yard: 20 feet.

I. Apartment or apartments over any of the uses permitted in this section; provided, however, that the off-street parking requirements shall be as specified in § 122-2003A(1) and (6); and provided, further, that in the case of alterations to an existing building for such combined use, the front yard, side yard and rear yard areas shall be reduced to less than those existing on the lot in question prior to the conversion, except that they need not be greater than those provided in Subsection H above. In the case of a new building with such combined uses, the front yard, side yard and rear yard areas shall be as provided for in Subsection H of this section.

J. Any other nonresidential use permitted in this Article X, Class C Residential District.

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15. Editor's Note: See Ch. 51, Building Construction.

16. Editor's Note: Section 122-400D and E was repealed 11-16-2011 by Ord. No. 1813; see now § 122-2208, Special criteria for home occupations.

§ 122-1301. Lot area.

A lot area of not less than 1,500 square feet per apartment unit shall be provided for any apartment house located within this district. For all other permitted uses within this district, a lot area of not less than 7,500 square feet shall be provided for every building or use. For all above permitted uses, in no case shall more than 75% of the lot area be occupied by buildings, parking area, driveways and other impervious coverage.

§ 122-1302. Lot width (frontage).

Each lot shall have a width (frontage) of at least 40 feet.

§ 122-1303. Yard requirements.

A. Front yard. For each building or use on a lot, there shall be a front yard of at least 15 feet.

B. Side yard. For each building or use on a lot, there shall be two side yards, neither of which shall be less than six feet; provided, however, that, as to the portion of side yard between the rear wall of the main building and the rear property line, no more than two feet of said side yard may be used for parking.

C. Rear yard. For each building or use on a lot, there shall be a rear yard of at least 50 feet. Parking shall be permitted in the rear yard area beginning three feet from the rear of the building. The three-foot buffer strip shall be suitably landscaped in a manner acceptable to the Building Inspector.

§ 122-1304. Driveways.

No driveway from any street shall enter directly therefrom into the front yard area or a side yard area or over any sidewalk; provided, however, that the Zoning Hearing Board may grant a special exception to permit such driveway. In determining whether or not such exception should be granted in any particular case, the Board shall consider, in addition to the tests and standards provided in § 122-2505, the location of the property in relation to density of traffic, the degree of pedestrian travel on the sidewalk in question, the particular need for such driveway in the particular case, and such other considerations as may be deemed relevant to the public safety, health and welfare by the Board.

§ 122-1305. Height.

No building or structure shall exceed 40 feet in height.

§ 122-1306. Signs.

There shall be permitted, with the obtaining of a permit from the Borough of Lansdale, a maximum size sign of 16 square feet, neither dimension to exceed five feet either vertically or horizontally, to be of a freestanding and/or directory-type nature. The sign shall be set back at

least four feet inside of the sidewalk line and not less than six feet from any side property line.

ARTICLE XIV
Limited Professional Office (LPO) District

§ 122-1400. Legislative intent,

The intent and purpose of the Limited Professional Office (LPO) District is to permit the use of dwellings or vacant ground in appropriate areas of the Borough which are in proximity to or adjacent to residential districts of the highest classification but which, because of exposure to heavily traveled streets or other features of the immediate area, do not lend themselves exclusively to residential use as the highest and best use. The limitations of use classifications and the requirements as to Zoning Hearing Board approval are intended to minimize the impact of such allowable uses upon the residential district in proximity to or adjacent to such LPO District, thereby recognizing the legitimate property interests of owners of properties in both areas, all of which is designed to promote the health, safety and welfare of the Borough and its people.

§ 122-1401. Permitted uses.

Permitted uses are as follows:

A. Single-family detached dwellings.

B. A single accessory use, as limited herein, on the same lot with and customarily incidental to residential use. This shall be understood to include a professional office for a surgeon, physician, doctor of medicine or osteopathy, dentist, chiropodist or chiropractor, accountant, architect, engineer or attorney, provided that said professional person shall reside in the same building and shall employ in said office not more than one nonresident professional and one nonresident office or laboratory assistant; provided, however, that in the event of the death or retirement of a resident professional, a portion of said premises may be rented to another qualified professional as long as the retired professional and/or the surviving spouse continues to reside in the premises. In such event, the renting professional shall enjoy the same privileges in respect to the use of the property as if that professional resided there. Any such business or professional office use permitted shall be restricted to the conduct of business only during the daytime hours of 8:00 a.m. to 6:00 p.m. Any permitted, lighted signs related to said business or professional office use shall be illuminated only during such permitted hours of operation.

C. Any one of the following uses, when permitted by the Zoning Hearing Board as a special exception and where there exists no accessory use as set forth in § 122-1401B above:

   (1) Business or professional office, provided that no goods are publicly displayed for sale on the premises and that a substantial portion of the structure and/or premises remains in continued residential use, provided that said business or professional person occupying the business or professional office shall reside in the same building and shall employ in said office not more than one nonresident business or

professional person and one nonresident secretary or assistant. "Substantial portion," as herein used, shall mean at least 50% of all floor area within the house, including basement and attic. Said residential portion of the house shall not be occupied by more than one person or one family unit.

(2) A home occupation, as defined and its use governed by § 122-400D of this chapter.[17]

§ 122-1402. Area, yard, height and off-street parking requirements.

The lot area, front yard, side yard, rear yard, height limitations, sign limitations and all other restrictions pertaining to residential uses in the most restrictive residential district abutting the LPO District shall be provided. Off-street parking requirements as provided in § 122-2003 for single-family detached dwellings only shall be required except as hereinafter modified; provided, however, that in the case of properties abutting a residential district and not separated therefrom by a street or alley, a buffer strip along such abutting line shall be provided and shall be planted with such trees and/or shrubbery as, in the determination of the Building Inspector, shall provide adequate sight and sound shielding of the professional office use for the abutting residential property. Said buffer strip shall be at least eight feet in width or the distance from the main building to the property line if the latter is less than eight feet.

§ 122-1403. Expansion of existing structures and new construction.

A. To accommodate a limited professional office use, as defined in § 122-1401C(1) herein, the floor area of a structure existing as of October 13, 1977, shall not be expanded by more than 15% of the floor area existing on that date. In the event of an expansion, all area and yard requirements hereinbefore set forth for the district shall be adhered to. The design of any expanded portion of the structure shall be consistent with the architectural style of the original building and with the predominant character of the abutting residential areas.

B. In the event of new construction on a vacant lot or on a lot where a dwelling has been removed, the design of the structure shall be consistent with the predominant character of the abutting residential uses and shall be residential in appearance. The plans in that respect shall be subject to approval of the Building Inspector, and appeal therefrom shall be to the Zoning Hearing Board.

§ 122-1404. Parking requirements for new structures.

A. There shall be provided, in addition to the applicable residential parking requirements, a minimum of one off-street parking space for every 200 square feet of space or portion thereof devoted to any permitted nonresidential use; provided, however, that there shall be no fewer than three off-street parking spaces furnished for such use. In addition, there

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17. Editor's Note: Section 122-400D was repealed 11-16-2011 by Ord. No. 1813; see now § 122-2208, Special criteria for home occupations.

shall be provided a minimum of one off-street parking space for every two employees of such nonresidential use, and the parking spaces shall be paved.

B. In the case of such new structure, the parking area may be located in the rear yard area, at least six feet from all buildings, at least eight feet from all streets and at least eight feet from adjacent property lines.

C. If the parking area is lit, the lighting intensity shall not exceed one footcandle.

D. Ingress and egress to the parking area shall be only from an ordained and improved street.

§ 122-1405. Criteria for special exception uses.

In considering a special exception for any of the foregoing uses in the LPO District, the Zoning Hearing Board shall consider and determine the following, in addition to the general considerations for special exceptions set forth in § 122-2505:

A. Whether the use will generate such amount of vehicular traffic as to be detrimental to the peace and quiet of the adjacent residential area.

B. Whether the traffic expected to be generated by the proposed use will result in noise or air pollution, glare, visual monotony and pedestrian vehicular conflict to a degree detrimental to the adjacent residential area or inconsistent with the establishment of an orderly, quiet and harmonious office-residential district,

C. Whether the proposed use will require servicing or delivery of stocks by trucks having more than two axles.

ARTICLE XV
Commercial District

§ 122-1500. Permitted uses.

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

A. Any uses permitted in Article X, Class C Residential District, subject to the restrictions contained in said classification.

B. Apartments over any use permitted in the Commercial District or Business District. Off-street parking shall be provided as required by this chapter for apartment uses; provided, however, in the case of apartments already existing at the date of passage of this chapter and not in the case of apartments constructed thereafter, that if or to the extent which there is not sufficient space on the same lot as the building and if a municipally owned parking lot borders within 500 feet of the nearest property line, the off-street parking requirements need not be met; provided, further, that the owner of the subject property shall procure and submit to the Borough of Lansdale, as a condition of receiving any apartment licenses required under the provisions of the Borough Code,

evidence there have been procured for the whole term of the licenses stickers for tenant parking on municipal parking lots, as provided for in Article V, Section 21, of Ordinance No. 985 (Code of the Borough of Lansdale, § 114-7), for such number of cars as parking spaces are required for under the provisions of § 122-2003. It is not intended by this provision to permit the elimination of existing parking spaces or available area.

C. Offices, banks or financial institutions.

D. Retail stores for the sale of dry goods, variety and general merchandise, clothing, foods, drugs, furnishings or other household supplies, sale and repair of jewelry, watches, clocks, optical goods or musical, professional or scientific instruments.

E. Clubs, fraternal organizations and houses, lodges, rooming houses or tourist homes, motels or hotels.

F. Business or professional offices, studios, banks, savings and loan associations, financial institutions, municipal uses (excluding a dump), telephone control offices, telegraph or other public utility offices or passenger stations for public transportation.

G. Restaurants, tea rooms, places of business dispensing alcohol and malt beverages in accordance with the Pennsylvania Liquor Control Board licensing provisions, provided that none of the above shall be located within 100 feet of: 1) any residential zone; 2) any church or place of worship; and/or 3) any community center or youth organization center. The one-hundred-foot setback provision shall not apply in the POSRC Overlay District.[18] **[Amended 12-17-2003 by Ord. No. 1709; 7-21-2004 by Ord. No. 1717]**

H. Bakery, confectionery or custom shops for the production of articles to be sold at retail on the premises and employing not more than five persons.

I. Florist shops or personal service shops, including tailors, barbers, beauty salons, shoe repairs, dressmaking or similar shops.

J. Laundries or dry-cleaning establishments as long as there is no cleaning, laundering, pressing or other processing of goods on the premises unless granted by the Zoning Hearing Board as a special exception.

K. Bowling lanes; indoor theater; billiard room; other place of indoor amusement or recreation; or sexually oriented business, provided that the requirements of Articles XXXI and XXXII are met. **[Amended 5-1-1991 by Ord. No. 1447]**

L. Newspaper publishing or job printing.

M. Undertaking, embalming, mortuary or funeral homes.

N. Radio-television stations, telephone exchanges or transformer stations, provided that all buildings or structures except fences and barriers are located not less than 50 feet from a residential district.

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18. Editor's Note: See Art. XXXVII, Professional Office and Specialty Restaurant Conservation Overlay District.

O. Hospitals, sanitariums, convalescent homes, nursing homes, orphanages or homes for the infirm or aged, provided that all main buildings are not less than 50 feet from any adjoining premises in a residential district not used for similar purposes.

P. Real estate and insurance offices, general office buildings, business colleges, private trade schools and nursing schools.

§ 122-1501. Special exception uses.

The following uses are permitted when authorized as a special exception:

A. Any use of the same general character as any of the uses hereinabove specifically permitted.

B. Automobile or farm machinery sales and service agencies with enclosed showrooms, including used car lots and repair shops adjacent to and in connection therewith.

§ 122-1502. Drive-in services.

Notwithstanding any of the foregoing provisions, drive-in services shall be permitted only when authorized by the Zoning Hearing Board as a special exception. In such case, at least 200 linear feet of continuous driveway, as measured from the service window, used exclusively for each drive-in window shall be provided and shall be so arranged that such driveways do not interfere with the free and uninterrupted use of the remaining parking areas and driveways.

§ 122-1503. Setbacks, yards, lot area, lot width (frontage) and impervious coverage.

A. All buildings shall be set back 20 feet from the street line.

B. There shall be a rear yard with a depth of at least 15 feet measured from the rear lot line.

C. In the event that there are any window or door openings in the side walls of any building, then a side yard of at least four feet shall be maintained on that side of the building.

D. A lot area of not less than 8,000 square feet shall be provided for every building hereafter erected, altered or used in whole or in part, and the width of the lot shall be not less than 55 feet at the street line (frontage).

E. In no case shall more than 75% of the lot area of any lot be occupied by buildings, parking area, driveways and other impervious coverage.

§ 122-1504. Height.

The height of any building or structure shall not exceed 40 feet; provided, however, that said height limitation of 40 feet may be exceeded by one foot for every one foot of additional

setback (above the required minimum) in each of the front yard, side yards and rear yard dimensions. In no event, however, shall any building or structure exceed 65 feet in height.

§ 122-1505. Off-street parking.

Off-street parking for all permitted uses herein, notwithstanding the requirements of § 22-1500B, shall be provided in accordance with the requirements of Article XX herein and specifically § 122-2003 of said article.

ARTICLE XVI
Business District

§ 122-1600. Permitted uses.

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

A. Any use permitted in a Commercial District under § 122-1500, including and subject to the restrictions set forth or incorporated by reference in Article XV. **[Amended 11-15-1995 by Ord. No. 1555]**

B. Wholesale stores and minor repairs connected with merchandise sold.

C. Public utility business offices.

D. Hotels and motels.

E. Sale of general merchandise, including the sale in department stores, the sale of apparel of all kinds, the sale of furniture and household goods, including furniture and accessory furniture stores, the sale of all other goods or merchandise or a bakery, candy or confectionery shop where the articles are made and sold on the premises, employing not more than 10 persons.

F. Transportation services, railroad stations, public service stations, bus passenger stations or bus terminals, provided that the street upon which the bus enters or exits is at least 36 feet wide between curbs.

G. Office display or sale space of wholesale jobbing or distributing establishments not specifically mentioned herein, provided that not more than 25% of the floor area of the building or the part of the building occupied by said establishment is used for making, assembling, remodeling, repairing, altering, finishing or refinishing its products or merchandise; and provided, further, that any resulting cinders, dust, fumes, noise, odors, refuse matter, smoke, vapor or vibration is effectively confined to the premises; and provided, further, that the ground floor premises facing upon and visible from a major street upon which the premises abut shall be used only for entrances, offices or display purposes.

H. Any use customarily incident to the above uses authorized by this section, except that no use specified as a special exception shall be permitted as an accessory use.

I. In addition to the aforesaid uses permitted in the Business District, the following uses may be permitted as a special exception, provided that the building, premises or lot is located not less than 100 feet from a residential district: **[Amended 11-15-1995 by Ord. No. 1555[19]]**

(1) Automobile parking lot, excepting a municipal parking lot and off-street parking accessory to a permitted use under this article, in compliance with the design standards contained in Article XX herein.

(2) Animal hospital.

(3) Wholesale storage and sale of lumber, plumbing and other building supplies and materials.

(4) Places of outdoor amusement.

J. When permitted by conditional use, Mixed Use Overlay District subject to the regulations of § 122-1604 on those properties specifically designated by Borough Council pursuant to a Zoning Map amendment. **[Added 7-17-2004 by Ord. No. 1722]**

(1) Applicant for conditional use shall demonstrate compliance with architectural standards commensurate with the design and materials of buildings existing on or adjacent to the lot and all other applicable standards of § 122-1604.

(2) Applicant shall submit sufficient information in the form of conceptual architectural elevations or sketches of the common areas and any proposed building in order to demonstrate that the Mixed Use Overlay is designed as a harmonious development of related structures which incorporates common access drives, shared parking, common area maintenance and a common stormwater management plan. The following design elements shall specifically be submitted:

(a) Each applicant shall submit architectural elevation drawings showing concepts for facades, roof design, and materials for buildings and structured parking facilities, and incorporate specific design standards in order to qualify for conditional use approval.

(b) These design standards shall include, but may not necessarily be limited to, building and streetscape elements such as the type of lighting, sidewalk design, street furniture, street signs, and architectural details and facade materials.

(c) In addition, the applicant shall incorporate architectural performance standards such as screening of parking facilities, loading areas, and all mechanical equipment; the continuity of storefronts and entrance doorways on specific streets; the massing of buildings to reinforce the design of an urban space; and sign control.

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19. Editor's Note: This ordinance also repealed original Subsection I concerning drive-in uses, and renumbered original Subsection J as Subsection I.

(3) The elevations or sketches submitted shall also demonstrate the use of compatible building materials among the various buildings proposed.

K. When permitted by conditional use, Business Center Revitalization Overlay District subject to the regulations of § 122-1605 on those properties specifically designated by Borough Council pursuant to a Zoning Map amendment. **[Added 7-20-2005 by Ord. No. 1732]**

(1) Applicant for conditional use shall demonstrate compliance with architectural standards commensurate with the design and materials of buildings existing on or adjacent to the lot and all other applicable standards of § 122-1605.

(2) Applicant shall submit sufficient information in the form of conceptual architectural elevations or sketches of the common areas and any proposed building or the redevelopment of existing buildings in order to demonstrate that the Business Center Revitalization Overlay is designed as a harmonious development of related structures which incorporates common access drives, shared parking, common area maintenance and a common stormwater management plan. The following design elements shall specifically be submitted:

(a) Each applicant shall submit architectural elevation drawings showing concepts for facades, roof design and materials for buildings and incorporate specific design standards in order to qualify for conditional use approval.

(b) These design standards shall include, but may not necessarily be limited to, building and streetscape elements such as the type of lighting, sidewalk design, street furniture, street signs and architectural details and facade materials.

(c) In addition, the applicant shall incorporate architectural performance standards such as screening of parking facilities, loading areas and all mechanical equipment, the continuity of store fronts and entrance doorways on specific streets; the massing of buildings to reinforce the design of an urban space; and sign control.

(3) The elevations or sketches submitted shall also demonstrate the use of compatible building materials among the various buildings proposed.

(4) In lieu of strictly complying with the design standards set forth in § 122-1605, an applicant may offer to Borough Council to place a deed restriction upon its property which provides that development of its property will be substantially in accordance with its plan; and Borough Council may in its discretion accept applicant's deed restriction in lieu of requiring the applicant to strictly comply with the design standards set forth in § 122-1605.

§ 122-1600A. Legislative intent. [Added 11-15-1995 by Ord. No. 1555]

A. To preserve and build upon the strengths of the Business District of the Borough.

B. To maintain the character of the downtown commercial core, defined as Main Street between Line Street and Valley Forge Road.

C. To encourage development that is compatible with the historical character and scale of the Business District and the downtown commercial core with respect to uses, building dimensions, building materials and function.

D. To discourage development of strip-type highway-oriented commercial uses that require incongruous architectural styles, excessive paved areas, numerous curb cuts and large signs and which attract large volumes of vehicular traffic.

E. To encourage pedestrian connections between buildings, parking areas and sidewalks and to encourage consolidation of driveways, parking and curb cuts to provide more efficient, economical and safe access and parking.

F. To encourage the formation and continuance of an uncontested environment for business and professional offices together with residences and other limited commercial uses.

G. To encourage those types of development that do not attract large volumes of traffic and continuous customer turnover.

H. To encourage development/redevelopment of existing buildings and properties for mixed uses, including residential, office, retail and service uses previously used for industrial purposes. **[Added 7-17-2004 by Ord. No. 1722]**

I. In areas designated within the Special Regulations Business Center Revitalization Overlay District, to encourage redevelopment and revitalization of existing buildings and properties and the development of new buildings for mixed uses, including commercial, office, retail and service uses previously used or developed as business centers. **[Added 7-20-2005 by Ord. No. 1732]**

§ 122-1601. Special exceptions.

With regard to the special exceptions included in the preceding section, the Zoning Hearing Board shall consider the general purposes of zoning, as set forth in § 122-101 of this chapter as well as special exception considerations as set forth in § 122-2505 of this chapter, and, further, the Zoning Hearing Board may impose such conditions and restrictions as are deemed necessary and reasonable by it.

§ 122-1602. Setbacks, lot area and lot width (frontage). [Amended 11-15-1995 by Ord. No. 1555]

A. All buildings shall meet the prevailing front yard setback of existing buildings within 100 feet and on the same side of the street as the proposed building. If no buildings are present, the buildings shall be set back four feet from the street line; provided, however, that no setback shall be required for that part of any building abutting upon or adjacent to

Madison Street between Wood Street and Hartzell Street, or Hartzell Street between Madison Street and Main Street. Also, all buildings along Main Street between Line Street and Valley Forge Road must abut the sidewalk. The sidewalk shall have a width equal to the prevailing sidewalk width on adjacent properties, and in no case shall be less than 48 inches wide. No use shall be made of the setback area at ground level, and no buildings, structures, signs, display cabinets, show windows, cubicle areas, doorways or any other thing or device shall be placed or maintained thereon, nor shall any grating of slotted or grilled steel be placed on the setback area. The setback area below grade level and underground may be used for business purposes, provided that the sidewalk is sufficiently supported to bear pedestrian traffic. The aforesaid four-foot setback area for all buildings shall be set back four feet from the street line at the first-floor level upward, and the area may be used for any of the legal purposes defined in this Zoning Ordinance under Article XVI. "Second floor," as herein used, shall be defined to be that area beginning at a point measured 12 feet vertically from the sidewalk upward.

B. No parking shall be permitted between the street line and the front of the building. In the case of a corner lot, no parking shall be permitted between the street line and the front of the building or between the street line and the side of the building.

C. Parking areas and lots that abut Main Street or Broad Street must include a thirty-inch- to thirty-six-inch-high architectural wall abutting the sidewalk along the street frontage. The sidewalk shall have a width equal to the prevailing sidewalk width on adjacent properties.

D. All buildings must be oriented toward or face the street. In the case of corner lots, all buildings must be oriented or face the street or higher classification, as determined by Borough Council, or be oriented or face both fronting streets.

E. Gable, hip, gambrel or mansard roofs are encouraged on all new buildings.

F. In the event that there are any window or door openings in the side walls of any building, then a side yard of at least four feet shall be maintained on that side of the building.

G. A lot area of not less than 8,000 square feet shall be provided for every building hereafter erected, altered or used in whole or in part, and the width of the lot shall not be less than 55 feet at the street line (frontage).

§ 122-1603. Height.

The height of any building or structure shall not exceed 60 feet; provided, however, that said height limitation of 60 feet may be exceeded by one foot for every one foot of additional setback (above the required minimum) in each of the front yard, side yards and rear yard dimensions. In no event, however, shall any building or structure exceed 65 feet in height.

§ 122-1604. Special regulations for Mixed Use Overlay District. [Added 7-17-2004 by Ord. No. 1722]

A. The provisions of Article XVI, Business District, shall apply except as specifically modified below.

B. A minimum lot area of four acres shall be required and a master plan shall be submitted illustrating the development for the entirety of each lot. Upon the approval of a master plan, sections of the lot may be developed on a phased basis. The master plan may include multiple uses and multiple buildings on a single lot.

C. A maximum floor area ratio of 0.75, exclusive of structures devoted to parking, shall be permitted.

(1) In furtherance of the mixed use overlay concept, a minimum of 30% of the floor area proposed pursuant to the approved master plan shall consist of residential use, unless specifically waived by Council.

(2) The minimum size of a residential unit shall be 950 square feet.

D. A minimum of 20% and a maximum of 70% of the floor area proposed pursuant to the approved master plan shall consist of the following uses, unless specifically waived by Council:

(1) The uses permitted in § 122-1500, Permitted uses in Commercial District, and § 122-1600, Permitted uses in Business District, provided that sexually oriented businesses or sales are specifically prohibited.

E. Setbacks.

(1) All buildings and parking shall be set back a minimum of four feet from the street line. Buildings shall be set back not more than 10 feet. A sidewalk shall be installed along all road frontage with a minimum width of 60 inches, which may be reduced by Borough Council to match the width equal to the prevailing sidewalk width on adjacent properties, but in no case shall such sidewalk be less than 48 inches in width.

(a) Existing buildings used or if reconstructed and reused shall maintain their current location unless waived by Council.

(b) For corner lots, one new building may be constructed on site which may be set back greater than 10 feet but not greater than 100 feet from the right-of-way of adjacent streets. When a proposal contains more than one new building, only the building nearest the intersection may be set back greater than 10 feet from the street right-of-way.

(2) Parking areas or parking lots that abut a street shall include a thirty-inch- to thirty-six-inch-high architectural wall or similar landscape buffer abutting the sidewalk along the street frontage.

(3) Parking shall be permitted between the street line and front of a building, provided the thirty-inch- to thirty-six-inch-high architectural wall along with a landscaping

softening buffer shall be installed along the street line except as required for driveway access. Not more than 50% of the required parking of the entire mixed use overlay master plan shall be permitted between the street line and front of a building. This limitation shall apply only to parking situate 60 feet or less from a street line.

(4) All buildings must be oriented toward or face the street, and in the case of corner lots, buildings shall be oriented or face both fronting streets where practicable.

F. Parking.

(1) Parking areas established for businesses and retail uses shall be equally available to all patrons and customers.

(2) Parking shall be provided off street and on lot on the following basis:

(a) Residential. Parking shall be provided on the basis of two parking spaces per dwelling unit.

(b) Retail, office, recreational establishments and banks. Parking shall be provided pursuant to § 122-2003, Article XX, Off-Street Parking and Loading.

(c) Restaurant, tearoom or place of business dispensing alcoholic and malt beverages. When provided in combination with the above uses, parking shall be provided on the basis of one parking space per 75 square feet of total floor area, otherwise the requirements of § 122-2003, Article XX, Off-Street Parking and Loading, shall apply.

(d) Other uses shall provide parking as determined pursuant to § 122-2003, provided that, if applicant can demonstrate efficiencies due to shared parking and joint usage as well as complementary land uses, then the parking requirements of § 122-2003 and this section may be reduced up to a maximum of 25%. In granting the reduction, Council shall consider those spaces provided on street and along the street frontage of the tract or lot which is the subject of a mixed use overlay development.

G. Special conveyancing (mortgage subdivision). When the development of a tract and the uses therein are in accordance with an approved master plan, a conveyance of a lot or parcel within the development shall be permitted upon compliance with the following conditions:

(1) The creation and recording of irrevocable cross-easements, in a form satisfactory to the Borough in favor of and duly binding on all title owners, their successors and assigns, within the area of the development with respect to use, control and maintenance of the common areas, access, green space and parking.

(2) Application of zoning regulations, including but not limited to building coverage, floor area ratio, impervious surface coverage, required green space, parking, loading, landscaping and signage, as well as required area, width and yard regulations, shall apply to the overall tract approved for development as a single

master plan. Individual lots or parcels conveyed pursuant to this section need not comply with these zoning requirements.

H. Sign regulations. The master plan shall include a master sign plan indicating the height, size and location of all signs, except for those signs normally associated with and permitted by § 122-1905, Banners and temporary signs, and § 122-1907, Special signs, which shall be permitted in addition to the following:

(1) Monument signs: one sign per street frontage. Total area per face equals maximum 100 square feet, having a maximum height of eight feet measured from mean ground elevation. Corner lots may have one of the permitted signs located at the intersection.

(2) Residential building: one wall sign per main entrance; total area per face not greater than 100 square feet, having a maximum height of 25 feet measured from mean ground elevation.

(3) Retail store or office in a group: one wall sign not greater than 35 square feet per establishment per front or side facade and one wall sign not greater than 15 square feet per establishment on the rear facade.

(4) Individual retail pad signage.

(a) One monument sign per street frontage: total area per face equals maximum 100 square feet, having a maximum height of eight feet measured from mean ground elevation. Corner lots, with the individual retail pad oriented to front on both streets, may have one of the permitted signs located at the intersection.

(b) Four wall, projecting or awning signs per street frontage (an individual retail pad shall only have more than one street frontage when such pad and the building located thereon is oriented to front on more than one street). The signs shall not be greater than 50 square feet each and shall not exceed a total of 300 square feet (the signs may be located on any outside wall or awning of the building so long as the total does not exceed that which is provided above).

(5) Illumination of signs shall be permitted subject to § 122-1911, Illumination regulations.

(6) The sign face of monument and freestanding signs shall be set back not less than four feet from the rear edge of a sidewalk.

(7) Window signs. Window signs shall be permitted but shall be subject to the following provisions: **[Added 7-5-2006 by Ord. No. 1745]**

(a) Such signs shall be mounted only to the inside surface of windows and doors.

(b) The total square footage of such signs shall not exceed 15% of the square footage of the individual window at/on which the sign is located.

(c) Such signs shall be installed at/on the windows of the first floor/ground level floor of a building.

(d) Such signs shall be installed on one facade only of any building. In the event that a building has multiple street frontages, window signs may be limited to no more than two street frontage facades.

(e) Such signs shall be professionally designed and manufactured.

(f) Seasonal window art (displayed for a maximum of 45 days) which does not advertise any product, service or the name of the store shall be exempt from the provisions set forth in above Subsections H(7)(a), (b) and (e).

I. Landscaping.

(1) Street trees shall be provided in accordance with § 420.3 of the Borough Subdivision and Land Development Ordinance.[20]

(2) Parking lot landscaping shall be provided in accordance with § 420.5 of the Borough Subdivision and Land Development Ordinance.

J. Council may modify or waive specific requirements if it determines an improved development plan or better traffic circulation will result.

K. Additional use regulations. **[Added 7-20-2005 by Ord. No. 1732]**

(1) Drive-in services shall be permitted by conditional use and shall be considered as part of an overall submission of a master plan for approval by Borough Council. In such case, a minimum of 100 linear feet of continuous driveway, as measured from the service window, used exclusively for drive-in window service shall be provided, and a minimum total stacking space for all drive-in service lanes for at least 10 cars shall be provided, and such lanes shall be arranged so that such drive-in lanes do not interfere with the free and uninterrupted use of the remaining parking areas and driveways (e.g., a pass-by lane shall be provided to allow vehicles to freely pass by the drive-in lanes or to leave the drive-in lanes prior to being served). During the conditional use review of the drive-in lanes, Borough Council may require a greater amount of continuous driveway for drive-in services for the proposed use if, based upon a traffic study prepared and submitted by the applicant and reviewed by the Borough Traffic Engineer, 100 linear feet and/or stacking for 10 vehicles is/are demonstrated to be inadequate. Any change in use shall require conditional use approval by Borough Council for drive-in services, which standard shall be the revision of the traffic study to reflect the change in use and the review of the Borough Traffic Engineer of the adequacy of the drive-through lanes for the new use.

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20. Editor's Note: The Borough's Subdivision and Land Development Ordinance is on file and available for inspection or sale at Borough offices.

§ 122-1605. Special Regulations Business Center Revitalization Overlay District. [Added 7-20-2005 by Ord. No. 1732]

A. The provisions of Article XVI, Business District, shall apply except as specifically modified below.

B. Permitted uses. A building or group of buildings may be erected, altered or used and a lot or premises may be used for any of the following purposes and for no other:

(1) Offices, banks or financial institutions.

(2) Retail stores for the sale of: dry goods and general merchandise, clothing, foods, drugs or other household supplies, sale and repair of jewelry, watches, clocks, optical goods or musical, professional or scientific equipment.

(3) Business or professional offices, studios, banks, savings and loan associations, financial institutions, municipal uses (excluding a dump), telephone control offices, telegraph or other public utility offices.

(4) Restaurants, tearooms, places of business dispensing alcohol and malt beverages in accordance with the Pennsylvania Liquor Control Board Licensing Provisions.

(5) Florist shops or personal service shops, including tailors, barbers, beauty salons, shoe repairs, dressmaking or similar shops.

(6) Laundries or dry-cleaning establishments as long as there is no cleaning, laundering, pressing or other processing of goods on the premises

(7) Bowling lanes; indoor theater; billiard room; other place of indoor amusement or recreation.

(8) Sale of general merchandise, including the sale in department stores, the sale of apparel of all kinds, the sale of furniture and household goods, including furniture and accessory furniture stores, the sale of all other goods or merchandise or a bakery, candy or confectionery shop where the articles are made and sold on the premises, employing not more than 10 persons.

(9) Transportation services, railroad stations, public service stations, bus passenger stations or bus terminals, provided that the street upon which the bus enters or exits is at least 36 feet wide between curbs.

(10) Shopping centers, which may include a day-care center so long as the day-care center and related facilities are located within a building separate and distinct from the shopping center and then only when approved by conditional use pursuant to the standards set forth in Article XXXIII of this chapter.

(11) Any use customarily incident to the above uses authorized by this section.

(12) Additional use regulations.

(a) Drive-in window services shall be permitted by conditional use and shall be considered as part of an overall submission of a master plan for approval by

Borough Council. In such case, a minimum of 100 linear feet of continuous driveway, as measured from the service window, used exclusively for drive-in window service shall be provided, and a minimum total stacking space for all drive-in service lanes for at least 10 cars shall be provided, and such lanes shall be arranged so that such drive-in lanes do not interfere with the free and uninterrupted use of the remaining parking areas and driveways (e.g., a pass-by lane shall be provided to allow vehicles to freely pass by the drive-through lanes or to leave the drive-through lanes prior to being served). During the conditional use review of the drive-in lanes, Borough Council may require a greater amount of continuous driveway for drive-in services for the proposed use if, based upon a traffic study prepared and submitted by the applicant and reviewed by the Borough Traffic Engineer, 100 linear feet and/or stacking for 10 vehicles is/are demonstrated to be inadequate. Any change in use shall require conditional use approval by Borough Council for drive-in services, which standard shall be the revision of the traffic study to reflect the change in use and the review of the Borough Traffic Engineer of the adequacy of the drive-in lanes for the new use.

(b) Outdoor customer dining shall be permitted, provided that the area devoted to such use complies with all standards otherwise applicable to building location and parking requirements. Applicant shall submit sufficient information in the form of conceptual architectural sketches of the outdoor customer dining which demonstrates that public right-of-way and public egress/ingress are not obstructed. Additionally, the applicant shall comply with the following:

[1] Outdoor furnishings may include tables, chairs and umbrellas.

[2] All unsecured furniture will be stored inside the restaurant after normal operating hours.

[3] Planters, posts with ropes or other removable enclosures are encouraged to be used as a way of defining the area occupied by the cafe.

[4] Adequate provisions should be made for the disposal of refuse.

[5] Advertising or promotional features shall be limited to umbrellas and canopies.

[6] Tables cannot impede pedestrian traffic flow.

(c) Sexually oriented businesses, animal hospital, wholesale storage and sale of lumber, and places of outdoor amusement are specifically prohibited.

C. A minimum lot area of seven acres shall be required and a master plan shall be submitted illustrating the development or redevelopment for the entirety of each lot. Upon the approval of a master plan, sections of the lot may be developed on a phased basis. The master plan may include multiple uses and multiple buildings on a single lot.

D. A maximum floor area ratio of 0.35, which is the ratio of floor area to lot area, exclusive of structures devoted to parking, shall be permitted.

E. Design standards.

(1) Architectural guidelines:

(a) For pad site buildings, rear and side facades shall be of finished quality and shall be of color and materials that match the front facade and blend with structures within the development as well as with structures in the surrounding area.

(b) Multiple buildings and multiple front facade setbacks from adjoining streets are required.

[1] No single facade shall remain unbroken or unchanged for a length greater than 100 feet.

[2] The roof or parapet of the front facade shall have a vertical step or change of not less than three feet or a setback variation of not less than 10 feet in order to comply with the maximum length of 100 feet.

(c) In addition, front facades shall provide elevation variations no less frequent than every 50 feet, as determined by:

[1] Change in type of material, or change of color, or use of a porch, pent roof, awning or bay window.

[2] At least 50% of the front facades for the overall business center shall give the appearance of a second story through the use of faux windows, shutters, dormers, pediment design, pent roofs, turrets, towers, awnings, canopies, porticos or similar features.

[3] Facade materials, such as stone, brick, stucco, slate, architectural stone block and wood (or products having simulated wood appearance), are preferred to raw concrete, metal, tinted glass, unfinished block, tinted glass and plastic. Preferred materials shall be required for front facades and other facades that are visible from the street frontage(s) of the business center.

(d) Multiple buildings shall be provided within 200 feet of adjoining street frontages, as follows:

[1] No less than one building per two acres of land shall be provided.

[2] To qualify, a building shall contain no less than 2,000 square feet of ground.

[3] Buildings shall provide a variation of setbacks. When three or more buildings are provided, no less than 1/3 of the number of buildings provided shall be positioned within 50 feet of adjoining street(s).

(e) Materials of new buildings should be consistent with those used in buildings of the surrounding area.

(f) Service functions such as loading docks, utility meters, HVAC equipment and trash dumpsters shall be incorporated into the overall design theme of the building so that the front and side facades are continuous and uninterrupted by ladders, towers, fences and equipment. These functions shall be located and screened so that the visual and acoustic impacts of these functions are fully contained and out of view from street frontages.

(g) Principal buildings shall have clearly defined, highly visible customer entrances with a mix of features, such as canopies, porticoes, arches and integral planters, that incorporate landscaped areas and/or areas for sitting.

(h) Roof designs shall maintain the following standards:

[1] No portion of a flat roof shall be visible from adjoining street frontage.

[2] Buildings shall use parapets or mansard-type roof styles to conceal flat roofs and rooftop equipment such as HVAC units along all roof edges for pad sites and along front and side roof edges of main buildings.

[3] Parapet walls, when provided, shall extend the same or similar material as the front facade and shall be trimmed out to provide a finished top edge, overhang or shadow line.

[4] Sloped roofs shall be provided with shingle, slate, terra cotta or metal seam material.

(i) First-floor windows, including glass entrance doors, shall not occupy more than 50% of the total surface area of the building facade as measured every 100 linear feet of building facade.

(j) Storefront landscaping shall be provided between the foundations of buildings and driveways. A minimum of 15% of the area between the building foundation and driveways shall be landscaped, either using ground plantings, raised planters or similar landscape features.

(k) Such developments shall contain a common use area that will serve as a focal point for the center and provide walkways, seating, landscaping; water features, courtyards, mini parks and plazas are encouraged. The common use area shall meet the following requirements:

[1] It shall be located between the front facade of the primary business center.

[2] It shall be directly connected to the sidewalk in front of the business center.

[3] It shall consist of one contiguous area, and the shape and location of the common use area shall be approved by Borough Council.

[4] It shall be improved by an architectural feature or amenity that helps to identify this area as the central gathering place for the development.

(2) Site plan guidelines:

(a) Plazas and/or courtyards shall be provided as follows:

[1] At the corner of two intersecting roads which form road frontage to the center. Such spaces shall consist of not less than 500 square feet of paved surfaces which provide walking or seating areas, civic items such as fountain, clock, sculpture or masonry walls with municipal logos or names. Ornamental landscaping shall complement the design.

[2] At a point along or adjacent to the front building facade consisting of not less than 1,000 square feet of paved surfaces which provide walking or seating in addition to any required sidewalks along the front of the building.

[3] In addition to the above, plazas or courtyards may be provided adjacent to restaurants to promote outdoor dining so long as required parking, loading or sidewalks are not interfered with.

[4] Plazas or courtyards shall be provided with architectural pavers, exposed aggregate or scored concrete or deckwork, not asphalt, and shall be appointed with streetscape features such as benches, sitting walls, planting beds, lighting, railings and landscape space dividers such as shrubs or trees arranged to buffer the space from parking lots or entrances.

(b) Street and parking lot lights.

[1] Shall be positioned along the street frontage(s) and within parking lots at locations approved by the Borough and shall not interfere or obstruct vehicular or pedestrian circulation or parking spaces.

[2] Lighting shall meet the following requirements:

[a] No light greater than 0.5 footcandle shall shine directly into the windows of a building on abutting property.

[b] No light greater than 0.5 footcandle shall shine directly from a light source onto the ground or improvements of an abutting property, although incidental light may be permitted to fall on abutting property.

[c] The height of the light source shall in no event exceed 20 feet unless specifically waived by Council and shall be of such pole design, color and fixture design to be consistent with revitalization and renewal plans established by the Borough.

F. Setbacks.

(1) All buildings and parking shall be set back a minimum of four feet from the street line. A sidewalk shall be installed along all road frontage with a minimum width of 60 inches, which may be reduced by Borough Council to match the width equal

to the prevailing sidewalk width on adjacent properties, but in no case shall be less than 48 inches in width.

(a) Existing buildings used or if reconstructed and reused shall maintain their current location unless waived by Council.

(2) All buildings must be oriented toward or face the street, and in the case of corner lots, buildings shall be oriented or provide front facades toward adjacent streets where practicable.

G. Parking and loading areas.

(1) Parking areas established for businesses and retail uses shall be equally available to all patrons and customers.

(2) Parking shall be provided off street and on lot on the following basis:

(a) For business centers greater than 100,000 square feet gross floor area, including all freestanding businesses and uses approved pursuant to an overall master plan within the Business Center Revitalization Overly District, parking shall be provided on the basis of not less than 3.5 parking spaces per 1,000 square feet of gross floor area and gross outdoor seating area. In addition, in order for a parking space to count in the total parking spaces provided by the applicant, each parking space shall be within 250 feet of a customer entranceway of a business or use within the business center. Up to 20% of required parking spaces may be held in reserve and landscaped, subject to approval of Borough Council.

(b) When not qualifying under Subsection G(2)(a) above, parking for retail, office, recreational establishments and banks shall be provided pursuant to § 122-2003, Article XX, Off-Street Parking and Loading.

(c) When not qualifying under Subsection G(2)(a) above, parking for restaurant, tearoom or place of business dispensing alcoholic and malt beverages shall be provided on the basis of one parking space per 75 square feet of total floor area; otherwise the requirements of § 122-2003, Article XX, Off-Street Parking and Loading shall apply.

(d) When not qualifying under Subsection G(2)(a) above, other uses shall provide parking as determined pursuant to § 122-2003, provided that, if the applicant can demonstrate efficiencies due to shared parking and joint usage as well as complementary land uses, then the parking requirements of § 122-2003 and this section may be reduced up to a maximum of 25%. In granting the reduction, Council shall consider those spaces provided on street and along the street frontage of the tract or lot which is the subject of a Business Center Revitalization Overlay development.

(e) Loading and unloading areas shall be provided in accordance with § 122-2004, Article XX, Off-Street Parking and Loading.

H. Special conveyancing (mortgage subdivision). When the development of a tract and the uses therein are in accordance with an approved master plan, a conveyance of a lot or parcel within the development shall be permitted upon compliance with the following conditions:

(1) The creation and recording of irrevocable cross-easements in the 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 and maintenance of the common areas, access, green space and parking.

(2) Application of zoning regulations, including, but not limited to, building coverage, floor area ratio, impervious surface coverage, required green space, parking, loading, landscaping and signage, as well as required area, width and yard regulations, shall apply to the overall tract approved for development as a single master plan. Individual lots or parcels conveyed pursuant to this section need not comply with these zoning requirements.

I. Sign regulations. The master plan shall include a master sign plan indicating the height, size and location of all signs, except for those signs normally associated with those permitted by § 122-1905, Banners and temporary signs, and § 122-1907, Special signs, which shall be permitted in addition to the following:

(1) Monument signs: one sign per street frontage. Total area per sign face shall not exceed a maximum 100 square feet, having a maximum height of eight feet measured from mean ground elevation. Corner lots may have one of the permitted signs located at the intersection.

(2) Retail store or office in a group: one wall sign not greater than 35 square feet per establishment per front or side facade. For a shopping center, the following shall apply:

(a) Storefronts less than 50 linear feet of frontage shall be permitted one sign, the total area of which is calculated not to exceed 2 1/2 square feet of area per linear foot of frontage, but in no event greater than 60 square feet.

(b) Storefronts having 50 linear feet or greater frontage shall be permitted two signs, the area of which is calculated not to exceed 2 1/2 square feet of area per linear foot of frontage, but in no event greater than 240 square feet.

(3) Individual retail pad signage:

(a) One wall, projecting or awning sign per street frontage (an individual retail pad shall only have more than one street frontage when such pad and the building located thereon is oriented to front on more than one street) and one additional wall, projecting or awning sign on a remaining facade. The signs shall not be greater than 50 square feet each and shall not exceed a total of 200 square feet (the signs may be located on any outside wall or awning of the building so long as the total does not exceed that which is provided above).

(4) Freestanding signs: one sign per street frontage. In the case where individual freestanding or pylon signs exist, two of these signs may remain and be counted toward the maximum number of freestanding signs or monument signs. When counted toward monument signs, for each existing freestanding or pylon sign removed, one additional monument sign may be erected. All other pylon or freestanding signs must be removed unless in compliance with sign regulations otherwise applicable under this section. Freestanding signs shall comply with the requirements set forth in § 122-1904, except where existing signs are greater in area than what is provided in § 122-1904, in which case the area dimensions of the existing signs shall control.

(5) Illumination of signs shall be permitted subject to § 122-1911, Illumination regulations.

(6) The sign face of monument and freestanding signs shall be set back not less than four feet from the rear edge of a sidewalk.

(7) Community messages and Borough logos may be incorporated into street-side plaza designs and shall not be counted toward maximum signage permitted.

(8) Window signs limited to the inside surface of windows and doors are permitted but not greater than 15% of the window or door glass surface area of each store.

J. Landscaping.

(1) Street trees shall be provided in accordance with § 420.3 of the Borough Subdivision and Land Development Ordinance.[21]

(a) Parking lot landscaping shall be provided in accordance with § 420.5 of the Borough Subdivision and Land Development Ordinance.

(b) This requirement may be waived by Borough Council where existing centers and parking lots are redesigned and/or restriped.

(2) Street wall and landscaping criteria.

(a) Parking areas or parking lots that abut a street shall include a thirty-inch- to thirty-six-inch-high architectural wall plus landscape plant material buffer abutting the sidewalk along the street frontage.

(b) Parking shall be permitted between the street line and front of a building, provided the thirty-inch- to thirty-six-inch-high architectural wall along with a landscape softening buffer shall be installed along the street line except as required for driveway access and installation of street trees. Not more than 50% of the required parking of the entire Business Center Revitalization Overlay Master Plan shall be permitted between the street line and front of a building. This limitation shall apply only to parking situate 60 feet or less from a street line.

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21. Editor's Note: The Borough's Subdivision and Land Development Ordinance is on file and available for inspection or sale at Borough offices.

(c) Walls shall be constructed of masonry materials (such as brick, stone or stucco), including columns, and shall have a finished cap or molding along the entire length.

(3) Buffers along adjacent properties which are not roads. Parking shall be set back five feet from adjacent business/commercial uses and at least 10 feet from contiguous residential uses. Adjacent to residential uses, a solid opaque fence at a minimum height of six feet shall be installed. Evergreen trees and shrubs shall be planted along both sides of the required fence to soften views to the center from residential properties.

K. Council may modify or waive specific requirements if it determines an improved development plan or better traffic circulation will result.

ARTICLE XVIA
Business (B-2) District

§ 122-16A00. Legislative intent.

A. To preserve and build upon the strengths of the Business District of the Borough.

B. To support the Main Street commercial corridor.

C. To encourage unified mixed-use development that is supportive of the character and uses of the downtown commercial core.

D. To facilitate pedestrian connections between buildings, parking areas, sidewalks, and transit stations and stops and to encourage consolidation of driveways, parking and curb cuts to provide efficient, economical and safe access and parking.

E. To encourage the formation and continuance of a thriving environment for business and professional offices together with residences and other limited commercial uses.

§ 122-16A01. Permitted primary uses.

A building may be erected, altered or used and a lot or premises may be used for any of the following purposes:

A. Business or professional offices, real estate and insurance offices, general office buildings, studios, banks or financial institutions, savings and loan associations.

B. Hotels, motels, extended stay hotels, age-restricted housing.

C. Public or private parking structures, provided that the street level of the primary facade shall contain improved and leasable space available for any of the permitted uses in the B-2 District.

D. Business colleges, private trade schools, nursing schools, and other education institutions.

E. Arts and cultural center.

F. Municipal uses (excluding a dump), telephone control offices, communications or other public utility offices.

§ 122-16A02. Permitted secondary uses.

The following secondary activities which support the primary activities are permitted, subject to the development and performance standards set forth herein. Permitted secondary uses shall be located in the same building with a primary use. Secondary uses shall not occupy more than 10% of the total leasable floor space. Secondary uses shall be developed only as part of a primary permitted use and shall not be in operation prior to said primary permitted use.

A. Newspaper publishing.

B. Radio-television stations, telephone exchanges or transformer stations, provided that all buildings or structures except fences and barriers are located not less than 50 feet from a residential district.

C. Passenger stations for public transportation, including railroad stations, bus passenger stations or bus terminals.

D. Any use of the same general character as any of the uses hereinabove specifically permitted shall be permitted as a conditional use.

E. Retail stores for the sale of dry goods, variety and general merchandise, clothing, foods, drugs, furnishings or other household supplies.

F. Sale and repair of jewelry, watches, clocks, optical goods or musical, professional or scientific instruments.

G. Restaurants, tearooms, places of business dispensing alcoholic and malt beverages in accordance with the Pennsylvania Liquor Control Board licensing provisions (provided that the same are not located within 100 feet of any residential zone).

H. Retail bakers, confectionery or ice cream shops or other places serving food or beverages, including delicatessens.

I. Florist shops.

J. Personal service shops, including only tailors, barbers, beauty salons, shoe repair, dressmaking or similar shops, laundries or dry-cleaning establishments as long as there is no cleaning, laundering, pressing or other processing of goods on the premises.

§ 122-16A03. Build-to lines; yard setbacks; street location; sidewalks; height; stepbacks.

A. Build-to lines. The build-to line shall be no more than 15 feet behind and parallel to the curbline. The front (main entrance side) of all buildings shall be set at the build-to line.

B. Yard setbacks. Side and rear yard setbacks shall not be required between similar uses. In no event shall a building be located closer than 50 feet from residential districts existing at the time of enactment of this article.

C. A public street shall be constructed to provide access to the rear property line of lots facing Main Street, providing access to the existing public street system. Public streets shall be constructed in accordance with Article V of the Subdivision and Land Development Ordinance.[22]

D. Sidewalks are required along all existing and proposed streets in the B-2 District.

E. The height of any building or structure shall not exceed 65 feet from finished grade to parapet.

F. Height stepback. For every building whose height (measured from finish grade to top of parapet) exceeds 30 feet, there shall be a stepback in height on the side facing the public street. The total mass of the building in excess of 30 feet shall be stepped back 1/2 foot horizontally for every one foot in height above 30 feet but in no case resulting in a requirement stepback greater than 10 feet.

§ 122-16A04. Building orientation.

A. All building fronts (with the main entrance) shall be oriented toward or face a primary public street wherever feasible. Primary public streets shall include existing or new streets with the greatest property frontage and which provide the primary means of pedestrian access. Existing primary public streets in the B-2 District shall include Third Street, Second Street, Richardson Avenue, and Madison Street and any extension thereof. Where properties are not adjacent to a primary street, building fronts shall face a secondary street wherever feasible. Secondary streets shall include existing or new streets which are parallel to the side of a lot and which serve as a connecting link between two primary streets. Existing secondary streets in the B-2 District shall include Wood Street and any extension thereof. In the case of corner lots, buildings must be oriented toward or face the street of higher classification, as determined by Borough Council, or be oriented or face both fronting streets. In no case shall a building front face a service street.

§ 122-16A05. Facade treatment.

The front, side and rear facade of buildings abutting the sidewalk along a public or private street or facing a residential zoning district must incorporate design features totaling at least 60% of the area of the facade. Design features shall include windows, entry doors, facade articulation, or awnings. At least 40% of the facade treatment must consist of windows permitting views into the building.

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22. **Editor's Note: The Borough's Subdivision and Land Development Ordinance is on file and available for inspection or sale at Borough offices.**

ARTICLE XVIB
Business Park Overlay District
[Added 7-3-2002 by Ord. No. 1681]

§ 122-16B00. Legislative intent.

A. To provide an attractive working environment for and conducive to the development of offices, research and development, and specialized light manufacturing establishments.

B. To encourage redevelopment of existing brownfields sites into productive employment centers.

C. To provide for compliance with appropriate design standards to ensure creation of a well-organized and coherent business park that has a clear street system and regular location of buildings in relation to the streets.

D. To provide buffering and landscaping standards to protect adjacent existing residential uses.

E. To provide for safe and efficient vehicular and pedestrian circulation and access to public transportation.

F. To ensure the provision of adequate drainage and stormwater management.

G. To provide alternative development options in addition to the underlying existing zoning.

§ 122-16B01. Applicability.

The buildings and land uses within the Business Park District Overlay District shall be controlled by the pertinent regulations within the underlying existing zoning districts, except as modified by the requirements of this article, which shall apply in addition to the regulations imposed by the underlying existing zoning districts. Where the underlying existing zoning regulations differ from the requirements of this article, the provisions contained in this article shall govern and apply.

§ 122-16B02. Permitted primary uses.

The following uses, and no other, shall be permitted by right in addition to those listed as permitted uses in the base zoning districts:

A. Research services, including laboratories, scientific, medical, chemical, applied physics, mechanical, electronic, biological, genetic or other similar experimental research, product development or testing facility.

B. Professional, business and administrative offices.

C. Communications, including radio and television broadcasting (studios only), telephone company offices, recording and sound studios, and motion-picture studios.

D. Data-processing services.

E. Finance, insurance and real estate services.

F. Printing and publishing.

G. Off-street parking and parking structures.

H. Any use of the same general character as uses hereinabove specifically permitted shall be permitted as a conditional use.

§ 122-16B03. Permitted secondary uses.

The following secondary activities which support the primary activities are permitted, subject to the development and performance standards set forth herein. Secondary uses shall not occupy more than 20% of the total leasable floor space. Secondary uses shall be developed only as part of a primary permitted use and shall not be in operation prior to said primary permitted use.

A. Support and maintenance shops for the above uses when located within the same building.

B. Concessions and services which are provided for the convenience of the occupants of the buildings, including but not limited to corporate lodging, restaurants and retail uses incidental to and in support of the above permitted uses, provided they are located within a main building and there is no exterior evidence of such accessory uses such as signs or display windows.

C. Storage activities and warehouse facilities are permitted only as part of a primary activity, shall be located in the same building as the permitted primary use, and shall comprise less than 20% of the activity's floor spaces.

D. Day-care center.

§ 122-16B04. Building location, height and intensity.

A. Building location. Buildings shall be located with the main entrance wall fronting on a street.

B. Building setbacks. Buildings may be set back a maximum of 25 feet from any street right-of-way and 20 feet from any other property line, except that buildings shall be set back a minimum of 100 feet when abutting a residential zoning boundary or a residential use.

C. Development of building as infill is encouraged.

D. The height of any building or structure shall not exceed 65 feet from finished grade to parapet.

E. Floor area ratio. The maximum floor area ratio shall not exceed 0.50. The floor area ratio does not include parking structures or basements, provided that the basement is used for

mechanical and/or dead storage only. If the basement is used for anything other than the above-mentioned uses, then it will be included in the floor area ratio.

F. Impervious surface coverage. In no case shall more than 80% of the lot area of any lot be occupied by building, parking area, driveways and other impervious coverage. The remaining portion of the lot, not to be less than 20%, shall be landscaped.

§ 122-16B05. Parking and screening requirements.

A. Parking requirements for uses not specified. The parking requirements for uses which are not specified in Article XX, Off-Street Parking and Loading, shall be determined by the Zoning Officer. Said determination shall be based upon the requirements for the most comparable use specified herein.

B. Parking location. All parking shall be located behind or to the side of the building as viewed from the main entrance.

C. Parking setbacks. All parking areas shall be set back a minimum of ten feet from each property line, except that a setback of 50 feet is required when abutting a residential zoning district or residential use.

D. Screening. Planting of at least five feet in depth shall be provided along the perimeter of parking areas to screen parking and loading areas from adjoining public access streets and lots.

E. Structured parking. Any structured parking above the finished ground level shall have the same setback requirements and height requirements as outlined for primary uses and shall be architecturally compatible in terms of materials, colors and facade rhythm.

ARTICLE XVII
Industrial District

§ 122-1700. Permitted uses. [Amended 11-15-1995 by Ord. No. 1555; amended 9-6-2000 by Ord. No. 1658; 10-4-2000 by Ord. No. 1661; 4-5-2006 by Ord. No. 1741; 10-21-2009 by Ord. No. 1779]

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

A. The manufacture, compounding, processing, packing or treatment of such products as candy, cosmetics, drugs, perfumes, pharmaceuticals, toiletries and food products, except the rendering or refining of fats and oils.

B. The manufacture, compounding, assembly and treatment of articles of merchandise of the following previously prepared materials: aluminum, bone, cellophane, canvas, cloth, cork, feathers, felt fiber, fur, glass, hair, leather, paper, plastics, precious or semiprecious metals or stones, shell, rubber, tin, tobacco, wood (excluding a sawmill), tars, resins and paint, not involving a boiling process and where there are no noxious odors.

C. The manufacture of putty, pottery, figurines or other similar ceramic products using only previously pulverized clay in kilns fired by electricity or gas.

D. The manufacture and maintenance of billboards and commercial advertising structures.

E. Lightweight foundry casting or nonferrous metals not causing noxious fumes or odors or noise.

F. The sale, storage or sorting of materials, machinery and equipment, but not including processing. This does not include junkyards.

G. Planing mills.

H. Machine shops or other metalworking shops, excluding drop hammers and other noise-producing machine-operated tools.

I. The manufacture of brick, tile or terra-cotta.

J. Freight classification yards.

K. Plastic fabrication.

L. Any uses customarily incident to a use authorized by this section, except that uses specified herein as permitted only by special exception shall not be permitted as accessory uses.

M. Gasoline filling stations and automobile repair facilities.

N. Storage garage.

O. Automobile laundry or car-washing establishments.

P. A lot or building for the sale of new and used motor vehicle, truck and trailer and farm machinery sales (where the showrooms are enclosed), which includes a used car lot and repair shop adjacent to and in connection therewith.

Q. Hotel, provided that the hotel is located on a lot having a minimum lot size of five acres.

R. Office building, provided that any such building shall contain no more than two stories and shall be located only on a tract with mixed industrial uses containing not less than 20 acres.

S. Historic Rehabilitation Overlay District, when permitted by conditional use, subject to the regulations of § 122-1713, on those properties specifically designated by Borough Council pursuant to a Zoning Map amendment.

(1) Applicant shall demonstrate compliance with architectural standards commensurate with the exterior design and materials of an exterior rehabilitation following the guidelines of the Secretary of the Interior.

(2) Applicant shall submit sufficient information in the form of conceptual architectural elevations or sketches of the common areas and any proposed building or the rehabilitation of existing buildings in order to demonstrate that the

Historic Rehabilitation Overlay District is designed as a harmonious development of related structures which incorporates common access drives, shared parking, common area maintenance and a common stormwater management plan.

(3) Each applicant shall submit architectural elevation drawings for all sides of the building(s), including those that are visible from any internal courtyards, showing concepts for facades, roof design and materials for buildings and incorporate specific design standards as set forth in § 122-1713.

(a) These design standards include, but may not necessarily be limited to, building and streetscape elements such as the type of lighting, sidewalk design, street furniture, street signs and architectural details and facade materials.

(b) Architectural performance standards such as screening of parking facilities, loading areas and all mechanical equipment; building entrances; the massing of buildings to reinforce the design of an urban space; and sign control.

(4) The elevations or sketches submitted shall also demonstrate the use of compatible building materials among the various rehabilitations proposed.

(5) In lieu of strictly complying with the design standards set forth in § 122-1713, an applicant may offer to Borough Council to place a deed restriction upon its property which provides that development of its property will be substantially in accordance with its plan; and Borough Council may in its discretion accept applicant's deed restriction in lieu of requiring the applicant to strictly comply with the design standards set forth in § 122-1713.

(6) Once approved, no building or part of building may be removed or altered without first obtaining conditional use approval.

T. Senior community center.

§ 122-1701. Prohibited uses.

A. The following uses or buildings shall not be permitted:

(1) Abattoirs.

(2) Acetylene gas manufacture.

(3) Acid manufacture.

(4) Arsenals.

(5) Asphalt manufacture or refining.

(6) Ammonia, bleaching powder or chlorine manufacture.

(7) Automobile dismantling or junk establishing, unless carried on in an enclosed building.

(8) Candle manufacture.

(9) Celluloid manufacture.

(10) Coke ovens.

(11) Commercial advertising on billboards, except advertising of a business or industry conducted on the premises.

(12) Creosote treatment or manufacture.

(13) Distillation of bones, coal or wood.

(14) Disinfectant manufacture.

(15) Dumping.

(16) Dyestuff manufacture.

(17) Exterminator and insect poison manufacture.

(18) Emery cloth and sandpaper manufacture.

(19) Fat rendering.

(20) Fertilizer manufacture.

(21) Fireworks or explosive manufacture or storage.

(22) Fish smoking or curing.

(23) Glue, size or gelatin manufacture.

(24) Lampblack manufacture.

(25) Match manufacture.

(26) Oilcloth or linoleum manufacture.

(27) Oiled or rubber goods manufacture.

(28) Ore reduction.

(29) Paint, oil, shellac, turpentine, varnish or alcoholic manufacture.

(30) Petroleum refining or storage.

(31) Plating works.

(32) Potash works.

(33) Pyroxylin manufacture.

(34) Rubber, caoutchouc or gutta-percha manufacture or treatment (but application to other material is permitted).

(35) Saltworks.

(36) Sauerkraut manufacture.

(37) Shoeblacking manufacture.

(38) Smelters.

(39) Soap manufacture.

(40) Soda and compound manufacture.

(41) Stockyards.

(42) Stove polish manufacture.

(43) Sulfuric, nitric or hydrochloric acid manufacture.

(44) Tallow, grease or storage of leather, rawhides or skins.

(45) Tar distillation manufacture.

(46) Tar roofing or waterproofing manufacture.

(47) Tar.

(48) Vinegar.

(49) Wood pulling or scouring.

(50) Yeast plants.

(51) Collection, storage or processing in any manner of trash, garbage or any other items of refuse.

(52) Any use otherwise permitted within this district which involves the storage, use, manufacture or shipping of any hazardous material or hazardous waste as identified in 40 CFR, Part 261, U.S. Code, published by the United States Environmental Protection Agency, or as contained in a similar list of hazardous wastes published by the Pennsylvania Department of Environmental Resources in Chapter 75, Sections 75.261 to 75.267, as amended, and its rules and regulations.[23]

§ 122-1702. Special exceptions.

The following uses are permitted when authorized as a special exception by the Zoning Hearing Board:

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23. Editor's Note: The Department of Environmental Resources was split into two and reorganized by Act 1995-18, now the Department of Environmental Protection, 71 P.S. § 510-1, or Department of Conservation and Natural Resources, 71 P.S. § 1340.301 et seq. For the list of hazardous wastes, see now 25 Pa. Code Ch. 261a, Identification and Listing of Hazardous Waste.

A. Petroleum product manufacture or wholesale storage of petroleum.

B. Asphalt manufacture or refining.

C. Paint, oil (including linseed), shellac, turpentine, lacquer or varnish manufacture.

D. Any other trade, industry or use, excluding any residential use or child day-care facility, that will be no more injurious, hazardous, noxious or offensive than those listed herein. **[Amended 5-6-1992 by Ord. No. 1477]**

§ 122-1703. Noxious or offensive uses prohibited.

No industrial use shall be permitted which is a nuisance industry, noxious or offensive to the surrounding neighborhood.

§ 122-1704. Sound levels.

A. At no point on the boundary of a residence or business district shall the sound-pressure level of any operation described and permitted herein exceed the described levels in the designated octave bands shown below for the districts indicated:

	Sound Levels	
Octave Band (cycles per second)	**Maximum Permitted Sound Level Along Residential District Boundaries (decibels)**	**At Any Other Point on the Lot Boundary (decibels)**
0 to 75	72	79
75 to 150	67	74
150 to 300	59	66
300 to 600	52	59
600 to 1,200	46	53
1,200 to 2,400	40	47
2,400 to 4,800	34	41
Above 4,800	32	39

B. The sound-pressure level shall be measured from a sound-level meter and an octave band analyzer which conform to the specifications published by the American Standards Association (American National Standard Specification for Sound Level Meters, S1.4-1971, American National Standards Institute, Inc., New York, New York, and the American Standard Specifications for an Octave, Half Octave and Third Octave Band Filter Sets, S1.11-1966. R 1971, American National Standards Institute, Inc., New York, New York, as amended).

§ 122-1705. Odors.

There shall be no emission of odorous gases or other odorous matter in such quantities as to be offensive at lot boundary lines. Any process which may involve the creation or emission of any odors shall be provided with a secondary safeguard system so that control will be maintained if the primary safeguard system should fail. There is hereby established as a guide in determining such quantities and levels of offensive odors which shall be the fifty-percent response level of Table I (Odor Thresholds and Air, Research on Chemical Odors: Part I – Odor Thresholds for 53 Commercial Chemicals, October 1968, Manufacturing Chemists Association, Inc., Washington, D.C., as amended to date), as amended.

§ 122-1706. Glare or heat.

Any operation producing intense glare or heat shall be performed within an enclosed building or behind a solid fence in such manner as to be completely imperceptible from any point beyond the lot lines.

§ 122-1707. Vibration.

No vibration which is discernible to the human sense of feeling shall be perceptible without instruments at any point beyond the lot lines.

§ 122-1708. Radioactivity or electrical disturbance.

There shall be no activities which emit dangerous or harmful radioactivity. There shall be no electrical disturbance (except from domestic household appliances) adversely affecting the operation of any equipment located beyond the property of the creator of such disturbance. There shall be no radio or electrical disturbance adversely affecting the operation of equipment belonging to someone other than the creator of the disturbance. If any use is proposed which incorporates the use of radioactive material, equipment or supplies, such use shall be in strict conformity with Chapters 221, 223, 225 and 229, Title 25, Article V, Pennsylvania Department of Environmental Resources Rules and Regulations, as amended.[24]

§ 122-1709. Outdoor storage and waste disposal.

A. No flammable or explosive liquids, solids or gases shall be stored in bulk above ground; provided, however, that tanks or drums of fuel directly connected with energy devices, heating devices or appliances located on the same lot as the tanks or drums of fuel are excluded from this provision.

B. All outdoor storage facilities for fuel, raw materials and products and all fuel and raw materials and products stored outdoors shall be enclosed by a fence adequate to conceal the facilities from any adjacent properties.

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24. Editor's Note: Now the Department of Environmental Protection.

C. No material or wastes shall be deposited upon a lot in such form or manner that they may be transferred off the lot by natural causes or forces.

D. All material 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.

§ 122-1710. Yards, setbacks, lot area and lot width.

A. There shall be a front yard of not less than 25 feet; two side yards, each not less than eight feet; and a rear yard of not less than eight feet. In no event shall any building used for manufacturing, fabricating, processing, machining, storage, repairs or gasoline sales be located closer than 200 feet to any residential district, nor any parking area or building used for any purpose not listed above closer than 100 feet to any residential district. The entire portion of any such setback which lies between the building or parking area and the property line, up to a maximum of 100 feet, shall be landscaped with trees, shrubs and grass. **[Amended 10-4-2000 by Ord. No. 1661]**

B. A lot area of not less than 40,000 square feet shall be provided for every building hereafter erected, altered or used in whole or in part, and the width of the lot shall not be less than 150 feet at the street line frontage.

§ 122-1711. Height.

The height of any building or structure shall not exceed 40 feet; provided, however, that said height limitation of 40 feet may be exceeded by one foot for every one foot of additional setback (above the required minimum) in each of the front yard, side yards and rear yard dimensions. In no event, however, shall any building or structure exceed 65 feet in height.

§ 122-1712. Building coverage and impervious surface coverage.

The building coverage shall not exceed 50% of the lot area, and the impervious surface coverage shall not exceed 75% of the lot area.

§ 122-1713. Special Regulations Historic Rehabilitation Overlay District. [Added 4-5-2006 by Ord. No. 1741]

A. Permitted uses. A building or group of buildings may be erected, altered or used and a lot or premises may be used or occupied for any of the following purposes and no other:

(1) Apartment houses.

(2) Accessory uses customarily incidental to the above, including:

(a) Parking lot or parking garage.

(b) Fitness center, limited to use by residents of the premises and their guests.

(c) Personal service[25] use, limited to the first floor or basement and limited to use by residents of the premises only.

(d) No-impact home-based business.

B. A minimum of 2.5 acres shall be required and a master plan shall be submitted illustrating the development or redevelopment for the entirety of each lot. Upon the approval of a master plan, sections of the lot may be developed on a phased basis. The master plan may include multiple uses and multiple buildings on a single lot.

C. The residential density shall not exceed a maximum of 40 dwelling units per acre of lot area.

D. Design standards.

(1) Architectural guidelines.

(a) Facade materials and roof designs shall be consistent with the requirements of the Secretary of the Interior for Historic Rehabilitation of Historic Places.

(b) Service functions, such as loading docks, utility meters, HVAC equipment and trash dumpsters, shall be incorporated into the overall design theme of the building so that the front and side facades are continuous and uninterrupted by ladders, towers, fences and equipment. These functions shall be located and screened so that the visual and acoustic impacts of these functions are fully contained and out of view from street frontages.

(c) Principal buildings shall have clearly defined, highly visible resident entrances with a mix of features such as canopies, porticoes, arches and integral planters that incorporate landscaped areas and/or areas for sitting.

(2) Site plan guidelines:

(a) Plazas and/or courtyards shall be provided as follows:

[1] At the corner of two intersecting roads which form road frontage to the center. Such spaces shall consist of not less than 500 square feet of paved surfaces which provide walking or seating areas, civic items such as fountain, clock, sculpture or masonry walls with municipal logos or names. Ornamental landscaping shall complement the design; or

[2] In the alternative to Subsection D(2)(a)[1] above, at a point along the front building facade or within the building which consists of not less than 1,000 square feet of paved and landscaped surfaces which provide walking or seating in addition to any required sidewalks along the front of the building.

[3] Plazas or courtyards shall be provided with architectural pavers, exposed aggregate or scored concrete, or deckwork, not asphalt, and

25. **Editor's Note: See the definition of "personal service" included in § 122-201.**

shall be appointed with streetscape features such as benches, sitting walls, planting beds, sculptures, fountains, lighting, railings and landscape space dividers such as shrubs or trees arranged to buffer the space from parking lots or entrances.

(b) Street and parking lot lighting shall be provided as follows:

[1] Street and parking lot lights shall be of pedestrian scale and complementary to the historic architecture to be preserved and positioned along the street frontage(s) and within parking lots at locations approved by the Borough, and shall not interfere or obstruct vehicular or pedestrian circulation or parking spaces.

[2] Parking lot lighting shall meet the following requirements:

[a] No light greater than 0.5 footcandle shall shine directly into the windows of a building on abutting property.

[b] No light greater than 0.5 footcandle shall shine directly from a light source onto the ground or improvements of an abutting property, although incidental light may be permitted to fall on abutting property.

[c] The height of the light source shall in no event exceed 20 feet unless specifically waived by Council and shall be of such pole design, color and fixture design to be consistent with revitalization and renewal plans established by the Borough.

[d] Light sources shall be shielded so that they are not visible from adjoining properties.

E. Setbacks.

(1) All buildings and parking shall be set back a minimum of four feet from the street line. A sidewalk shall be installed along all road frontage with a minimum width of 60 inches, which may be reduced by Borough Council to match the width equal to the prevailing sidewalk width on adjacent properties, but in no case shall be less than 48 inches in width.

(a) Existing buildings used or if reconstructed and reused shall maintain their current location unless waived by Council.

(2) All buildings shall be oriented toward or face the street, and in the case of corner lots, buildings shall be oriented or provide front facades toward adjacent streets where practicable.

F. Parking and loading areas.

(1) Required parking shall be provided off street and on lot on the following basis:

(a) A minimum of 1.5 parking spaces per one-bedroom or studio dwelling unit.

(b) A minimum of 2.0 parking spaces per two-bedroom or larger dwelling unit.

(c) Loading and unloading areas shall be provided in accordance with § 122-2004, Article XX, Off-Street Parking and Loading.

G. Phasing. When the development of a tract and the uses therein are in accordance with an approved master plan, a conveyance of a lot or parcel within the development shall be permitted upon compliance with the following conditions:

(1) The creation and recording of a condominium declaration in the 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 and maintenance of the common areas, access, green space and parking.

(2) Application of zoning regulations to the extent they are applicable to the approved master plan, including, but not limited to, building coverage, floor area ratio, impervious surface coverage, required green space, parking, loading, landscaping and signage, as well as required area, width and yard regulations, shall apply to the overall tract approved for development as a single master plan. Individual lots or parcels conveyed pursuant to this section need not comply with these zoning requirements.

H. Sign regulations. The master plan shall include a master sign plan indicating the height, size, location, color and material options of all signs and the quantity of monument signs and walls signs, except for those signs normally associated with those permitted by § 122-1905, Banners and temporary signs, and § 122-1907, Special signs, which shall be permitted in addition to the following:

(1) Monument signs: one sign per street frontage. Total area per sign face shall not exceed 40 square feet, having a maximum height of eight feet measured from mean ground elevation. Corner lots may have one of the permitted signs located at the intersection.

(2) One wall sign per building entrance not to exceed eight square feet, having a maximum height of 12 feet measured from ground elevation.

(3) Directional signs for entrances and parking lots not to exceed four square feet each, not greater in number than one per 30 parking spaces.

(4) Illumination of signs shall be permitted, subject to § 122-1911, Illumination regulations. In addition, illumination shall be by external sources only unless specifically modified by Council.

(5) The sign face of monument and freestanding signs shall be set back not less than four feet from the rear edge of a sidewalk.

I. Landscaping.

(1) Street trees shall be provided in accordance with § 420.3 of the Borough Subdivision and Land Development Ordinance.[26]

(a) Parking lot landscaping shall be provided in accordance with § 420.5 of the Borough Subdivision and Land Development Ordinance, including landscape trees within the parking lot, to the satisfaction of Borough Council.

(b) This requirement may be waived by Borough Council where existing buildings and parking lots are redesigned and/or restriped.

(2) Street fences, walls and landscaping criteria.

(a) Parking areas or parking lots that abut a street shall include a thirty-inch- to thirty-six-inch-high architectural wall and/or open fence plus landscape plant material buffer abutting the sidewalk along the street frontage.

(b) Walls shall be constructed of masonry materials (such as brick, stone or stucco), including columns, and shall have a finished cap or molding along the entire length.

(c) Fences, when used, shall be wood, wrought iron or approved simulations and shall include columns of masonry materials which shall be spaced at intervals no greater than 25 feet.

(d) Solid wood fences or masonry walls are permitted along edges of parking lots where a solid screen from adjacent uses is desired, subject to specific approval by Council.

(3) Buffers along adjacent properties which are not roads. Parking shall be set back five feet from adjacent industrial/commercial uses and at least 10 feet from contiguous residential uses. When adjacent to residential uses, a solid opaque fence at a minimum height of six feet shall be installed.

J. Building and area bulk standards.

(1) The height of any building or structure shall not exceed 50 feet.

(2) The building coverage shall not exceed 70% of the lot area.

(3) Maximum impervious surface coverage shall not exceed 90% of the lot area, provided that interior and exterior courtyards and grassed landscape areas created within the street rights-of-way shall be counted toward the minimum ten-percent nonimpervious requirement.

(4) The average dwelling unit size shall not be less than 1,000 square feet, and no unit shall be less than 700 square feet in floor area.

K. Council may modify or waive specific requirements if it determines an improved development plan or better traffic circulation will result.

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26. Editor's Note: The Borough's Subdivision and Land Development Ordinance is on file and available for inspection or sale at Borough offices.

ARTICLE XVIII
(Reserved) [27]

ARTICLE XIX
Signs

§ 122-1900. Definitions; permits; inspections.

A. Definitions. For the purpose of this article, the terms used herein are defined as follows:

ANIMATED SIGN — A sign with action or motion, flashing, color changes requiring electrical energy or electronic manufactured sources of supply, but not including wind-actuated elements such as flags, banners or specialty items.[28]

AWNING — A structure, as of canvas, stretched over a frame as a shelter from weather.

BANNER SIGN — Any sign intended to be hung either with or without frames, possessing characters, letters, illustrations or ornamentations applied to paper, plastic or fabric of any kind, but a single United States national flag of reasonable size shall not be considered a "banner" for the purpose of this article unless its use or purpose is that of advertising the location of the business at which it is flown.

BEACON LIGHT — Any light with one or more beams, capable of being directed in any direction or directions or capable of being revolved automatically.

BUILDING INSPECTOR — The person regularly assigned to that office or anyone temporarily performing the duties of the office or any other official to whom the duties of the office may be assigned by the Council or Borough Manager.

CHANGEABLE ELECTRONIC VARIABLE MESSAGE SIGN (CEVMS) — A sign which permits lights to be turned on or off intermittently or which is operated in a way whereby light is turned on or off intermittently, including any illuminated sign, whether or not such illumination is kept stationary or constant in intensity and color at all times when such sign is in use, including any light-emitting diode (LED) or digital information, and which varies in color or intensity. Not to include time-and-temperature signs or those signs located in the legal right-of-way for health and safety reasons (e.g., PennDOT signage). **[Added 8-5-2009 by Ord. No. 1775]**

CORNICE — The cornice directly over a window in the ground floor of a building.

CURBLINE — The established line and grade for the upper and outer edge of a curb.

DIRECTORY SIGN — A group of small signs advertising a group of professional, commercial or industrial individuals, companies, businesses or industries. Such signs may be erected in the manner of a freestanding sign or may be attached to a building or wall.

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27. Editor's Note: Original Art. XVIII, Dwellings on Smaller Lots, was repealed 12-15-2010 by Ord. No. 1801.

28. Editor's Note: The original definition of "area," which immediately followed this definition, was repealed 8-5-2009 by Ord. No. 1775. See now the definition of "sign area."

ERECT — To put in place and fasten to a building or elsewhere any sign or structure regulated by this article.

FESTOON LIGHTING — A directly illuminated sign comprised of either:

(1) A group of incandescent light bulbs hung or strung overhead or on a building or structure.

(2) Light bulbs not shaded or hooded or otherwise screened to prevent direct rays of light from shining on adjacent properties or rights-of-way.

FLASHING SIGN — An illuminated sign on which the artificial light is not maintained stationary and constant in intensity and/or color at all times when in use.

FREESTANDING SIGN — A sign which is not supported by attachment to a building or a wall.

HEIGHT — When applied to signs, the distance overall from top to bottom as erected in a vertical line.

NONCONFORMING SIGN — Any sign which does not comply with the applicable sign provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such sign was lawfully in existence prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation.

OFF-PREMISES SIGN — A sign which advertises or otherwise directs attention to an activity not on the same lot.

PERSON — The owner or person in possession of the premises and the erector of the sign, and shall include all individuals, partnerships, corporations and unincorporated associations.

PROJECTING SIGN — Any sign mounted to a wall or other vertical building surface other than a wall sign.

REBUILD — In connection with signs and structures, to make changes, additions or repairs which necessitate their temporary removal from their fastening.

RELOCATE — The removal of a sign from one building or location to another from its existing location to another location on the same building or property.

REVOLVING SIGN — A sign which revolves.

ROOF SIGN — A sign erected upon or above a roof or parapet wall of a building and which is wholly or partly supported by said building.

SIGN — An identification, description, illustration or device, illuminated or nonilluminated, which is visible from any public place and draws attention to a product, service, place, activity, person, institution, business or solicitation, or any emblem, painting, banner, pennant, placard or temporary display designed to advertise, identify or convey information, with the exception of national flags of reasonable size.

SIGN AREA — The area of all lettering, wording and accompanying designs and symbols, together with the background on which they are displayed. "Sign area" excludes any supporting framework and bracing, provided that it does not contain any lettering, wording, designs or symbols. Where the sign consists of a double face, only one side shall be considered for the purpose of calculating total sign area. Where both sides are not identical, all sides shall be considered in calculating total sign area. **[Added 8-5-2009 by Ord. No. 1775]**

STREET BANNER SIGN — Any banner sign which is stretched across and hung over a public right-of-way.

STREET LINE — The line of dedication in the case of a dedicated street and a line 25 feet on each side of the center line in the case of an alley, driveway or private road.

STRUCTURE — A marquee or steel framework supporting the roof sign.

THICKNESS — The distance between the outer surfaces of the two main spaces which are separated for construction purposes.

TRAILER SIGN — Any sign which is erected upon a structure having wheels, rollers or similar devices facilitating movement and is capable of being moved from one location to another.

WALL SIGN — A sign which is painted on a wall, glass surface or building or which consists of letters or symbols fastened either directly to a wall or a building or fastened to a panel which in turn is fastened to a wall or building, and which does not project more than six inches from the building or structure.

WIDTH — The overall distance by a horizontal line from one side of the sign to the other as the sign is erected and installed.

WINDOW SIGN — Any sign which in any manner is affixed to the exterior or interior of a glass surface where such glass surface comprises any portion of the building front on a public street.

B. Permits.

(1) The applicant for a permit to erect a sign or structure regulated by this article shall make application to the Building Inspector, setting forth the name of the owner of the property to which the sign or structure is to be attached, the name and address of the owner of the sign or structure and the name and address of the person, firm or corporation who is responsible for the erection and maintenance of the sign or structure.

(2) The applicant for a permit shall supply to the Building Inspector such detailed information as to the structural features of the sign as well as such plans and specifications, including a scale drawing of the same, as the Building Inspector may in each case require in order to determine the conformance of the proposed sign with the requirements of this chapter.

(3) No person shall be permitted or authorized to erect any sign or structure for which a permit is required under this article without procuring a proper permit, to be issued by the officers of the Borough designated for the issuance of permits. The registration certificate number of the permit shall be displayed on all signs or structures requiring a permit as provided herein.

C. Inspections. The Building Inspector may inspect any sign at any time, and whenever any sign or structure is found to be unsafe in fastening or construction, the Building Inspector shall notify the owner and the person responsible for the erection and maintenance thereof and the owner of the property on which the sign or structure is located and shall take the necessary legal steps given in this article for the removal of the sign or structure if the necessary corrections cannot be made within the time fixed in the notice issued by the Building Inspector, which notice shall be in writing.

§ 122-1901. Projecting signs.

A. Extension. Signs may be set at an angle with the building and may project therefrom, but no part of such sign shall project so far as to be within four feet of the curbline.

B. Height. The distance between the level and the bottom of a projecting sign shall not be less than 10 feet.

C. Size. A projecting sign shall be not more than five feet in width and three feet in height.

D. Supports and fastenings. Any sign attached to a building shall be fastened directly to the walls by well-secured metal anchors. Wooden supports or bases shall not be permitted except for lawn signs. No electric lights or fixtures shall be attached in any manner to a wooden sign attached to a building, nor shall a post or posts designed to support a sign be erected outside the building line.

§ 122-1902. Awnings.

A. Signage. Signs on awnings shall be limited to the end panels and skirts, and coverage shall not exceed 25% of the area of the skirt and/or end panel.

B. Retractable awnings. There shall be a minimum clearance of seven feet from the lowest point of the awning structure to the sidewalk. Retractable awnings shall be securely fastened to the building and shall not extend farther than six feet from the building nor closer than 12 inches to the curbline. They shall be equipped with a mechanism or device for raising and holding the awning in a retracted or closed position against the face of the building.

C. Fixed or permanent awnings. The clearance from the sidewalk to the lowest part of any fixed or permanent awning shall be the same as required in Subsection B for retractable awnings. Fixed or permanent awnings installed above the first story shall not project more than four feet.

D. Rigid awnings. Those awnings supported in whole or in part by members resting on the ground shall be prohibited.

§ 122-1903. Wall signs.

The area of a wall sign shall not exceed a maximum of 2 1/2 square feet for each linear foot of front building wall on a public street, up to a maximum total sign area of 60 square feet, with a corresponding width to height ratio of 2:1. In determining the size of a wall sign for this purpose, if the letters or symbols are fastened to a panel or if a border circumscribes the letters or symbols, in either case, the area shall be determined by the square footage encompassed by the panel or border. In all other cases, the area shall be determined as that area that would be encompassed within a border if one did circumscribe the sign message or symbols on the outside limits of the same, horizontally and vertically, with straight lines, the horizontal lines being parallel with each other and the vertical lines being parallel with each other.

§ 122-1904. Freestanding signs.

A. No projection into setback area. No freestanding sign on its base or foundation shall extend over or be placed within the setback area of the district in which it is located.

B. Supports and strengths. The supports, base and foundation of all freestanding signs shall be of sufficiently desirable quality as to support the weight of the sign without danger of collapse or falling and shall be maintained in such order and shall be designed so that the sign, supports, base and foundation will withstand a wind pressure of at least 30 pounds per square foot of surface of the sign area. Any freestanding sign over 10 feet in height, measured from ground level to the highest point of the sign or support, whichever is higher, shall be supported by metal supports. No more than two signs shall be attached to one base or foundation.

C. Sizes. No freestanding sign shall exceed 24 square feet in area unless the bottom of the surface of the sign is eight feet or more above ground level, in which case such sign shall not exceed 60 square feet in area for a single use and/or tenant, with an additional 10 square feet of sign area for each additional use and/or tenant, not to exceed a maximum of 80 square feet in area.

D. Landscaping. For each freestanding sign, the applicant shall provide two square feet of landscaped area for each square foot of sign area. To the maximum extent practicable, landscaping shall be situated at or near the base of the sign, but if such location is not practicable, the specific location of the required landscaping shall be subject to approval of the Borough Zoning Officer.

E. Except as provided in § 122-1913, not more than one freestanding sign shall be erected for each street frontage. **[Added 8-5-2009 by Ord. No. 1775]**

§ 122-1905. Banners and temporary signs.

Banners and temporary signs which advertise sales or special events are permitted, provided that only one such banner or temporary sign shall be permitted on each property for each street frontage on a public right-of-way, provided that such banner must be affixed to a building, and:

A. The maximum area of such banner shall not exceed 60 square feet. The maximum area of such temporary sign shall not exceed 24 square feet.

B. No banner or temporary sign shall extend into or over a public right-of-way.

C. The banner or temporary sign may not be displayed earlier than 15 days prior to the event, and such banner and temporary sign can only be displayed for a maximum of 30 days.

D. Applicants must obtain a temporary sign permit from the Zoning Officer prior to displaying a banner or temporary sign.

E. Temporary signs may be displayed for a total of 60 days each calendar year. A maximum of two permits per year for temporary signs or banner signs shall be issued by the Borough. Window signs, when accessory to a principal business or commercial establishment and installed in accordance with § 122-1914, shall not be considered temporary signs. **[Amended 8-5-2009 by Ord. No. 1775]**

§ 122-1906. Directory signs.

The size of a directory sign shall be measured from the area of the panel on which it is placed or, if no panel, then by the total area of the surface which the letters and symbols cover. A directory sign shall not exceed 24 square feet in area.

§ 122-1907. Special signs.

Signs of the following types may be erected and installed in residential districts:

A. Signs advertising the sale or rental of premises upon which they are erected, when erected by the owner or by a broker or other like person interested in the sale or rental of such premises, may be erected and maintained, provided that the size of any such sign is not in excess of six square feet and that not more than two such signs are placed upon any property held in single and separate ownership, unless such property held in single and separate ownership fronts upon more than one street, in which event not more than two such signs may be erected on each frontage.

B. Signs advertising the sale or development of the premises upon which they are erected, when erected in connection with the development of the premises by a building contractor, developer or other like person interested therein, may be erected and maintained, provided that the size of any such sign is not in excess of 32 square feet and that not more than two such signs are placed upon any property held in single and separate ownership, unless such property fronts upon more than one street, in which event not more than two such signs may be erected on each frontage.

C. Signs indicating the location and direction of premises available for or in the process of development, but not erected on such premises, and having inscribed thereon the name of the owner, developer, building or agent, may be erected and maintained, provided that the size of any such sign is not in excess of six square feet nor four feet in length and that not more than one such sign is erected on each 500 feet of street frontage.

D. Signs bearing the word "sold" or "rental" or words of similar import, with the name of the person effecting the sale or rental, may be erected and maintained subject to the conditions specified in Subsection A of this section.

E. Signs of mechanics, painters and other artisans may be erected and maintained during the period such persons are performing work on the premises on which such signs are erected, provided that the size of any such sign is not in excess of 12 square feet and that such signs are removed promptly upon completion of the work; and provided, further, that not more than one such sign may be erected or maintained by each such mechanic, painter or artisan on the premises on which such work is being performed.

F. Signs advertising that furnishings and other equipment have been installed or placed on the premises may be erected and maintained on such premises, provided that the size of any such sign is not in excess of 12 square feet and that any such sign is removed promptly upon occupation of the house as a residence.

G. Signs of schools, colleges, churches, hospitals, sanitariums or other institutions erecting the same may be erected and maintained, provided that the size of any such sign is not in excess of 20 square feet and that not more than two such signs are placed on a property held in single and separate ownership, unless such property fronts upon more than one street, in which event not more than two such signs may be erected on each frontage.

H. Signs which, at the time this article becomes effective, are maintained in connection with a business then existing and lawfully conducted may be maintained or repaired or replaced with signs similar in size and character but may not be enlarged or otherwise substantially altered.

I. Off-premises signs. No off-premises signs shall be permitted within the Borough of Lansdale except in the Industrial District, and all off-premises signs must conform to the requirements set forth in § 122-1904 governing freestanding signs, except as follows: **[Amended 1-17-1996 by Ord. No. 1561]**

(1) Signs necessary for the direction, regulation and control of traffic, street name signs, legal notices, warnings at railroad crossings and other official signs which are singularly authorized or erected by duly constituted governmental bodies.

(2) Temporary signs advertising political parties or candidates for election may be erected or displayed and maintained, provided that:

(a) The size of any such sign is not in excess of four square feet.

(b) The sign shall not be erected or displayed earlier than 30 days prior to the election to which they pertain and shall be removed within seven days after said election.

(3) Temporary nonilluminated signs directing persons to temporary exhibits, temporary shows, special events of a noncommercial nature or proposed developments may be erected, subject to the following requirements:

(a) Signs shall not exceed six square feet in area.

(b) Signs shall not be posted earlier than seven days before the occurrence of the event to which they relate and must be removed within seven days after the date of the show, event, sale or rental of the final unit in such development.

(c) Nonilluminated signs shall be used for directing patrons, members or an audience to service clubs, churches or other nonprofit organizations, provided that signs indicate only the name of the organization and place, date and time of meeting.

§ 122-1908. General regulations.

A. Prohibited signs. The following types of signs or illumination of signs shall be prohibited in the Borough of Lansdale:

(1) Flashing signs.

(2) Roof signs.

(3) Revolving signs.

(4) Festoon lighting.

(5) Animated signs.

(6) Trailer signs.

(7) Beacon lights.

(8) Street banner signs.

(9) Any sign using the words "stop," "look," "danger" or any other word or symbol or character that attempts or appears to attempt to direct the movement of traffic or that interferes with or resembles any official sign, signal or device. **[Added 8-5-2009 by Ord. No. 1775]**

(10) Any sign displaying any potentially offensive representation of any specified sexual activities, as defined in § 122-3101 of this chapter. **[Added 8-5-2009 by Ord. No. 1775]**

B. Security of signs. All signs shall be adequately secured in such manner as to comply with applicable codes and ordinances of the Borough of Lansdale.

C. Obstruction of openings. No sign or structure shall be so erected as to obstruct any door, window or fire escape of any building or interfere with the use of the sidewalk.

D. Maintenance. Every sign or structure shall be constructed of durable and fire-resistant materials. Every person responsible for a sign or structure shall keep the same in proper repair and properly painted whenever the sign has painted parts and shall keep all metal parts and supports thereof that are not galvanized or made of rust-resisting materials properly covered with paint.

E. Unsafe signs or structures. Whenever, in the judgment of the Building Inspector, any sign or structure regulated by this article is unsafe, insecure or in danger of falling, the owner of the property on which the sign or structure is erected shall be held responsible; and upon written notice from the Building Inspector, the owner shall cause the dangerous condition to be abated. If the owner of said property does not comply with the requirements of said notice within the time specified therein, the Building Inspector shall cause said sign or structure to be removed or made safe at the expense of the Borough; and the amount of said expense, together with all other necessary expenses incurred by the Borough in the case, shall be recovered from the owner of the property in an action of law or by municipalities.

F. The maximum square footage for any one type of sign shall apply regardless of the number of that type of sign installed on the property. For example, the maximum size of a wall sign is 60 square feet. The maximum applies whether there is one wall sign or four wall signs, so that the total square footage of the four wall signs may not exceed 60 square feet. **[Added 8-5-2009 by Ord. No. 1775]**

§ 122-1909. Signs permitted by district.

Other than as provided in the following, no sign shall be erected in the Borough of Lansdale.

A. Commercial, Business and Industrial Districts: All signs referred to as permitted signs in this Article XIX may be erected in the Commercial, Business and Industrial Districts of the Borough of Lansdale.

B. Residential districts: Only those signs set forth in §§ 122-1907 and 122-400E[29] may be erected in the residential districts of the Borough of Lansdale.

C. Professional Office A and B Districts: There shall be permitted, with the obtaining of a permit from the Borough of Lansdale, with a maximum size sign of 16 square feet, neither dimension to exceed five feet either vertically or horizontally, to be a freestanding or directory sign. The sign shall be set back at least four feet from the inside of the sidewalk line and not less than six feet from any side property line.

D. Limited Professional Office District: Signs shall be erected as permitted in § 122-1402.

§ 122-1910. Permit fees.

All permit fees for signs and inspection thereof shall be adopted by resolution of the Borough Council, as such may be updated from time to time, and which shall be on file and available for public use in the office of the Building Inspector and/or Zoning Officer.

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29. Editor's Note: § 122-400E was repealed 11-16-2011 by Ord. No. 1813; see now § 122-2208B for provisions related to signs in conjunction with home occupations.

§ 122-1911. Illumination regulations.

Any permitted illumination of signs, buildings or structures in any zoning district shall be subject to the following regulations:

A. There shall be no illumination of a moving, flashing or intermittent type.

B. Floodlight control shall be so shielded that the source of light shall not be visible from any point off the lot on which the sign, building or structure being illuminated is erected and so that only the sign, building or structure is directly illuminated.

§ 122-1912. Changeable wording on permanent signs. [Added 8-5-2009 by Ord. No. 1775]

Changeable wording on permanent signs shall be permitted when accessory to a principal business or commercial establishment when the wording on such signs is changed manually and shall be subject to all of the following provisions:

A. All changeable letters and numbers shall not exceed six inches in height.

B. All changeable letters and numbers shall not exceed 20% of the respective permanent sign.

C. Changeable electronic variable message signs (CEVMS) are prohibited.

§ 122-1913. Portable freestanding signs. [Added 8-5-2009 by Ord. No. 1775]

Portable freestanding signs shall be permitted when accessory to a principal business or commercial establishment, provided that each such portable freestanding sign shall comply with the following:

A. Clearly accessory to and placed adjacent to a permitted business or sign.

B. Limited to one portable freestanding sign per business establishment, except as permitted in Subsection F hereof.

C. Contain a total area not exceeding two feet by three feet per sign face.

D. Displayed only during regular business hours of the establishment.

E. Placed on private property or placed on the public sidewalk, provided that placement of such sign allows an unobstructed sidewalk for pedestrian use having a width of not less than five feet; and provided, further, that such sign is not placed within a sight distance triangle as defined and established under the provisions of the Subdivision and Land Development Ordinance.[30]

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30. Editor's Note: See Ch. 107, Subdivision of Land; the Subdivision and Land Development Ordinance is on file in the Borough offices.

F. One additional menu board (a portable freestanding sign containing a listing of menu items), not exceeding six square feet, is permitted on the premises of eating or drinking establishments.

§ 122-1914. Window signs. [Added 8-5-2009 by Ord. No. 1775]

Window signs shall be permitted when accessory to a principal business or commercial establishment, subject to all of the following provisions:

A. Window signs shall be mounted only to the inside surface of windows and doors.

B. The total square footage of window signage shall not exceed 15% of the square footage of the individual window at/on which the sign is located.

C. Window signs shall be installed only at/on the windows of the first floor/ground level floor of a building.

D. Window signs shall be installed on one facade only of any building. In the event that a building has multiple street frontages, window signs shall be limited to no more than two street frontages.

E. Window signs shall be professionally designed and manufactured.

F. Seasonal window art (displayed for a maximum of 45 days) which does not advertise any product, service or the name of a business shall be exempt from the provisions set forth in Subsections A, B and E hereof.

§ 122-1915. Nonconforming signs. [Added 8-5-2009 by Ord. No. 1775]

A. Any sign that was legal when erected, existing at the time of passage of this chapter, as amended, that does not conform to the regulations adopted hereby shall be considered a nonconforming sign. If the nonconforming sign is removed pursuant to a sale of the premises, any new sign or signs shall conform to the requirements of this chapter, as amended. If the sign is destroyed, the sign shall lose its nonconforming status unless it is replaced within three months; however, it may be repaired, replaced or repainted without loss of nonconforming status.

B. If any illegal, nonconforming sign shall be removed by reason of a street widening or any other municipal or governmental improvements, the owner of such sign may replace it; provided, however, that the new sign does not exceed the dimensions or size of the preexisting, nonconforming sign.

ARTICLE XX
Off-Street Parking and Loading

§ 122-2000. Off-street parking required.

Any building or other structure erected, altered or used or any lot used or occupied for any of the purposes set forth in § 122-2003 herein shall be provided with minimum off-street parking

spaces as set forth below, together with adequate passageways or driveways or other means of circulation and access to and from a street or way.

§ 122-2001. Size of parking spaces. [Amended 10-7-1992 by Ord. No. 1492]

A parking space shall consist of not less than nine feet of width nor 18 feet of length of usable area, excluding driveways. A garage may be counted as a parking space for the number of vehicles it is capable of holding.

§ 122-2002. Driveway specifications. [Amended 10-7-1993 by Ord. No. 1492; 10-16-1996 by Ord. No. 1585 12-17-2003 by Ord. No. 1709]

A. Single-family-dwelling driveways. Driveways shall not be less than 10 feet wide.

B. Single-family attached dwellings. Driveways shall not be less than 10 feet in width. In the event that parking is located to the rear of the attached dwelling units as a common parking area, driveways for turnaround purposes and ingress and egress to the parking spaces shall not be less than 16 feet in width. **[Added 10-16-1996 by Ord. No. 1585]**

C. Other driveways. Driveways within the parking lot for turnaround purposes and ingress and egress to parking spaces shall not be less than 24 feet wide. **[Amended 10-7-1993 by Ord. No. 1492]**

D. One-way driveways. The width of a driveway providing ingress/egress to a street line may be reduced to 15 feet if the driveway is designated and defined as one-way.

E. Other requirements. All driveways shall meet the requirements for driveways and access as set forth in the Lansdale Borough Subdivision and Land Development Ordinance.

§ 122-2003. Number of spaces required.

A. Residential uses. Not fewer than two off-street parking spaces with proper access from the street or right-of-way shall be provided for every family occupying a residential building which is hereafter erected or converted to such use. The following types of residential use shall provide off-street parking with proper access from the street or right-of-way as set forth as follows:

(1) Apartments and duplex dwellings. The total number of parking and garage spaces shall not be less than two times the number of apartments in the building or units in the building, and not less than 1/2 of this number shall be in parking spaces not located in a garage.

(2) (Reserved)[31]

(3) No common parking areas shall be permitted between the street line and any building. **[Amended 10-16-1996 by Ord. No. 1585]**

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31. **Editor's Note: Former Subsection A(2), regarding hotels and motels, was redesignated as Subsections B(12) 10-4-2000 by Ord. No. 1661.**

(4) In the case of any single-family-dwelling residential use where the lot frontage is 50 feet or less and the lot in question abuts an alley, parking shall be allowed in that part of the side yard area to the rear wall of the dwelling up to the side line of the property. In all such cases, however, access to said parking area shall be from the alley.

(5) In any residential district where a single-family dwelling has a one-car attached garage and an extension of the driveway to said garage would infringe on side yard setback requirements, notwithstanding the side yard infringement, the driveway may be extended in width to a maximum of eight additional feet, parallel with the driveway, to provide an additional off-street parking space, as long as the extended parking area is located at least eight feet from each side lot line of the property and it is not located in front of any portion of the building used for dwelling purposes and as long as the depressed curb opening is not increased in width. In all other cases, the extension of the width of a driveway or construction of a turnaround area in the front yard is prohibited; and provided, further, that the foregoing extension of a driveway may not be made in the case of a dwelling on a corner lot if the extended area would extend into the front yard setback of the other street. Notwithstanding any of the foregoing, this subsection shall not be construed to prohibit parking in the existing driveway leading to a garage in use or to a one-car garage discontinued in use.

(6) No common parking area shall be permitted for a distance of 20 feet from the rear of the building. The aforesaid 20 feet (or such greater amount as may be provided) shall be landscaped in accordance with the Land Development/Subdivision Ordinance No. 1226.[32] **[Amended 10-16-1996 by Ord. No. 1585]**

(7) Tourist, boarding- or rooming houses shall provide one space for each guest bedroom.

B. Nonresidential uses. Off-street parking, together with proper access from a street or alley, shall be provided in the amounts indicated below on any lot on which the following types of uses are hereafter established:

(1) Hospitals and sanitoriums shall provide 1 1/2 spaces for every three beds.

(2) Convalescent homes, nursing homes and homes for the infirmed or aged shall provide one parking space for every three beds. (This provision shall not apply to retirement homes, which shall have the same parking requirements as apartments.)

(3) Restaurants, tearooms or places of business dispensing alcoholic and malt beverages shall provide one space for each 50 square feet of floor space devoted to customer use.

(4) Retail stores, office buildings, recreational establishments and banks.

(a) Retail stores shall provide two parking spaces plus one parking space for each 750 square feet of gross floor area in excess of 1,000 square feet,

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32. Editor's Note: The Subdivision and Land Development Ordinance is on file in the Borough offices.

exclusive of the basement if the basement is not used for sale or display of merchandise.

(b) Office buildings, recreational establishments, wholesale establishments, studios, business schools and banks or similar financial institutions (not including drive-in banking facilities) shall provide at least one space for each 200 square feet of floor area, exclusive of basement not used for business purposes.

(5) Theaters, movie theaters, auditoriums, stadiums or other places of public assemblage shall provide one space for every four seats. Churches shall also provide one additional space for each church official whose residence is on the premises. In a church, theater or auditorium, if there are no seats but benches are provided, then 20 inches of the bench is similar to one seat and shall be considered as one seat for determining requirements hereunder.

(6) Department stores and supermarkets shall provide one parking space for every 150 square feet of gross floor area.

(7) Public garages and gasoline filling stations shall provide at least three parking spaces, either within or without the structure, for each 500 square feet of floor or ground area or portion thereof devoted to repair or service facilities, which shall be in addition to the space allocated to the normal storage of vehicles. Automobile laundries and car-wash establishments, when permitted by special exception, shall provide 20 parking spaces consisting of 4,000 square feet of waiting space for vehicles at or adjacent to the entrance of the establishment on the same lot, and in addition they shall provide eight spaces consisting of 1,600 square feet of drying space at the exit of the establishment on the same lot. If the automobile laundry or car wash is used in connection with any other use permitted under this chapter, these spaces shall be in addition to those required for that use.

(8) For private, parochial or public elementary or junior high schools, one space shall be provided for each employee and one additional space for each classroom. For business schools and colleges, one space shall be provided for each employee and one additional space for each student. For private, parochial or public high schools, one space shall be provided for each employee and one additional space for each seven students enrolled.

(9) Mortuaries, funeral homes, undertaking or embalming establishments shall provide one space for each 100 square feet of floor area devoted to assembly room purposes.

(10) Other commercial and business uses for which required parking is not specifically enumerated in this section shall provide one parking space for every 200 square feet of gross floor area or portion thereof, except when authorized as a special exception consistent with the requirements set forth herein for comparable establishments.

(11) Industrial establishments shall provide one space for each employee or one space per 400 square feet of gross floor area, whichever number shall be the greater.

(12) Hotels and motels. Hotels and motels shall provide 1 1/2 parking spaces for each guest room offered for occupancy by such hotel or motel. If a restaurant or other use is permitted with a hotel or motel, then in that event parking regulations applicable to restaurants shall be in addition to those required for the hotel or motel. **[Added 10-4-2000 by Ord. No. 1661]**

C. No parking shall be permitted in the required front yard. **[Amended 10-16-1996 by Ord. No. 1585]**

D. In addition to, and not in substitution of, that parking otherwise required by this section, any use shall provide an additional one parking space for each amusement game machine located for use upon the premises. **[Added 2-6-1991 by Ord. No. 1439]**

§ 122-2004. Loading and unloading.

In addition to the parking spaces herein required for theaters, schools, auditoriums, stadiums or any other places of public assembly, restaurants, retail stores, office buildings, wholesale establishments, public garages, automobile and gasoline service stations, hospitals and sanitariums and other commercial buildings, sufficient area, not less than 450 square feet, shall be provided inside or outside the main building for the loading and unloading of freight or passengers.

§ 122-2005. Waiver of requirements. [Amended 10-16-1996 by Ord. No. 1585; 9-6-2000 by Ord. No. 1658; 5-18-2005 by Ord. No. 1730]

Parking requirements as hereinabove set forth are waived in the case of a retail sales type of business and studios where a municipality owned off-street parking lot border is within 500 feet of the nearest property line. Additionally, parking requirements as hereinabove set forth are waived in the case of a specialty restaurant where a municipality owned off-street parking lot border is within 500 feet of the nearest property line.

§ 122-2006. Reductions.

Off-street parking facilities existing at the effective date of this article shall not subsequently be reduced to an amount less than required hereunder for a similar new building or new use. Off-street parking facilities provided to comply with the provisions of this article shall not subsequently be reduced below the requirements of this article.

§ 122-2007. Increases.

Whenever, after the date of this article, there is a change in the number of employees or in the lawful use of the premises or in any other unit of measurement specified in the foregoing sections of this article, and whenever such change creates a need for an increase in the number of off-street parking spaces as determined by the requirements of this article, more off-street parking facilities shall be provided within a reasonable time on the basis of the adjusted needs as determined by this article. In the case of unusual hardship arising out of the

requirements of this section, recourse may be had to the Zoning Hearing Board in the manner provided by law.

§ 122-2008. Access to facilities.

All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley as well as maneuvering areas. No driveways or curb cuts in any district shall exceed 30 feet in width, and detailed plans shall be submitted to the Building Inspector for approval for all curb cuts or driveway openings before a permit may be obtained therefor.

§ 122-2009. Paving requirements; reserve parking.

A. All parking areas shall be paved with an asphaltic or concrete surface affording adequate drainage and shall have proper guards where needed.

B. Reserve parking. If the number of required parking spaces is substantially larger than the number anticipated by the applicant, the reserve parking option may be utilized to avoid unnecessary paving, in accordance with the following criteria: **[Added 7-3-2002 by Ord. No. 1681]**

(1) The total number of spaces required under this article may be reduced up to 25% by the Borough Council, upon the recommendation of the Borough Planning Commission and the Engineer.

(2) The applicant shall provide evidence of reduced parking needs to the Borough Planning Commission and Engineer for their review and recommendation.

(3) A sufficient area must be set aside that meets the requirements of this article and the Borough's Subdivision and Land Development Ordinance for construction of the remainder of the required spaces if and when they are deemed necessary by the Borough Council. The reserved area shall not count towards fulfillment of any required open space, green space, landscaped or buffered areas. All stormwater engineering shall be designed based on total parking requirements, including reserve spaces.

(4) Parking capacity will be reevaluated by the Borough Code Enforcement Officer should any change occur in the use, ownership, size of building, or number of residents or employees. Following reevaluation, the Borough Council may require construction of additional parking spaces up to the maximum required by this article.

(5) The applicant shall provide a financial guaranty to cover the cost of engineering and installation of reserved parking spaces for a period of 18 months following installation of initially constructed spaces. The type and amount of the guaranty must be approved by the Borough Council upon the recommendation of the Borough Solicitor and Engineer.

§ 122-2010. Use restrictions.

Parking areas shall be used for motor vehicle parking only. No sales, dead storage, repair work, dismantling or servicing of any kind shall be permitted in parking areas.

§ 122-2011. Lighting.

If lighting is provided, it shall be arranged to reflect away from a residential area and also away from any public street or highway.

ARTICLE XXI
Fences
[Amended 12-17-2003 by Ord. No. 1709]

§ 122-2100. Applicability.

The requirements of this article shall apply to residential districts or areas wherein a residential building is permitted.

§ 122-2101. General restrictions.

A. No fence, except a wall of a building, permitted under the terms of this article shall be permitted that is over six feet in height, unless that portion of the fence which exceeds six feet in height shall be nonopaque and the total height of the fence may not exceed eight feet.

B. All fences shall be erected with the finished side of the fence facing adjacent properties or streets. The finished side shall be considered the side without the structural supporting members.

C. Fences shall be installed and maintained so that they are straight and do not sag or lean.

D. Fences shall be erected only at the natural grade of the property and shall not be erected on berms or artificial mounds.

E. Vertical members of a picket fence shall not be placed more than four inches apart.

F. Fences shall maintain proper sight lines at all intersection of streets according to the standards of the Subdivision and Land Development Ordinance.[33]

G. Fences shall be a minimum of two feet from sidewalks and alleys and a minimum of 10 feet from the curb of a street, with the sidewalk located between the fence and the street.

H. Fences shall be constructed of materials that are natural looking in appearance with either a painted or natural finish. Fencing which is exclusively wire fencing is prohibited. Examples of recommended styles are as follows.[34]

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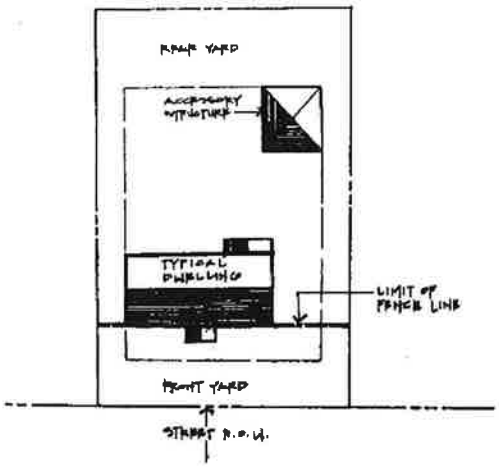
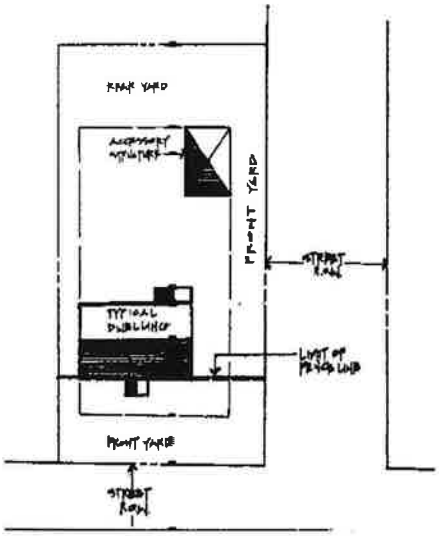
33. Editor's Note: The Subdivision and Land Development Ordinance is on file in the Borough offices.

34. Editor's Note: The referenced illustrations are on file in the Borough offices.

§ 122-2102. Front yard fence requirements.

A. Between the front wall of the principal building on a lot and the property's rear lot line, a fence may be constructed in accordance with the general restrictions of this article. (See Illustrations A and B, detailing this area, below.)





B. Outside of the area designated in § 122-2102A above, no fence of any type shall be erected on a lot.

C. Where no building has been erected on a lot, no fence of any type shall be erected within the front yard setback area specified in this chapter.

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 dwelling, 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. **[Amended 12-15-2010 by Ord. No. 1801]**

§ 122-2103. Definitions.

As used in this article, the following terms shall have the meanings indicated:

ARCHITECTURAL FENCE — A fence which is primarily designed for purposes of decoration and ornamentation rather than for purposes of enclosure of space.

NONOPAQUE — When the through visibility at right angles to any surface of a structure has not been reduced by more than 50% by the construction of the structure it shall be considered "nonopaque."

ARTICLE XXII
Additional Provisions

§ 122-2200. Applicability to public utility corporations.

This chapter shall not apply to any existing or proposed building or extension thereof used or to be used by a public utility corporation if, upon petition of such corporation, the Pennsylvania Public Utility Commission shall, after a public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public.

§ 122-2201. Attached private garages.

Notwithstanding any contrary provision of this chapter, a private garage attached to a single-family dwelling shall be permitted in a residential district, provided that it shall be entirely within the applicable building envelope and shall in all respects conform to the provisions of this chapter and other applicable codes.

§ 122-2202. Garages on nonconforming developed residential lots.

When a nonconforming developed residential lot has frontage insufficient to meet the requirements of the district in which it is located and the owner wishes to erect a private garage, thereby violating the side yard requirements, the following standards shall be used:

A. In all residential districts where single-family detached dwellings exist, side yard requirements of private garages shall be permitted to be the same as the side yard building line of the existing dwelling, with a minimum side yard between the garage and the side lot line of four feet.

B. In all residential districts where attached or semidetached dwellings exist and a lot is deficient in frontage, one side of the private garage may be constructed up to the common property line of the adjoining dwelling. The remaining side yard shall be not less than four feet.

§ 122-2203. Corner lots.

On any corner lot, no wall, fence or other structure shall be erected or altered and no hedge, tree, shrub or other growth shall be maintained which may cause danger to traffic on a street by obstructing the view.

§ 122-2204. Accessory building setbacks and specifications. [Amended 10-7-1992 by Ord. No. 1492; 9-6-2000 by Ord. No. 1658]

A. In all residential districts and in all cases where an accessory building is accessory to a principal residential use, accessory buildings of 200 square feet or less shall be located on a lot in such manner as to have a side yard of not less than four feet and a rear yard of not less than four feet; accessory buildings 200 square feet to 580 square feet shall have a rear yard setback of not less than eight feet and shall have a side yard so as to comply with the side yard requirements for the district in which they are located; accessory buildings greater than 580 square feet in area shall be permitted only by special exception pursuant to the following conditions:

(1) The total area of the accessory building shall be not greater than 700 square feet.

(2) The accessory building in question in all respects complies with the standards for special exception as set forth in § 122-2505 of this chapter.

(3) The accessory building complies with all yard requirements for the district in which it is located.

B. In the case of uncovered, unenclosed decks and patios, where the residence is an attached or semidetached residence, the deck or patio may extend to the common property line; however, a solid privacy fence measuring six feet in height above the surface of the deck or patio must be installed along the common property line extending for the entire depth of the patio or deck.

C. Any accessory structure not regulated by above Subsections A and B shall meet the dimensional requirements for the use and zoning district wherein the accessory structure is located. **[Added 12-17-2003 by Ord. No. 1709]**

D. Unless connected to the principal building or accessory structure, any accessory structure shall be located a minimum of 10 feet from any other building or structure. **[Added 12-17-2003 by Ord. No. 1709]**

E. A maximum of two accessory buildings are permitted on any lot. When calculating the setback requirements for accessory structures, the total floor area of all accessory structures on any lot should be utilized to determine the setback requirement (and the need for additional relief) for any accessory structure, regardless of the size of any individual accessory structure. **[Added 12-17-2003 by Ord. No. 1709]**

§ 122-2205. Parking area and driveway setback requirements. [Amended 12-17-2003 by Ord. No. 1709]

A distance of 10 feet shall be maintained between the outermost driveway or parking area and the adjacent property lines. The foregoing shall not include parking areas and driveways as they relate to single-family detached and attached dwelling units. In the case of single-family attached dwelling units, a distance of two feet shall be permitted between the property line and the outermost edge of the parking area or the driveway. In the case of single-family detached dwelling units, a distance of five feet shall be permitted between the property line and the outermost edge of the parking area or the driveway.

§ 122-2206. Lighting facilities.

In any district, lighting facilities contained on any lot shall be so arranged to protect neighboring properties from unreasonable glare and/or hazardous interference of any kind.

§ 122-2207. Projections into required yards. [Added 12-17-2003 by Ord. No. 1709]

Unless specifically permitted by this chapter, no portion of a building or structure shall be located within the minimum required front, side or rear yard area specified by this chapter, except for driveways and those other projections as provided herein.

A. An unenclosed porch, not more than 14 feet in height, may be erected to extend into a required front or rear yard a distance of not more than 10 feet, provided that in no case shall it extend into such front or rear yard more than 1/2 the required depth of said yard.

B. A terrace, platform, stoop or landing not covered by a roof, canopy or trellis, which does not extend above the level of the first floor of the building, may be erected to extend into a required yard a distance of not more than 12 feet, provided that it shall not extend into such yard more than 40% of the required depth or width of the yard.

C. A porte-cochere or carport may be erected over a driveway in a required side yard, provided that such structure is:

   (1) Not more than 14 feet in height and does not extend in length beyond the portion of the building or structure to which it is attached.

   (2) Entirely open on at least three sides, exclusive of the necessary supporting columns and customary architectural features.

   (3) At least three feet from the side lot line.

D. A buttress, chimney, cornice, pier or pilaster of a building may project not more than 18 inches into a required yard.

E. Open and unenclosed fire escapes, steps, bay windows and balconies may project not more than three feet into a required yard.

§ 122-2208. Special criteria for home occupations. [Added 12-15-2010 by Ord. No. 1801[35]]

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 eight 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. [Added 12-15-2010 by Ord. No. 1801]

Group homes, according to the following standards, are a permitted use:

A. The use shall be licensed by the Commonwealth of Pennsylvania under the applicable regulations.

B. All medical and counseling services provided shall be restricted to the residents of the group home, with no outpatient services.

C. Parking shall be provided in accordance with the method set forth below, which shall require the greater number of parking spaces:

(1) Pursuant to the provisions of § 122-2003 of this chapter; or

(2) 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.

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35. Editor's Note: This ordinance also repealed former § 122-2208, Front yard setback relief, added 12-17-2003 by Ord. No. 1709.

D. All other applicable requirements of this chapter, the Building Code, Fire Code, and other applicable regulations shall be met.

E. All group homes shall be available for reasonable periodic inspection for building code and firesafety by appropriate Borough employees and/or officials.

§ 122-2210. No-impact home-based business. [Added 12-15-2010 by Ord. No. 1801]

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:

A. The business activity shall be compatible with the residential use of the property and surrounding residential uses.

B. The business shall employ no employees other than family members residing in the dwelling.

C. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.

D. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.

E. 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.

F. 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.

G. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.

H. The business may not involve any illegal activity.

ARTICLE XXIII
Nonconformities

§ 122-2300. Definitions.

As used in this article, the following terms shall have the meanings indicated:

NONCONFORMING STRUCTURE OR LOT — A structure or part of a structure manifestly not designed to comply with the applicable use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or

amendment to its location by reason of annexation. Such nonconforming structures include but are not limited to nonconforming signs.

NONCONFORMING USE — A use, whether of land or of structure, which does not comply with the applicable use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation.

§ 122-2301. Registration.

The Zoning Officer shall, upon adoption of this chapter or amendment thereof, identify and register all nonconforming uses and structures. Upon identifying the nonconformity, the Zoning Officer shall mail registration forms to the owner of record. It shall be the responsibility of such owner of record to complete said registration form provided and return the same to the Zoning Officer within 30 days.

§ 122-2302. Continuation.

The lawful use of a building or structure or the lawful use of any land as existing and lawful at the time of the enactment of this chapter or, in the case of an amendment to this chapter, then at the time of such amendment, may be continued except as hereinafter provided although such use does not conform to the provisions of this chapter or subsequent amendments.

§ 122-2303. Extension. [Amended 12-17-2003 by Ord. No. 1709]

Any lawful nonconforming structure, nonconforming lot, or nonconforming use, or a portion thereof, may be expanded, provided:

A. The proposed expansion shall take place only upon the lot held in single and separate ownership as existed on the date the use became nonconforming. The nonconforming use, lot or structure shall be prohibited from encroaching upon another parcel of land subsequently added to the original parcel.

B. If no structural alterations are proposed, the area of such use shall be permitted by right so long as the expansion is not greater than 25% of the area of the use as it existed on the date it became nonconforming.

C. If structural alterations are required, said expansion shall be permitted by right so long as the extent of the total expansion does not exceed an additional 25% of the nonconforming floor area or surface area of the use as it existed on the date it became nonconforming, and only when the expansion complies with all other applicable provisions of this section and the underlying zoning district.

D. Except as provided above, any and all expansion of a nonconforming use or addition to a nonconforming structure, including additional stories, shall conform to all height, area, width, yard and coverage requirements for the district in which said use or structure is located. A structure which is nonconforming in terms of height shall not be extended to

increase the height. A structure which is nonconforming in terms of side yard can be expanded to the depth of one nonconforming side yard so long as the other side yard related to the expansion complies with the requirements for the district in which the structure is located.

E. Permission to extend a nonconforming use as described in this article shall not be construed to mean that a new use or uses may be established.

F. Structures or land uses that have reached their maximum expansion allowance under previous ordinances are not eligible for additional expansions under the provisions of this chapter.

§ 122-2304. Restoration.

A nonconforming building or any building containing a nonconforming use wholly or partially destroyed by fire, explosion, flood or other phenomenon or legally condemned may be reconstructed and used for the same nonconforming use, provided that reconstruction of the building shall be commenced and shall be carried on without interruption.

§ 122-2305. Ownership.

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

§ 122-2306. Abandonment.

If a nonconforming use of a building or land is abandoned for a continuous period of one year, subsequent use of such building or land shall be in conformance with the provisions of this chapter. For the purposes of this chapter, abandonment shall commence when the nonconforming use ceases.

ARTICLE XXIV
Administration

§ 122-2400. Official responsible for administration and enforcement.

Except as otherwise provided in this chapter, the Building Inspector, Zoning Officer or Code Enforcement Officer or such other person as shall be designated from time to time by the Borough Manager of the Borough of Lansdale shall administer and enforce this chapter, including the receiving of applications, the inspection of premises and the issuing of permits. No permit or certificate of occupancy shall be issued by him except where the provisions of the chapter have been complied with and the proper fees have been received.

§ 122-2401. Building permit required.

No building or structure shall be erected, added to or structurally altered nor shall any work therefor commence until a permit therefor has been issued by the Borough official charged

with administration and enforcement of this chapter in accordance with the Borough Building Code.[36] All applications for such permits shall be in accordance with the requirements of this chapter and the Borough Building Code, and unless upon written order of the Zoning Hearing Board, no such building permit shall be issued for any building where said construction, addition or alteration or use thereof would be in violation of any of the provisions of this chapter or any other ordinance or regulation of the Borough of Lansdale or of any statute of Pennsylvania or of the United States.

§ 122-2402. Required submissions.

There shall be submitted with all applications for building permits two copies of a layout or plot plan drawn to scale, showing the actual dimensions of the lot to be built upon, the exact size and location on the lot of the building and accessory buildings to be erected and such other information as may be necessary to determine and provide for the enforcement of this chapter.

§ 122-2403. Records.

The Borough official charged with the administration and enforcement of this chapter shall retain in a permanent record for the Borough of Lansdale the application plus the layout or plot plan attached thereto as required by § 122-2402 hereof.

§ 122-2404. Layout or plot plan; fees; issuance of permit.

One copy of the layout or plot plan shall be returned when approved by the Borough official charged with administration and enforcement of this chapter, together with the permit, to the applicant. The applicant shall initial the layout or plot plan retained by the Borough official charged with administration and enforcement of this chapter. Said building permit shall be issued upon the payment of the fees as designated by the Borough Council of the Borough of Lansdale in rules and regulations promulgated by it from time to time. The issuance of a building permit by the Borough official charged with administration and enforcement of this chapter shall indicate that the proposed building or alteration complies with the provisions of this chapter.

§ 122-2405. Other required permits.

The issuance of a building permit by the appropriate Borough official shall not relieve the owner of the subject premises from the obligation to comply with all of the ordinances, rules and regulations of the Borough of Lansdale or to obtain all other permits required by the ordinances, rules or regulations of the Borough of Lansdale.

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36. Editor's Note: See Ch. 51, Building Construction.

§ 122-2406. Certificates of occupancy.

A. No newly constructed building nor any extension to an existing building nor any existing building to which alterations have been made pursuant to a building permit shall be occupied or used, even though such use and occupancy is in conformance with the provisions of this chapter, unless a certificate of occupancy shall have first been applied for to the Borough official charged with administration and enforcement of this chapter and granted by him.

B. No nonconforming use shall be changed or extended in any building or upon any lot unless a certificate of occupancy shall have first been applied for to the Borough official charged with administration and enforcement of this chapter and granted by him.

C. The Borough official charged with administration and enforcement of this chapter shall not issue a certificate of occupancy unless he is satisfied that said building or use complies with all of the ordinances and regulations of the Borough of Lansdale, including but not limited to compliance with this chapter.

D. Whenever there is a change of occupancy in any commercial, business or industrial establishment within the Borough of Lansdale, all new occupants of the building or structure in question shall be required to apply for and obtain a certificate of occupancy.

E. The issuance of a certificate of occupancy is in no way a municipal warranty that there is no defect in the building or other structure nor that it is in total compliance with the terms and conditions of this chapter.

§ 122-2407. Issuance charge; records.

The Borough official charged with administration and enforcement of this chapter shall make such charge for the issuance of a certificate of occupancy in such amount as the Borough Council may from time to time by resolution provide for. The Borough official charged with administration and enforcement of this chapter shall maintain a record of all certificates of occupancy and shall furnish a copy thereof to any person having a proprietary or tenancy interest in the building affected. He shall make such charge for service as the Borough Council may from time to time by resolution provide for.

§ 122-2408. Compliance required.

The Borough official charged with administration and enforcement of this chapter shall require that the application for a building permit and for a certificate of occupancy be accompanied by such permits, plans and other information as he deems necessary to enable him to properly ascertain whether the proposed building or the alteration, change or use or nonconforming use, as the case may be, complies with the provisions of this chapter and all other applicable ordinances and regulations of the Borough of Lansdale. No building permit or certificate of occupancy shall be issued by the Borough official charged with administration and enforcement of this chapter until or unless he is satisfied as to such compliance.

§ 122-2409. Power to enforce provisions.

The Borough official charged with administration and enforcement of this chapter is herewith given the power and authority to enforce the provisions of this chapter.

ARTICLE XXV
Zoning Hearing Board, Borough Council and Zoning Procedures
[Amended 7-16-2003 by Ord. No. 1702]

§ 122-2500. Establishment.

A Zoning Hearing Board is established in order that the objectives of this chapter may be more fully and equitably achieved and to provide a means for competent interpretation of this chapter.

§ 122-2501. Membership; terms of office; vacancies; alternates. [Amended 8-4-1993 by Ord. No. 1509]

A. The membership of the Zoning Hearing Board shall consist of three residents of the Borough appointed by the Borough Council in accordance with Section 3207(b) of the Borough Code.[37] The terms of office shall be three years and shall be so fixed that the term of office of one member shall expire each year. The Board shall promptly notify the governing body of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other office in the municipality.

B. The Borough Council may appoint by resolution at least one but no more than three Borough residents to serve as alternate members of the Board. The term of office of an alternate member shall be three years. An alternate shall be entitled to participate in all proceedings and discussions of the Board to the same and full extent as provided by law for Board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth in this act[38] and as otherwise provided by law. Alternates shall hold no other office in the municipality, including membership on the Planning Commission and Zoning Officer. Any alternate may participate in any proceeding or discussion of the Board but shall not be entitled to vote as a member of the Board nor be compensated pursuant to Section 907 of the Municipalities Planning Code[39] unless designated as a voting alternate member pursuant to Section 906 of the Municipalities Planning Code.[40]

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37. **Editor's Note: Section 3207(b) of the Borough Code was repealed by the Act of July 31, 1968, P.L. 805, No. 247. For current provisions, see 53 P.S. § 10903(a).**

38. **Editor's Note: "This act" refers to the Pennsylvania Municipalities Planning Code, 53 P.S. § 10101 et seq.**

39. **Editor's Note: See 53 P.S. § 10907.**

40. **Editor's Note: See 53 P.S. § 10906.**

§ 122-2502. Officers; meetings; records; compensation.

A. Officers. The Board shall elect a Chairman from its membership, shall appoint a Secretary and shall prescribe rules in accordance with the provisions of the Municipalities Planning Code[41] and this chapter for the conduct of its affairs. The Chairman or, in his absence, the Acting Chairman may administer oaths and compel the attendance of witnesses.

B. Meetings. Meetings shall be open to the public and shall be at the call of the Chairman and at such other times as the Board shall specify in its rules or procedures. For the conduct of any hearing and taking of any action, a quorum shall be not less than a majority of all members of the Board.

C. Records and decisions. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be of public record.

D. Compensation. The Borough Council shall fix per-meeting compensation for the members of the Board, according to a schedule adopted by the resolution of the Borough Council upon the enactment of this chapter or as such schedule may be amended from time to time.

§ 122-2503. Interpretations.

A. Upon appeal from a decision by the Building Inspector and/or Zoning Officer, the Zoning Hearing Board shall decide any question:

(1) Upon the interpretation of any provision of this chapter, including determination of the exact location of any district boundary if there is uncertainty with respect thereto.

(2) Where it is alleged that there is error in any ordinance, requirements, decisions or determination, including any order requiring an alleged violation to stop, cease and desist, made by the Building Inspector and/or Zoning Officer in the enforcement of this chapter.

B. The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications regarding appeals from a determination by the Municipal Engineer or the Zoning Officer with reference to the administration of any floodplain or flood hazard ordinance or such provisions within the Subdivision and Land Development Ordinance.[42] **[Added 8-4-1993 by Ord. No. 1509]**

C. The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications regarding appeals from a determination of the Zoning Officer or Borough Engineer in the administration of any land use ordinance or provision thereof with

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41. Editor's Note: See 53 P.S. § 10101 et seq.

42. Editor's Note: See Ch. 107, Subdivision of Land; the Subdivision and Land Development Ordinance is on file in the Borough offices.

reference to sedimentation and erosion control and stormwater management insofar as the same relate to development not involving application of the Subdivision and Land Development Ordinance. **[Added 8-4-1993 by Ord. No. 1509]**

§ 122-2504. Variances.

A. Applicability. Upon appeal from a decision by the Building Inspector and/or Zoning Officer, the Zoning Hearing Board shall have the power to vary or adapt the strict application of any of the requirements of this chapter where, by reason of exceptional narrowness, shallowness or shape of a specific tract at the time of the enactment of the chapter or by reason of exceptional topographic conditions or other extraordinary and exceptional situations or conditions on such tract, the strict application of any regulation enacted under this chapter would result in peculiar and exceptional and undue hardship upon the owner of such property, but in no other case. (This provision shall in all cases be interpreted so as to be in strict accordance with the provisions of the Pennsylvania Municipalities Planning Code, and specifically Section 912 thereof, as amended.[43])

B. Condition. In general, the power to authorize a variance from the terms of this chapter shall be sparingly exercised and only under peculiar and exceptional circumstances.

C. Requirements and standards. No variance in the strict application of the provisions of this chapter shall be granted by the Board unless the Board finds that the requirements and standards are satisfied. The applicant must prove that the variance will not be contrary to the public interest and that practical difficulty and unnecessary hardship will result if it is not granted. In particular, the applicant shall establish and substantiate that the appeal for the variance is in conformance with the requirements and standards set forth in Section 912 of the Pennsylvania Municipalities Planning Code, as amended,[44] and:

(1) That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the Zoning Ordinance in the neighborhood or district in which the property is located;

(2) That, because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;

(3) That such unnecessary hardship has not been created by the appellant;

(4) That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located nor substantially or

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43. **Editor's Note: This section of the MPC was repealed 12-21-1988, P.L. 1329, No. 170, § 90. For current regulations, see 53 P.S. § 10910.2.**

44. **Editor's Note: This section of the MPC was repealed 12-21-1988, by P.L. 1329, No. 170, § 90. For current regulations, see 53 P.S. § 10910.2.**

permanently impair the appropriate use or development of adjacent property nor be detrimental to the public welfare; and

(5) That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

D. The Board may prescribe any safeguard that it deems to be necessary to secure substantially the objectives of the regulation or provision to which the variance applies.

§ 122-2505. Special exceptions.

A. Applicability. The Zoning Hearing Board shall have the power to approve special exceptions when this chapter specifically requires the obtaining of such approval and for no other use or purpose. In any application for a special exception under this chapter the burden shall be upon the applicant to prove that the approval of the application will not be detrimental to the health, safety and general welfare of the community nor that it will violate the purpose and statement of community development objectives found in Article I, § 122-102, of this chapter.

B. Conditions and safeguards. In granting a special exception, the Zoning Hearing Board shall make findings of fact consistent with the provisions of this chapter. The Board shall not approve a special exception except in conformance with the conditions and standards outlined in this chapter.

C. General requirements and standards applicable to all special exceptions. The Board shall grant a special exception only if it finds adequate evidence that any proposed development submitted will meet all of the following general requirements as well as any specific requirements and standards listed herein for the proposed use. The Board shall, among other things, require that any proposed use and location be:

(1) In accordance with the Borough of Lansdale Comprehensive Plan and consistent with the sphere, purposes and the intent of this chapter.

(2) In the best interest of the Borough, the convenience of the community and the public welfare and a substantial improvement to the property in the immediate vicinity.

(3) Suitable for the property in question and designed, constructed, operated and maintained so as to be in harmony with and appropriate in appearance to the existing or intended character of the general vicinity.

(4) In conformance with all applicable requirements of this chapter.

(5) Suitable in terms of effects on highway traffic and safety with adequate access arrangements to protect streets from undue congestion and hazards.

(6) In accordance with sound standards of subdivision practice where applicable.

D. The Zoning Board may impose whatever conditions regarding layout, circulation and performance it deems necessary to ensure that any proposed development will secure substantially the objectives of this chapter.

§ 122-2505A. Procedures and standards for conditional use approval. [Added 7-3-2002 by Ord. No. 1681]

An application for any conditional use as specified in the various articles of this chapter shall be considered by the Borough Council according to the following procedures. The Borough Council may grant conditional use approval, provided that the applicant complies with the following standards and criteria for conditional uses and any other reasonable conditions imposed by the Council.

A. Applicant requirements.

(1) The application shall be submitted in writing to the Borough Planning Commission which shall review the proposal and submit written comments to the Borough Council within 20 days.

(2) The application shall include a request for approval of a conditional use and sufficient information to document compliance with the application standards and criteria of this chapter, a tentative sketch plan of the proposed development and any study where deemed necessary by the Borough Engineer. The applicant shall provide, with the application, a list of every abutting lot owner and every lot owner directly across the street from the lot or building in question.

(3) The Borough Planning Commission shall submit one copy of the application to the Montgomery County Planning Commission for its advisory review and other copies to agencies and/or technical consultants whose review may be relevant.

B. Public hearing.

(1) The Borough Council shall schedule a public hearing thereon within the time requirements of the Municipalities Planning Code unless the applicant has agreed, in writing, to an extension of the time limit.

(2) Public notice of the public hearing, stating the time, place and the particular nature of the case to be considered, shall be published in accordance with the requirements of the Municipalities Planning Code.

(3) The Borough Council shall consider comments and recommendations of the Borough and County Planning Commissions, other advisors and those present at the public hearing prior to deciding to approve or deny the proposed use. In allowing a conditional use, the Council may attach such reasonable conditions and safeguards, in addition to those expressed in the chapter, as it may deem necessary to implement the purposes of this chapter.

C. Standards and criteria. In deciding all applications for conditional uses, the Borough Council shall be guided by the following standards and criteria:

(1) The proposed use is permitted by conditional use, and it will conform to the applicable regulations of the district in which it is located.

(2) The proposed use will conform to the regulations applicable according to use and/or district, including but not limited to regulations contained in Article XIX, Signs; Article XX, Off-Street Parking and Loading; Article XXII, Additional Provisions; and Article XXIII, Nonconformities.

(3) Points of vehicular access to the lot are provided at a distance from intersections and other points of access and in number sufficient to prevent undue traffic hazards and obstructions to the movement of traffic.

(4) Location of the site with respect to the existing public roads giving access to it is such that the safe capacity of public roads is not exceeded by the estimated traffic attracted or generated by the proposed use, and traffic generated or attracted is not out of character with normal traffic using said public roads.

(5) A determination that the proposed use will not have an unwarranted impact on traffic in the area, either creating significant additional congestion in an area of existing congestion or posing a threat of significant additional congestion where there is a high probability of future congestion. In addition, Borough Council shall consider whether the proposed use will create any traffic hazard dangerous to the public safety.

(6) Screening of the proposed use from adjacent uses in sufficient amount to prevent the deleterious impact of the uses upon each other, considering the type, dimension and character of the screening.

(7) The proposed use meets the purposes described in Article I of this chapter.

(8) The proposed use is suitable for the character of the neighborhood and the uses of the surrounding properties.

(9) The proposed use will not impair an adequate supply of light and air to adjacent property.

(10) The proposed use will not adversely affect the public health, safety or general welfare.

(11) The proposed use will not adversely affect transportation or unduly burden water, sewer, school, park or other public facilities.

D. The Borough Council shall render a written decision on the application within the time requirements set forth in the Municipalities Planning Code.

E. Where the Borough Council fails to render a decision within the period required by the Municipalities Planning Code or fails to hold the required hearing within the time required by the Municipalities Planning Code, the decision shall be deemed to have been rendered in favor of the applicant, unless the applicant has agreed, in writing or on the record, to an extension of time.

F. Approval of any conditional use shall expire two years after the date of approval by the Borough Council if, prior to such expiration, the applicant fails to obtain a building permit or use and occupancy permit, unless the Borough Council has agreed, in writing or on the record, to an extension of time. **[Amended 10-21-2009 by Ord. No. 1779]**

§ 122-2506. Challenges to the validity of ordinance or map.

The Board shall hear challenges to the validity of the Zoning Ordinance or Map, except as indicated in Act 247, as amended, the Municipalities Planning Code, Sections 1003 and 1004(1)(b).[45] In all such challenges, the Board shall take evidence and make a record thereon as provided in § 122-2602C hereof. At the conclusion of the hearing, the Board shall decide all contested questions and make findings on all relevant issues of fact, which shall become part of the record on appeal to the court.

§ 122-2507. Unified appeals.

Where the Board has jurisdiction over a zoning matter pursuant to §§ 122-2503, 122-2504 and 122-2506, the Board shall also hear all appeals which an applicant may elect to bring before it with respect to any municipal ordinance or requirement pertaining to the same development plan or development. In any such case, the Board shall have no power to pass upon the nonzoning issues but shall take evidence and make a record thereon provided in § 122-2602C hereof. At the conclusion of the hearing, the Board shall make findings on all relevant issues of fact, which shall become part of the record on appeal to the court.

§ 122-2508. Actions in exercising powers.

In exercising the above-mentioned powers, the Zoning Hearing Board may, in conformity with law and the provisions of this chapter, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and make such order, requirement, decision or determination as, in its opinion, ought to be made. Notice of such decision shall forthwith be given to all parties in interest.

§ 122-2509. General rules and procedures for appeals and applications.

A. Any appeal from the ruling of the Building Inspector and/or Zoning Officer concerning the enforcement and interpretation of the provisions of this chapter shall be filed with the Building Inspector and/or Zoning Officer within 30 days after the date of the Building Inspector and/or Zoning Officer's adverse decision.

B. All appeals and applications made to the Board shall be made in writing on standard forms prescribed by the Zoning Hearing Board and accompanied by fees prescribed by resolution of the Borough Council of the Borough of Lansdale.

C. All appeals and applications shall refer to the specific provisions of the chapter involved.

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45. Editor's Note: Said sections were repealed 12-21-1988 by P.L. 1329, No. 170, § 100.

§ 122-2510. Who may appeal.

Appeals to the Zoning Hearing Board may be taken by any person or Borough of Lansdale official aggrieved or affected by any provisions of this chapter or by any decision, including any order to stop, cease and desist issued by the Building Inspector and/or Zoning Officer in enforcing the provisions of this chapter.

§ 122-2511. Hearings. [Amended 8-4-1993 by Ord. No. 1509]

Upon the filing with the Zoning Hearing Board of an application for a special exception, variance or interpretation of this chapter, the Board shall fix a reasonable time for a public hearing thereon, which shall be held within 60 days from the date of the applicant's request, unless the applicant has agreed in writing to an extension of time.

A. Notices shall be published once each week for two successive weeks in a newspaper of general circulation in the Borough. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than seven days from the date of the hearing.

B. Public notice shall be given and written notice shall be given to the applicant, to the Zoning Officer, to such other persons as the governing body shall designate by ordinance and to any person who has made timely request for the same. Written notices shall be given at such time and in such manner as shall be prescribed by ordinance or, in the absence of ordinance provision, by rules of the Board. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing.

C. A notice thereof shall be mailed to the Borough Secretary and to each member of the Borough Council and to the Planning Commission Chairman.

D. When the Board shall so order, a notice thereof shall be mailed or delivered to the owner, if his residence is known, or to the occupier of every lot within 150 feet of the property lot lines of the lot in question, provided that failure to give a notice required by this subsection shall not invalidate any action taken by the Board.

E. A notice herein required shall state the location of the lot or building and the general nature of the question involved.

F. All hearings shall be conducted in accordance with the procedures set forth in § 122-2602C.

§ 122-2512. Technical assistance.

The Zoning Hearing Board, in considering any matter within its jurisdiction, may consult with the Borough of Lansdale Planning Commission, the Montgomery County Planning Commission or any other specialists or groups of specialists having expert knowledge of the matter under consideration but need not be bound thereby.

§ 122-2513. Expiration of special exceptions and variances.

Unless otherwise specified by the Board, a special exception or variance shall expire if the applicant fails to obtain a building permit or a certificate of occupancy, as the case may be, within six months from the date of authorization thereof.

§ 122-2514. Court appeals.

Any persons aggrieved by any decision of the Zoning Hearing Board or any taxpayer or the Borough Council may, within 30 days after such decision of the Board, appeal to the Court of Common Pleas of Montgomery County, by petition duly verified, setting forth that such decision is arbitrary, capricious, an abuse of discretion or otherwise not in accordance with law and specify the grounds upon which he relies. Such appeals shall be made in accordance with Article X of the Pennsylvania Municipalities Planning Code.[46]

§ 122-2515. Fees.

A. The applicant for any hearing before the Zoning Hearing Board shall, at the time of making application, pay to the Building Inspector and/or Zoning Officer for the use of the Council a fee in accordance with a fee schedule adopted by resolution of the Borough Council upon enactment of this chapter or as such schedule may be amended from time to time.

B. Fees for Zoning Hearing Board hearings may include compensation for the Secretary and members of the Zoning Hearing Board, notice and advertising costs, and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants or expert witness costs. **[Added 8-4-1993 by Ord. No. 1509]**

ARTICLE XXVI
Appeals and Amendments

§ 122-2600. Appeals in jurisdiction.

The following types of appeals are set forth in Articles IX and X of the Pennsylvania Municipalities Planning Code,[47] and each has its own procedures as noted.

Type of Appeal	Agency of Jurisdiction	Reference
Validity of ordinance, procedural question	Montgomery County Court of Common Pleas	§ 122-2601
Validity of ordinance, substantive questions; landowner appeals	Zoning Hearing Board or Lansdale Borough Council	§§ 122-2602, 122-2506, 122-2507

46. **Editor's Note: This article was repealed 12-21-1988 by P.L. 1329, No. 170, § 100. See now 53 P.S. § 11001-A et seq.**

47. **Editor's Note: See 53 P.S. § 10901 et seq. Article X was repealed 12-21-1988 by P.L. 1329, No. 170, § 100; see now 53 P.S. § 11001-A et seq.**

Type of Appeal	Agency of Jurisdiction	Reference
Validity of ordinance, substantive questions; persons aggrieved	Zoning Hearing Board	§§ 122-2603, 122-2506
Appeal of decisions or orders, no validity question involved; landowner appeals	Zoning Hearing Board	§§ 122-2604, 122-2507
Appeal of decisions or orders, no validity question; persons aggrieved	Zoning Hearing Board	§ 122-2605

§ 122-2601. Validity of ordinance, procedural questions.

Questions of an alleged defect in the process of enactment or adoption of any ordinance or map shall be raised by an appeal taken directly from the action of the Borough Council to the Montgomery County Common Pleas Court not later than 30 days from the effective date of the ordinance or map.

§ 122-2602. Validity of ordinance, substantive questions; landowner appeals.

A. A landowner who, on substantive grounds, desires to challenge the validity of an ordinance or map or any provision thereof which prohibits or restricts the use or development of land in which he has an interest shall submit the challenge either:

(1) To the Zoning Hearing Board for a report thereon under § 122-2506, Challenges to the validity of ordinance or map, or § 122-2507, Unified appeals; or

(2) To the Borough Council, together with a request for a curative amendment. The governing body shall hold the hearing as provided in this section. The curative amendment shall be referred to the Planning Commission as per § 122-2607.

B. The submissions referred to in Subsection A(1) and (2) above shall be governed by the following (references to the "Board" shall mean the Zoning Hearing Board or the Borough Council, depending on the type of appeal):

(1) The landowner shall make a written request to the Board that it hold a hearing on his challenge. The request shall contain a short statement reasonably informing the Board of the matters that are at issue and the grounds for the challenge.

(2) The request may be submitted at any time after the ordinance or map takes effect, but if an application for a permit or approval is denied thereunder, the request shall be made not later than the time provided for appeal from the denial thereof. In such case, if the landowner elects to make the request to the Borough Council and the request is timely, the time within which he may seek review of the denial of the permit or approval on other issues shall not begin to run until the request to the Borough Council is finally disposed of.

(3) The request shall be accompanied by plans and other materials describing the use or development proposed by the landowner in lieu of the use or development permitted by the challenged ordinance or map. Such plans and other materials shall not be required to meet the standards prescribed for preliminary, tentative or final

approval or for the issuance of a permit, so long as they provide reasonable notice of the proposed use or development and a sufficient basis for evaluating the challenged ordinance or map in the light thereof. Nothing contained herein shall preclude the landowner from first seeking a final permit or approval before submitting his challenge to the Board.

(4) If the submission is made to the Borough Council, the request shall be accompanied by an amendment or amendments to the ordinance proposed by the landowner to cure the alleged defects therein.

(5) Notice of the hearings required by § 122-2608 shall include notice that the validity of the ordinance or map is in question and shall give the place where and the times when a copy of the landowner's request, including the plans submitted pursuant to Subsection B(3) and the proposed amendments, if any, submitted under Subsection B(4), may be examined by the public.

(6) The Board shall hold a hearing upon the landowner's request, commencing no later than 60 days after the request is filed, unless the landowner requests and consents in writing to an extension of time.

C. Hearings pursuant to Subsection A(1) or (2) shall be held by the Zoning Board or the Borough Council, as the case may be. The Board shall conduct hearings and make decisions in accordance with the following requirements:

(1) The parties to the hearing shall be the Borough of Lansdale, any person affected by the application who has made timely appearance of record before the Board and any other person, including civic or community organizations, permitted to appear by the Board. The Board may require that all persons who wish to be considered parties enter appearances in writing on forms provided for that purpose.

(2) The Chairman or Acting Chairman of the Board shall have the power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.

(3) The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.

(4) Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded.

(5) The Board shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or hearing officer or shall be paid by the person appealing from the decision of the Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases, the party requesting the original transcript shall bear the cost thereof. **[Amended 8-4-1993 by Ord. No. 1509]**

(6) The Board shall not communicate, directly or indirectly, with any party or his representative in connection with any issue involved, except upon notice and where all parties have opportunity to participate. The Board shall not take notice of any communication, report, staff memorandum or other materials unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party unless all parties are given an opportunity to be present.

(7) The Board shall render a written decision or render its findings on the application within 45 days after the last hearing before the Board or hearing officer. Conclusions based on the provision of any act of the commonwealth or ordinance, rule or regulation shall contain a reference to the provision relied upon and the reasons why the conclusion is deemed appropriate in light of the facts found. Where the Board fails to render its decision within 45 days, the decision shall be deemed to have been rendered in favor of the applicant, unless the applicant has agreed in writing to an extension of time.

(8) A copy of the final decision or, where no decision is called for, other findings shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the Board prior to the close of the hearings, the Board shall mail a brief notice of the decision or findings and a notice of the place where they may examine the full decision or findings.

D. Appeals to Court of Common Pleas.

(1) After submitting his challenge to the Board or Borough Council (the governing body) as provided in Subsection A(1) and (2) of this section, the landowner may appeal to the Montgomery County Court of Common Pleas by filing the same within 30 days:

(a) After notice of the report of the Zoning Hearing Board is issued; or

(b) After the Borough Council has denied the landowner's request for a curative amendment.

(2) Failure to appeal the denial of a request for a curative amendment under Subsection D(1)(b) shall not preclude the landowner from thereafter presenting the same validity questions by commencing a proceeding as provided in Subsection A(1) of this section.

E. For purposes of Subsection D(1)(b), the landowner's request for a curative amendment is denied when:

(1) The governing body notifies the landowner that it will not adopt the amendment;

(2) The governing body adopts another amendment which is unacceptable to the landowner; or

(3) The governing body fails to act on the landowner's request, in which event the denial is deemed to have occurred on the 30th day after the close of the last

hearing on the request, unless the time is extended by mutual consent of the landowner and the Borough of Lansdale.

§ 122-2603. Validity of ordinance, substantive questions; appeals by persons aggrieved.

Persons aggrieved by a use or development permitted on the land of another by an ordinance or a map or any provision thereof who desire to challenge its validity on substantive grounds shall submit their challenge to the Zoning Hearing Board as a challenge to the validity of ordinance or map pursuant to § 122-2506 of this chapter. The submission shall be governed by the following:

A. A written request shall be submitted to the Board that it hold a hearing on the challenge. The request shall contain a short statement reasonably informing the Board of the matters at issue and the grounds for the challenge.

B. No person shall be allowed to file any proceedings with the Board later than 30 days after any application for development, preliminary or final, has been approved by an appropriate Borough of Lansdale officer, agency or body if such proceeding is designed to secure reversal or to limit the approval in any manner.

C. The Zoning Hearing Board shall hold a hearing in accordance with § 122-2602C.

D. After submitting his challenge to the Board as provided in this section, any party aggrieved may take the same to the Montgomery County Court of Common Pleas by appeal filed not later than 30 days after notice of the report of the Board is issued.

§ 122-2604. Applications, decisions and orders not involving the validity of an ordinance; landowner appeals.

A. A landowner who desires to file a zoning application or to secure review or correction of a decision or order of the Borough Council or of any officer or agency of the Borough which prohibits or restricts the use or development of land in which he has an interest or on the grounds that such decision or order is not authorized by or is contrary to the provisions of an ordinance or map shall proceed as follows:

(1) From a decision of the Borough of Lansdale or Planning Agency under a Subdivision or Land Development Ordinance, the landowner may appeal directly to the Montgomery County Court of Common Pleas or to the Zoning Hearing Board under § 122-2507, Unified appeals, in cases where that section is applicable.

(2) To the extent that the Board has jurisdiction of the same under § 122-2503, Interpretations, all other appeals shall lie exclusively with the Zoning Hearing Board.

(3) Applications for variances or special exceptions shall be made exclusively to the Zoning Hearing Board.

B. All appeals to the Zoning Hearing Board pursuant to this section shall be filed within 30 days after notice of the decision is issued or, if no decision is made, within 30 days after

it is deemed to have been made under the provisions of this chapter and the Municipalities Planning Code, Act 247.[48]

§ 122-2605. Decisions and orders not involving the validity of an ordinance; appeals by persons aggrieved.

Application shall be made directly to the Zoning Hearing Board under the provisions of § 122-2603 where such action involves a question of the Building Inspector's and/or Zoning Officer's decision or an action by the Borough Council, Planning Commission or other Borough official.

§ 122-2606. Power of amendment.

The Borough Council may from time to time amend, supplement, change, modify or repeal this chapter, including the Zoning Map. When doing so, the Borough Council shall proceed in the manner prescribed in this article.

§ 122-2607. Proposals for amendment.

Proposals for amendment, supplement, change, modification or repeal may be initiated by the Borough Council on its own motion, by the Planning Commission, or by petition by one or more owners of property to be affected by the proposed amendment, subject to the following provisions:

A. Proposals originated by the Borough Council. The Borough Council shall refer every proposed amendment, supplement, change, modification or repeal originated by the Borough Council to the Planning Commission. Within 30 days of the submission of said proposal, the Planning Commission shall submit to the Borough Council a report containing the Commission's recommendation, including any additions or modifications to the original proposals.

B. Proposals originated by the Planning Commission. The Planning Commission may at any time transmit to the Borough Council any proposal for the amendment, supplement, change, modification or repeal of this chapter.

C. Proposals originated by a citizens' petition. Each petition of one or more owners of property to be affected by a proposal for amendment, supplement, change or modification shall be signed and acknowledged and submitted in writing to the Secretary of the Borough Council. On receipt of said petition, the Borough Council shall transmit a copy of the petition to the Planning Commission. For purposes of this section, the area wherein a change in zoning is sought shall be not less than one acre or 300 feet of linear frontage, whichever is less. Within 30 days after its submission to the Planning Commission, the Commission shall submit to the Borough Council a report containing the Commission's recommendations, including any additions to or modifications of the original proposal.

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48. Editor's Note: See 53 P.S. § 10101 et seq.

§ 122-2608. Hearings. [Amended 8-4-1993 by Ord. No. 1509]

No such amendment, supplement, change, modification or repeal shall become effective until a public hearing in relation thereto at which parties in interest and citizens shall have an opportunity to be heard. Public notice of each hearing to consider amendments (except continued hearings) shall be given no more than 30 days and not less than seven days in advance of any public hearing. Such notice shall be published once each week for two consecutive weeks in a newspaper of general circulation within the Borough. Such notice shall state the time and place and the particular nature of the proposed amendment.

§ 122-2609. Time limit after zoning change.

Whenever the Borough Council shall change the zoning classification on any parcel of ground within the Borough upon petition of the property owner and upon representation that a certain use will be made of the property after the change, the property owner shall have a period of one year within which to obtain a building permit and to commence actual construction. Should the property owner fail to commence construction within the stipulated period, the Borough Council will have the right to change the zoning classification of the parcel back to the classification which existed before the rezoning was executed. This provision shall apply to curative amendments as well as to other zoning changes.

ARTICLE XXVII
Planning Commission

§ 122-2700. Appointment; qualifications; composition.

The Planning Commission, consisting of seven members, shall be appointed by the Borough Council of the Borough of Lansdale. All members of the Planning Commission shall be residents of the Borough of Lansdale. A certain number of members, designated as citizen members, shall not be officers or employees of the municipality. On a Commission of seven members, at least five shall be citizen members.

§ 122-2701. Terms.

The term of each of the members of the Commission shall be four years or until his successor is appointed and qualified.

§ 122-2702. Vacancies.

The Chairman of the Planning Commission shall promptly notify the Borough Council of vacancies on the Commission, and such vacancies shall be filled for the unexpired term.

§ 122-2703. Removal.

Any member of the Planning Commission, once qualified and appointed, may be removed from office for malfeasance, misfeasance or nonfeasance in office or for other just cause by majority vote of the Borough Council taken after the member has received 15 days' advance

notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing. Any appointment to fill a vacancy created by removal shall be only for the unexpired term.

§ 122-2704. Officers.

A. The Commission shall elect its own Chairman and Vice Chairman and create and fill such other offices as it may determine. Officers shall serve annual terms and may succeed themselves.

B. The Chairman or, in his absence, the Vice Chairman shall preside at all meetings of the Commission. The Chairman, subject to these rules, shall decide all points of procedure, unless otherwise directed by majority of the Commission, and shall perform any other duties required by law, ordinance or these rules.

§ 122-2705. Rules of procedure.

The Planning Commission shall adopt rules of procedure necessary for the purpose of administering this chapter. The Commission shall keep a full record of its business and shall annually make a written report by March 1 of each year of its activities to the Borough Council. Interim reports may be made as often as may be necessary or as required by the Borough Council.

§ 122-2706. Meetings.

The Planning Commission shall meet monthly on a regularly prescribed date at a regularly prescribed meeting place and at other times as the Chairman may deem necessary. All meetings of the Planning Commission shall be open to the public. The Secretary of the Planning Commission shall keep minutes of all meetings.

A. Notification. The Planning Commission shall notify all persons requesting, in writing, such notification of a Commission meeting during which a proposal affecting their interests will be considered. Notification shall be made by the Secretary of the Planning Commission. An opportunity to introduce evidence and other testimony shall be guaranteed to any interested party.

B. Cancellation. Whenever there are no business matters to be considered at any regular meeting, other than matters of routine business, the Chairman may dispense with such meeting by notifying each member of the Commission and each other party who may have been given notice of such meeting.

§ 122-2707. Decisions.

Within 30 days after any hearing or other public meeting required by this chapter, the Planning Commission shall record its review and recommendations in written form. A copy of this record shall be provided to the applicant, the Building Inspector and/or the Zoning Officer, and the Borough Manager.

§ 122-2708. Powers and activities.

A. Powers. The Planning Commission of the Borough of Lansdale shall function as a Planning Commission, having all powers and duties prescribed generally by law and set forth specifically in Section 209.1 of the Pennsylvania Municipalities Planning Code.[49]

(1) Review requests for amendments to Zoning Ordinance. Proposed amendments, supplements or changes or a proposal to repeal this chapter or part thereof must be submitted to the Planning Commission for its findings before any further public action is taken. The findings of the Planning Commission shall be submitted to the Borough Council in the form of a written report recommending or disapproving the proposed actions. Failure of the Planning Commission to submit such a report shall constitute an approval.

(2) Other. The Planning Commission shall have the right to review and make recommendations regarding all sections of this chapter to the Borough Council as it deems necessary.

B. Activities. The Planning Commission may undertake special studies relating to the Zoning Ordinance and the Comprehensive Plan and the required implementation it deems necessary. Public meetings may be held, material may be gathered and printed, and the Planning Commission may retain outside assistance as it deems necessary. All appropriations of funds must be approved by the Borough Council.

C. Limitations. The Planning Commission shall function as an advisory body only and shall be restricted in its duties to applying the conditions, requirements and restrictions and standards imposed by the various ordinances of the Borough of Lansdale and the Pennsylvania Municipalities Planning Code[50] in keeping with its overall intent.

ARTICLE XXVIII
Enforcement

§ 122-2800. Jurisdiction.

Unless otherwise provided by law or in this chapter, no building or structure shall be constructed, erected or extended and no building, structure or land shall be used or occupied except for purposes permitted herein.

§ 122-2801. Remedies.

In cases where any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained or any building, structure or land is used in violation of this chapter, the Building Inspector and/or Zoning Officer may institute in the name of the Borough any appropriate action or proceedings to prevent such unlawful construction, erection, reconstruction, alteration, repair, conversion, maintenance or use; to restrain, correct

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49. Editor's Note: See 53 P.S. § 10209.1.

50. Editor's Note: See 53 P.S. § 10101 et seq.

or abate such violation; to prevent the occupancy of said building, structure or land; or to prevent any illegal act, conduct, business or use in or about such premises. The rights and remedies provided in this chapter are cumulative and are in addition to all other remedies provided by law.

A. If it appears to the Borough that a violation of any zoning ordinance enacted under this act[51] or prior enabling laws has occurred, the Borough shall initiate enforcement proceedings by sending an enforcement notice as provided in this section. **[Added 8-4-1993 by Ord. No. 1509]**

B. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record. **[Added 8-4-1993 by Ord. No. 1509]**

C. An enforcement notice shall state at least the following: **[Added 8-4-1993 by Ord. No. 1509]**

(1) The name of the owner of record and any other person against whom the Borough intends to take action.

(2) The location of the property in question.

(3) The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this chapter.

(4) The date before which the steps for compliance must be commenced and the date before which the steps must be completed.

(5) That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth in this chapter.

(6) That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

§ 122-2802. Violations and penalties.

A. Judgments, costs and fees. **[Amended 8-4-1993 by Ord. No. 1509]**

(1) For any and every violation of the provisions of this chapter, the owner, general agent or contractor of a building or premises where such a violation has been committed or shall exist, the owner, general agent, contractor, lessee or tenant of any part of a building or premises in which part such violations have been committed or shall exist, or the general agent, architect, builder, contractor or any other person who knowingly commits, takes part or assists in any such violation or who maintains any buildings or premises in which any such violations shall exist

51. **Editor's Note: "This act" refers to the Pennsylvania Municipalities Planning Code, 53 P.S. § 10101 et seq.**

shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Borough, pay a judgment of not more than $500 plus all court costs, including reasonable attorney's fees, incurred by the Borough as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the Magisterial District Judge. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the Magisterial District Judge determining that there has been a violation further determines that there was a good-faith basis for the person, partnership or corporation violating the chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the Magisterial District Judge, and thereafter each day a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney's fees collected for the violation of zoning ordinances shall be paid over to the Borough.

(2) The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.

(3) Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the Borough of Lansdale the right to commence any action or enforcement pursuant to this section.

B. Such fines and penalties may be collected by suit or summary proceeding brought in the name of the Borough before any Magisterial District Judge.

C. Whenever any such person specified in Subsection A above shall have been notified by the Building Inspector and/or Zoning Officer, in writing, that he is violating this chapter, such person shall commence correction of all violations within 10 days after notice and correct all violations within 30 days of notice. If corrections are not commenced within 10 days or completed within 30 days, each day that a violation continues shall be considered a separate offense punishable by the like fine or penalty.

D. Written notice of a violation shall not be considered a prerequisite to conviction for violation of this chapter.

E. Notwithstanding any contrary provision, nothing contained herein shall limit the right of the Borough of Lansdale to pursue any other legal or equitable remedy as may be provided by law.

ARTICLE XXIX
Floodplain Conservation District

§ 122-2900. Legislative intent.

In addition to the purpose and statement of community development objectives found in Article I, § 122-102, of this Zoning Ordinance of the Borough of Lansdale, the specific intent

of this district shall be to protect areas of floodplain subject to and necessary for the containment of floodwaters and to permit and encourage the retention of open space land uses which will be so located and utilized as to constitute a harmonious and appropriate aspect of the continuing physical development of the Borough of Lansdale. Furthermore, in light of the Borough's certification as eligible for federal flood insurance, it is the intent of this district to provide adequate protection for flood-prone properties within the Borough of Lansdale. In advancing these principles and the general purpose of the Zoning Ordinance and Comprehensive Plan, the following shall be the specific objectives of the Floodplain Conservation District:

A. To combine with present zoning requirements certain restrictions made necessary for flood-prone areas to promote the general health, welfare and safety of the Borough.

B. To prevent the erection of structures in areas unfit for human usage by reason of danger from flooding, unsanitary conditions or other hazard.

C. To minimize danger to public health by protecting the quality and quantity of surface and subsurface water supplied adjacent to and underlying flood hazard areas and promoting safe and unsanitary drainage.

D. To permit only those uses which can be appropriately located in the floodplain as herein defined and which will not impede the flow or storage of floodwaters or otherwise cause danger to life and property at, above or below their locations along the floodplain.

E. To protect those individuals who might choose, despite the flood dangers, to develop or occupy land on a floodplain.

F. To protect adjacent landowners and those both upstream and downstream from damage resulting from development within a floodplain and the consequent obstruction or increase in flow of floodwaters.

G. To protect the entire Borough from individual uses of land which may have effect upon subsequent expenditures for public works and disaster relief and adversely affect the economic well-being of the Borough.

H. To maintain undisturbed the ecological balance between those natural system elements, including wildlife, vegetation and marine life, dependent upon watercourses and water areas.

I. To protect other municipalities within the same watershed from the impact of improper development and the consequent increased potential for flooding.

J. To provide access for the deposition of floodborne sediment.

K. To require that uses vulnerable to floods be developed outside the floodplain so as to be protected from flood damage in accordance with the requirements of the Federal Flood Insurance Program, P.L. 93-234, as amended.[52]

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52. Editor's Note: See 42 U.S.C. Ch. 50.

§ 122-2901. Establishment; delineation of boundaries.

A. The Floodplain Conservation District is defined and established as those areas of the Borough subject to flooding as defined in Subsection A(1) and (2) of this section. The most extensive of these areas described in the following sources shall determine the outermost boundary of the Floodplain Conservation District.

(1) Those areas subject to inundation by the waters of the one-hundred-year flood as delineated in the Flood Insurance Study and the accompanying Flood Insurance Rate Maps for the Borough of Lansdale, Montgomery County, Pennsylvania, as prepared by the Federal Emergency Management Agency, Federal Insurance Administration, dated December 19, 1996, or the most recent revision thereof. Said floodplains shall be comprised of three subdistricts, as follows: **[Amended 12-18-1996 by Ord. No. 1598]**

(a) Floodway (F1): that portion of the Floodplain Conservation District required to carry and discharge the waters of the one-hundred-year flood without increasing the water surface elevation at any point more than one foot above existing conditions, as demonstrated in the Flood Insurance Study referenced above.

(b) Floodway Fringe (F2): those portions of land within the Floodplain Conservation District subject to inundation by the one-hundred-year flood lying beyond the floodway in areas where detailed study data and profiles are available.

(c) Approximated Floodplain (F3).

[1] Those portions of land within the Floodplain Conservation District subject to inundation by the one-hundred-year flood where a detailed study has not been performed but where a one-hundred-year floodplain boundary has been approximated. When available, information from other federal, state and other acceptable sources shall be used to determine the one-hundred-year elevation, as well as a floodway area, if possible. When no other information is available, the one-hundred-year elevation shall be determined by using a point on the boundary of the identified floodplain area which is nearest the construction site in question.

[2] In lieu of the above, the municipality may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Borough.

(2) The low area adjoining and including any watercourse or drainagecourse or body of water subject to periodic flooding and delineated as alluvial soils or local

alluvium by the Soil Conservation Service, United States Department of Agriculture, in the Soil Survey of Montgomery County, April 1967.[53]

B. The Floodplain Conservation District shall be delineated on the Flood Insurance Rate Map (FIRM) of the Borough of Lansdale, which is hereby made a part of this chapter and is available for inspection at the Borough Office. **[Amended 12-18-1996 by Ord. No. 1598]**

C. Any change in the Floodplain Conservation District as from time to time may be determined to be proper hereunder shall be forthwith reflected on said map.

D. Studies used to establish the floodplain boundaries shall be available in the Borough Office for reference.

§ 122-2902. Overlay concept.

The Floodplain Conservation District shall be deemed an overlay on any zoning district now or hereafter applicable to any lot.

A. Should the Floodplain Conservation District be declared inapplicable to any tract by reason of action of the Borough Council in amending this chapter or the Zoning Hearing Board or any court of competent jurisdiction in interpreting the same, the zoning applicable to such lot shall be deemed to be the district in which it is located without consideration of this district.

B. Should the zoning of any parcel or any part thereof in which the Floodplain Conservation District is located be changed through any legislative or administrative actions or judicial discretion, such change shall have no effect on the Floodplain Conservation District unless such change was included as part of the original application.

§ 122-2903. Permitted uses.

A. The following uses and no others shall be permitted in the Floodplain Conservation District:

(1) Cultivation and harvesting of crops in accordance with recognized soil conservation practices.

(2) Pasture and grazing land in accordance with recognized soil conservation practices.

(3) Outdoor plant nurseries or orchards in accordance with recognized soil conservation practices.

(4) Wildlife sanctuaries, woodland preserves, aboretums and passive recreation or parks, including hiking, bicycle and bridle trails, but including no facilities subject to damage by flooding.

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53. Editor's Note: Now the Natural Resources Conservation Service.

(5) Forestry, lumbering and reforestation in accordance with recognized natural resource conservation practices but permitting no structures.

(6) Utility transmission lines.

(7) Sealed public water supply wells with approval of proper state agencies and the Borough Council and the Borough Engineer.

(8) Sanitary sewers with approval of the proper state agencies and the Borough Council and the Borough Engineer.

(9) Front, side or rear yards and lot area in excess of the minimum dimensional and area requirements established for each zoning district.

B. All permitted uses are subject to floodproofing regulations in applicable codes. Any of the uses or development activity in Subsection A above shall not be permitted within the designated floodway unless the effect of such proposed activity on one-hundred-year-flood heights is fully offset by accompanying stream improvements. **[Amended 12-18-1996 by Ord. No. 1598]**

§ 122-2904. Special exception uses.

In any application for a special exception under this section, the burden shall be upon the applicant to prove that the approval of the application will not be detrimental to the health, safety and general welfare of the community nor that it will violate the declaration of legislative intent and standards set forth in § 122-2900. In addition thereto, any applicant seeking a special exception before the Zoning Hearing Board shall, upon request, furnish the Zoning Hearing Board, the Borough Planning Commission and the Borough Engineer or any party designated by the Zoning Hearing Board with the information detailed in § 122-2907 of this chapter. Until such data has been supplied and analyzed to the satisfaction of the Zoning Hearing Board, no final decision, other than rejection of the application, shall be made for any special exception hearing under this section. All expenses incurred for the hereinbefore-stated requirements shall be borne by the applicant. The following uses shall be permitted in the Floodplain Conservation District, upon approval by the Zoning Hearing Board, as a special exception:

A. In all zoning districts: front, side and/or rear yards and uses customarily incidental thereto, except that no structures, including but not limited to swimming pools, fences, etc., shall be permitted. Inclusion of floodplain lands within any lot in order to meet minimum area or yard requirements shall be forbidden, and the land area within the Floodplain Conservation District shall not be calculated for the purposes of determining lot areas or yard requirements in any zoning district in the Borough of Lansdale.

B. Recreational use, including private or commercial as well as public, such as parks, camps, picnic areas, golf courses, fishing and sport or boating clubs, not to include enclosed structures, but permitting piers, docks, floats or shelters usually found in developed outdoor recreational areas. Any toilet facilities shall be approved by the Borough Engineer and shall be connected to public water and sewage systems and subject to the floodproofing regulations in applicable ordinances.

C. Outlet installations for sewage treatment plants and sewage pumping stations, with the approval of the Borough Engineer and the Borough Council.

D. Sealed public water supply wells, with the approval of the Borough Engineer.

E. Dams, culverts and bridges, with the approval of appropriate Commonwealth of Pennsylvania departments or agencies with jurisdiction.

F. Accessory uses customarily incidental to the permitted uses under § 122-2903, provided that no structures are located in the Floodplain Conservation District as per § 122-2905A.

§ 122-2905. Prohibited uses.

The following uses shall be specifically prohibited in the Floodplain Conservation District:

A. All freestanding structures, buildings, mobile homes and retaining walls, with the exception of flood-retention dams, culverts and bridges as approved by the Pennsylvania Department of Environmental Resources.[54]

B. The filling of marshlands, grading of any type, removal of topsoil or damming or relocation of any watercourse without approval of the Borough Council, which shall first have received the recommendation of the Borough Planning Commission and the Soil Conservation Service,[55] United States Department of Agriculture, thereon, and the approval of the Pennsylvania Department of Environmental Resources.[56] In addition, all adjacent communities and the Bureau of Community Planning of the Pennsylvania Department of Community Affairs[57] shall be notified prior to the alteration or relocation of a watercourse. Copies of such notification shall be sent to the Federal Insurance Administrator. The flood-carrying capacity within the altered or relocated portion shall be maintained.

C. Sanitary landfills, dumps, junkyards and outdoor storage of vehicles and materials.

D. Paved or all-weather parking lots.

E. Act 166 regulated activities:[58]

(1) Identification. In accordance with the administrative regulations promulgated by the Department of Community Affairs[59] to implement the Pennsylvania Floodplain Management Act,[60] the following activities have been identified as being dangerous to human life or posing a special hazard in floodplain areas:

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54. Editor's Note: Now the Department of Environmental Protection.

55. Editor's Note: Now the Natural Resources Conservation Service.

56. Editor's Note: Now the Department of Environmental Protection.

57. Editor's Note: Now the Department of Community and Economic Development.

58. Editor's Note: See 32 P.S. § 679.101 et seq.

59. Editor's Note: Now the Department of Community and Economic Development.

60. Editor's Note: See 32 P.S. § 679.101 et seq.

(a) Any new or substantially improved structure which will be used for the production or storage of any of the following dangerous materials or substances or which will be used for any activity requiring the maintenance of a supply (more than 550 gallons or other comparable volume or any amount of radioactive substances) of any of the following dangerous materials or substances on the premises:

[1] Acetone.

[2] Ammonia.

[3] Calcium carbide.

[4] Benzene.

[5] Carbon disulfide.

[6] Celluloid.

[7] Chlorine.

[8] Hydrochloric acid.

[9] Hydrocyanic acid.

[10] Magnesium.

[11] Nitric acid and oxides of nitrogen.

[12] Petroleum products (gasoline, fuel oil, etc.).

[13] Phosphorus.

[14] Potassium.

[15] Sodium.

[16] Sulphur and sulphur products.

[17] Pesticides (including insecticides, fungicides and rodenticides).

[18] Radioactive substance, insofar as such substances are not otherwise regulated.

(b) The construction, enlargement or expansion of any structure used or intended to be used for any of the following:

[1] Hospitals (public or private).

[2] Nursing homes (public or private).

[3] Jails or prisons.

(c) The commencement of or any construction of a new mobile home park or mobile home subdivision or substantial improvement to an existing mobile home park or mobile home subdivision.

(2) Floodplain restrictions. Within any identified floodplain area, the activities described in Subsection E(1) above shall be prohibited, and no variance shall be granted.

§ 122-2906. Subdivision and land development approval.

All plans for subdivision and land development, a portion or portions of which are within the Floodplain Conservation District, including the development of any recreation or utility use, shall be reviewed in normal course by the Borough Planning Commission. Uses and/or activity adjacent to the Floodplain Conservation District shall be in accordance with the regulations and requirements of the Zoning Ordinance of the Borough of Lansdale and the districts in which that area exists. However, no building or structure of any nature or any work such as filling or excavation shall be allowed within a horizontal buffer area established at one foot above that base flood elevation. The buffer may be part of any lot to meet zoning lot area and yard requirements.

§ 122-2907. Application procedures.

A. In the Floodplain Conservation District, as defined in § 122-2901 herein, a permit granting approval shall be required for any man-made change to or development of improved or unimproved real estate. An application for such a permit shall be filed with the Zoning Officer, who shall make an initial determination on the application. For a use other than as permitted in § 122-2903, an application seeking approval for a special exception or variance shall be forwarded to the Borough as prescribed in § 122-2904. In addition, the Borough shall require copies of all necessary permits from those governmental agencies from which approval is required by federal or commonwealth law. **[Amended 12-18-1996 by Ord. No. 1598]**

B. The application for a special exception or variance shall be accompanied by the following:

(1) Detailed engineering studies indicating the effects of the proposed use on drainage and streams on all adjacent properties as well as the property in question.

(2) An application to the Borough Council for amending the boundaries of the Floodplain District if the boundaries will be affected by the proposed special exception or variance.

§ 122-2908. Procedures for consideration of a special exception or variance.

All applications for approval of a special exception or variance shall be considered using standards listed in § 122-2909.

A. The Zoning Hearing Board shall require that recommendations of the Soil Conservation Service[61] be submitted as part of the application for a special exception or variance in matters concerning or related to the Floodplain Conservation District.

B. The Zoning Hearing Board shall request review recommendations from the Borough Planning Commission, the Borough Engineer and the Montgomery County Planning Commission to assist in determining the impact of the proposed use, and the subject recommendations shall become part of the public hearing testimony, and the final hearing shall not be held until such recommendations have been received by the Zoning Hearing Board.

C. In rendering a decision, the Zoning Hearing Board may impose special measures or conditions as deemed necessary and appropriate for the use to conform to the intent of this chapter.

D. The Zoning Hearing Board will render a decision within 45 days of the closing of the last hearing on the application.

§ 122-2909. Standards for granting of special exceptions or variances.

The Zoning Hearing Board shall exercise discretion in allowing only those uses which are substantially in accord with the stated objectives in § 122-2900 herein. The Zoning Hearing Board, in considering special exception or variance applications, shall consider the following:

A. The effect of the use shall not substantially alter the cross-section profile of the stream and floodplains at the location of the proposed use.

B. Lands abutting the waterway, both upstream and down stream, shall not be unreasonably affected by the proposed use.

C. The general welfare or public interest of the Borough of Lansdale or of other municipalities in the same watershed shall not be adversely affected.

D. New structures and substantial improvements to existing structures permitted by special exception or variance shall be elevated, floodproofed and anchored in full compliance with the Lansdale Borough Building Code,[62] as amended, and applicable current federal and commonwealth regulations. **[Amended 12-18-1996 by Ord. No. 1598]**

E. (Reserved)[63]

F. An affirmative decision shall not be issued by the Zoning Hearing Board for an application within the designated floodway unless the effect of such proposed activity on one-hundred-year-flood heights is fully offset by accompanying stream improvements, as evidenced by permits granted by the proper state agency. **[Amended 12-18-1996 by Ord. No. 1598]**

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61. Editor's Note: Now the Natural Resources Conservation Service.

62. Editor's Note: See Ch. 51, Building Construction.

63. Editor's Note: Former Subsection E, pertaining to special exceptions, was repealed 12-18-1996 by Ord. No. 1598.

G. The Zoning Hearing Board shall notify the applicant, in writing, over the signatures of the Board, that the issuance of a decision to allow construction of a structure below the base flood elevation will result in increased premium rates for flood insurance and that such construction below the base flood elevation increases risks to life and property. Such notification shall be maintained with the record of all decisions as required in § 122-2909.

H. The Zoning Hearing Board shall maintain a record of all decisions, including justification for their issuance, and report such decisions issued in an annual report submitted to the Federal Insurance Administration.

§ 122-2910. Additional standards for approval of uses by variance.

A property owner of a lot of record, as of the date of the enactment of this article, who is able to prove that the strict enforcement of this article would create undue hardship by denying a reasonable use of an existing lot which is situated either wholly or partially in the Floodplain Conservation District may seek relief by applying for a variance from the Zoning Hearing Board.

A. The Zoning Hearing Board, after decision upon the merits of the application, may permit the applicant to make some reasonable use of the property in question, while ensuring that such use will not violate the basic objectives of this district as specified in § 122-2900 herein.

B. In considering a use as a variance, the Zoning Hearing Board shall consider those standards outlined in § 122-2909 herein.

C. Requests for variances shall be considered by the Zoning Hearing Board in accordance with the following:

(1) Affirmative decisions shall only be issued by the Zoning Hearing Board upon:

(a) A showing of good and sufficient cause;

(b) A determination that failure to grant the appeal would result in exceptional hardship to the applicant; and

(c) A determination that the granting of an appeal will not result in increased flood heights, additional threats to public safety or extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(2) Affirmative decisions shall only be issued upon determination that it is the minimum necessary, considering the flood hazard, to provide relief.

(3) Affirmative decisions shall only be issued in compliance with the requirements of Section 912 of the Pennsylvania Municipalities Planning Code, as amended.[64]

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64. Editor's Note: See 53 P.S. § 10912.

§ 122-2911. Boundary disputes and appeals.

A. In cases of any dispute concerning the boundaries of a Floodplain Conservation District, the initial determination shall be made by the Borough Engineer.

B. Any party aggrieved by the decision of the Borough Engineer as to the boundaries of the Floodplain Conservation District, as defined above, which may include the grounds that said map referred to therein is or has become incorrect because of changes due to natural or other causes or corrections indicated by additional detailed hydrologic and hydraulic studies, may appeal to the Zoning Hearing Board as provided in Article XXV of this chapter and §§ 122-2907, 122-2908 and 122-2909 herein. The burden of proof in such appeal shall be on the applicant.

C. Insofar as various natural conditions, including the Floodplain Conservation District as herein defined, may change, such changes may be validated by detailed on-site survey techniques approved by the United States Army Corps of Engineers. Whether a proposed use is within the Floodplain Conservation District shown on the Floodplain Overlap Map shall, upon appeal from the decision of the Borough Engineer, be determined by the Zoning Hearing Board upon receipt of the findings of the detailed on-site survey by the petitioner. The Zoning Hearing Board, in addition to other evidence and standards, may consider the recommendations of the Borough Planning Commission and the validation of the United States Army Corps of Engineers and/or other governmental agencies.

D. The Zoning Hearing Board shall require that the review and recommendation of the Soil Conservation Service[65] be submitted as part of the application by the applicant on matters concerning the Floodplain Conservation District.

E. All changes to the boundaries of the Floodplain Conservation District are subject to the review and approval of the Federal Insurance Administrator, and such approval shall be submitted to the Zoning Hearing Board at the hearing.

§ 122-2912. Nonconforming uses.

A. Following the adoption of this article, any use or structure which is situated within the boundaries of the Floodplain Conservation District and which does not conform to the permitted uses specified in § 122-2900 herein shall become a nonconforming use or structure, regardless of its conformance to the district in which it is located. Improvements or additions to nonconforming structures or uses within all floodplain areas shall be in conformance with the floodproofing and related provisions contained in all other applicable codes and ordinances enforced in the Borough. No expansion of a nonconforming use shall be allowed if such expansion may cause harm or injury or otherwise violate the intent of this article as set forth in § 122-2900 hereof.

B. The expansion or continuance of a nonconforming use or structure which is nonconforming with respect to the district in which it is located without consideration of this article shall be governed by the requirements of Article XXIII of this chapter. However, the Zoning Hearing Board shall ensure that the standards contained in

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65. Editor's Note: Now the Natural Resources Conservation Service.

§§ 122-2909 and 122-2910 herein are applied to the expansion or continuance of said nonconforming use or structure.

C. The expansion or continuance of a nonconforming use or structure which is rendered nonconforming by the adoption of this district shall be governed by the standards contained in §§ 122-2909 and 122-2910 herein. The Zoning Hearing Board shall ensure that these standards are enforced with respect to said nonconforming use or structure.

§ 122-2913. Borough liability.

The grant of a zoning permit or approval of a subdivision plan in the Floodplain Conservation District shall not constitute a representation, guaranty or warranty of any kind by the Borough or by any official or employee thereof of the practicability or safety of any structure, use or other plan proposed and shall create no liability upon or a cause of action against such public body, official or employee for any damage that may result pursuant thereto.

ARTICLE XXX
Repealer and Effective Date

§ 122-3000. Repealer.

The existing Zoning Ordinance, adopted on July 7, 1966, as Ordinance No. 920, and entitled "Zoning Ordinance of the Borough of Lansdale," and all supplements and amendments thereto, is hereby repealed; provided, however, that if the present chapter is held to be ineffective or invalid by reason of some irregularity in or impediment to its passage, this repealer shall also be ineffective as aforesaid. Then and in that event, the Zoning Ordinance of 1966, together with its supplements and amendments, would necessarily remain in full force and effect.

§ 122-3001. Effective date.

The effective date of this chapter shall be 60 days after enactment.

ARTICLE XXXI
Sexually Oriented Businesses
[Added 5-1-1991 by Ord. No. 1447]

§ 122-3101. Definitions.

As used in this article, the following terms shall have the meanings indicated:

ADULT ARCADE — Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically or mechanically controlled still or motion-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.

ADULT BOOKSTORE or ADULT VIDEO STORE —

A. A commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following;

(1) Books, magazines, periodicals or other printed matter or photographs, films, motion pictures, videocassettes or video reproductions, slides or other visual representations which depict or describe specified sexual activities or specified anatomical areas; or

(2) Instruments, devices or paraphernalia which are designed for use in connection with specified sexual activities.

B. A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing specified sexual activities or specified anatomical areas and still be categorized as an "adult bookstore" or "adult video store." Such other business purposes will not serve to exempt such commercial establishment from being categorized as an "adult bookstore" or "adult video store" so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials which depict or describe specified sexual activities or specified anatomical areas.

ADULT CABARET — A nightclub, bar, restaurant or similar commercial establishment which regularly features:

A. Persons who appear in the state of nudity;

B. Live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities; or

C. Films, motion pictures, videocassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

ADULT MOTEL — A hotel, motel or similar commercial establishment which:

A. Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, videocassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas; and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions;

B. Offers sleeping rooms for rent for a period of time that is less than 10 hours; or

C. Allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than 10 hours.

ADULT MOTION-PICTURE THEATER — A commercial establishment where, for any form of consideration, films, motion pictures, videocassettes, slides or similar photographic reproductions are regularly shown which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

ADULT THEATER — A theater, concert hall, auditorium or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of specified anatomical areas or specified sexual activities.

BOROUGH — The Borough of Lansdale.

ESCORT — A person who, for consideration, agrees or offers to act as a companion, guide or date for another person or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

ESCORT AGENCY — A person or business association who furnishes, offers to furnish or advertises to furnish escorts as one of its primary business purposes for a fee, tip or other consideration.

ESTABLISHMENT — Includes any of the following;

A. The opening or commencement of any sexually oriented business as a new business;

B. The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;

C. The additions of any sexually oriented business to any other existing sexually oriented business; or

D. The relocation of any sexually oriented business.

NUDE MODEL STUDIO — Any place where a person who appears in a state of nudity or displays specified anatomical areas is provided to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by other persons who pay money or any form of consideration.

NUDITY or STATE OF NUDITY — The appearance of a human bare buttock, anus, male genitals, female genitals or female breast

PERMITTEE and/or LICENSEE — A person in whose name a permit and/or license to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for a permit and/or license.

PERSON — An individual, proprietorship, partnership, corporation, association or other legal entity.

SEMINUDE — A state of dress in which clothing covers no more than the genitals, pubic region and areolae of the female breast, as well as portions of the body covered by supporting straps or devices.

SEXUAL ENCOUNTER CENTER — A business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:

A. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or

B. Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or seminude.

SEXUALLY ORIENTED BUSINESS — An adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion-picture theater, adult theater, escort agency, nude model studio or sexual encounter center.

SPECIFIED ANATOMICAL AREAS — The male genitals in a state of sexual arousal and/or the vulva or more intimate parts of the female genitals.

SPECIFIED SEXUAL ACTIVITIES — Includes any of the following;

A. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts;

B. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy;

C. Masturbation, actual or simulated; or

D. Excretory functions as part of or in connection with any of the activities set forth in Subsections A through C above.

SUBSTANTIAL ENLARGEMENT (of a sexually oriented business) — The increase in floor areas occupied by the business by more than 25%, as the floor areas exist on May 1, 1991.

TRANSFER OF OWNERSHIP OR CONTROL (of a sexually oriented business) — Includes any of the following:

A. The sale, lease or sublease of the business;

B. The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange or similar means; or

C. The establishment of a trust, gift or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

§ 122-3102. Classification.

Sexually oriented businesses are classified as follows:

A. Adult arcades;

B. Adult bookstores or adult video stores;

C. Adult cabarets;

D. Adult motels;

E. Adult motion-picture theaters;

F. Adult theaters;

G. Escort agencies;

H. Nude model studios;

I. Sexual encounter centers; and

J. Similar uses.

§ 122-3103. Permit required.

A. Any person who operates a sexually oriented business without a valid permit issued by the Borough is guilty of a violation of the Zoning Ordinance of the Borough.

B. An application for a permit to operate a sexually oriented business must be made on a form provided by the Building Official of the Borough. The application must be accompanied by a sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches.

C. The applicant must be qualified according to the provisions of this chapter, and the premises must be inspected and found to be in compliance with the laws by the Code Enforcement Department, the Fire Marshal and the Building Official.

D. If a person who wishes to operate a sexually oriented business is an individual, he must sign the application for a permit as applicant. If the person who wishes to operate a sexually oriented business is other than an individual, each individual who has ten-percent or greater interest in the business must sign the application for a permit as applicant. If a corporation is listed as owner of a sexually oriented business or as the entity which wishes to operate such a business, each individual having a direct or indirect interest of 10% or greater in the corporation must sign the application for a permit as applicant.

E. The fact that a person possesses other types of Borough permits does not exempt the person from the requirement of obtaining a sexually oriented business permit.

§ 122-3104. Issuance of permit.

A. The Borough Building Official shall approve the issuance of a permit to an applicant within 30 days after receipt of an application unless he finds one or more of the following to be true:

(1) An applicant is under 18 years of age.

(2) An applicant or an applicant's spouse is overdue in his payment to the Borough of taxes, fees, fines or penalties assessed against him or imposed upon him in relation to a sexually oriented business.

(3) An applicant has failed to provide information reasonably necessary for issuance of the permit or has falsely answered a question or request for information on the application form.

(4) An applicant is residing with a person who has been denied a permit by the Borough to operate a sexually oriented business within the preceding 12 months, or residing with a person whose license to operate a sexually oriented business has been revoked within the preceding 12 months.

(5) The premises to be used for the sexually oriented business have been reviewed and have been disapproved by either the Code Enforcement Department, the Fire Marshal or the Building Official as not being in compliance with applicable laws and ordinances.

(6) The permit fee required by this article has not been paid.

(7) An applicant of the proposed establishment is in violation of or is not in compliance with any of the provisions of this article.

(8) An applicant, if an individual; any individual holding a direct or indirect interest of more than 10% of the corporation; or any of the officers and directors, if the applicant is a corporation; or any of the partners, including limited partners, if the applicant is a partnership; or the manager or other person in charge of the operation of the business has been convicted of an offense involving sexual misconduct within the Commonwealth of Pennsylvania or convicted of any offense in any jurisdiction other than the Commonwealth of Pennsylvania that would have constituted an offense involving sexual misconduct if committed within the Commonwealth of Pennsylvania.

B. The permit, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date and the addresses of the sexually oriented business. The permit shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that it may be easily read at any time.

C. The Code Enforcement Department, the Fire Marshal and the Building Official shall complete their certification that the premises is in compliance within 20 days of receipt of the application by the Building Official. The certification shall be promptly presented to the Building Official.

§ 122-3105. Fees.

The annual fee for a sexually oriented business permit is $500.

§ 122-3106. Inspection.

A. An applicant or permittee shall permit representatives of the Police Department, Fire Marshal, Building Official, Code Enforcement Department or other Borough departments or agencies to inspect the premises of a sexually oriented business for the purpose of

ensuring compliance with the law at any time that the sexually oriented business is occupied or open for business.

B. A person who operates a sexually oriented business or his agent or employee violates the Zoning Ordinance of the Borough if he refuses to permit such lawful inspection of the premises at any time it is occupied or open for business.

§ 122-3107. Expiration of permit,

A. Each permit shall expire one year from the date of issuance and may be renewed only by making application as provided in § 122-3104. Application for renewal should be made at least 30 days before the expiration date, and when made less than 30 days before the expiration date, the pendency of the application will not prevent the expiration of the permit.

B. After the Borough Building Official denies renewal of a license, the applicant shall not be issued a permit for one year from the date of denial, except that after 90 days have elapsed since the date of denial, the applicant may be granted a permit if the Building Official finds that the basis for denial of the renewal permit has been corrected or abated.

§ 122-3108. Suspension.

The Building Official shall suspend a permit for a period not to exceed 30 days if he determines that a permittee or an employee of a permittee has:

A. Violated or is not in compliance with any section of this article.

B. Engaged in excessive use of alcoholic beverages while on the sexually oriented business premises.

C. Refused to allow an inspection of the sexually oriented business premises as authorized by this article.

D. Knowingly permitted gambling by any person on the sexually oriented business premises.

§ 122-3109. Revocation.

A. The Building Official shall revoke a permit if a cause of suspension set forth in § 122-3108 occurs and the permit has been suspended within the preceding 12 months.

B. The Building Official shall revoke a permit if he determines that:

(1) A permittee, or any of the persons specified in § 122-3104A and B, has been convicted of the offenses specified in § 122-3104A and B.

(2) A permittee gave false or misleading information in the material submitted to the Borough during the application process.

(3) A permittee or an employee of a permittee has knowingly allowed possession, use or sale of controlled substances on the premises.

(4) A permittee or an employee of a permittee has knowingly allowed prostitution on the premises.

(5) A permittee or an employee of a permittee knowingly operated the sexually oriented business during a period of time when the permittee's permit was suspended.

(6) A permittee or an employee of a permittee knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation or other sexual conduct to occur in or on the permitted premises.

(7) A permittee is delinquent in payment to the Borough or state for any taxes due or fees past due.

C. When the Building Official revokes a permit, the revocation shall continue for one year, and the permittee shall not be issued a sexually oriented business permit for one year from the date revocation became effective. If, subsequent to revocation, the Building Official finds the basis for the revocation has been corrected or abated, the applicant may be granted a permit if at least 90 days have elapsed since the date the revocation became effective.

D. After denial of an application, or denial of a renewal of an application, or suspension or revocation of a permit, the applicant or licensee or permittee may seek prompt judicial review of such administrative action in any court of competent jurisdiction. The administrative action shall be promptly reviewed by the court.

§ 122-3110. Transfer of permit.

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

§ 122-3111. Location.

A. A person is guilty of a violation of the Zoning Ordinance if he operates or causes to be operated a sexually oriented business outside of a district in which a sexually oriented business is a permitted use. No sexually oriented businesses shall be located outside a district in which a sexually oriented business is a permitted use.

B. A person is guilty of a violation of the Zoning Ordinance if he operates or causes to be operated a sexually oriented business within 400 feet of a:

(1) Church;

(2) Public or private preelementary, elementary or secondary school;

(3) Public library;

(4) Child-care facility or nursery school;

(5) Boundary of any residential district; or

(6) Public park adjacent to any residential district.

C. A person is guilty of a violation of the Zoning Ordinance if he causes or permits the operation, establishment, substantial enlargement or transfer of ownership or control of a sexually oriented business within 400 feet of another sexually oriented business.

D. A person is guilty of a violation of the Zoning Ordinance if he causes or permits the operation, establishment or maintenance of more than one sexually oriented business in the same building, structure or portion thereof; or the increase of floor areas of any sexually oriented business in any building, structure or portion thereof containing another sexually oriented business.

E. For the purpose of this article, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business is conducted to the nearest property line of the premises of a church, public or private preelementary, elementary or secondary school, public library, child-care facility or nursery school or to the nearest boundary of an affected public park or residential district.

F. For the purpose of Subsection C of this section, the distance between any two sexually oriented businesses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located.

G. Any sexually oriented business lawfully operating on May 1, 1991, that is in violation of Subsections A through F of this section shall be deemed a nonconforming use. Such nonconforming uses shall not be increased, enlarged, extended or altered, except that the use may be changed to a conforming use. If two or more sexually oriented businesses are within 400 feet of one another and otherwise in a permissible location, the sexually oriented business which was first established and continually operating at a particular location is the conforming use and the later-established businesses is nonconforming.

H. A sexually oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the location, subsequent to the grant or renewal of the sexually oriented business permit, of a church, public or private preelementary, elementary or secondary school, public library, child-care facility, nursery school, public park or residential district within 400 feet of the sexually oriented business. This provision applies only to the renewal of a valid permit and does not apply when an application for a permit is submitted after a permit has expired or has been revoked.

§ 122-3112. (Reserved)

§ 122-3113. Regulations for exhibition of sexually explicit films or videos.

A. A person who operates or causes to be operated a sexually oriented business, other than an adult motel, which exhibits on the premises in a viewing room of less than 150 square feet of floor space a film or videocassette or other video or other image production or reproduction which depicts specified sexual activities or specified anatomical areas shall comply with the following requirements:

(1) The application for a permit to operate a sexually oriented business shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of one or more manager's stations and the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted. A manager's station may not exceed 32 square feet of floor area. The diagram shall also designate the place at which the permit will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram should be oriented to the North or to some designated street or object and should be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six inches. The Building Official may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared.

(2) The application shall be sworn to be true and correct by the applicant.

(3) No alteration in the configuration or location of a manager's station may be made without the prior approval of the Building Official or his designee.

(4) It is the duty of the owners and operator of the premises to ensure that at least one employee is on duty and situated in each manager's station at all times that any patron is present inside the premises.

(5) The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding rest rooms. Rest rooms may not contain video reproduction equipment. If the premises has two or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the manager's station. The view required in this subsection must be a direct line of sight from the manager's station.

(6) It shall be the duty of the owners and operator, and it shall also be the duty of any agents and employees present on the premises, to ensure that the view area specified in Subsection A(5) remains unobstructed by any doors, walls, merchandise, display racks or other materials at all times and to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted in the application filed pursuant to Subsection A(1) of this section.

(7) No viewing room may be occupied by more than one person at any time.

(8) The premises shall be equipped with an overhead lighting fixture of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than 1.0 footcandle as measured at the floor level.

(9) It shall be the duty of the owners and operator, and it shall also be the duty of any agents and employees present in the premises, to ensure that the illumination described above is maintained at all times that any person is present in the premises.

B. A person having a duty under Subsection A(1) through (9) is guilty of a violation of the Zoning Ordinance if he knowingly fails to fulfill that duty.

§ 122-3114. Exemptions.

It is a defense to prosecution under §§ 122-3104 and 122-3111 that a person appearing in a state of nudity did so in a modeling class operated:

A. By a proprietary school, licensed by the Commonwealth of Pennsylvania, or a college, junior college or university supported entirely or partly by taxation;

B. By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college or university supported entirely or partly by taxation; or

C. In a structure:

(1) Which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing;

(2) Where, in order to participate in a class, a student must enroll at least three days in advance of the class; and

(3) Where no more than one nude model is on the premises at any one time.

§ 122-3115. Injunction.

A person who operates or causes to be operated a sexually oriented business without a valid permit or in violation of § 122-3111 is subject to an action in equity or a suit for injunction as well as citations for violations of the Zoning Ordinance.

ARTICLE XXXII
Obscenity and Other Sexual Materials
[Added 5-1-1991 by Ord. No. 1448]

§ 122-3201. Obscene materials.

No person, knowing the obscene character of the materials involved, shall:

A. Display or cause or permit the display of any explicit sexual materials as defined in § 122-3202 in or on any window, showcase, newsstand, display rack, billboard, display board, viewing screen, motion-picture screen, marquee or similar place in such manner that the display is visible from any public street, highway, sidewalk, transportation facility or other public thoroughfare, or in any business or commercial establishment where minors, as a part of the general public or otherwise, are or will probably be exposed to view all or any part of such materials;

B. Sell, lend, distribute, exhibit, give away or show any obscene materials to any person 17 years of age or older or offer to sell, lend, distribute, exhibit or give away or show, or have in his possession with intent to sell, lend, distribute, exhibit or give away or show, any obscene materials to any person 17 years of age or older, or knowingly advertise any obscene material in any manner.

C. Design, copy, draw, photograph, print, utter, publish or in any manner manufacture or prepare any obscene materials;

D. Write, print, publish, utter or cause to be written, printed, published or uttered any advertisement or notice of any kind giving information, directly or indirectly, stating or purporting to state where, how, from whom or by what means any obscene materials can be purchased, obtained, or had; or

E. Hire, employ, use or permit any minor child to do or assist in doing any act or thing mentioned in this section.

§ 122-3202. Definitions.

As used in this article, the following words and phrases shall have the meanings given to them in this section:

COMMUNITY — For the purpose of applying the contemporary community standards in this section, "community" means the Borough.

KNOWING — As used in § 122-3201, having general knowledge of, or reason to know or a belief or ground for belief which warrants further inspection or inquiry of, the character and content of any material described herein which is reasonably susceptible of examination by the defendant.

OBSCENE MATERIALS — Any literature, including any book, magazine, pamphlet, newspaper, storypaper, comic book or writing, and any figure, visual representation or image, including any drawing, photograph, picture or motion picture, if:

A. The average person applying contemporary community standards would find that the subject matter, taken as a whole, appeals to the prurient interest;

B. The subject matter depicts or describes, in a patently offensive way, sexual conduct of a type described in this section; and

C. The subject matter, taken as a whole, lacks serious literary, artistic, political, educational or scientific value.

SEXUAL CONDUCT — Patently offensive representations or descriptions of ultimate sexual acts, normal or perverted, actual or simulated, and patently offensive representations or descriptions of masturbation, excretory functions and lewd exhibition of the genitals.

TRANSPORTATION FACILITY — Any conveyance, premises or place used for or in connection with public passenger transportation, whether by air, rail, motor vehicle or any other method, including aircraft, watercraft, railroad cars, buses and air, boat, railroad and bus terminals and stations.

§ 122-3203. Dissemination to minors.

No person shall knowingly disseminate by sale, loan or otherwise explicit sexual materials to a minor. "Explicit sexual materials," as used in this subsection, means materials which are obscene or:

A. Any picture, photograph, drawing, sculpture, motion-picture film or similar visual representation or image of a person or portion of the human body which depicts nudity, sexual conduct or sadomasochistic abuse and which is harmful to minors; or

B. Any book, pamphlet, magazine, printed matter, however reproduced, or sound recording which contains any matter enumerated in Subsection A or explicit and detailed verbal descriptions or narrative accounts of sexual excitement, sexual conduct or sadomasochistic abuse and which, taken as a whole, is harmful to minors.

§ 122-3204. Admitting minors to shows.

It shall be unlawful for any person knowingly to exhibit for monetary consideration to a minor or knowingly to sell to a minor an admission ticket or pass or knowingly to admit a minor for a monetary consideration to premises whereon there is exhibited a motion-picture show or other presentation which, in whole or in part, depicts nudity, sexual conduct or sadomasochistic abuse and which is harmful to minors, except that the foregoing shall not apply to any minor accompanied by his parent.

§ 122-3205. Additional definitions.

As used in §§ 122-3203 and 122-3204, the following terms shall have the meanings indicated:

HARMFUL TO MINORS — That quality of any description or representation, in whatever form, of nudity, sexual conduct, sexual excitement or sadomasochistic abuse, when it:

A. Predominantly appeals to the prurient, shameful or morbid interest of minors;

B. Is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material for minors; and

C. Is utterly without redeeming social importance for minors.

KNOWINGLY — Having general knowledge of, or reason to know, or a belief or ground for belief which warrants further inspection or inquiry of both:

A. The character and content of any material described herein which is reasonably susceptible of examination by the defendant; and

B. The age of the minor; provided, however, that an honest mistake shall constitute an excuse from liability hereunder if the defendant made a reasonable bona fide attempt to ascertain the true age of the minor.

MINOR — Any person under the age of 17 years.

NUDITY — The showing of the human male or female genitals, pubic area or buttocks with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple, or the depiction of covered male genitals in a discernibly turgid state.

SADOMASOCHISTIC ABUSE — Flagellation or torture by or upon a person clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed.

SEXUAL CONDUCT — Acts of masturbation, homosexuality, sexual intercourse or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks or, if such a person be a female, breast.

SEXUAL EXCITEMENT — The condition of the human male or female genitals when in a state of sexual stimulation or arousal.

§ 122-3206. Right to refuse purchase of obscene materials.

No person shall knowingly require any distributor or retail seller, as a condition of sale or delivery for resale or consignment of any literature, book, magazine, pamphlet, newspaper, storypaper, paper, comic book, writing, drawing, photograph, figure or image or any written or printed matter or any article or instrument, to purchase or take by consignment for purposes of sale, resale or distribution any obscene literature, book, writing, drawing, photograph, figure or image or any written or printed matter of an obscene nature or any article or instrument of an obscene nature.

§ 122-3207. Injunction.

The Borough Solicitor may institute proceedings in equity in the court of common pleas of the county in which any person violates or clearly is about to violate this article for the purpose of enjoining such violation. The court shall issue an injunction only after written notice and hearing and only against the defendant to the action. The court shall hold a hearing within three days after demand by the attorney for the Borough, one of which days must be a business day for the court, and a final decree shall be filed in the office of the prothonotary within 24 hours after the close of the hearing. A written memorandum supporting the decree shall be filed within five days of the filing of the decree. The attorney for the Borough shall prove the elements of the violation beyond a reasonable doubt. The defendant shall have the right to trial by jury at the said hearing.

§ 122-3208. Exemptions.

Nothing in this section shall apply to any recognized historical society or museum accorded charitable status by the federal government, any county, city, Borough, township or town library, any public library, any library of any school, college or university or any archive or library under the supervision and control of the commonwealth or a political subdivision.

ARTICLE XXXIII
Child Day-Care Facilities
[Added 5-6-1992 by Ord. No. 1477]

§ 122-3301. Intent; definitions.

A. In addition to the purpose and statement of community development objectives found in Article I, § 122-102, of this chapter, the specific intent of the Borough Council of the Borough of Lansdale in establishing this article is to promote the following goals:

(1) To permit the establishment of a sufficient number and variety of day-care arrangements in safe and convenient locations throughout the Borough of Lansdale in order to accommodate the growing demand of residents for such services, while meeting the operational and physical standards of the Pennsylvania Department of Public Welfare (DPW) for health, safety and welfare purposes.

(2) To permit family day-care homes to be located in residential surroundings so as to offer children a home environment conducive to healthy and safe development, while adhering to standards designed to preserve the residential character of neighborhoods within the Borough of Lansdale.

B. For the purpose of this article, the terms used herein are defined as follows:

BABYSITTING — Any of the following three types of activities and, as so defined, is not intended to be regulated by this article:

(1) The temporary or occasional care of any number of children not related to the caregiver which takes place at the home of the caregiver;

(2) The temporary or occasional care of any number of children at a dwelling unit customarily and regularly occupied by the children as their residence; or

(3) The regular care of one, two or three children not related to the caregiver which takes places at the home of the caregiver.

CHILD DAY-CARE FACILITY — Any dwelling, building or portion thereof in which child day-care services are provided, including any on-site outdoor play area. Child day-care facilities shall be further differentiated by the following two classifications:

(1) FAMILY DAY-CARE HOME — Any premises or dwelling unit otherwise used as a family residence, operated for profit or not for profit, in which child day care is provided on a regular basis to a cumulative number of four, five or six children during any twenty-four-hour period. Any child related to the caregiver or any child

residing in the premises or dwelling unit so operated shall not be included in the permitted number of children unless that child is age five years or younger.

(2) DAY-CARE CENTER — A facility which is licensed by the Commonwealth of Pennsylvania Department of Public Welfare to provide care to a cumulative number of seven or more children during any twenty-four-hour period, where the child-care areas are not being used as a family residence.

§ 122-3302. General provisions.

The following provisions shall apply to each of the two defined types of child day-care facilities unless the context clearly indicates otherwise:

A. Categories included. The provisions of this section pertain to day-care service for children by caregivers in family day-are homes and day-are centers, subject to Chapter II, Sections 8A, 8B and 8C, of the Pennsylvania Department of Public Welfare Social Services Manual Regulations, as revised or from time to time amended. Day-care service for children shall include out-of-home child day-care service for part of a twenty-four-hour day for children under 16 years of age by caregivers, excluding care provided by relatives. Day-care service for children shall not include babysitting or day care furnished in places of worship during religious services.

B. Registration and licensing. Family day-care homes, as defined in this article, must hold an approved and currently valid DPW registration certificate. Day-care centers, as defined in this article, must hold an approved and currently valid DPW license. In addition, all child day-care facilities shall comply with all current DPW regulations, including but not limited to those standards governing indoor space and accessible outdoor play space, as well as any applicable state or local building or firesafety code.

C. Borough notification and fee. Each operator of a newly established or newly expanded child day-are facility shall notify the Borough, in writing, at least 60 days prior to the initiation or expansion of such use when there is a simple change in land use and 90 days in advance when the land development process is required. This time period will allow the Borough to inspect the property for code compliance and to establish a record of the new land use or expansion. Already existing licensed or registered facilities shall be required to notify the municipality of its operation, in writing, within 60 days after the enactment of this article. In addition, the operator of any facility must certify compliance with all aspects of this article and all other applicable requirements. Upon compliance, the Borough will issue a use and occupancy permit at a cost to be established by resolution of the Borough Council of the Borough of Lansdale. Renewal fees shall likewise be established by resolution of the Borough Council of the Borough of Lansdale.

(1) Family day-care homes must provide proof of an approved DPW registration certificate at the time of initial notification to the Borough and must renew the Borough license every two years at the time of DPW registration certificate renewal.

(2) Day-care centers must provide proof of an approved and currently valid DPW license at the time of initial notification to the Borough and must provide proof of annual DPW license renewal and apply for Borough renewal annually.

D. Inspection.

(1) The operator of a family day-care home or day-are center will allow, upon request, appropriate representatives of the Borough to enter the property at reasonable times to inspect such use for compliance with the requirements of this section and all other applicable law.

(2) Nothing set forth herein is intended to create any Borough duty to inspect, nor is any inference to be drawn that Borough inspections, if any, shall occur with any particular frequency.

E. General safety. No portion of a child day-care facility shall be located within a five-hundred-foot distance from any potentially hazardous land use or activity which could pose a threat to the safety and welfare of the children, staff or other occupants at the facility. Hazardous land uses or activities include but shall not be limited to gasoline service stations, heavy industrial operations, storage of flammable materials or high-pressure underground pipelines or truck or rail loading areas. In addition, the location of a child day-care facility shall be registered with the police and fire departments so that these public safety departments can have advance records of the facilities' locations in the event of an emergency.

F. Hours of outside play. Outside play shall be limited to the hours between 8:00 a.m. and sunset, as defined by the National Weather Service.

G. Outdoor play area. An on-site outdoor play area, as required by DPW regulations, shall be provided for any proposed child day-care facility. The on-site outdoor structured play areas or areas of high outdoor activity shall be located in the rear yard and must be enclosed with fencing of suitable material a minimum of five feet in height with openings no more than two inches in width and two inches in height.

H. Altering exterior of residential structures. Any addition or improvement to an existing residential structure or property for purposes of child day care shall preserve the residential character of the structure or property. The scale, bulk, height and roof pitch of any addition and the building materials used shall be compatible with the existing structure. Any improvements to the structure or property shall be in compliance with all other applicable law.

I. Traffic impact study. Any proposed child day-care facility which will generate a combined total of 100 new trips during the morning and evening peak hours shall be required to conduct a traffic impact study.

§ 122-3303. Family day-care homes.

Family day-care homes may be permitted by conditional use permit subject to the standards of the zoning district in which the unit is located and both the development standards and the conditional use standards in this section.

A. Conditional use standards. Any proposed family day-care home shall comply with the following conditional use standards in addition to the general provisions for all types of child day-care facilities in § 122-3302:

(1) The proposed family day-care home must be located in a single-family detached or semidetached unit or the end unit of a townhouse or row home.

(2) The applicant shall demonstrate that the children in the family day-care home can safely, quickly and easily vacate the premises in case of emergency. Two independent means of egress, one to the front and one to the rear of the property, are required.

(3) No family day-care home shall be located within 500 feet of any other family day-care home.

B. Development standards. The following standards shall apply to all proposed family day-care homes:

(1) Dropoff area. One on-site dropoff space for clients shall be provided. An existing driveway or common parking lot space may be used as the dropoff area if it can be demonstrated that there is sufficient space available in the driveway that is not otherwise occupied or committed to safely accommodate a parked vehicle. If a driveway is used for the dropoff area and the proposed use fronts an arterial or major collector street, an on-site turnaround area shall be provided, subject to the requirements in §§ 122-2001, 122-2002 and 122-2003A(5) of this chapter.

§ 122-3304. Day-care centers.

Any proposed day-care center shall comply with the following standards in addition to the general provisions for all types of child day-care facilities in §§ 122-3301 and 122-3302.

A. Where allowed.

(1) Permitted by right. Day-care centers are permitted by right in the Commercial and Business Zoning Districts, subject to the regulations of the zoning district in which the proposed use is located and the development standards in this section.

(2) Conditional uses.

(a) Day-care centers are permitted as a conditional use in any industrial zoning district, subject to the regulations of the zoning district in which the proposed use is located and both the development standards and the conditional use standards in this section.

(b) Day-care centers are permitted as a conditional use when proposed as an accessory use to a church or school in any zoning district, subject to the regulations of the zoning district in which the proposed use is located and the development standards and accessory use standards in this section and this chapter.

B. Development standards. The following standards shall apply to all proposed day-care centers:

(1) On-site parking for employees and clients.

(a) One parking space per every six children; and

(b) One space for every 175 square feet of floor area.

(2) Dropoff area.

(a) Dropoff area location and design. The dropoff area shall be located immediately adjacent to the facility. The dropoff area should be designed in such a way that pedestrians do not cross vehicular traffic lanes in any parking area or driveway. The dropoff area may be designed either as a part of the on-site parking area, or the required dropoff spaces may be designed as part of the driveway providing direct access to the day-care canter.

(b) When the dropoff area is incorporated into the on-site parking area, the parking spaces nearest to the facility shall be designated as dropoff spaces. When the dropoff area is incorporated into a driveway, the dropoff spaces shall be located within a vehicle turnout area 12 feet in width exclusive of the driveway through traffic lane(s).

(3) Landscaping. Landscaping shall be provided in order to create a vegetative buffer for adjacent uses as well as to create an aesthetically pleasing environment.

(a) Buffer standards for lots on which a proposed day-care center is located shall be as follows:

[1] Vegetative buffers. A vegetative screen buffer shall be required unless waived by the Borough Council. The following standards shall apply to buffers unless modified by the Borough Council:

[a] Buffers shall contain combinations of evergreen and deciduous vegetation. The planted buffer shall be a minimum of 10 feet in width and six feet in height at the time of installation. Earthen berms may be provided in combination with vegetative material. Earthen berms shall not exceed four feet in height nor exceed a maximum slope of 3:1.

[b] Continued maintenance of vegetative buffers shall be the responsibility of the operator of the facility and the landowner.

(b) Landscaping in outdoor activity areas. Existing or proposed planting material shall be suitable in and around areas used by children. No thorny, poisonous or other hazardous plants shall be allowed in areas used by children.

(4) Fencing of outdoor play area. In order to physically contain the activity of children in the outside play area, a minimum five-foot-high fence of suitable material with openings no more than two inches in width and two inches in height shall be erected along the perimeter of the outside play area.

(5) Play equipment setback. Play equipment in designated on-site play areas shall not be located within 10 feet of an abutting property line.

(6) Signs.

(a) Residential and Limited Professional Office Zoning Districts. Only those signs permitted in residential districts pursuant to Article XIX, § 122-1909B of this chapter shall be permitted. Moreover, any such sign shall be nonilluminated.

(b) Nonresidential zoning districts. Day-care center signs shall comply with standards governing signs for the zoning district in which the proposed use is located.

(7) Lighting. All pedestrian pathways shall be adequately lit for safety and security when utilized during nondaylight hours. Specific areas for lighting are entranceways, pedestrian access to the outdoor play areas, sidewalks used in nondaylight hours, dropoff areas, merchandise delivery areas and all parking lots.

(8) Soundproofing. When located in a portion rather than the whole of any building, the Borough Council shall require soundproofing of the day-care center portion to protect the children. The requirements of this provision may be waived at the discretion of the Borough Council.

C. Conditional use standards. The Borough Council may impose any conditions it deems appropriate for health, safety and welfare purposes. The Borough Council shall consider, at a minimum, any and all standards set forth in § 122-2505 of this chapter (regarding standards for special exceptions) as they may apply, as well as the following, when reviewing a conditional use application for a proposed day-care center.

(1) Safety. The Borough Council may impose any conditions it deems appropriate for health, safety and welfare purposes. The Borough Council shall consider, at a minimum, whether there exists any land use or activity within the vicinity of the proposed day-care center which would pose a threat to the health, safety and welfare of the users of the facility. Issues shall include but not be limited to objectionable or unsafe levels of noise, vibration, fumes, odors, dust, glare, heat, toxic gases, electric or electronic interference, liquid wastes or sewage, vehicular loading and unloading activities and any other physical activity on sites within the vicinity of the proposed day-care center.

(2) The proposed day-care center shall not be detrimental to the use, development, peaceful enjoyment and economic value of the surrounding properties or the neighborhood.

(3) The proposed day-care center shall be compatible with the existing character of the neighborhood with consideration to population density, scale, bulk, design and external appearance of new structures; intensity and character of activity; and traffic and parking.

(4) Choice of access streets. When streets of different classifications are involved, the driveway shall provide to the street of lesser functional classification.

ARTICLE XXXIV
Mobile Home Parks
[Added 12-18-1996 by Ord. No. 1597]

§ 122-3401. Legislative intent.

The legislative intent of this article shall be as follows:

A. To provide standards for the development of land for mobile home parks.

B. To provide better quality and greater variety in types, design and layout of mobile home parks by enforcing uniform standards, desirable design criteria and encouraging innovative site design approaches.

C. To reflect the changes in technology of home building and land development.

§ 122-3402. Definitions.

As used in this article, the following terms shall have the meanings indicated:

ACCESS LIMITATIONS — Lots within a mobile home park shall have direct access only onto streets internal to the development.

ANCHORING — Every mobile home shall be anchored to the mobile home stand where it is located prior to the unit being occupied or used in any way. The anchorage shall be provided by eyelets embedded in the concrete with adequate anchor plates or hooks, or other suitable means. The anchorage shall be adequate to withstand wind forces and uplift, in accordance with local and state building codes for buildings and structures, based upon the size and weight of the units. Ground anchors shall not be permitted.

DEVELOPABLE LAND — That portion of a tract of land excluding the existing rights-of-way, existing public streets and floodplains as defined in Article XXIX.

MOBILE HOME — A single-family detached dwelling intended for permanent occupancy, which complies with local and state building codes and appropriate federal agencies, and is certified by said agencies; contained in one unit, or in two units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations; and constructed so that it can be attached to a mobile home stand.

MOBILE HOME LOT — A parcel of land in a mobile home park improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.

MOBILE HOME PARK — A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes.

MOBILE HOME STAND — A permanent foundation designed and constructed to comply with the requirements of the Lansdale Borough Building Ordinance, and in all cases the foundation shall extend below the frost line.

OPEN SPACE AND RECREATION — The common open space shall be designed as a contiguous area unless the applicant can demonstrate to the satisfaction of the Borough that two or more areas would be preferable. The open space shall also have easily identifiable pedestrian and visual accessibility to all residents of the mobile home park, although all units do not have to abut the open space.

SKIRTING — All mobile homes shall require a perimeter enclosure of a material suitable for exterior exposure and contact with the ground. The enclosure shall be installed in accordance with the manufacturer's installation instructions and adequately secured to assure stability, to minimize vibration and susceptibility to wind damage and to compensate for possible frost heave.

§ 122-3403. Permitted uses.

A. Mobile home parks may include single- or double-width mobile homes but shall not include travel or motor homes.

B. A minimum of 40% of the number of dwelling units in a mobile home park shall consist of double-width mobile homes.

C. Nothing in this article shall be considered to prohibit the rental, sale or resale of a mobile home located on a mobile home stand and connected to all utilities. Similarly, a model or display area is permissible on a temporary basis, provided that models are developed in accordance with all applicable regulations of this article and that use of the models for sales or rental promotion ceases when the project is fully developed.

§ 122-3404. General design provisions.

A. The tract of land to be developed shall be in one ownership or shall be the subject of an application filed by the owners of the entire tract, and it shall be agreed that the tract shall be developed under single direction and in the manner approved.

B. Minimum tract area. Each mobile home tract must have at least eight acres of developable land that does not contain floodplain, steep slopes, utility easements or wetlands.

C. Street access. Any tract proposed for a mobile home park shall have direct access to a collector or higher classification street, as classified in the Subdivision and Land Development Ordinance.[66] The applicant shall provide sufficient evidence that the street onto which the mobile home park accesses is capable of accommodating the transport of mobile homes to the approval of the Borough Engineer.

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66. Editor's Note: See Ch. 107, Subdivision of Land; the Subdivision and land Development Ordinance is on file in the Borough offices.

§ 122-3405. Density.

A. Mobile home parks shall be developed at a density not exceeding 4.5 dwelling units per developable acre (land exclusive of floodplains, steep slopes, easements and street and utility rights-of-way).

B. Road frontage. A tract of land to be used, in whole or part, for mobile homes shall have a frontage on at least one public street of a minimum of 150 feet.

§ 122-3406. Dimensional standards.

A. A mobile home shall not be located within 40 feet of any tract boundaries.

B. No building within a mobile home park shall be located within 40 feet of the street from which the mobile home park is accessed.

C. No more than six homes in a row shall have the same setback; where varied setbacks are utilized, the difference shall be at least four feet.

D. All mobile home lots shall be a minimum area of 5,000 square feet.

E. All mobile home lots shall be minimum of 55 feet in width.

F. No mobile home or accessory building shall be located closer than four feet to the side or rear lot line of an individual mobile home lot.

G. All mobile home park lots shall have a minimum front yard setback of 25 feet measured from the structure to the right-of-way.

H. Mobile homes are encouraged to use the minimum setbacks and to be placed off center on the lots so as to provide a large, usable open yard space in one section of the lot.

I. Mobile homes and roofed structures or areas attached thereto shall be separated from each other and from other buildings and structures at their closest points by a minimum of 20 feet; provided, however, that whenever two mobile homes have their longest sides parallel or essentially parallel to each other for more than 25% of the length of either, the minimum distance between mobile homes shall be 30 feet. The sides shall be considered parallel if they form an angle of less than 45° when extended to intersect.

J. The maximum coverage of any individual mobile home by primary and accessory buildings shall be 25%.

K. No mobile home shall exceed a height of one story of a maximum of 20 feet.

L. In order to allow clustering of lots designed to encourage flexibility in site design, preservation of natural features and to maximize creation of accessibility of recreation areas, minimum lot width and minimum lot size may be reduced up to a maximum of 10% upon approval of the Borough Council, provided that at least 50% of all lots so reduced shall directly abut part of the common open space for a distance of at least 20 feet. An area equal to that by which each lot is reduced shall be added to the minimum common open space specified in this section.

§ 122-3407. Development regulations.

A. No mobile home shall have a living space of less than 400 square feet.

B. No mobile home shall exceed a height of one story of a maximum of 20 feet.

C. Each mobile home shall have an enclosure (skirting) of compatible design and material erected around the entire base of each mobile home. All towing hitches shall be removed from view.

D. Provision shall be made for safe and efficient ingress and egress to and from public streets serving the mobile home park which will minimize congestion and interference with normal traffic flow.

E. The development shall comply with the requirements of the Land Development/Subdivision Ordinance No. 1226.[67]

§ 122-3408. Buffer zone.

A. Buffers. A landscaped buffer at least 15 feet in width shall be provided along all property boundary lines, except those that abut another mobile home park. A screen buffer shall be provided wherever the mobile home park abuts existing residential uses or undeveloped land zoned for residential uses, and a softening buffer shall be provided wherever the mobile home park abuts public streets, existing commercial, office, industrial or institutional uses or undeveloped land zoned for such uses.

B. A screen buffer shall consist of a row of evergreen trees at a height of not less than six feet when planted, spaced not more than 10 feet on center and able to attain a height of at least 20 feet at maturity. Also required is one of the following: berms with slopes no greater than 3:1; visually opaque fencing not greater than six feet in height; and coniferous shrubbery. Any combination of evergreen trees, coniferous shrubs, mounding or fencing is permitted, provided that an effective visual screen at least 15 feet in height above the adjacent ground elevation is achieved.

C. A softening buffer shall consist of a row of trees, spaced not more than 25 feet on center, at least 25% of which shall be evergreens. The evergreen trees shall be at least six feet in height when planted and shall attain at least 20 feet at maturity. Any deciduous tree shall be at least 1 1/2 inches in caliper and eight feet in height when planted and shall attain a height of at least 20 feet at maturity. These trees shall be interspersed with other allowable components, including any other type of trees, shrubs, berms, fencing and/or similar elements having a vertical dimension.

D. Street boundaries shall be buffered with a single row of deciduous trees at least eight feet in height when planted and at least 20 feet in height at maturity, with a spacing of not more than 40 feet on center.

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67. Editor's Note: See Ch. 107, Subdivision of Land; the Subdivision and land Development Ordinance is on file in the Borough offices.

E. Existing vegetation may be substituted for part or all of the required buffer when approved by the Borough Council.

F. No mobile home or other building or structure shall be located within the buffer zone.

G. No parking or parking area shall be permitted within the buffer zone.

H. The buffer zone shall be continuously under the complete control of the owner of the mobile home park and maintained by said owner.

§ 122-3409. Common open space.

At least 15% of the site area of the mobile home development must be held as common open space, as defined in this article. No more than 1/3 of the common open space may be required buffer area.

ARTICLE XXXV
Communication Towers, Satellite Dishes and Antennas
[Added 4-2-1997 by Ord. No. 1602]

§ 122-3500. Purpose.

A. To accommodate the need for satellite dishes, antennas and cellular communications towers while regulating their location and number in the Borough.

B. To minimize adverse visual effects of satellite dishes, antennas and antenna support structures through proper design, siting and vegetative screening.

C. To avoid potential damage to adjacent properties from satellite dishes and antenna support structure failure and falling ice through engineering and proper siting of satellite dishes and antenna support structures.

D. To encourage the joint use of any new antenna support structures to reduce the number of such structures needed in the future.

§ 122-3501. Definitions.

As used in this article, the following terms shall have the meanings indicated:

ANTENNA HEIGHT — The vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.

ANTENNA SUPPORT STRUCTURE — Any pole, telescoping mast, tower, tripod or any other structure which supports a device used in the transmitting or receiving of radio-frequency energy.

CELLULAR COMMUNICATION ANTENNA — Antennas used for the provision of cellular telephone services.

CELL SITE — A tract or parcel of land that contains the cellular communication antenna, its support structure, accessory building(s) and parking and may include other uses associated with and ancillary to cellular communication transmission. Cell sites shall not include office space or other similar primary uses unless specifically permitted by the underlying zoning district.

§ 122-3502. Permitted uses.

A. Cellular communication antennas are permitted according to §§ 122-3503 and 122-3506 herein and the following:

(1) A cellular communication antenna that is attached to an existing communications tower, smokestack, water tower or other tall structure is permitted in all zoning districts. The height of the antenna shall not exceed the height of the existing structure. If the antenna is to be mounted on an existing structure, a full site plan shall not be required.

(2) A cellular communications antenna that is either not mounted on an existing structure or is higher than the structure on which it is mounted is permitted by right in the Commercial and Industrial Districts and is permitted by special exception in the Business and Professional Office Districts, and a full site plan is required.

(3) All other uses ancillary to the antenna and associated equipment (including a business office, maintenance depot, vehicle storage, etc.) are prohibited from the cell site unless otherwise permitted in the zoning district in which the cell site is located.

B. A private noncommercial satellite dish (hereinafter referred to as a "dish") or noncommercial radio and television antenna is permitted in any zoning district according to the provisions of §§ 122-3504 and 122-3506 and are only permitted as an accessory use. Private noncommercial uses include dishes and antennas for home use, ham radio, citizen band (CB) radio and two-way or one-way radio for public safety. Fixed-point microwaves used by telephone or other companies, two-way radio from a base to land-mobile antennas (such as radio-dispatched taxis), commercial AM and FM radio antennas, commercial UHF and VHF television antennas and cellular communications antennas are specifically excluded. No dish or antenna may be used for commercial purposes if it is located in a residential district.

(1) A dish or antenna up to three feet in diameter and three feet in height is permitted, and no site plan shall be required.

(2) A dish or antenna more than three feet in diameter or three feet in height is permitted by special exception, and a site plan shall be required.

C. A satellite dish or antenna for commercial purposes is permitted only in the Professional Office District A, Professional Office District B, Limited Professional Office District,

Commercial Districts and the Industrial District according to the provisions of §§ 122-3505 and 122-3506. Commercial dishes and antennas include, but are not limited to, the following: fixed-point microwaves used by telephone or other companies; two-way radio from a base to land-mobile antennas (such as radio-dispatched taxis); commercial AM and FM radio antennas; commercial UHF and VHF television antennas; and antennas and dishes used for restaurants, offices, industries or other business. Cellular communications antennas are specifically excluded.

(1) An antenna up to eight feet in height is permitted, and no site plan shall be required.

(2) An antenna more than eight feet in height is permitted by special exception, and a site plan shall be required.

§ 122-3503. Standards for cellular communication antennas and towers.

In reviewing an application for special exception for a freestanding antenna or antennas that exceed the height of the existing building on which they are mounted or which are ground mounted, the Zoning Hearing Board shall consider the following:

A. The cellular communications company is required to demonstrate, using technological evidence, that the antenna must go where it is proposed in order to satisfy its function in the company's grid system.

B. If the cellular communications company proposes to build a tower (as opposed to mounting the antenna on an existing structure), it is required to demonstrate that it contacted the owners of tall structures within a one-quarter-mile radius of the site proposed, asked for permission to install the antenna on those structures and was denied for reasons other than economic ones. This would include smokestacks, water towers, tall buildings, antenna support structures of other cellular communications companies, other communications towers (fire, police, etc.), and other tall structures. The Zoning Hearing Board may deny the application to construct a new tower if the applicant has not made a good faith effort to mount the antenna on an existing structure.

C. Shared use. In order to reduce the number of antenna support structures needed in the community in the future, the proposed support structure shall be required to accommodate other users, including other cellular communication companies and local police, fire and ambulance companies.

D. The cellular communication company must demonstrate that it is licensed by the Federal Communications Commission.

§ 122-3504. Standards for private, noncommercial satellite dishes and antennas.

A. No dish or antenna shall be located between the building and the street line. If roof mounted, the dish or antenna shall be located on the rear portion of the building. In general, the dish or antenna shall be installed in the location that will best shield the view of the dish or antenna from the street and from neighboring properties.

B. No dish or antenna shall be permitted within that portion of a yard required to be a landscaped buffer area by any provision of this article.

C. No dish shall exceed six feet in diameter. No roof-mounted dish shall project more than three feet from the roof. No ground-mounted dish shall exceed six feet in height.

D. No more than one dish or one tower shall be permitted on any lot. If more than one antenna is required, it shall be placed on a shared tower with other antennas.

§ 122-3505. Standards for commercial satellite dishes and antennas.

A. No dish or antenna shall be located between the building and street line. The dish or antenna shall be installed in the location that will best shield the view of the dish or antenna from the street or from neighboring properties.

B. No dish or antenna shall be permitted within that portion of a yard required to be a landscaped buffer area by any provision of this article.

C. No ground-mounted satellite dish shall exceed eight feet in height.

§ 122-3506. Standards for all cellular communication towers, satellite dishes and antennas.

A. Antenna height. The applicant shall demonstrate that the antenna is the minimum height required to function satisfactorily. No antenna that is taller than this minimum height shall be approved.

B. Setbacks.

(1) Setbacks between the base of all antenna support structures and cellular communication towers and any guy wire or any property line shall be the largest of the following:

(a) Sixty percent of antenna height.

(b) The minimum setback in the underlying zoning district for all required yards.

(c) One hundred feet.

(2) Setbacks for all satellite dishes and antennas shall be as follows:

(a) If the satellite dish is mounted on the ground, the building setbacks required by the underlying zoning district shall apply, except that in no case shall the setbacks be less than the height of the antenna or five feet, whichever is larger.

(b) If the satellite dish or antenna is mounted on the roof, it shall be no less than five feet from any property line or party wall.

C. Antenna support structure safety. The applicant shall demonstrate that the proposed antenna and support structure are safe and the surrounding areas will not be negatively

affected by support structure failure, falling ice or other debris, electromagnetic fields or radio frequency interference. All support structures shall be fitted with anticlimbing devices, as approved by the manufacturers.

D. Fencing. A fence shall be required around the antenna support structure or cellular communication tower and other equipment, unless the antenna is mounted on an existing structure. The fence shall be from six feet to eight feet in height, and that portion of the fence which exceeds six feet in height shall contain openings therein equal to 50% or more of the area of said portion of the fence, in compliance with Article XXI of the Borough Zoning Ordinance.

E. Landscaping.

(1) All antennas and satellite dishes that are mounted on the ground and are more than six feet in height or diameter shall be screened with landscaping in compliance with Article IV, § 420.4 of the Borough Subdivision and Land Development Ordinance.[68]

(2) All cellular communication towers, fences surrounding the support structure and any other ground feature (such as a building) shall be landscaped with buffer and screen planting in compliance with Article IV, § 420.4 of the Borough Subdivision and Land Development Ordinance.

(3) If an antenna or satellite dish is mounted on an existing structure and other equipment is housed inside an existing structure, additional landscaping shall not be required.

F. Required parking. If the commercial antenna or cellular communication antenna is fully automated, adequate parking shall be required for maintenance workers. If the site is not automated, the number of required parking spaces shall equal the number of people on the largest shift.

G. That portion of antenna support structures under 200 feet in height should be painted silver or have a galvanized finish retained in order to reduce the visual impact. Support structures may be painted green up to the height of nearby trees. Support structures 200 feet in height or taller, or those near airports, shall meet all Federal Aviation Administration regulations. No antenna support structure may be artificially lighted except when required by the FAA.

ARTICLE XXXVI
Transit-Oriented Design (TOD) Overlay District
[Adopted 7-16-2003 by Ord. No. 1702]

§ 122-3600. Intent.

The intent of the Borough in permitting development pursuant to this article is as follows:

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68. Editor's Note: The Borough's Subdivision and Land Development Ordinance is on file and available for inspection or sale at Borough offices.

A. To provide for an intensity and type of land use that is compatible with and supportive of the use of public transportation.

B. To recognize that by having land use patterns that encourage use of public transit opportunities, traffic in the community can be reduced and travel choices for residents can be expanded.

C. To encourage redevelopment of obsolete properties whose prior or present uses adversely impair the property or surrounding properties.

D. To provide for flexibility in lot sizes, setbacks, and other area and bulk requirements so that imaginative and innovative designs can be developed.

E. To encourage mixed-use development consistent with small town character.

F. To ensure that mixed-use development is consistent in character in their residential and nonresidential components.

G. To encourage the provision of a pedestrian environment and to promote a pedestrian-orientation of buildings and streets.

H. To encourage development that has open and recreational spaces as focal points.

§ 122-3601. Definitions.

All terms shall be interpreted as provided in Article II of the Zoning Ordinance unless such term is defined herein, in which case, such term shall be interpreted as follows:[69]

OPEN SPACE — Areas of open space and/or recreation within a development designed and intended for the use and enjoyment of tenants or residents of the development or, unless otherwise specified, for the general public, not including streets or off-street parking areas.

STYLE (BUILDING) — Exterior design (including number of floors) or architectural structure of a building or structure.

TYPE (BUILDING) — Exterior design (including number of floors or dwelling units), height and architectural elements of a building or structure.

TYPE (HOUSING or HOUSING USE) — The principal use of a structure or building.

§ 122-3602. Use regulations.

TOD development shall be permitted on those sites designated on the Borough Zoning Map as TOD Overlay District and when authorized as a conditional use by the governing body. The following uses are permitted within a TOD development:

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69. Editor's Note: The former definition of "facade, front," which immediately followed this lead-in paragraph, was repealed 12-15-2010 by Ord. No. 1801.

A. Single-family detached dwellings.

B. Single-family semidetached and two-family duplex dwellings.

C. Single-family attached dwellings (townhouses).

D. Apartment houses.

E. Mixed-use buildings, provided the uses within such buildings are individually permitted elsewhere in this section.

F. Age-restricted housing.

G. Parking facilities, including structured parking.

H. Playgrounds, parks, tot-lots, community center and open space to serve the residents of the TOD development.

I. Personal service and commercial uses serving the needs of the residents and commuters, including restaurants, commercial offices, medical office, personal service shops, retail shops, cultural or recreational facilities, banking and financial services, including drive-in banking. (Drive-in for any other use is prohibited). Any drive-in for banking shall meet the requirements of § 122-1502, with the exception that drive-in lanes permitted by right in a TOD District may be reduced in length by a maximum of 20% when such lanes access only rows, drive aisles and parking areas which are within the proposed TOD development.

J. Transportation-related facilities.

K. Accessory residential uses or buildings on the same lot with and customarily incidental to any of the foregoing permitted uses.

L. Any use substantially similar to the above-listed uses.

§ 122-3603. Development standards.

A. General.

(1) Where TOD sites are divided by municipal boundary lines, all provisions of this article shall be applied to the entire site as though such lines did not exist, unless otherwise specifically noted.

(2) Lot area. The minimum gross area of the tract shall be 20 acres, including contiguous land in adjacent municipalities.

(3) Tract width. The minimum tract width shall be 150 feet.

(4) Water and sewer. All TOD developments shall be serviced by public water and sewer.

(5) All utilities located within a TOD development shall be located underground.

(6) The tract shall be adjacent to a train station and have direct access to the train station.

(7) The tract to be developed shall be in one ownership or shall be the subject of an application filed jointly by the owners of the entire tract under consideration.

(8) TOD developments shall be designed to be compatible in their residential and nonresidential components in terms of architecture, building materials, massing and scale.

(9) Where the provisions of the TOD Overlay District conflict with other requirements of the Zoning or Subdivision and Land Development Ordinance, the provisions of the TOD Overlay District shall be met.

B. Density, mix, layout and tract-wide area and bulk requirements.

(1) The maximum density for a TOD development shall not be more than 12 dwelling units per gross acre measured over the entire site.

(2) All TOD developments shall provide a mix of residential uses, nonresidential uses and open space. The area devoted to residential uses shall be no less than 50% and no more than 65% of the tract-wide area. The area devoted to nonresidential uses, including mixed-use buildings, shall be no less than 15% and no more than 30% of the tract-wide area. The area devoted to open space uses shall be no less than 20% of the tract-wide area.

(3) A mix of residential housing use types is encouraged. Further, the massing, size and scale of residential units shall be varied to provide visual interest to the TOD and, within any TOD development, there shall be at least three housing uses, sizes or styles of buildings.

(4) Impervious coverage. The maximum impervious coverage shall not exceed 75%.

(5) Tract setback requirements.

(a) External roads. Buildings shall be set back a minimum of 75 feet, and parking areas shall be set back a minimum of 50 feet from external road rights-of-way.

(b) Other external property lines. Buildings and parking shall be set back a minimum of 25 feet from all other property frontages, although the setback for parking may be reduced to 10 feet where properties abut railroad tracks.

(c) These tract setback requirements shall supersede other setback requirements of this ordinance and the Subdivision and Land Development Ordinance.

(6) Building height. The maximum height of any building or other structure erected or used for any purpose herein shall be not more than three stories and not more than 55 feet.

(7) In general, TOD developments shall be laid out so the nonresidential buildings are located close to an adjoining village center (where one exists), close to major

roads, close to train stations, close to bus stops, or close to the large required primary village green.

(8) Nonresidential buildings shall be placed to make walking to the primary village green and residential areas a short walking distance.

(9) The residential portion of the TOD development shall be designed so that the different buildings are well integrated, similar to patterns found in traditional villages.

(10) To create variety along the streetscape, housing/building types shall be mixed along a street. The following chart lists the maximum number of dwelling units/building styles that may be located in a row on the same side of a street without a break on the same street. Breaks may be created by at least four dwelling units of a different housing type/building style, or by at least one different building type in the case of apartment houses, or by open space with at least 150 feet of frontage on the street.

Housing Type	Maximum Number of Dwelling Units or Building Styles in a Row along One Side of a Street
Single-family detached	10 units
Single-family semidetached and two-family duplex dwellings	12 units
Single-family attached (townhouse)	16 units
Apartment houses	3 buildings of same style

(11) Streets within a TOD development shall meet the following:

(a) Streets shall be interconnected with each other and with streets on abutting properties.

(b) Culs-de-sac shall be minimized within a TOD District. In no case shall a cul-de-sac exceed a length of 350 feet.

C. Residential dimensional requirements. Except as otherwise permitted by this chapter, the following dimensional requirements shall apply when lots are created in a TOD development.

	Single-Family Detached	Single-Family Semidetached and Two-Family Duplex Dwelling	Single-Family Attached Townhouse	Apartment Houses
Minimum Lot Area	6,000 square feet	3,000 square feet per unit	2,000 square feet per unit	10,000 square feet per building*
Lot Width	80 feet	40 feet	24 feet per unit	100 feet per building
Front Yard:				
Parking proposed in front yard	20 feet minimum, 30 feet maximum	20 feet minimum, 30 feet maximum	20 feet minimum, 30 feet maximum	25 feet, 35 feet
No parking proposed in front yard	10 feet minimum, 20 feet maximum	10 feet minimum, 20 feet maximum	10 feet minimum, 20 feet maximum	20 feet, 30 feet

	Single-Family Detached	Single-Family Semidetached and Two-Family Duplex Dwelling	Single-Family Attached Townhouse	Apartment Houses
Side Yard	10 feet	10 feet	15 feet per end unit	20 feet
Rear Yard	30 feet	30 feet	30 feet	30 feet

*Standards apply only to apartment houses which are to be individually lotted.

D. Single-family detached and single-family semidetached and two-family duplex dwellings.

(1) At least one primary entrance shall be located on the front facade. For single-family semidetached and two-family duplex dwellings, this requirement may be met if at least one of the units has its primary entrance in the front facade.

(2) All single-family and single-family semidetached and two-family duplex dwellings shall have pitched roofs covering at least 80% of the building with a pitch of at least six vertical inches to every 12 horizontal inches.

(3) Garages must be designed to meet one of the following options:

(a) Side-entry garage.

(b) Front-entry garage that is set back at least 10 feet from the front facade of the house.

(c) Rear-entry garage.

E. Single-family attached dwellings (townhouse).

(1) No more than six single-family attached dwelling units shall be permitted in a single attached group or row.

(2) No single-family attached dwelling shall be narrower than 24 feet in width.

(3) A minimum of one two-foot offset shall be provided for each 48 feet of front facade.

(4) All townhouses shall have pitched roofs covering at least 80% of the building with a pitch of at least six vertical inches to every 12 horizontal inches.

(5) Building spacing.

(a) The minimum distance between parallel elements of two buildings shall be:

[1] For front or rear walls to front or rear walls: 50 feet.

[2] For end walls to front or rear walls: 40 feet.

[3] For end walls to end walls: 30 feet.

(b) Provided, however, that these distances may be reduced to no less than 20 feet where corners of buildings that are not parallel to one another come together. In such cases, the minimum distances between buildings required

under Subsection E(5)(a), above, shall be provided at the midpoint of the nonparallel facing walls.

(6) Garages and carports shall meet the following requirements:

(a) If a building has a front-entry attached garage, garage doors located on any specific front facade may occupy a maximum of 75% of the bottom floor of the specific front facade.

(b) If TOD development has detached garages and carports, the detached garages and carports shall meet the following:

[1] Each detached garage and carport shall provide space for at least three vehicles.

[2] Detached garages and carports shall only access internal streets or drive aisles.

[3] Detached garages and carports shall meet all setbacks and separation distances required from buildings with the exception that detached garages and carports shall have a minimum separation distance from other detached garages and carports of 10 feet, unless otherwise approved by the Borough.

[4] Detached garages shall only be used for personal vehicles and not for commercial vehicles or commercial purposes.

[5] Detached garages shall be located throughout a TOD development so as to be located close to the dwelling each is to serve, and detached garages shall not be clustered in any specific area or areas.

(7) Parking areas. Parking areas shall be set back no less than 10 feet from single-family attached dwellings (townhouses).

F. Apartment houses.

(1) Inner courts shall not be permitted.

(2) The minimum width of an open court (those having walls on three sides) shall be 40 feet, provided that, if the walls of the court exceed 25 feet in height, the width of the court shall be increased by two feet for each foot or portion thereof by which the height of the walls exceed 25 feet.

(3) The maximum length of any building used exclusively for apartments (excluding mixed-use buildings), including angles, shall be 200 feet.

(4) Building spacing.

(a) The minimum distance between parallel elements of two buildings shall be:

[1] For front or rear walls to front or rear walls: 50 feet.

[2] For end walls to front or rear walls: 40 feet.

[3] For end walls to end walls: 35 feet.

(b) Provided, however, that these distances may be reduced to no less than 20 feet where corners of buildings that are not parallel to one another come together. In such cases, the minimum distances between buildings required under Subsection F(4)(a), above, shall be provided at the midpoint of the nonparallel facing walls.

(5) Roofs. All apartment buildings shall have pitched roofs (or pitched parapet roofs) with a pitch of at least six vertical inches to every 12 horizontal inches.

(6) Garages and carports shall meet the following requirements:

(a) If a building has a front-entry attached garage, garage doors located on any specific front facade may occupy a maximum of 75% of the bottom floor of the specific front facade.

(b) If TOD development has detached garages and carports, the detached garages and carports shall meet the following:

[1] Each detached garage and carport shall provide space for at least three vehicles.

[2] Detached garages and carports shall only access internal streets or drive aisles.

[3] Detached garages and carports shall meet all setbacks and separation distances required from building, with the exception that detached garages and carports shall have a minimum separation distance from other detached garages and carports of 10 feet, unless otherwise approved by the Borough.

[4] Detached garages shall only be used for personal vehicles and not for commercial vehicles or commercial purposes.

[5] Detached garages shall be located throughout a TOD development so as to be located close to the dwelling each is to serve, and detached garages shall not be clustered in any specific area or areas.

(7) Parking areas. Parking areas shall be set back no less than 10 feet from apartment houses.

G. Nonresidential uses, including commercial and nonresidential parking areas.

(1) Location. All nonresidential uses and associated parking shall be generally located on a portion of the site that is closest to the transit station property they are intended to serve. The first nonresidential use shall be a maximum of 500 feet from the train station.

(2) Building orientation and entrance. Front facades of nonresidential buildings shall generally be oriented toward an internal or external street or driveway.

(3) Building spacing. The distance between two or more principal buildings shall be a minimum of 35 feet. The distance between an accessory building and another building shall be a minimum of 10 feet.

(4) Walls and windows.

(a) Windowless walls shall not be permitted along any exterior wall facing an internal or external street or driveway unless such walls have similar architectural treatment, in terms of style, materials and colors, as the front facade.

(b) The ground floor of any retail-use wall facing a street or driveway shall contain windows in accordance with the following:

[1] Front facades shall consist of at least 30% but not more than 75% window area, with views provided through these windows into the business.

[2] Dark-tinted glass, reflective glass, or fake glass in windows is not permitted.

(5) Roofs. All nonresidential buildings shall have pitched roofs (or pitched parapet roofs) with a pitch of at least six vertical inches to every 12 horizontal inches.

(6) Building articulation. All nonresidential buildings shall provide articulation, which may be in the form of bay windows, porticos, building extensions, and other architectural treatments.

(7) Nonresidential buildings shall be clustered together so that there is short distance between buildings, and shall not be in an exclusively linear formation, and shall be designed to be consistent with a small town character and not strip center alignment.

(8) All nonresidential buildings shall have a minimum footprint of 1,500 square feet and a maximum footprint of 20,000 square feet.

(9) Dimensional requirements. Except as otherwise provided in this chapter, nonresidential building uses and lots shall meet the following requirements.

(a) Minimum lot area: 6,000 square feet.

(b) Minimum lot width: 55 feet.

(c) The building spacing and tract setback requirements of this article shall apply.

H. Pedestrian and transit-oriented design elements.

(1) Sidewalks or other walkways acceptable to the governing body shall be provided along all streets or driveways.

(2) Convenient pedestrian connections shall be provided from all building entrances to parking areas, open space and recreational areas, the nonresidential uses on the site and to the transit station intended to be served by the TOD.

(3) Sidewalks or walkways shall connect to existing sidewalks on abutting tracts.

(4) Sidewalks which are along the major vehicular and pedestrian traffic area(s) of a TOD development and either adjacent to multitenant retail commercial buildings or within the nonresidential area of the TOD development shall be a minimum of eight feet in width. All other sidewalks within the nonresidential area of the TOD development shall be five feet in width, and all residential sidewalks shall be a minimum of four feet in width.

(5) Site amenities such as bicycle racks, benches and trash receptacles shall be provided in appropriate locations, a minimum of which shall be as follows.

(a) Commercial areas:

[1] Provide a minimum of one four-foot-wide bench per 7,000 square feet of retail, office, or commercial floor area.

[2] Provide a minimum of one trash receptacle for every two benches.

[3] Provide a minimum of one bicycle rack per 50,000 square feet of retail, office or commercial square footage.

[4] Benches, trash receptacles and bicycle racks shall be located within or immediately adjacent to sidewalk or plaza areas.

(b) Residential areas:

[1] Provide a minimum of one four-foot-wide bench per 15 dwelling units.

[2] Provide a minimum of one trash receptacle for every 2.5 benches.

[3] Provide one bicycle rack for each primary village green.

[4] Benches, trash receptacles and bicycle racks shall be located within common open space or adjacent to sidewalk or walkways.

(c) Village greens:

[1] Within village greens or open-space plazas, provide a minimum of one three-foot-wide sitting area per 3,300 square feet of total village green or plaza area and a minimum of one trash receptacle per 10,000 square feet of village green or plaza area; one bicycle rack shall be required for each village green or plaza area.

[2] The site amenities required by above Subsection H(5)(a) and (b) shall be utilized to satisfy the village green requirements.

(d) Site amenity design specifications.

[1] Benches shall be traditionally styled solid cedar or teak, constructed with a maximum length of six feet. All legs shall be securely anchored to poured concrete footings for stability, with a minimum of two legs on a single footing, or equal design approved by the Borough Council.

[2] Trash receptacles shall be heavy three-eighths-inch-thick solid steel bars welded to a circular form with black powder-coat finish (32-gallon size), or equal design approved by the Borough Council.

[3] Bicycle racks shall be 2.375-inch O.D. hot-dip (black) galvanized steel, with pedestal (surface) mount or direct embedment, or equal design approved by Borough Council.

I. Parking. Due to the transit-oriented nature of the TOD development, a reduced demand for parking is anticipated. Parking requirements are as follows:

(1) Parking for residential units shall be provided at a rate of two spaces per unit over the entire residential portion of the TOD, minus 10% to account for the adjacency of public transportation to the proposed use, which would reduce dependency on automobiles. Garage spaces may be counted toward this requirement, at a rate of one space for every two garage spaces, so long as each garage space is a minimum of 10 feet by 20 feet.

(2) Parking for nonresidential units shall be provided based on the specific requirements for each use, as required by Article XX, minus 10% to account for the adjacency of public transportation to the proposed use, which would reduce dependency on automobiles.

(3) Where the applicant can demonstrate that different nonresidential uses have differing peak parking demand periods or that other parking is available for the use, the Borough Council may authorize as part of the conditional use approval shared parking such that the total number of spaces provided is less than the sum of the requirements of the individual uses. In no case shall this result in a total reduction of parking provided of more than 25% of that required by Subsection I(2) above.

(4) On-street parallel parking is encouraged and may be used to meet up to 30% of the parking requirements. All on-street parallel parking shall be set back a minimum of 100 feet from all external roads.

(5) Off-street parking and garages should be designed such that vehicular access does not dominate the primary internal streets or internal driveway(s) or existing external streetscape. The main internal drive is the primary connecting access cartway that connects the internal driveways and parking lots to the external street system.

(6) Off-street parking abutting the main internal drive should be generally located to the side or rear of nonresidential and apartment buildings and is discouraged between buildings and streets. Where off-street parking must be located along the main internal drive frontage or external street frontage, a ten-foot landscaped area

shall be provided between the parking and the curbline. Parking areas shall be set back no less than 10 feet from all buildings.

(7) Parking shall not be permitted around or adjacent to areas preserved as required village greens unless approved by the Borough.

(8) When necessary, as shown on a traffic study or to meet required parking for anyone, parking areas shall be interconnected and cross-easements provided to ensure shared use is provided.

(9) Parking facilities in support of the transit station use shall be offered for dedication to the Borough or a Borough authority.

(10) Reserved parking. Due to mixing of uses, reserve parking up to 25% of that required in above Subsection I(2) may be allowed in order to create open space without unnecessarily requiring more paving than required. Reserve parking shall be designed and engineered but need not be constructed unless directed by Borough Council.

J. Loading and trash disposal.

(1) Such areas shall be provided for all nonresidential, single-family attached and apartment uses.

(2) Such areas shall be located to the side or rear of buildings within the building envelope and shall be screened from view from public streets by a wall(s). The screening wall shall be of the same or compatible materials as the building. Access gates, etc., shall be of the same quality and materials as other doorways, trim and exterior framing materials of the building. Colors of these elements shall be compatible with the theme of the building.

(3) No loading or solid waste disposal area shall be located within 25 feet of any first-floor residential use or within 60 feet of any village green, unless sufficient screening and buffering is provided to the satisfaction of the Borough Council.

K. Landscaping and buffering. Landscaping and buffering, including street trees and parking lot landscaping, shall be provided in accordance with the requirements of the Subdivision and Land Development Ordinance,[70] unless an alternative number or location is approved by Borough Council.

L. Open space. A minimum of 20% of the gross tract area shall be used for open space and recreational activities, in accordance with the following standards:

(1) Open space shall be designed to enhance the human scale of the TOD development. Such open space shall be in the form of buffer areas or central open space, as defined below, or shall be arranged to protect important environmental resources of the tract.

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70. Editor's Note: The Borough's Subdivision and Land Development Ordinance is on file and available for inspection or sale at Borough offices.

(2) Open space for the purposes of determining compliance with this section may include setback and buffer areas, central open space, plazas, active recreation areas, such as clubhouses, pools, walking paths, and tennis courts, and similar open space areas. Parking lots shall not be counted as open space. Stormwater management facilities shall not be counted as open space except for the area of basins if they are constructed and maintained as naturalized basins.

(3) The open space requirement shall be met on an overall tract basis, but the final design shall be deemed acceptable to both governing bodies in the case of a tract divided by municipal boundaries.

(4) At least 30% of the required open space shall be provided in the form of one or more central open spaces, defined as open space meeting any one of the following design options:

(a) Village green. Each village green shall:

[1] Be at least 20,000 square feet in size;

[2] Have an average width of at least 100 feet; and

[3] Be surrounded along at least 45% of its perimeter by roads.

(b) Landscaped median. Each landscaped median shall have a minimum average width of 10 feet and a cumulative length of at least 150 feet.

(c) Eyebrow. Each eyebrow shall be surrounded by streets on all sides, configured as a semicircle, and be configured so that a circle with a radius of 30 feet can fit within its confines.

(d) Cul-de-sac island. Each cul-de-sac island shall have a radius of at least 30 feet.

(5) Every TOD shall have at least one primary village green which shall have a minimum size of 25,000 square feet. Further, every primary village green shall include active recreational activities such as clubhouse, pool, tot-lot, recreation fields, etc.

(6) Maintenance of required open space. The following requirements shall govern the maintenance of the required open space.

(a) The open space land to be set aside or reserved for park, woodlands, conservation, playground, active recreational use or other open space purposes, such as the preservation of natural features, must first be offered for dedication to the Borough, or may be reserved for private use if Borough officials decline to accept the offer of dedication, in which case satisfactory arrangements shall be made, acceptable to the Borough, for the maintenance of all such areas.

(b) If a development includes a proposal to dedicate to the Borough land for park and/or open space use under provisions of this section, the total land area to

be dedicated shall be delineated on the subdivision plan with a note stipulating that the legal means of conveyance shall be by dedication.

(c) If the open space land is to be retained by the property owners, the Borough will require that the proper owners provide for and establish a homeowners' association, or other organization or funded community trust, for the ownership and maintenance of the open space, and that such organization shall not be dissolved nor shall it dispose of the open space by sale or otherwise, except to an organization conceived and established to own and maintain the open space, or by dedication to and acceptance by the Borough. In the event that a homeowners' association is contemplated, the association shall, to the greatest degree practicable, be established from the start of the project, and all homeowners shall be a party thereof. In addition, homeowners' associations may, as determined appropriate by the Borough Council, maintain dedicated open space or lease back dedicated open space land from the Borough.

(d) If the open space land is to be controlled by other than the Borough, then all property owners of the tract shall have equal rights and obligations in the organization, and these rights and obligations shall be included in all deeds which shall be properly recorded, and the agreement containing these rights and obligations shall be approved by Borough Council at the same time as the plan is approved. In the event that the organization established to own and maintain open space land or any successor organization shall, at any time after establishment of the TOD development, fail to maintain the open space land in a reasonable order and condition in accordance with the development plan, the Borough may serve written notice upon such organization or upon the property owners of the TOD development setting forth the manner in which the organization has failed to maintain the open space land in reasonable condition, and said notice shall include a demand that such deficiencies or maintenance be corrected within 30 days thereof and shall state the date and place of a hearing thereon, which shall be held within 14 days of the notice. At such hearing the Borough may modify the terms of the original notice as to the deficiencies and may give an extension of time within which they shall be corrected. If the deficiencies set forth in the original notice or in the modifications thereof shall not be corrected within said 30 days of any extension thereof, the Borough, in order to preserve the taxable values of nearby properties and to prevent the open space land from becoming a public nuisance, may enter upon said open space and maintain the same for a period of one year. Said maintenance by the Borough shall not constitute a taking of said open space, nor vest in the public any rights to use same. Before the expiration of said year, the Borough shall, upon its initiative or upon the request of the organization therefor responsible for the maintenance of the open space land, call a public hearing upon notice to such organization, to be held by the Borough Council, at which hearing such organization or the residents of the TOD development shall show cause why such maintenance by the Borough shall not, at the option of the Borough, continue for a succeeding year. If the Borough Council shall determine that

such organization is ready and able to maintain said open space in reasonable condition, the Borough shall cease to maintain said open space land at the end of said year. If Borough Council shall determine that such organization is not ready and able to maintain said open space land in a reasonable condition, the Borough may, in its discretion, continue to maintain said open space land during the next succeeding year and, subject to a similar hearing and determination, in each year thereafter.

(e) The cost of maintenance by the Borough shall be assessed ratably against the properties within the development and shall become a lien on said properties. The Borough, at the time of entering upon said open space land for the purpose of maintenance, shall file a notice of lien in the office of the prothonotary of the county upon the properties affected by the lien within the TOD development.

M. Lighting.

(1) Appropriate lighting shall be provided along all streets, interior walkways and parking areas to be used after dark.

(2) Lighting standards shall be traditional in design and consistent in style between the residential and nonresidential areas of the TOD development.

(3) Residential lighting standards shall be a maximum of 14 feet in height, and commercial standards shall be a maximum of 20 feet in height.

(4) A lighting plan shall be provided to ensure that no direct light is emitted on adjacent residential properties and that sufficient light is supplied for all parking areas, sidewalks, trails, driveways and intersections and streets.

N. Signs. Signs shall meet the requirements of this article and the general sign requirements for the use associated with such sign, with the requirements of this article controlling in the event there are contradicting requirements. No off-premises signs shall be permitted. Signage within the TOD Overlay District shall meet the requirements of Article XIX, with the following exceptions:

(1) The types of signs permitted in the TOD Overlay District shall be those sign types permitted in the underlying zoning district.

(2) Permitted signs may be located within required setback areas, outside the right-of-way of existing and proposed roads, provided the proposed location does not limit sight distance.

(3) Size. The size requirements for signs as set forth in Article XIX of this chapter shall apply, except that the sign area of freestanding signs in the TOD Overlay District may be up to 100 square feet in size, regardless of the number of tenants or the height of the sign. **[Amended 8-5-2009 by Ord. No. 1775]**

(4) Signs at grade level (monument signs) shall be preferred over any type of pole sign.

(5) Sign setback. The minimum setback for all signs from any right-of-way shall equal the height of such sign.

(6) Sign height. The maximum height for any sign shall be 20 feet.

§ 122-3604. Application for approval.

A. The TOD shall be available as a conditional use, and application shall be made for such approval in accordance with the provisions of § 122-2505A of the Borough Code.

B. Such applications shall be accompanied by a conditional use plan showing the relationship among the various components of the development. The conditional use shall be prepared at a scale appropriate to the size of the property and in sufficient detail to demonstrate that the plan complies with the requirements of this chapter. The conditional use plan shall be conceptual in nature and shall not be required to meet the provisions of a preliminary subdivision or land development plan. The applicant shall have the option of submitting preliminary subdivision or land development plans concurrent with the conditional use application. The conditional use plan shall include the following elements:

(1) An existing features plan shall be submitted which shall indicate the tract size, outbounds of the site, topography, wetlands, woodlands, floodplains, recorded easements, and rights-of-way and any other significant physical or man-made features existing on the site.

(2) A general land use plan indicating the tract area and the general locations of the land uses included shall be submitted. The total number and type of dwelling units and the amount of nonresidential square footage shall be provided. The residential density and the overall site intensity (building and impervious coverage) shall be provided. The plan shall indicate the location of proposed uses within the development and the location and amount of common open space, along with any proposed recreational facilities, such as but not limited to pedestrian pathways, community greens, community centers, etc.

(3) Conceptual architectural renderings showing the general design, scale and materials of residential and nonresidential buildings within the TOD development.

(4) A conceptual utility plan shall be included which shall indicate the proposed location of sanitary sewer lines and waterlines, along with a narrative indicating the feasibility of such facilities. The plan shall also show the approximate areas needed for stormwater management.

(5) A traffic study shall be submitted which analyzes the likely impacts of the proposed development and makes traffic improvement recommendations in accordance with standard traffic engineering procedures.

(6) A lighting plan showing the proposed lighting standards as well as the illumination levels (in footcandles) throughout the site and along all property lines. This lighting plan shall show a maximum of two footcandles at any external property line.

(7) A signage plan showing the location and design of any proposed signs shall be submitted to show that all signs meet the requirements of this article and the Zoning Ordinance and the Subdivision and Land Development Ordinance.

C. Conditional use criteria. In addition to the provisions of Article XXV of the Zoning Ordinance, the following additional criteria shall apply in considering the approval or denial of conditional use applications in this district:

(1) Streets and circulation. The location of new streets, site access driveways, and pedestrian network shall comply with the specific requirements identified within this article and the Zoning Ordinance and the Lansdale Borough Subdivision and Land Development Ordinance.[71]

(2) Existing streets abutting a parcel of land proposed for development shall be improved in accordance with the recommendation of the required traffic study or the Borough Subdivision and Land Development Ordinance, whichever requires the greater improvements.

(3) Parking, service, loading and refuse areas; pedestrian circulation; outdoor lighting, street, parking lot and sidewalk lighting, and lighting fixtures and poles; mass transit stops, plazas and open space; landscaping and planted buffer requirements shall be in accordance with requirements established by this article, the Zoning Ordinance, and the Subdivision and Land Development Ordinance.

(4) Design guidelines. In order to ensure all design elements within the TOD Overlay District, which may develop in different areas over a period of years, will be uniform, the following design elements shall specifically be in accordance with this article:

(a) Each applicant shall submit architectural elevation drawings showing concepts for facades, roof design, and materials for buildings and structured parking facilities, and incorporate specific design standards in order to qualify for conditional use approval.

(b) These design standards shall include, but may not necessarily be limited to, building and streetscape elements such as the type of lighting, sidewalk design, street furniture, street signs, and architectural details and facade materials.

(c) In addition, the applicant shall incorporate architectural performance standards, such as screening of parking facilities, loading areas, and all mechanical equipment; the continuity of storefronts and entrance doorways on specific streets; the massing of buildings to reinforce the design of an urban space; and sign control.

(5) The design shall meet all of the requirements set forth in this article.

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71. Editor's Note: The Borough's Subdivision and Land Development Ordinance is on file and available for inspection or sale at Borough offices.

(6) The Borough Council may, at its discretion, waive or modify requirements contained with this article upon determination that strict compliance would not further the purpose and intent of the ordinance. However, waivers shall not apply to uses, parking requirements, roads and circulation, and height requirements.

ARTICLE XXXVII
Professional Office and Specialty Restaurant Conservation Overlay District
[Added 12-17-2003 by Ord. No. 1709]

§ 122-3700. Legislative intent.

The intent of the Borough in permitting development pursuant to this article is as follows:

A. To promote small-scale office and unique eating establishment uses along Main and Broad Streets.

B. To encourage the reuse of existing buildings having historic character along Main and Broad Streets, especially older single-family residences, with compatible nonresidential uses.

C. To protect adjacent residential neighborhoods from the impacts of more intense development along these high-traffic-volume streets.

§ 122-3701. Use regulations.

A building may be erected, altered or used, and a lot or premises may be used for any of the following purposes and for no other:[72]

A. Business or professional offices, studios, banks or other financial institutions, excluding drive-through facilities.

B. Specialty restaurants, excluding drive-through facilities, when restaurants are permitted in the underlying zoning district, subject to the requirements of the underlying zoning district unless such requirement is specifically modified by the provisions of this POSRC Overlay District.

C. Conversions of existing residential uses (as provided above) to business or professional offices or specialty restaurants, subject to restrictions as detailed in Subsections A and B above.

D. Home occupations.

§ 122-3702. Dimensional regulations.

A. Minimum lot area and width. See underlying zoning district for requirements.

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72. Editor's Note: Uses shall comply with the regulatory requirements of the underlying zoning district unless alternative regulations are specifically stated within this overlay district.

B. Front yard. See underlying zoning district for requirements.

C. Side and rear yards. Upon request, side and rear yard setbacks of the underlying zoning district shall be reduced or eliminated by the Borough's Code Enforcement Officer based on a review by the Borough's Engineer that the following standards are addressed satisfactorily:

(1) Maintenance needs are addressed.

(2) Adequate landscaping and buffering are provided, according to § 420.8 of the Subdivision and Land Development Ordinance.[73]

(3) Required parking is provided.

(4) No building shall be located closer than 50 feet from residential districts.

D. Building and impervious coverage. Upon request, building and impervious coverage requirements shall be reduced or eliminated by the Borough's Code Enforcement Officer based on a review by the Borough's Engineer that the landscaping standards of § 420.8 of the Subdivision and Land Development Ordinance[74] and any drainage requirements of the Borough are addressed satisfactorily.

§ 122-3703. Additional development standards.

The following standards shall apply to any and all development under this article:

A. Professional offices or other nonresidential uses shall not be permitted on any floors of a building above residential uses within the same structure.

B. Residential uses within a building containing both residential and nonresidential uses shall not be located on the first floor.

C. Additional parking requirements.

(1) No off-street parking spaces shall be required for the first 400 square feet of gross floor area of a building devoted to business or professional offices, studios, banks or other financial institutions.

(2) No off-street parking spaces shall be required for the first 400 square feet of gross floor area of a building devoted to specialty restaurants.

(3) Only one reduction in parking requirements, under above Subsection C(1) and (2), may be applied to the parking requirement for any lot.

(4) Common parking facilities. The applicant shall provide evidence to the Borough Code Enforcement Officer that common parking facilities with adjacent properties

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73. Editor's Note: The Borough's Subdivision and Land Development Ordinance is on file and available for inspection or sale at Borough offices.

74. Editor's Note: The Borough's Subdivision and Land Development Ordinance is on file and available for inspection or sale at Borough offices.

have been pursued, and they are strongly encouraged. If common parking facilities are proposed, and formal arrangements between the proposed users are entered into to the satisfaction of the Borough Solicitor and Engineer, the Borough Code Enforcement Officer shall reduce the aggregate amount of required parking by up to 15%, subject to formal arrangements between the proposed users and satisfactory to the Borough Solicitor and Engineer.

(5) Parking lot dimensional requirements and setbacks. Upon request, aisle width dimensions, parking space dimensions, parking lot setbacks, and landscaping requirements shall be reduced or eliminated by the Borough's Code Enforcement Officer based on a review by the Borough's Engineer, provided that the landscaping standards of § 420.8 of the Subdivision and Land Development Ordinance[75] are satisfactorily addressed and safe entry to/exit from proposed parking areas is approved by the Borough Engineer.

D. New buildings or additions. No new buildings or additions to existing buildings shall be constructed in front of the existing principal building on the lot. The design of new buildings or additions shall be consistent with the architectural style of the existing buildings on the lot and with the predominant character of the abutting structures and neighborhood.

§ 122-3704. Definitions. [Amended 5-18-2005 by Ord. No. 1730]

As used in this article, the following terms shall have the meanings indicated:

SPECIALTY RESTAURANT — A commercial establishment where food and beverages are prepared, served and consumed and whose design or principal method of operation is characterized by customers being provided with an individual menu and being served their food and drink by a restaurant employee at the same table or counter at which said items are to be consumed. Food and beverages are served in and on reusable containers, and dinnerware and customer turnover rates are usually one hour or longer. Drive-through, drive-up and drive-in service is prohibited.

ARTICLE XXXVIII
Retirement Village Overlay District
[Added 3-22-2006 by Ord. No. 1740]

§ 122-3800. Intent.

The intent of the Borough in permitting development pursuant to this article is as follows:

A. To recognize that senior citizens have different housing needs that responds to changes in lifestyle for active adults.

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75. **Editor's Note: The Borough's Subdivision and Land Development Ordinance is on file and available for inspection or sale at Borough offices.**

B. To provide for a greater variety of housing and to serve the needs of senior citizens who prefer an independent residential environment and do not require intensive individual care.

C. To encourage redevelopment of obsolete or under-utilized properties whose prior or present uses adversely impair the property or surrounding properties.

D. To promote development in areas of the Borough that have convenient pedestrian access to goods and services.

E. To encourage the creation of a pedestrian environment for exercise and health of senior citizens.

§ 122-3801. Definitions.

All terms shall be interpreted as provided in Article II of the Zoning Ordinance, unless such term is defined herein, in which case such term shall be interpreted as follows:

COMMUNITY CENTER — A not-for-profit facility maintained principally as a multiple-purpose gathering place for members of the general public, or a limited portion thereof. The community center may include a management office, kitchen and dining facilities, card room, billiard room, exercise and recreation facilities.

PERSONAL SERVICE — An accessory use which may include tailor, barber, beauty salon, shoe repair, dressmaking, newspaper sales, travel agency or similar personal service business intended only for the use of the residents.

RETIREMENT VILLAGE — A community consisting of the development and/or redevelopment of existing buildings and properties for age-restricted independent living residential units and ancillary retail and personal service uses provided for the residents and not open to the general public.

§ 122-3802. Use regulations.

A retirement village development shall be permitted on those sites designated on the Borough Zoning Map as RVOD Overlay District and when authorized as a conditional use by the governing body in accordance with § 122-3803. The following uses are permitted within a retirement village development:

A. Multifamily units.

B. Professional offices.

C. Community centers.

D. Accessory uses or buildings on the same lot with and customarily incidental to any of the permitted uses.

§ 122-3803. Conditional use regulations.

The Borough Council may authorize a retirement village development as a conditional use, provided it complies with § 122-2505A of this Code, all the requirements of this article and the following specific standards:

A. Lot area. The minimum gross area of the tract shall be eight acres. The maximum gross area of the tract shall be 20 acres.

B. Tract width. The minimum tract width shall be 400 feet.

C. The tract shall have frontage on a major street, as determined by Borough Council. The development shall not take access solely from a local residential street.

D. The tract shall have close proximity to rail transportation and shall be located no more than 4,000 feet in walking distance from a train station.

E. The tract shall have close proximity to convenient shopping for goods and services and shall be located no more than 2,000 feet in walking distance from a major shopping area, located in the Borough, of no less than 40,000 square feet.

F. The applicant shall submit the following information with the conditional use application:

(1) A hard-lined sketch plan, drawn to scale, of the proposed development indicating the proposed general layout, including building locations, parking areas, vehicular circulation, pedestrian circulation, open spaces, recreational areas and general dimensions.

(2) Architectural elevation sketches of all sides of the building that indicate the form, mass, rooflines and materials of the proposed buildings. The proposed architectural style shall be compatible with the surrounding buildings and shall conform to the following general guidelines:

(a) Roofs shall be a pitched or mansard-style to hide all rooftop-mounted equipment from view.

(b) Flat roofs visible from the street shall be prohibited.

(c) Building elevations shall be composed of at least two different building materials, one of which shall be masonry.

(d) Building facades shall contain offsets periodically and shall not have any continuous plane longer than 60 feet.

(e) All external mechanical systems and service areas shall be identified and screened.

(3) A signage package for major signs, including sign location(s), style, size, quantity, materials and colors and lighting.

(4) An aerial photograph or plan of the existing features of the site and surrounding area.

(5) A fiscal impact study demonstrating the economic impact of the proposed development.

(6) A traffic study demonstrating the traffic impact of the proposed development.

§ 122-3804. Development standards.

A. In the case of conflicts with other sections in this Chapter 122, Zoning, or the Subdivision and Land Development Ordinance,[76] the provisions of this article shall apply.

B. The tract to be developed shall be in one ownership or shall be the subject of an application filed jointly by the owners of the entire tract under consideration.

C. Water and sewer. All retirement village developments shall be served by public water and sewer.

D. Utilities. All utilities located within a retirement village community shall be located underground.

E. Land uses. No more than 1/3 of the total building area shall be used for nonresidential uses. The balance of the site shall be used for residential uses and residential accessory uses. More than one residential building may be permitted on a lot.

F. Density. The maximum density permitted in a retirement village community shall not be more than 18 dwelling units per gross acre measured over the entire site, except as provided for below.

(1) The maximum density may be increased to 24 dwelling units per gross acre, provided that at least 1/3 of the required residential parking is located under the building or in garages.

G. The minimum size of a residential unit shall be 1,000 square feet.

H. Building cover. The total building cover shall not exceed 35% of the net site area.

I. Impervious cover. The total impervious cover shall not exceed 75% of the net site area.

J. Open space. A minimum of 10% of the net site area shall be open space for recreation. A portion of the recreation area shall be reserved for active recreational uses such as bocce, shuffleboard, fitness circuits or other appropriate activities. The development shall contain a central green. The green shall count toward the open space requirement. If the site is located adjacent to an existing Borough trail, the developer shall provide pedestrian access to the trail and, where feasible, provide an extension of the trail system. At the discretion of Borough Council, a fee in lieu of for all or part of the open space shall be permitted.

K. Setbacks.

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76. Editor's Note: The Borough's Subdivision and Land Development Ordinance is on file and available for inspection or sale at Borough offices.

(1) All buildings shall be set back a minimum of 30 feet from the street line. A sidewalk shall be installed along all road frontages with a minimum width of 60 inches, which may be reduced by Borough Council to match the width equal to the prevailing sidewalk width on adjacent properties, but in no case shall such sidewalk be less than 48 inches in width.

(2) Primary buildings shall be set back a minimum of 20 feet from all property lines. Accessory buildings shall be set back a minimum of 15 feet from all property lines.

(3) All parking areas shall be set back a minimum of 15 feet from the street line. Parking areas or parking lots that abut a street shall include a thirty-inch- to thirty-six-inch-high architectural wall or similar landscape buffer abutting the sidewalk along the street frontage.

(4) All parking areas shall be set back a minimum of 10 feet from all property lines.

L. Building spacing.

(1) The minimum distance between two principal buildings less than 35 feet in height shall be 30 feet. The minimum distance between two principal buildings greater than 35 feet in height shall be 50 feet.

(2) The minimum distance between two accessory buildings shall be 20 feet.

M. Building height.

(1) The maximum height for a principal building shall be 65 feet and five stories.

(2) The maximum height for an accessory building shall be 15 feet.

N. Parking.

(1) Parking areas established for professional offices and community center uses shall be equally available to all patrons and customers.

(2) Parking shall be provided off street and on lot on the following basis:

(a) Age-restricted residential. Parking shall be provided on the basis of 1.5 parking spaces per dwelling unit.

(b) Professional office. Parking shall be provided pursuant to § 122-2003, Article XX, Off-Street Parking and Loading.

(c) Other uses shall provide parking as determined pursuant to § 122-2003, provided that, if applicant can demonstrate efficiencies due to shared parking and joint usage as well as complementary land uses, then the parking requirements of § 122-2003 and this section may be reduced up to a maximum of 25%.

O. Special conveyancing (mortgage subdivision). When the development of a tract and the uses therein are in accordance with an approved master plan, a conveyance of a lot or

parcel within the development shall be permitted upon compliance with the following conditions:

(1) The creation and 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 and maintenance of the common areas, access, green space and parking.

(2) Application of zoning regulations, including, but not limited to, building coverage, floor area ratio, impervious surface coverage, required open space, parking, loading, landscaping and signage, as well as required area, width and yard regulations, shall apply to the overall tract approved for development as a single master plan. Individual lots or parcels conveyed pursuant to this article need not comply with these zoning requirements.

P. Sign regulations. The master plan shall include a master sign plan indicating the height, size and location of all signs, except for those signs normally associated with and permitted by § 122-1905, Banners and temporary signs, and § 122-1907, Special signs, which shall be permitted in addition to the following.

(1) Monument signs: one sign per street frontage for each land use permitted in § 122-3802A through C. Total area per face equals maximum 50 square feet, having a maximum height of eight feet measured from mean ground elevation. Corner lots may have one of the permitted signs located at the intersection.

(2) Residential building: one wall sign per main entrance. Total area per face not greater than 50 square feet, having a maximum height of 25 feet measured from mean ground elevation.

(3) Professional office in a group: one wall sign not greater than 35 square feet per establishment per front or side facade and one wall sign not greater than 15 square feet per establishment on the rear facade.

(4) Illumination of signs shall be permitted subject to § 122-1911, Illumination regulations.

(5) The sign face of monument and freestanding signs shall be set back not less than four feet from the rear edge of a sidewalk.

Q. Landscaping.

(1) Street trees shall be provided in accordance with § 420.3 of the Borough Subdivision and Land Development Ordinance.[77]

(2) Buffers shall be provided along property lines in accordance with § 420.4 of the Borough Subdivision and Land Development Ordinance, unless an alternative number, location or buffer type is mandated by Borough Council.

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77. Editor's Note: The Borough's Subdivision and Land Development Ordinance is on file and available for inspection or sale at Borough offices.

(3) Parking lot landscaping shall be provided in accordance with § 420.5 of the Borough Subdivision and Land Development Ordinance.

R. Lighting. Appropriate period-style lighting of pedestrian and vehicular circulation areas shall be provided to create a safe and secure environment for the residents.

S. Occupancy.

(1) Declaration of age restriction. At the time of subdivision and land development, as a prerequisite to any final plan approved, the developer shall record a declaration against the entire tract, in a form acceptable to the Borough Solicitor, binding all residential properties and owners to the restriction which shall require that all units be restricted as to the age of the occupants in conformance with the regulations of the Federal Fair Housing Act, as amended, and that individuals under the age of 18 years of age shall not reside in that unit for more than three months in any calendar year.

T. Council may modify or waive specific requirements if it determines an improved development plan or better traffic circulation will result.

ARTICLE XXXIX
Downtown Business Overlay District
[Added 1-7-2009 by Ord. No. 1769]

§ 122-3900. Legislative intent.

A. To promote the town center character of Lansdale Borough as set forth in the Comprehensive Plan by promoting ground-floor retail uses, maintaining the traditional downtown character, and strengthening cultural assets and amenities.

B. To encourage development/redevelopment of existing buildings and properties for mixed uses, including residential, office, retail, cultural and service uses.

C. To discourage development of strip-type highway-oriented commercial uses that require incongruous architectural styles, excessive paved areas, curb cuts, and large signs and are not pedestrian friendly.

D. To encourage pedestrian connections between buildings, parking areas and sidewalks and to encourage consolidation of driveways, parking and curb cuts to provide more efficient, economical and safe access and parking.

E. To encourage those types of development that support large volumes of pedestrian traffic and are not dependent on storefront parking.

F. To promote transit-oriented development that provides safe and attractive pedestrian connections with transit facilities.

G. To promote development of public spaces, such as plazas, squares and courtyards, that enhance the aesthetics of downtown and encourage community interaction.

H. To promote a vibrant streetscape that supports the commercial and cultural activities in the Downtown Business District.

§ 122-3901. Overlay concept.

Where the provisions of the Downtown Business Overlay District conflict with other requirements of this chapter, the requirements of this article shall prevail.

§ 122-3902. Permitted uses.

A list of permitted uses, indicated by the letter "P," is provided in Table 39-1 below:

Table 39-1. Downtown Business Overlay District Use Table [Amended 8-5-2009 by Ord. No. 1775]

Uses	Downtown Business District
Residential uses	
Dwellings, multifamily, containing six or fewer dwelling units	C
Dwellings, multifamily, containing more than six dwelling units	C
Dwellings, single-family attached	C
Home occupations	C
Institutional uses	
Colleges and universities, public and private	C
Philanthropic and charitable institutions, civic nonprofit organizations, and social and fraternal organizations	C
Religious institutions, including churches, chapels, mosques, temples and synagogues	C
Schools, private, elementary, middle or high	C
Schools, vocational	C
Other government and government-related structures, facilities and uses	P
Recreation uses	
Athletic clubs, public and private	C
Public parks, plaza, square, courtyard and garden	P
Recreation and community centers, noncommercial	P
Commercial uses	
Amusement establishments, indoor	C
Antique stores	P

Table 39-1. Downtown Business Overlay District Use Table [Amended 8-5-2009 by Ord. No. 1775]

Uses	Downtown Business District
Appliance stores, including electrical and household appliances, and radio and television sales and repair	P
Arts and crafts stores	P
Arts and crafts studios	P
Arts or cultural centers	P
Auction rooms	C
Bakeries	P
Bakeshops	P
Banks and financial institutions	P
Bars and taverns	C
Bed-and-breakfast inn and home	C
Bicycle sales, rental and repair stores	P
Candy stores, including candymaking	P
Carpet and rug stores, retail sales only	P
Christmas tree and greens sales	P
Clubs, lodges and meeting halls, with no on-premises food or beverage preparation facilities	C
Coffee shops	P
Contractors', architects' and engineers' offices	P
Convenience stores	C
Day-care centers, group	C
Delicatessen	P
Department stores	P
Dry-cleaning and laundry service establishment, pickup only	P
Extended-stay hotels	C
Food stores, under 5,000 square feet	P
Food stores, 5,000 to 10,000 square feet	C
Furniture stores	P
Garden supply, tool and seed stores	P
Home improvement stores	C
Hotels	C
Ice cream stores	P
Inns	C
Liquor store	C
Mailing service establishments	P

Table 39-1. Downtown Business Overlay District Use Table [Amended 8-5-2009 by Ord. No. 1775]

Uses	Downtown Business District
Markets, open-air, including farmers' markets and produce markets	C
Museums and art galleries, including historic buildings and shrines for patriotic, cultural and educational purposes	P
Office or studio of a professional person	P
Offices, business and professional, and nonprofit, educational, cultural or civic	P
Offices, medical	P
Outdoor dining	P
Parking garages	P
Parking lots, commercial	C
Personal care establishments	P
Photocopying and reproduction services, including blueprinting	P
Physical health facilities, including health clubs, fitness centers, and weight control centers	P
Printing and publishing establishments	C
Restaurant, fast-food	C
Restaurant, seating	P
Restaurant, take-out only	P
Retail goods stores	P
Theaters, indoor	P
Theaters, outdoor	C
Tobacco shops	P
Wine shop	C
Retail and service uses of the same general character as those listed above	C
Transportation and utility uses	
Antennas and amateur radio stations	C
Antenna towers	C
Cab stands, including dispatch offices and related parking facilities	C
Telecommunications facilities	C
Telephone transmission equipment buildings	C
Transit facilities	P

§ 122-3903. Conditional uses

A. A list of conditional uses, indicated by the letter "C," is provided in Table 39-1 above. Applicants shall follow the procedures and standards for conditional use approval in Article XXV, § 122-2505A.

B. Additional conditional use standards.

(1) Multifamily dwellings containing six or fewer dwelling units and multifamily dwellings containing six or more dwelling units, as indicated in § 122-3902, Table 39-1, require a conditional use permit only if they are located on Main Street, Broad Street, Walnut Street, or Madison Street within the Downtown Business Overlay District. A permitted commercial use must occupy the entire first floor of all multifamily buildings located on any of the above streets as a minimum condition of approval.

(2) Single-family attached units are permitted by conditional use as indicated in § 122-3902, Table 39-1. Such units must be included as part of a multifamily or mixed-use complex as a minimum condition of approval. Such units shall not have primary entrances on Main Street, Broad Street, Walnut Street, or Madison Street.

§ 122-3904. Development standards.

The required development standards for the Downtown Business Overlay District are specified in Table 39-2. In addition, the traditional town design standards and design review process of Article XL shall also apply.

Table 39-2. Downtown Business Overlay District Development Standards

	Downtown Business District
Minimum lot size	None
Minimum lot width	None
Build-to line	(1) The primary facade of each building shall maintain the established build-to line of the block(s) on which it is located. Where there is no established build-to line, the primary facade of each building shall be set back not less than 12 feet from the face of the curb on a primary street and eight feet from the face of the curb on a side street. The building shall not be set back more than 15 feet from the face of the curb. (2) For the purposes of providing a plaza, square, courtyard, recessed entrance or outdoor dining, the front facade of each building may be set back up to 15 feet from the building line.
Side setback	Side yard setbacks shall not be required if, based on a review by the Borough Engineer, the following standards are addressed: (1) Maintenance needs are addressed.

Table 39-2. Downtown Business Overlay District Development Standards

	Downtown Business District
	(2) Adequate landscaping and buffering are provided according to § 420.8 of the Subdivision and Land Development Ordinance. [78]
	(3) Required parking is provided.
	(4) No building shall be located closer than 50 feet from residential districts.
Rear setback	Rear yard setbacks shall not be required if, based on a review by the Borough Engineer, the following standards are addressed:
	(1) Maintenance needs are addressed.
	(2) Adequate landscaping and buffering are provided according to § 420.8 of the Subdivision and Land Development Ordinance. [79]
	(3) Required parking is provided.
	(4) No building shall be located closer than 50 feet from residential districts.
Building height	Minimum two stories
	Maximum 65 feet
	Up to 85 feet permitted with incentives provided in § 122-3906
Maximum building coverage	A maximum building coverage shall not be required if, based on a review by the Borough Engineer, the landscaping standards of § 420.8 of the Subdivision and Land Development Ordinance [80] and any drainage requirements of the Borough are addressed satisfactorily.
Maximum impervious coverage	A maximum impervious coverage shall not be required if, based on a review by the Borough Engineer, the landscaping standards of § 420.8 of the Subdivision and Land Development Ordinance [81] and any drainage requirements of the Borough are addressed satisfactorily.

78. **Editor's Note: The Borough's Subdivision and Land Development Ordinance is on file and available for inspection or sale at Borough offices.**

79. **Editor's Note: The Borough's Subdivision and Land Development Ordinance is on file and available for inspection or sale at Borough offices.**

80. **Editor's Note: The Borough's Subdivision and Land Development Ordinance is on file and available for inspection or sale at Borough offices.**

81. **Editor's Note: See Ch. 107, Subdivision of Land.**

§ 122-3905. Parking

A. There shall be no minimum off-street parking requirement in the Downtown Business Overlay District unless the size of the principal building area is greater than or equal to 20,000 square feet. For buildings greater than or equal to 20,000 square feet in size, the parking requirements in § 122-2003 of this chapter shall apply.

B. Fee in lieu of parking spaces. When off-street parking is required, Borough Council may authorize the payment of a onetime fee in lieu of the actual creation of some or all of the required parking by the applicant. The amount of the fee shall be specified in the parking fee schedule adopted by resolution of the Borough Council. All fees collected and all interest earned thereon shall be placed in the Borough Parking Fund. The fund shall be used exclusively for planning, acquisition, design, development, construction and financing of parking facilities.

§ 122-3906. Building height bonus.

A. Projects in the Downtown Business Overlay District shall qualify for a maximum of 20 feet of additional building height in exchange for a combination of the bonus features in Table 39-3.

B. Table 39-3, Building height bonus features.

Table 39-3. Building Height Bonus Features

Bonus Feature	Bonus Feature Standard	Bonus Height
Preservation of a historic structure or facade on the development site	Must follow the Secretary of the Interior's standards for rehabilitation.	20 feet
Streetscape amenities from § 122-4001O, Table 40-1	Must be provided above and beyond the minimum four amenities required by § 122-4001O; must follow the standards of § 122-4001O	Combine three amenities to obtain 10 feet of bonus height
Transit amenities	Qualifying amenities (shall meet the Borough's approved specifications): 1) New access easements 2) Improvements to connecting passageways 3) Bicycle parking/bicycle racks 4) Bus shelter	Five feet of bonus height for each transit amenity

Table 39-3. Building Height Bonus Features

Bonus Feature	Bonus Feature Standard	Bonus Height
	5) Transit area streetscape improvement, such as lighting, landscaping, signage, gazebo, water feature, public art, and decorative paving	
	6) Cash contribution for transit area improvements	
Trail amenities	Qualifying amenities for trail connections along Main Street, 2nd Street, Cannon Street, and Wood Street (shall meet the Borough's approved specifications):	Five feet of bonus height for any two trail amenities:
	1) Distinctive paving to define trail connections	A minimum of two different amenities must be provided
	2) Uniform planters to define trail connections	The height bonus will not apply to duplicate amenities
	3) Way-finding signage	
	4) New access easement and paving for off-road trails	Way-finding signage must be consistent in style with existing signage when applicable.
Structured parking	Structured parking is provided within the building footprint and subject to the design standards of § 122-4001K	20 feet
	A minimum of 50% of the provided parking spaces shall be available to the public	
Sustainable stormwater management	Qualifying techniques:	Five feet per stormwater management technique
	1) Permeable surfaces	
	2) Roof rainwater collection systems	
	3) Bioretention/rain gardens	

Table 39-3. Building Height Bonus Features

Bonus Feature	Bonus Feature Standard	Bonus Height
	The system shall be designed and installed under the direction of a professional with demonstrated expertise in the design and construction of such facilities.	
Green roof	The green roof shall cover at least 70% of the net roof area (the total gross area minus areas covered by mechanical equipment). Green roofs shall be designed and installed under the direction of a professional with demonstrated expertise in green roof design and construction. Vegetation must be maintained for the life of the building. The green roof shall conform to the best available technology standards, such as those published by LEED.	20 feet
Alternative energy sources	Install a solar, wind or geothermal power-generation facility that is designed to provide at least 15% of the expected annual energy use for the building. The facility shall be designed and installed under the direction of a professional with demonstrated expertise in the design and construction of such facilities.	20 feet
Green building	The applicant must submit a letter of intent that communicates his commitment to achieve a LEED-NC or EB Silver Rating or similar standard on his building.	20 feet

Table 39-3. Building Height Bonus Features

Bonus Feature	Bonus Feature Standard	Bonus Height
	Within 90 days of receiving the final certificate of occupancy, the applicant must submit documentation that demonstrates achievement of a LEED Silver Rating.	20 feet

ARTICLE XL

Traditional Town Design Standards and Design Review Process

[Added 1-7-2009 by Ord. No. 1769]

§ 122-4000. Applicability and intent.

It is the intent of this article, as authorized by Article VII-A of the Municipalities Planning Code,[82] to establish design standards and a process for design review applicable to the Downtown Business Overlay District, established and regulated pursuant to Article XXXIX of this chapter, which will ensure that property is developed with sound planning and design principles while allowing flexibility of design. The intent is to assure that new buildings, exterior structural renovations and overall site design are designed and built in a manner compatible with the character of the Borough in terms of scale and visual effect.

§ 122-4001. Traditional town center standards.

A. Contextual standards for infill development.

(1) New infill development shall generally employ building types that are compatible to the historic architecture of the area in their massing and external treatment.

(2) New infill development shall retain the historic architectural rhythm of building openings (including windows and entrances) on the same block.

(3) New infill development shall attempt to maintain the horizontal rhythm of primary street facades by using a similar alignment of windows, floor spacing, cornices, awnings and other elements.

B. Building orientation and entrances.

(1) The front facade of buildings shall be oriented towards the primary street, with an everyday public entrance on this front facade. On corner properties, the front facade shall face the primary street. If the building faces two primary streets, only one entrance is required; however, facade treatments such as those listed in § 122-4001C shall be required for both facades.

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82. Editor's Note: See 53 P.S. § 10701-A et seq.

(2) Front facades that face existing side streets may be approved when these facades will extend an existing commercial district along this existing side street.

(3) Buildings shall have a pedestrian entrance along their principal building's primary facade immediately adjacent to public sidewalks.

(4) When buildings are located on corners, the entrance may be located on the corner with an appropriate building articulation, such as a chamfered corner, turret, canopy or other similar building feature.

(5) All primary building entrances shall be accentuated. Entrances permitted include recessed, protruding, canopy, portico or overhang.

C. Facade treatment.

(1) Blank walls shall not be permitted along any exterior wall facing a street.

(2) Walls or portions of walls where windows are not provided shall have architectural treatments that are similar to the front facade, including materials, colors and details.

(3) Rear building facades shall have architectural treatments that are complementary to the front facade.

(4) Buildings shall have a distinct base at ground level using articulation or materials such as stone, masonry or decorative concrete.

(5) The top level of buildings should be treated with a distinct outline with elements such as projecting parapet, cornice or other projection.

(6) At least four of the following architectural treatments shall be provided:

(a) Masonry (except flat concrete block).

(b) Concrete or masonry plinth at the base of the wall.

(c) Belt courses of a different texture or color.

(d) Projecting cornice.

(e) Projecting metal canopy.

(f) Decorative tilework.

(g) Trellis containing planting.

(h) Medallions.

(i) Translucent glass.

(j) Lighting fixtures.

(k) An architectural element not listed above, as approved by Borough Council, that meets the intent of the district.

D. Windows.

(1) At least 60% of the length of the ground floor of all nonresidential building facades that are immediately adjacent to public sidewalks shall consist of windows, glass doors or other transparent building surfaces providing for an unobstructed visual connection from the outside to the inside of the building.

(2) A minimum zone of transparency shall be established between an elevation of two feet and eight feet above grade, and the window placement shall be consistent with the entire building's facade.

(3) Upper-story windows of front facades shall not be boarded or covered and shall comprise a minimum of 35% window area in the facade above the ground floor and a maximum of 75%.

(4) Smoked, reflective or black glass in windows is prohibited.

E. Roofs.

(1) Roofs shall be in keeping with the character of adjacent buildings or shall have pitched roofs.

(2) Pitched roofs shall have a minimum slope of 4:12 and a maximum slope of 12:12.

F. Height stepback. For every building whose height (measured from finish grade to top of parapet) exceeds 30 feet, there shall be a stepback in height on the side facing the public street. The total mass of the building in excess of 30 feet shall be stepped back 1/2 foot horizontally for every one foot in height above 30 feet, but in no case resulting in a requirement stepback greater than 10 feet.

G. Building massing.

(1) Buildings shall be similar in height and size or articulated and subdivided into massing that is more or less proportional to adjacent structures and maintains the existing architectural rhythm.

(2) All buildings must have at least a three-to-five-foot break in depth in all street facades for every 25 feet of continuous facade. Such breaks may be met through the use of bay windows, porches, porticos, building extensions, towers, recessed doorways, and other architectural treatments approved by Borough Council.

H. Pedestrian facilities.

(1) Sidewalks are required along all existing and proposed street frontages.

(2) Sidewalks shall match the width of the prevailing sidewalk width on the block. Where no sidewalk exists, the minimum width shall be 12 feet on a primary street, eight feet on a side street, and five feet on an alley.

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

(4) Sidewalks shall connect to existing sidewalks on abutting tracts and other nearby pedestrian destination points and transit stops.

(5) The sidewalk pattern shall continue across driveways.

(6) Decorative paving shall be used to continue the existing sidewalk pattern in the Borough. Materials and pattern must match the Borough's existing paving pattern and materials.

I. Street design.

(1) Existing streets and alleys shall be maintained.

(2) All new streets and alleys shall connect with other streets, forming a network. Culs-de-sac and dead-end streets should be allowed only when there is no alternative due to site constraints.

(3) The street network should create blocks with a maximum perimeter of 1,200 feet. The block perimeter may be exceeded to accommodate a parking facility that is internal to a block and screened from public view along all street frontages.

(4) New street widths shall be consistent with existing street widths.

(5) New alleys shall be at least 16 feet in width.

J. Surface parking and loading area location and design. Surface parking and loading areas shall be designed in accordance with § 403.3 of the Subdivision and Land Development Ordinance.[83] In addition, the following standards shall apply:

(1) No parking area shall be located between the curb of any street and its build-to-line. Parking shall be located to the rear of the principal building or to the side.

(2) Surface parking on corner lots that face primary streets shall not face the street. A building must be located between the parking area and the street.

(3) Off-street surface parking shall not extend more than 70 feet in width along any pedestrian street frontage without an outdoor cafe, urban garden, plaza, square, courtyard or landscaping feature with seating.

(4) Parking areas on abutting nonresidential lots shall be interconnected by access driveways. Each nonresidential lot shall provide cross-access easements for its parking areas and access driveways guaranteeing access to adjacent lots. Interconnections shall be logically placed and easily identifiable to ensure convenient traffic flow.

(5) Vehicular access to surface parking shall be from an alley or side street where possible.

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83. Editor's Note: The Borough's Subdivision and Land Development Ordinance is on file and available for inspection or sale at Borough offices.

(6) Safe provisions for pedestrian access to and through a parking lot shall be required.

(7) Surface parking areas and pedestrian walkways connecting to them shall be well lit.

(8) Lighting for parking areas and pedestrian walkways shall be in accordance with § 122-2011. In addition, all exterior lighting shall be designed to prevent glare onto adjacent properties and shall be designed so that the illumination is a minimum of 0.6 footcandle and a maximum of 1.0 footcandle.

(9) The height of fixtures shall be a maximum of 20 feet for parking lots and 14 feet for pedestrian walkways.

(10) Service and loading areas must be located to the side or rear of the building and shall not be visible from a primary street.

K. Structured parking standards.

(1) Parking structures shall meet all other applicable building and site design standards of this article.

(2) Parking structures that have their primary facade on Main Street, Broad Street, Walnut Street, or Madison Street shall be designed with active commercial space on the ground floor.

(3) Ground-floor parking shall be screened through any combination of walls, decorative grilles, or trellis work with landscaping.

(4) Entrances and exits shall be located and grouped to minimize curb cuts and other interruptions of pedestrian movement on sidewalks.

(5) Where possible, entrances and exits shall not open directly onto sidewalks but shall be accessed via alleys.

(6) Elevator and stair shafts should be topped with gabled roofs or other architectural accents.

(7) The exterior facade should maintain a horizontal line throughout. The sloping nature of the interior structure, necessary in the design of parking structures, should not be repeated on the exterior facade.

L. Outdoor dining.

(1) Outdoor furnishings are limited to tables, chairs, portable heaters and umbrellas.

(2) Outdoor furnishings shall be of quality materials, workmanship and sturdy construction designed to withstand strong winds and rain and to ensure the safety of patrons.

(3) Outdoor furniture shall be stored inside the restaurant after normal operating hours.

(4) Planters, posts with ropes, or other removable enclosures, as well as a reservation podium, are encouraged and shall be used as a way of defining the area occupied by the cafe.

(5) Refuse facilities should be provided.

(6) Advertising or promotional features shall be limited to umbrellas and canopies.

(7) Outdoor dining areas may not obstruct pedestrian traffic flow. A minimum pathway of at least five feet free of obstacles shall be maintained.

M. Screening.

(1) Parking lots and loading areas visible from a street shall be continuously screened by a three-foot-high wall, fence or plantings. Parking lots adjacent to a residential use or district shall be continuously screened by a six-foot-high wall, fence or plantings. Acceptable types of screening materials include:

(a) Walls constructed of masonry materials (such as brick, stone or stucco), including columns, and shall have a finished cap or molding along the entire length.

(b) Fences made of wood, wrought iron or approved simulations and shall include columns of masonry materials which shall be spaced at intervals no greater than 25 feet.

(c) Hedges or mixed plantings (trees and shrubs).

(2) The storage of refuse areas shall be provided inside the building(s) when possible. Any refuse area outside of the building shall be entirely screened by an opaque fence or enclosure which is at least six feet high.

(3) All mechanical, electrical, communication and service equipment, including satellite dishes and vent pipes and other appurtenances, shall be concealed by or integrated within the roof form or screened from view at ground level of nearby streets by parapets, walls, fences, landscaping or other approved means.

(4) The following, when above the roofline, require screening: stairwells, elevator shafts, air-conditioning units, large vents, heat pumps and mechanical equipment.

N. Signs.

(1) Changeable electronic variable message signs (CEVMS) are prohibited in the Downtown Business District. **[Amended 8-5-2009 by Ord. No. 1775]**

(2) All other standards in Article XIX of this chapter shall apply.

O. Streetscape and public space standards.

(1) Street trees. Street trees shall be provided in accordance with § 420.3 of the Subdivision and Land Development Ordinance.[84]

(2) Streetlights. Streetlights shall be provided where the Borough Engineer determines it necessary to provide for safety along Borough sidewalks and/or to continue an existing pattern of streetlights. Where streetlights are required, they shall be consistent in style with existing streetlights on the same block. The maximum height of streetlights shall be 14 feet.

(3) Additional streetscape amenities. The applicant must provide at least four of the streetscape amenities from Table 40-1. These amenities may also be provided in accordance with the development incentives in § 122-3904 of this chapter.

Table 40-1. Streetscape Amenities

Hanging basket (minimum size: 12 inches in diameter)	Decorative banners/flags
Window box (as wide as window sill and a minimum size of six inches wide by six inches deep)	Additional planting area, including shrubs, trees, ground covers, or flowers
Street planter (minimum size 24 inches in diameter)	Building decorative lighting
Bench (at least five feet in length)	Public trash receptacle
Raised planting bed	Awning for window or door
Trellis, arbor or pergola (planted with vines or shrubs)	Balconies
Kiosk	Urban garden
Water feature (fountain)	Bus shelter
Planting in curb extension (planted bulb outs/large planters)	Plaza/square/courtyard [See requirements in § 122-4001O(4)]
Roof garden	Other amenity approved by Borough Council
Clock tower	

(4) Public space standards.

(a) A public plaza, square or courtyard shall be a minimum of 250 square feet.

(b) The plaza, square or courtyard shall be located where it is visible and accessible from either a public sidewalk or pedestrian connection.

(c) Thirty percent of the plaza, square or courtyard shall be landscaped with trees, shrubs and mixed plantings with year-round interest.

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84. **Editor's Note: The Borough's Subdivision and Land Development Ordinance is on file and available for inspection or sale at Borough offices.**

(d) One seating space is required for each 30 square feet of public area.

(e) The plaza, square or courtyard shall not be used for parking, loading or vehicular access (excluding emergency vehicle access).

§ 122-4002. Design review process.

A. Applicability. 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,[85] shall have authority to review all applications submitted to the Code Enforcement Officer for the following 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 Traditional Town Design Standards. **[Amended 11-16-2011 by Ord. No. 1813]**

(1) Construction of new buildings.

(2) Addition to an existing building.

(3) Construction of new parking areas associated with an existing building or expansion of existing parking areas by more than 10% in area.

(4) Application for a sign permit.

(5) Modification of the exterior design features of an existing structure which involves a change in the exterior materials in existence on such structure. "Modification of the exterior design features," as used herein, includes but is not limited to the addition, deletion or modification of surface materials (masonry, wood, brick, stucco), windows, doors, overhangs, porches, porticos, chimneys, outdoor public space, cornices, etc.

(6) Design review is not required for repainting of surfaces or the repair, restoration or reconstruction of exterior design features 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 that currently exist, provided windows and transparent surfaces are not replaced with nontransparent materials and the surface area of the replacement door, window or other transparent surface does not exceed the dimensions of the existing feature by more than 10%.

B. Standards and criteria for review. In reviewing a proposed plan, the reviewing body shall consider the requirements of § 122-4001, Traditional town design standards, and the following general criteria, where applicable:

(1) General architectural features, including the character, scale and quality of the design, including building materials and colors, to ensure compatibility with adjacent buildings and the existing architectural character of Lansdale.

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85. Editor's Note: See 53 P.S. § 10701-A et seq.

(2) That the plans indicate proper consideration for the relationship between proposed or existing buildings and buildings which are located or are proposed within the general area.

(3) That the plan for the proposed building or material change indicates a manner in which surrounding properties are protected against noise, vibrations and other factors which may have an adverse effect on the environment and the manner of screening for mechanical equipment, trash, storage and loading areas.

(4) That buildings, parking areas, signs and illumination indicate proper consideration has been given to both the functional aspects of the development, such as pedestrian and vehicular circulation, and the visual effect of the development from the view of adjoining streets.

(5) That landscaping considerations, including location, type, size, color, texture and coverage of plant materials, including maintenance and protection, have been considered to ensure visual relief which will complement existing and adjoining properties to provide an attractive environment.

C. Application process.

(1) All applications before the reviewing body shall be submitted in writing to the reviewing body, which shall review the proposal and submit written comments to the Borough Code Enforcement Officer within 30 days of receipt of such application.

(2) The written application required by this article shall be accompanied by the following data, where applicable:

(a) Site plan information as required by Article III of the Subdivision and Land Development Ordinance.[86]

(b) Building design, including:

[1] The elevation of each building and composite elevations, if multiple buildings are proposed. Elevation must indicate the natural color of materials to be applied, including the colors of any paint or manufactured product on the exterior buildings, walls or addition.

[2] The type and finish of all materials to be applied to the exterior surface of the building, walls or addition.

[3] Exterior lighting to be used for walkways, drives and parking lot, including signs and light cast from the building's interior which are or will be visible from surrounding properties.

[4] Existing or proposed streetscape amenities, such as artwork, sculptures, lighting, benches, fountains and other ornamental or decorative features.

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86. Editor's Note: The Subdivision and Land Development Ordinance is on file in the Borough office.

[5] The location and design of all proposed signs.

(c) Signs. Where an application is submitted only for approval of a sign permit, renderings indicating the location and design of all proposed signs shall be submitted along with information consistent with the provisions of § 122-1909 of this chapter.

D. Approval process.

(1) For all building and/or development applications, the Borough Council or, as appropriate, the Borough Code Enforcement Officer shall render a written decision on the application within the time requirements set forth in Article V of the Municipalities Planning Code, 53 P.S. § 10501 et seq., or as required by the Uniform Construction Code Act, 35 P.S. § 7210.101 et seq., and/or the Uniform Construction Code, 34 Pa. Code § 401.1 et seq., (collectively, the "UCC").

(2) The Borough Council or, as appropriate, the Borough Code Enforcement Officer shall consider comments and recommendations of the reviewing body prior to approving or denying the proposal.

(3) Where the Borough Council or the Borough Code Enforcement Officer fails to render a decision within the period required by Article V of the Municipalities Planning Code or the UCC, the decision shall be deemed to have been rendered in favor of the applicant, unless the applicant has agreed, in writing or on the record, to an extension of time.

(4) Approval of the proposal shall expire two years after the date of approval by the Borough Council or the Borough Code Enforcement Officer or the signing of the development plan, whichever is later, if the applicant fails to obtain a building permit, use and occupancy permit, or other applicable permit, unless the Borough Council or Borough Code Enforcement Officer has agreed, in writing or on the record, to an extension of time.

E. Appeals. The appeals process shall be in accordance with Article XXVI of this chapter.

ARTICLE XLI
Traditional Residential Infill Development Standards
[Added 12-1-2010 by Ord. No. 1801]

§ 122-4101. Legislative intent.

It is the intent of this article, as authorized by Article VII-A of the Pennsylvania Municipalities Planning Code,[87] 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

87. Editor's Note: See 53 P.S. § 10701-A et seq.

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 is 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 facade 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 facade, half of the facade, 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 facade 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 facade of the home being renovated (and in the case of semidetached twins, the adjoining dwelling unit) shall take precedence over the pattern on the block. Special considerations for the renovation of semidetached twins are outlined in the Manual.

(3) Whether an addition or a new home, the front facade 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: a) rear-facing garages; b) side-facing garages; and c) 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 and specifications, shall apply.

(3) Where front-facing garages are proposed, they shall be set back a minimum of 10 feet from the closest point to the street line of the front facade of the home.

(4) Where front-facing garages are proposed, all driveways shall be at least 20 feet long, as measured from the edge of the sidewalk, to accommodate parked vehicles and keep sidewalks clear of obstructions.

(5) Detached or semidetached 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.[88]

(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.

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88. Editor's Note: The Borough's Subdivision and Land Development Ordinance is on file and available for inspection or sale at Borough offices.

(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,[89] 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 to 403.66, Permit and Inspection Process for Residential Buildings,[90] 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

89. Editor's Note: See 53 P.S. § 10701-A et seq.

90. Editor's Note: See 34 Pa. Code §§ 403.61 to 403.66.

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, center line 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 roofline. 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.

(3) Upon submission of a complete application to the Code Enforcement Officer, he or she shall schedule a public meeting of the reviewing body.

(4) 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.

Chapter ZDL

DISPOSITION LIST

§ ZDL-1. Disposition of legislation.

The following is a chronological listing of amendments to the Zoning Code of the Borough of Lansdale (Chapter 122 of the Borough Code) adopted after Ord. No. 1775, which was adopted 8-5-2009.

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§ ZDL-1. Disposition of legislation.

Enactment	Adoption Date	Subject	Disposition
Ord. No. 1779	10-21-2009	Senior community center amendment	§§ 122-201, 122-1700, 122-2505A
Ord. No. 1792	7-21-2010	Driveway access	Repealed by Ord. No. 1801
Ord. No. 1801	12-15-2010	Repealing and replacing district articles; adding Traditional Infill Development Standards	§§ 122-201, 122-2102D, 122-2208, Articles VIII, IX, X, and XLI
Ord. No. 1813	11-16-2004	Repealing Class A-1, A-2, A-3 and A-4 Residential Districts; amending Zoning Map	§§ 122-200, 122-804 and 122-4002; Articles IV V, VI, and VII

DEFINITIONS NOTE: For the convenience of the Code user, all terms defined in this Code are included in the Index under the heading "Definitions and Abbreviations."

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