

**NORTH WALES BOROUGH
ORDINANCE #796**

AN ORDINANCE ADOPTING A NEW ZONING ORDINANCE OF THE BOROUGH OF NORTH WALES, PENNSYLVANIA, BY REPEALING AND REPLACING IN ITS ENTIRETY CHAPTER 208 OF THE CODIFIED ORDINANCES OF THE BOROUGH OF NORTH WALES, ENACTED BY BOROUGH COUNCIL ON OCTOBER 24, 1995, AS ORDINANCE 677

WHEREAS, as a result of extensive discussions by the Borough Council it was found to be in the best interest of the Borough to repeal and replace the existing Zoning Ordinance, as adopted by Ordinance No. 677.

NOW, THEREFORE, it is hereby ORDAINED and ENACTED by the Borough Council of the Borough of North Wales as follows:

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[HISTORY: Adopted by the Borough Council of North Wales 10-24-1995 by Ord. No. 677. Amendments noted where applicable.]

GENERAL REFERENCES

Flood damage prevention — See Ch. 122.
Subdivision and land development — See Ch. 184.

ARTICLE I

Legislation and Scope

§ 208-1. Title.

This chapter shall be known and cited as the "Borough of North Wales Zoning Code" and the map as the "Zoning Map."

§ 208-2. Legislative intent.

- A. This chapter is designed to promote, protect and facilitate the public health, safety, morals, general welfare, coordinated and practical community development, proper density of population and vehicle parking and loading space.
- B. It enumerates distinct classes of land use and regulates and restricts the height, number of stories and size of buildings and other structures hereafter erected or altered, the percent of lot that may be occupied, the size of yards, courts and other open spaces, density of population, location and use of buildings and establishes boundaries for said purposes.
- C. It provides the necessary administrative procedures and provisions for personnel for its enforcement.

§ 208-3. Community development objectives.

Community development objectives are the following:

- A. That decisions on community development in the Borough be guided by its Comprehensive Plan.
- B. That the Borough make every effort to cooperate with surrounding municipalities in recognition of the fact that the prosperity of the North Penn area has a marked effect on the community.
- C. That the Borough preserve and protect its architectural, historic and cultural heritage wherever and whenever possible.
- D. That the Borough strive for aesthetic improvement and community beautification in all areas of North Wales.
- E. That the Borough strive to preserve and increase recreational and open space amenities wherever and whenever possible.
- F. That the Borough strive for the most beneficial relationship between traffic movement and land use in order to avoid congestion on the streets.
- G. That the Borough continue to relate improvements to fiscal capabilities, present and projected, to support needed facilities.
- H. That the Borough strives to have a vibrant downtown business district.
- I. Furthermore, that this chapter is designed and intended:
 - (1) To protect and preserve the social and economic stability of residential neighborhoods which are predominant within the Borough.
 - (2) To separate intensive commercial and industrial uses from residential neighborhoods.
 - (3) To provide suitable opportunity for institutional uses along major roadways and recognize existing institutional uses within the Borough while preventing intrusion into residential neighborhoods.
 - (4) To protect and conserve the value of land and buildings throughout the Borough.

§ 208-4. Conflict with other provisions. [Amended 12-18-2001 by Ord. No. 713]

It is not intended by this chapter to repeal, abrogate, annul or interfere with any existing chapter or enactment, or with any rule, regulation or permit adopted or issued thereunder, except insofar as the same may be inconsistent or in conflict with any of the provisions of this chapter, provided that where this chapter imposes greater restriction upon the use of buildings or land, or upon the height and bulk of buildings, or prescribes larger open spaces than are required by the provisions of such chapter, enactment, rule, regulation or permit, then the provisions of this chapter shall control, except to the extent that those regulations of mineral extraction by local ordinances and enactments have heretofore been superseded and preempted by the Act of May 31, 1945 (P.L. 1198, No. 418), known as the "Surface Mining Conservation and Reclamation Act," the Act of December 19, 1984 (P.L. 1093, No. 219), known as the "Non-coal Surface Mining Conservation and Reclamation Act," and the Act of December 19, 1984 (P.L. 1140, No. 223), known as the "Oil and Gas Act," and to the extent that the subsidence impacts of coal extraction are regulated by the Act of April 27, 1966 (1st Sp. Sess., P.L. 31, No. 1), known as "The Bituminous Mine Subsidence and Land Conservation Act," and that regulation of activities related to commercial agricultural production would exceed the requirements imposed under the Act of May 20, 1993 (P.L. 12, No. 6), known as the "Nutrient Management Act," regardless of whether any agricultural operation within the area to be affected by the ordinance would be a concentrated animal operation as defined by the "Nutrient Management Act," the Act of June 30, 1981 (P.L. 128, No. 43), known as the "Agricultural Area Security Law," or the Act of June 10, 1982 (P.L. 454, No. 133), entitled "An Act Protecting Agricultural Operations from Nuisance Suits and Ordinances under Certain Circumstances," or that regulation of other activities are preempted by other federal or state laws.

§ 208-5. Interpretation.

In interpreting and applying the provisions of this chapter, they shall be held to be the minimum requirements for the promotion of the health, safety and morals and general welfare of the Borough. It is not intended by this chapter to interfere with any building code heretofore or hereafter adopted or any rules or regulations of the County, State, or Federal Government.

§ 208-6. Validity.

Should any section or provision of this chapter be declared by a court of competent jurisdiction to be invalid, such section or provision shall not affect the validity of the chapter as a whole, or of any other part thereof.

ARTICLE II

Definitions and Word Usage

§ 208-7. Word usage.

- A. Unless otherwise expressly stated, the following words shall, for the purpose of this chapter, have the meanings herein indicated. Any pertinent word or term not part of this listing but vital to the interpretation of this Ordinance, shall be construed to have its legal definition, or in absence of a legal definition, its meaning as commonly accepted by practitioners including civil engineers, surveyors, architects, landscape architects, and planners.
- B. In interpreting this chapter, the present tense includes the future; the word "building" includes the word "structure" and shall be construed as if followed by the words "or part thereof"; the word "occupy" includes the words "designed or intended to be occupied"; the word "person" includes any natural persons, partnership, firm, association or corporation; the word "use" includes the words "arranged, designed or intended to be used"; and the word "shall" is always mandatory.

§ 208-8. Definition of terms.

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

ACCESSORY BUILDING - A building subordinate to the principal building on a lot and used for the purposes customarily incidental to those of the principal building.

ACCESSORY USE - A use subordinate to the principal use of land or a building or other structure on a lot and customarily incidental thereto.

ADULT USE - Any business, club or other similar operation which permits patrons, clients, visitors, or members to hear, view, read, lease, purchase, trade or exchange, and/or participate in activities, publications, movies, videotapes and/or live or televised performances which have as their dominant theme or themes explicit sexual activities and/or the exhibition of portions of the human or animal anatomy which are not normally seen in public or in commercial or other club-type operations, including the genital areas, buttocks and female breasts, and which operations may or may not exclude minors by virtue of age. Included in the term "adult use" are bookstores, movie theaters, restaurants, bars and any other operation which qualifies for inclusion by virtue of the definition above, regardless of the type of other uses or operations which may also be conducted on or in the property or properties involved.

AGRICULTURAL OPERATION - An enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock and livestock products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development with the agricultural industry. [**Added 12-18-2001 by Ord. No. 713**]

ALLEY - Land over which there is a right-of-way, municipally or privately owned, on which no dwelling or stores may front, serving as a secondary means of access to two or more lots.

ALTERATION - As applied to a building, any change or rearrangement in the structural parts, or any enlargement, whether by extending on any side or by increasing in height, or moving from one location or position to another.

ALTERNATIVE TOWER STRUCTURE - Man-made trees, clock towers, bell steeples, flagpoles, and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

ANCILLARY FACILITIES - The buildings, cabinets, vaults, closures and equipment required for operation of telecommunication systems including but not limited to repeaters, equipment housing, and ventilation and other mechanical equipment.

ANTENNA - Any exterior apparatus designed for telephonic, radio, or television communications through the

sending and/or receiving of electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals. Parabolic dish antennas used for satellite communications shall not be included within this definition.

APPLICANT - A landowner or developer, as hereinafter defined, who has filed an application for development including his heirs, successors and assigns.

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

AUTOMOTIVE REPAIR, MAJOR — Major repairs include spray painting; body fender, clutch, transmission, differential, axle, spring and frame repairs; major overhauling of engines requiring removal of cylinder head; repairs of radiator requiring removal thereof; and complete recapping or retreading of tires.

AUTOMOTIVE REPAIR, MINOR — Includes sale and servicing of spark plugs, batteries and distributors and distributor parts; tire servicing and repair, but not recapping or regrooving; replacement of mufflers and tailpipes, water hoses, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and wiper blades, grease retainers, wheel bearings, mirrors and the like; radiator cleaning and flushing; washing and polishing, and sale of automotive washing and polishing materials; greasing and lubrication; providing and repairing fuel pumps, oil filters and lines; minor servicing and repair of carburetors; emergency electrical repairs; adjusting and repairing brakes; minor motor adjustment not involving removal of the head or crankcase or racing the motor; provision of road maps and other informational material to customers; provision of rest room facilities; and state inspection and normal state inspection repairs.

AWNING - A cloth, plastic, or other nonstructural covering that projects from a wall for the purpose of shielding a doorway or window. An awning is either permanently attached to a building or can be raised or retracted to a position against the building when not in use.

BACKHAUL NETWORK - The lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.

BANNER - Any cloth, bunting, plastic, paper or similar non-rigid material and attached to any structure, staff, pole, rope, wire, or framing and is anchored on two or more edges or at all four corners. Banners also include non-rigid signs anchored along one edge or two corners, with weights installed that reduce the reaction of the sign to wind. Banners may or may not include text, logos and/or graphic symbols. Banners are temporary in nature and do not include flags.

BASE FLOOD — The flood which has been selected to serve as the basis upon which the floodplain management provisions of this chapter and other chapters have been prepared; for purposes of this chapter, the one-hundred-year flood as referenced in the current Flood Insurance Study, North Wales Borough, prepared by the Federal Insurance Administration, United States Department of Housing and Urban Development.

BASE FLOOD ELEVATION — The one-hundred-year-flood elevation as referenced in the Flood Insurance Study, North Wales Borough, prepared by the Federal Insurance Administration, United States Department of Housing and Urban Development.

BED-AND-BREAKFAST INN — A single-family residence where overnight accommodations and a morning meal are provided to transients for compensation. The owner of the inn shall be required to live on the premises **[Added 4-27-1999 by Ord. No. 696]**

BILLBOARD - A sign that directs attention to a business, product, advertising matter, or service conducted, sold, or offered at a location other than the premises on which the sign is located. **[Added 8-24-2004 by Ord. No. 735]**

BOARDINGHOUSE - A dwelling unit or part thereof in which, for compensation, lodging and meals are provided to three or more persons unrelated to the owner and which does not constitute a single housekeeping unit. Cooking facilities shall not be permitted in individual rooms. No meals shall be provided to nonresident guests. A boardinghouse is not a hotel or motor court. **[Added 8-24-2004 by Ord. No. 735]**

BUFFER - An area designed and functioning to separate the elements and uses of land which abut it and to ease the transition between them. Unless otherwise specified, buffers may be included as part of the required setbacks and yard areas. Buffers are divided into three types:

- A. **SCREEN BUFFER** - A buffer comprised of natural and/or man-made material arranged in a certain specified depth, height and density to effectively block the view from one side to another to a minimum height of seven feet during all seasons of the year and to reduce the transmittal of noise and odors between the sides.
- B. **SOFTENING BUFFER** - A buffer comprised of natural and/or man-made material arranged in a certain specified depth, height and density to ease and soften, but not essentially block, the view from one side to another and to reduce the transmittal of noise and odors between the sides.
- C. **OPEN BUFFER** - A buffer normally comprised of grass, ground cover and/or possibly other landscaping material having a specified depth, but not necessarily having significant vertical components to achieve a certain height or density, the purpose of which is to achieve adequate spacing and attractive landscaping between two or more actively used areas.

BUFFER AREA - The area surrounding a telecommunications tower and ancillary facilities which lies between the tower and adjacent lot lines and/or land uses.

BUILDING — Any structure having a roof supported by columns, piers, pipes, studs, walls or other building materials located upon the land.

A. Inclusions and exclusions.

- (1) Building shall include but not be limited to shed; garage; carport; barn; stable; greenhouse; tent; awning; canopy; breezeway; swimming pool; structures on wheels, when used for commercial or industrial purposes, whether or not licensed or registered as a motor vehicle; trailer; mobile home; travel trailer; recreational vehicle; or any structure, as hereinafter defined, having support or an unroofed platform, deck, terrace or porch having a vertical face greater than 30 inches above ground level.
- (2) The following shall be excluded from this definition: fences or walls in side or rear yards to a maximum height of six feet six inches and being to any degree solid or transparent; and fences or walls in the required minimum front yard to a maximum height of 30 inches containing uniform openings therein equal to 50% or more of the area of said portion of fence or wall.

B. **BUILDING AREA** — The aggregate lot coverage of the areas of the buildings on a lot excluding cornices, eaves, gutters or chimneys protruding not more than 18 inches and steps not extending through more than one story nor projecting more than three feet. Open porches and bay windows are part of the defined "building area."

C. **BUILDING FRONTAGE** - The maximum linear width of a building measured in a single straight line parallel with the adjacent public street or parking lot.

D. **BUILDING HEIGHT** — See "height of building."

E. **BUILDING SETBACK LINE** — The rear line of the minimum front yard, as herein designated for each district; the distance measured from the ultimate right-of-way line of the street, lane or alley.

F. **BUILDING, PRINCIPAL** - A building in which is conducted the principal use of the lot on which it is situated.

CABARET - A restaurant, cafe, tearoom, tavern or bar which also provides, at any time, dancing and/or live entertainment (including but not limited to disc jockeys), except that live background instrumental music, while dining, when such background music is performed by a single musician playing either a piano, organ, violin or accordion, shall not be considered live entertainment.

CANOPY - A structure other than an awning made of fabric, metal, or other material with frames affixed to a building and carried by a frame that is supported by columns or posts affixed to the ground.

CARRIER - A company that provides wireless services.

CLUB - A voluntary, nonprofit incorporated or unincorporated association for the purposes of social, literary or political nature.

COLOCATION - When two or more receiving and/or transmitting facilities are placed together in the same location or on the same antenna support structure.

COMMERCIAL MESSAGE - Any sign, wording, logo or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

COMMERCIAL TRAFFIC VISIT - Any visit or delivery, except regular mail delivery or express mail services, by a vehicle to a property on which a home occupation is conducted, such being made in connection with the home occupation.²

COMMON OPEN SPACE - A parcel or parcels of land or an area of water, or a combination of land and water within a development site and designed and intended for the use or enjoyment of residents of a development, not including streets, off-street parking areas and areas set aside for public facilities.

COMMON PARKING - Any parking area used by three or more dwelling units and having space for six or more motor vehicles.

COMPREHENSIVE PLAN — Maps, charts, descriptive matter officially adopted by the Borough's Planning Commission and the Borough Council showing, among other things, recommendations for the most appropriate use of land; for the most desirable density of population; for a system of thoroughfares, parkways and recreation areas; for the general location and extent of facilities for water, sewer, light and power; and for the general location, character and extent of community facilities.

CONDITIONAL USE — A use permitted in a particular zoning district subject to specific standards which may be approved or denied by the Borough Council following recommendations by the Borough Planning Commission.

CONSTRUCTION — The construction, reconstruction, renovation, repair, extension, expansion, alteration or relocation of a building or structure, including the placement of mobile homes.

CONVERSION — The remodeling or alterations of a structure so as to accommodate the provision of more housing units or dwellings.

COURT — That space which in a building or group of buildings is bounded on three sides by the exterior walls of two or more dwelling units, in the case of apartment dwellings; that space which in a semidetached dwelling or row house is bounded on two sides by dwelling walls and the third side by the party line, provided that the term "court," as referred to in this chapter, shall not apply to open spaces defined as above, the least depth of which is less than five feet or the width of which exceeds 20 feet.

DAY CARE - A facility providing for the care of children unrelated to the caregiver without overnight provisions, limited to the hours of 7:00 a.m. to 8:00 p.m.

DAY-CARE CENTER - Any premises in which child day care is provided for a group of seven or more children simultaneously, who are not related to the operator or caregiver, including nursery schools, and which facility is licensed by the Commonwealth of Pennsylvania.

DECK - A structure, with or without a roof, either freestanding or attached to a principal building, that may or may not have railings or access to the ground. A deck may be constructed of any materials. Decks shall comply with the required yards for the District in which located. **[Added 8-24-2004 by Ord. No. 735]**

DENSITY - The number of dwelling units per developable acre. A developable acre shall be all land within the lot lines except that located within existing rights-of-way of public roads and overhead utility lines, floodplains and land continuously covered with water.

DEVELOPER - Any landowner, agent of such landowner or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development.

DEVELOPMENT - Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, the placement of mobile homes, streets and other paving, utilities, mining, dredging, filling, grading, excavation or drilling operations.

DEVELOPMENT PLAN - The provisions for development, including a planned residential development, a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase "provisions of the development plan," when used in this chapter, shall mean the written and graphic materials referred to in this definition.

DIGITAL DISPLAY - A display of a sign message made up of internally illuminated components capable of changing the message periodically. Digital displays may include but are not limited to LCD, LED, or plasma displays.

DISTRIBUTED ANTENNA SYSTEMS (DAS) or Data Collection Units (DCU) - A network of spatially separated antenna nodes connected to a common source via a transport medium that provides wireless service within a geographic area or structure. DAS antenna elevations are generally at or below the clutter level and node installations are compact.

DORMITORY - A building used as group living quarters for unrelated individuals which does not function as a single housekeeping unit and typically does not include individual kitchen facilities or private bathrooms in individual dwelling units. **[Added 8-24-2004 by Ord. No. 735]**

DRIVE-IN USE - An establishment or part thereof that permits or encourages customers to receive services, obtain goods, be entertained, or consume food and beverage while remaining in their motor vehicles on the premises of the establishment. **[Amended 8-24-2004 by Ord. No. 735]**

DRIVE-THROUGH USE - An establishment or part thereof where items are sold in a form ready for use or consumption off premises and where ordering and pickup may take place from motor vehicles utilizing a drive-up window(s). This includes financial institutions where transactions occur without leaving the motor vehicle. **[Added 8-24-2004 by Ord. No. 735]**

DWELLING - A house, an apartment, or other group of rooms, or a single room is regarded as a dwelling unit when it is occupied or intended for occupancy as separate living quarters; that is, when the occupants do not live and eat with other persons in the structure and there is either direct access from the outside or through a common hall or a kitchen or cooking equipment for the exclusive use of the occupants of the unit, excluding hotels, rooming houses, tourist homes, institutional homes, residential clubs, motor courts and the like.

- A. **SINGLE-FAMILY DETACHED DWELLING** - A building designed for and occupied exclusively as a residence for only one family and having no party wall in common with an adjoining building.
- B. **SINGLE-FAMILY SEMIDETACHED DWELLING** - A building designed for and occupied exclusively as a residence for only one family and having one party wall in common with an adjoining building; also known as a "twin home."
- C. **TWO-FAMILY DETACHED DWELLING** - A building designed for and occupied exclusively as a residence for two families living independently of one another and having no party wall in common with an adjoining building; also known as a "duplex home."
- D. **TWO-FAMILY SEMIDETACHED DWELLING** - A building designed for and occupied exclusively as a residence for two families living independently of one another and having one party wall in common with an adjoining building.
- E. **MULTIFAMILY DWELLINGS** - The following definitions of "multifamily dwellings" are specifically recognized for purposes of this chapter:
 - (1) **APARTMENT** - A permanent dwelling unit within a building containing three or more dwellings and being vertically arranged, sharing outside access and having one or more walls as well as a ceiling or floor in common with another dwelling unit; also known as a "flat" or "garden apartment."
 - (2) **TOWNHOUSE** — An attached single-family dwelling having at least two independent outside yards and not more than two walls in common with another dwelling; also known as "row house."

DWELLING UNIT — A building or portion thereof providing complete housekeeping facilities for one family for year-round use.

FAA - The Federal Aviation Administration.

FALL ZONE - The area on the ground within a prescribed radius from the base of a wireless telecommunications tower. The fall zone is the area within which there is a potential hazard from falling debris (such as ice) or collapsing material.

FAMILY [**Amended 8-24-2004 by Ord. No. 735**] —

A. The definition of family includes:

- (1) Any number of persons living together as a nonprofit and non-transient single housekeeping unit and having facilities to do their cooking on the premises, when said persons are related by blood, marriage or adoption, including any number of foster children;
- (2) Up to three unrelated persons and their children when living and cooking together as a single, nonprofit and non-transient housekeeping unit and having facilities to do their cooking on the premises which constitute a functional family equivalent;
- (3) Up to three mentally or physically handicapped persons who suffer from a physical or a mental impairment that substantially limits one or more major life activities, living in and occupying a single dwelling unit, as a single, nonprofit and non-transient housekeeping unit which constitute a functional family equivalent; or
- (4) A greater number of three unrelated persons, occupying a dwelling unit as a family, provided the Zoning Hearing Board shall grant a special exception after ascertaining that the dwelling unit has adequate off-street parking facilities, living space, indoor plumbing, and operating as a single, nonprofit and non-transient housekeeping unit and facilities to do their cooking on the premises which constitute a functional family equivalent and complying with the requirements of the Uniform Construction Code.³

B. The definition of family shall not include activities that require treatment regularly performed on the premises and shall not include uses which meet the definition of "boardinghouse," "dormitory," "motel" or "hotel," or "treatment center." This definition shall not include housing persons released from or under the jurisdiction of a government Bureau of Corrections or similar institution.

FCC - The Federal Communications Commission.

FESTOON LIGHTING - A type of illumination comprised of either: (a) a group of incandescent light bulbs hung or strung overhead or on a building or other structure(s), or (b) light bulbs not shaded or hooded or otherwise screened to prevent direct rays of light from shining on adjacent properties or rights-of-way.

FLAG - Any sign printed or painted on cloth, plastic, canvas, or other like material with distinctive colors, patterns or symbolic devices attached to a pole or staff and anchored along only one edge or supported or anchored at only two corners.

FORESTRY — The management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes which does not involve any land development. [**Added 12-18-2001 by Ord. No. 713**]

FUNCTIONAL FAMILY EQUIVALENT — Persons living and cooking together as a single, nonprofit and non-transient housekeeping unit and having facilities to do their cooking on the premises. [**Added 8-24-2004 by Ord. No. 735**]

FUNCTIONALLY EQUIVALENT SERVICES - Cellular radio, personal communication service (PCS), enhanced specialized mobile radio, specialized mobile radio and paging, commercial land mobile radio and additional emerging technologies.

GARAGE —

- A. **PRIVATE GARAGE** — An accessory building or a part of a principal building designed primarily for the storage of not more than two passenger cars (as defined in the Pennsylvania Motor Vehicle Code) owned and used by the owner or tenant of the premises. A detached garage designed primarily for the storage of not more than two passenger cars may be constructed on a premises even though the principal building contains an attached garage as part of the structure.
- B. **PUBLIC GARAGE** - A building, other than a private or storage garage, one or more stories in height, used solely for the commercial storage, service or repair of motor vehicles.
- C. **STORAGE GARAGE** - A building, not a private or public garage, one story in height, used solely for the storage of motor vehicles (other than trucks) but not for the sale, service or repair thereof, nor for the sale of fuel, accessories or supplies.

GASOLINE SERVICE STATION - Any area of land, including structures thereon, or any building or part thereof, which is used for the sale of gasoline or other motor vehicle fuel or accessories, and which may or may not include facilities for lubricating, washing or otherwise servicing motor vehicles, but which shall not include painting or body and fender repairs or major automotive repair as defined in this chapter.

GOVERNING BODY - The Council of the Borough of North Wales.

HEIGHT OF BUILDING - The vertical measurement from the mean level of the ground adjacent to the building to the highest point of the roof, if the roof is flat or has a slope of less than 15° from the horizontal, or to a point midway between the peak and the eaves of a roof having a slope of 15° or more; provided, however, that any permitted chimneys, spires, elevators, penthouses, tanks or similar structural appurtenances which shall not extend greater than 10 feet above the roof of a building shall not be included in calculating the height of such building. **[Amended 8-24-2004 by Ord. No. 735]**

HOLIDAY AND SEASONAL DECORATIONS - Signs or displays including lighting which are a non-permanent installation celebrating national, state, and local holidays, religious or cultural holidays, or other holiday seasons.

GUYED TOWER - A tower, which is supported or braced through the use of cables (guy wires) which are permanently anchored.

HEIGHT - When referring to a tower, the vertical distance measured from the lowest finished grade at the base of the tower to the highest point on the tower, even if said highest point is an antenna.

HELISTOP - An area on a roof or on the ground to accommodate touchdown, lift-off and parking of rotor-wing aircraft (helicopters) for the purpose of picking up and discharging passengers or cargo with no service facilities.

HOME OCCUPATION - An occupation for gain or support conducted only by members of a family residing on the premises and conducted entirely within the dwelling, provided that no article is sold or offered for sale except such as may be produced by members of the immediate family residing on the premises and provided, further, that no goods are publicly displayed on the premises. The conducting of a clinic, health-care facility, barbershop, beauty parlor, tearoom, tourist home, animal hospital, commercial kennel or any other similar use shall not be deemed as a home occupation.

MINOR HOME OCCUPATION - A home occupation which involves no more than one commercial traffic visit to the premises on any day, with all visits falling between the hours of 8:00 a.m. and 8:00 p.m.

HOTEL - A facility offering transient lodging accommodations to the general public with or without providing additional services such as restaurants, meeting rooms, and recreation facilities. This use shall include extended-stay or suites-only operation, provided that the maximum stay for guests shall not exceed four consecutive weeks during a period of six months. **[Amended 8-24-2004 by Ord. No. 735]**

HOUSE TRAILER and TENT - Any vehicle, camper or cloth structure used for living or sleeping purposes. If a house trailer or a tent is used for living or sleeping purposes within the Borough for an aggregate of more than 30 days in any year, it shall be considered as if it were a single-family detached dwelling for all purposes of this chapter.

ILLUMINATION - A source of any artificial or reflected light, either directly from a source of light incorporated in, or indirectly from an artificial source, so shielded that no direct illumination from it is visible elsewhere than on and in the immediate vicinity of the sign/object/lot.

EXTERNAL ILLUMINATION (OF SIGN) - Artificial light, located away from the sign, that lights the sign, but which is itself not visible to persons viewing the sign from any street, sidewalk, or adjacent property.

INTERNAL ILLUMINATION (OF SIGN) - A light source that is concealed or contained within the sign and becomes visible in darkness through a translucent surface. Message Center Signs, Digital Display, and Signs incorporating Neon Lighting shall not be considered internal illumination for the purposes of this ordinance.

HALO ILLUMINATION (OF SIGN) - A sign using a 3-dimensional message, logo, etc., which is lit in such a way as to produce a halo effect. (Also known as *back-lit illumination*)

IMMEDIATE FAMILY MEMBER - Any parent, child, brother, sister, grandparent or grandchild shall constitute an immediate family member.

IMPERVIOUS SURFACE - Any material which prevents the absorption of stormwater and reduces the percolation rate of previously undeveloped land to less than one inch in 120 minutes. For the purposes of this chapter, impervious surface area includes building area.

INFLATABLE DEVICE - A sign that is a cold air inflated object, which may be of various shapes, made of flexible fabric, resting on the ground or structure and equipped with a portable blower motor that provides a constant flow of air into the device.

INSTITUTIONAL USES -

A. Uses with specialized definitions include the following:

- (1) **HEALTH-CARE FACILITY** - A facility or institution, whether public or private, principally engaged in providing services for health maintenance, diagnosis or treatment of human disease, pain, injury, deformity or physical condition, including a general hospital, public health center, diagnostic center, treatment center, rehabilitation center, extended care facility, skilled nursing home, nursing home, intermediate care facility, chronic disease hospital, maternity hospital, birth center, dispensary, home health-care agency or personal care boarding home. All care for which a state license is required shall be provided by properly licensed personnel, including nurse practitioners.
- (2) **SCHOOLS, COLLEGES, UNIVERSITIES AND OTHER INSTITUTIONS OF LEARNING** - Institutions, existing independently as such, having a definite academic curriculum with regular sessions designed to serve as the medium for imparting to students in attendance a knowledge of those things broadly covered within the field of education and licensed by and under the supervision of the Department of Public Instruction of the Commonwealth of Pennsylvania.
- (3) **SKILLED NURSING CARE FACILITY or NURSING HOME** - A premises in which nursing care and related medical or other health services are provided, for a period exceeding 24 hours, for two or more individuals, who are not relatives of the operator, who are not acutely ill or in need of hospitalization, but who, because of age, illness, disease, injury, convalescence or physical or mental infirmity, need such care.
- (4) **PERSONAL CARE FACILITY** - A premises in which food, shelter and personal assistance or supervision are provided for a period exceeding 24 hours, for four or more adults who are not

relatives of the operator, and who do not require the services of a skilled nursing or intermediate care facility, but who do require assistance or supervision in matters such as dressing, bathing, diet or medication prescribed for self-administration.

- (5) **INTERMEDIATE CARE FACILITY** - A facility that provides nursing care and related medication or other personal health services on a regular basis to individuals who do not require a degree of care or treatment which a hospital or skilled nursing care facility is designed to provide, but who, because of their mental or physical disability, require hospital or skilled nursing services within the context of a planned program of care and administrative management, supervised on a continuous twenty-four-hour basis in an institutional setting.

B. Skilled nursing and personal care facility definitions are drawn from state legislation (House Bill No. 1278, effective December 22, 1988)⁴ regulating personal care facilities.

JUNKYARD - A lot, land or structure, or part thereof, used primarily for the collection, storage and sale of wastepaper, rags, scrap metal or discarded materials or for the collection, dismantling, storage and salvaging of machinery or vehicles not in running condition. [**Amended 8-24-2004 by Ord. No. 735**]

KENNEL, COMMERCIAL - An establishment, structure, lot or portion of a lot on which five or more domestic animals more than one year old, including dogs and cats, are housed, bred, boarded, trained or sold.

LAND DEVELOPMENT — Any of the following activities:

- A. The improvement of one or two or more contiguous lots, tracts or parcels of land for any purpose involving:
- (1) A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
 - (2) The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.

B. A subdivision of land.

C. Developments in accordance with Section 503(1.1) of the Municipalities Planning Code, as amended.

LANDOWNER — The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option to contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land.

LATTICE TOWER - A type of mount that is self-supporting with multiple legs and cross bracing of structural steel.

LOT — A designated parcel, tract or area of land established by a subdivision or land development plan.

A. **LOT AREA:**

- (1) The total horizontal area of the lot lying within the lot lines, provided that no area of land lying within any street ultimate right-of-way line shall be deemed a portion of any "lot area." The area of any lot abutting a street shall be measured to the ultimate right-of-way line only.
- (2) Stormwater management structures excluded. The area located within a basin constructed for stormwater management having a depth greater than 1 1/2 feet shall be excluded when determining the minimum lot size required for each zoning district.
- (3) Lot area (flag lot). The area located within the access strip to a flag (or rear) lot up to a point where the minimum required lot width is achieved shall be excluded when determining the minimum lot size required for each zoning district.

B. **LOT LINE** — A property boundary line of any lot held in single or joint ownership, except that in the case of any lot abutting a street, the "lot line" for such portion of the lot as abuts the street shall be deemed to be

the same as the ultimate right-of-way line and shall not be the center line of the street or any other line within the street side line even though such may be the property boundary line.

C. LOT, FLAG (REAR LOT) — A lot that does not provide at least 50% of the required lot width as frontage along a public street or does not provide the required lot width at a point equal to the required front yard established for the district in which located.

(1) Such lots shall be connected to a public street by an access strip having a width of not less than 25 feet which shall be held in fee-simple ownership as a part of the flag (or rear) lot.

(2) The area of the access strip, up to a point where the minimum required lot width is achieved, shall not be included in calculating the minimum lot area required for the zoning district in which located.

(3) The minimum lot area for any flag lot shall be twice the size of the minimum lot area required for the district.

D. LOT WIDTH - The lot width shall be the width of the lot from side lot line to side lot line and the minimum lot width permitted shall be maintained for the entire depth of the lot.

MARQUEE - A permanent structure, other than a roof, attached to, supported by, and projecting from a building and providing protection from the elements.

MEDICAL CENTER/CLINIC - An establishment where patients are admitted for examination and treatment on an outpatient basis by physicians, dentists, psychologists, or other medical personnel where patients are not lodged overnight. **[Added 8-24-2004 by Ord. No. 735]**

MINERALS - Any aggregate or mass of mineral matter, whether or not coherent. The term includes, but is not limited to, limestone and dolomite, sand and gravel, rock and stone, earth fill, slag, iron ore, zinc ore, vermiculite and clay, anthracite and bituminous coal, coal refuse, peat and crude oil and natural gas. **[Added 12-18-2001 by Ord. No. 713]**

MOBILE BILLBOARD - A sign affixed to a vehicle or pulled by a vehicle, the primary purpose of which is for advertising while the vehicle is moving or in traffic.

MOBILE HOME - A transportable, single-family dwelling intended for permanent occupancy, contained in one unit, or in two or more 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 may be used without a permanent foundation.

MOBILE HOME LOT - A parcel of land in a mobile home park, provided with the necessary utility connections, patio and other appurtenances necessary for the erection thereon of a single mobile home and the exclusive use of its occupants.

MOBILE HOME PARK - A parcel of land under single ownership which has been planned and improved for the placement of two or more mobile home lots.

MONOPOLE - The type of tower that is self-supporting with a single shaft of wood, steel or concrete and a platform (or racks) for panel antennas arrayed at the top.

MOTEL or MOTOR COURT -

A. A building and/or a group of two or more detached or semidetached buildings containing rooms or apartments having separate ground floor entrances provided directly or closely in connection with automobile parking or storage space serving such rooms or apartments, which building or group of buildings is designed, intended or used principally for the providing accommodations for automobile travelers and is suitable for occupancy at all seasons of the year.

B. This use shall offer transient lodging accommodations to the general public with or without providing additional services such as restaurants, meeting rooms, and recreation facilities. This use shall include extended-stay or suites-only operation, provided that the maximum stay for guests shall not exceed four consecutive weeks during a period of six months. **[Added 8-24-2004 by Ord. No. 736]**

MOTOR VEHICLE - Any vehicle, as more specifically defined in the Vehicle Code of Pennsylvania, as now in force or as hereafter amended, enacted or reenacted,⁶ except in those instances where the context clearly indicates a different meaning, which is self-propelled, except tractors, power shovels, road rollers, agricultural machinery and vehicles which move upon or are guided by a track or travel through the air.

MOUNT - The structure or surface upon which antennas are mounted, including the following three types of mounts:

- A. **BUILDING-MOUNT** — Mounted on the roof or the side of a building.
- B. **GROUND-MOUNTED** — Antenna support (tower) mounted on the ground.
- C. **STRUCTURE-MOUNTED** — Mounted on or in a structure other than a building.

MUNICIPAL ENGINEER - A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for a municipality, planning agency or joint planning commission.

MURAL (OR MURAL SIGN) - A large picture/image (including but not limited to painted art) which is painted, constructed or affixed directly onto a vertical building wall, which may or may not contain text, logos, and/or symbols.

NO-IMPACT HOME-BASED BUSINESSES - 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. **[Added 12-17-2002 by Ord. No. 720]**

NONCONFORMING LOT (LOT, NONCONFORMING) - A lot the area or dimension of which was lawful prior to the adoption or amendment of a zoning chapter, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

NONCONFORMING STRUCTURE (STRUCTURE, NONCONFORMING) - A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions in a zoning chapter or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such chapter or amendment or prior to the application of such chapter or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

NON-CONFORMING SIGN - A sign that was legally erected and maintained at the effective date of this Ordinance, or amendment thereto, that does not currently comply with sign regulations of the district in which it is located.

NONCONFORMING USE (USE, NONCONFORMING) - A use, whether of land or of structure, which does not comply with the applicable use provisions in a zoning chapter or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such chapter or amendment, or prior to the application of such chapter or amendment to its location by reason of annexation.

NUISANCE:

- A. Any use considered to be inconsistent with the public comfort, convenience, health, safety, and general welfare, including, but not limited to, the following: fire and explosion hazards; electrical and radioactive disturbances; noise and vibration; dust, dirt, and fly ash; glare; smoke and odors; and other forms of air pollution.
- B. Any use operated or conducted in a manner which directly or indirectly endangers the public health, safety and/or welfare, including, but not limited to, having a detrimental effect on an adjoining property or use of property and/or the community.

- C. A property in a continuing state of disrepair that is not fit for human habitation and/or occupancy with the potential to attract vermin and/or deemed to be a fire hazard to adjoining properties.
- D. A property that contains trash, junk and/or one or more inoperable vehicles.

NURSING HOME - See "institutional uses."

ONE-HUNDRED-YEAR FLOOD - A flood that has one chance in 100 or a one-percent chance of being equaled or exceeded in any one year. For the purposes of this chapter, the "one-hundred-year flood" (base flood) is that which is defined by the Federal Insurance Administration, United States Department of Housing and Urban Development, in the Flood Insurance Study, North Wales Borough.

OWNER - Any person vested with ownership, legal or equitable, sole or partial, of any property located in this Borough. [Added 4-27-1999 by Ord. No. 696]

PARKING LOT - Any area privately owned which is used for the storage of motor vehicles or other vehicles, not in excess of 24 hours continuous storage.

PARKING SPACE - A macadam, asphalt or concrete paved level space having a grade not to exceed 5%, suitable for the parking of one motor vehicle, having an area as may be otherwise required in this Chapter, exclusive of adequate interior driveways and exclusive of driveways connecting the garage or parking space with the street or alley.

PENNANT - a triangular or irregular piece of fabric or other material, commonly attached in strings or strands, or supported on small poles intended to flap in the wind.

PERSONAL WIRELESS SERVICE FACILITY - A facility for the provision of personal wireless services, as defined by the Telecommunications Act of 1996.

PLANNING AGENCY - The North Wales Borough Planning Commission.

PLAT - The map or plan of a subdivision or land development, whether preliminary or final.

PORCH - An extension to the main building, with roof supported by columns one story in height, open on all sides. Railings or open construction, metal or wood, not exceeding 30 inches in height, are permitted.

PRE-EXISTING TOWERS AND PREEXISTING ANTENNAS - Any tower or antenna which has been lawfully erected prior to the effective date of this Chapter, including permitted towers or antennas that have been approved but have not yet been constructed so long as such approval is current and not expired.

PRESERVATION OR PROTECTION - When used in connection with natural and historic resources, shall include means to conserve and safeguard these resources from wasteful or destructive use, but shall not be interpreted to authorize the unreasonable restriction of forestry, mining or other lawful uses of natural resources. [Added 12-18-2001 by Ord. No. 713]

PRIME AGRICULTURAL LAND - Land use for agricultural purposes that contains soils of the first, second or third class as defined by the United States Department of Agriculture Natural Resource and Conservation Services County Soil Survey. [Added 12-18-2001 by Ord. No. 713]

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 chapter.

PUBLIC NOTICE — 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.

PUBLIC UTILITIES FACILITIES — A building or aboveground structure or equipment owned by a governmental entity, a nonprofit organization, corporation or any entity defined as a public utility by the Pennsylvania Public Utilities Commission used for the production, generation, transmission, delivery, collection or storage of water, sewage, electricity, telephone, gas, oil or communication signals. Excepted are utility

transmission lines and supporting structures; provided, however, that Telecommunication or Transmission Towers shall not be included within this definition and shall be considered a distinct separate use. In a residential district, this use shall not include public business facilities, storage of materials, trucks or repair facilities.

RADIO FREQUENCY (RF) ENGINEER - An engineer specializing in electrical or microwave engineering, especially the study of radio frequencies.

RADIO FREQUENCY RADIATION (RFR) - The emissions from personal wireless service facilities or any electromagnetic energy within the frequency range from 0.003 MHz to 300,000 MHz.

RECREATIONAL VEHICLE — A trailer or motor vehicle designed or adapted for recreation purposes, which may include living, sleeping, eating and sanitary facilities but which is designed for transient or vacation occupancy.

SIGN - Any device, structure, fixture, painting, emblem, or visual image using words, graphics, symbols, numbers, or letters designed and uses for the purpose of communicating a message or attracting attention.

- A. **Abandoned Sign:** A sign which has not identified or advertised an existing business, service, owner, product, or activity for a period of at least 180 days, and/or for which no legal owner can be found.
- B. **Animated Sign:** A sign depicting action, motion, light, or color changes through electrical or mechanical means. Although technologically similar to flashing signs, the animated sign emphasizes graphics and artistic display.
- C. **Changeable-Copy Sign:** A sign or portion thereof on which the copy or symbols change either automatically through electrical or electronic means, or manually through placement of letters or symbols on a panel mounted in or on a track system. Four primary types of Changeable-Copy Signs are *Manual Changeable Copy Signs, Message Center Signs, Digital Displays, and TriVision Boards*.
- D. **Directional Sign:** Signs designed to provide direction to pedestrian and vehicular traffic within a site.
- E. **Double-Faced Sign:** A freestanding sign with two identical faces of the same size which are back-to-back, and not more than 45 degrees apart. (Also known as *multi-sided sign*)
- F. **Freestanding Sign:** A sign supported by structures or supports that are placed on, or anchored in, the ground, and that are independent from any building or structure. The following are subtypes of **freestanding signs**:
 - Ground Sign:** A sign permanently affixed to the ground at its base, supported entirely by a base structure, and not mounted on a pole or attached to any part of a building. (Also known as *monument sign*)
 - Pole Sign:** A freestanding sign that is permanently supported in a fixed location by a structure of one or more poles, posts, uprights, or braces from the ground and not supported by a building or a base structure.
- G. **Governmental/Regulatory Sign:** Any sign for the control of traffic or for identification purposes, street signs, warning signs, railroad crossing signs and signs of public service companies indicating danger or construction, which are erected by or at the order of a public officer, employee or agent thereof, in the discharge of official duties.

- H. **Illuminated Sign:** A sign with electrical equipment installed for illumination, either internally illuminated through its sign face by a light source contained inside the sign or externally illuminated by reflection of a light source aimed at its surface.
- I. **Incidental Sign:** A sign of a public service nature such as signs identifying parking lots, telephones, restrooms, loading docks, religious institutions, and similar services. These signs shall not contain any commercial advertising.
- J. **Incidental Window Sign:** Signs displayed in the window indicating information such as the business' hours of operation, credit institutions accepted, commercial and civic affiliations, and similar information. These signs shall be informational only and shall not contain any commercial advertising.
- K. **Interactive Sign:** An electronic or animated sign that reacts to the behavior or electronic signals of drivers.
- L. **Manual Changeable Copy Sign:** A sign or portion thereof on which the copy or symbols are changed manually through placement or drawing of letters or symbols on a sign panel.
- M. **Mechanical Movement Sign:** A sign having parts that physically move rather than merely appear to move as might be found in a digital display. The physical movement may be activated electronically or from another power source, but shall not include wind-activated movement such as used for banners or flags. Mechanical movement signs do not include digital signs that have changeable, programmable displays.
- N. **Message Center Sign:** A type of illuminated, changeable copy sign that consists of electronically changing alphanumeric text often used for gas price display signs and athletic scoreboards. A message center sign must be integrated into a freestanding (pole or ground) sign.
- O. **Off-Premises Sign:** An outdoor sign whose message directs attention to a specific business, product, service, event or activity, or other commercial or noncommercial activity, or contains a non-commercial message about something that is not sold, produced, manufactured, furnished, or conducted on the premises upon which the sign is located. (Also known as a *third-party sign*, *billboard*, or *outdoor advertising*)
- P. **On-Premises Sign:** A sign whose message and design relates to an individual business, profession, product, service, event, point of view, or other commercial or non-commercial activity sold, offered, or conducted on the same property where the sign is located.
- Q. **Permanent Sign:** A sign attached to a building, window, or structure, or to the ground in a manner that enables the sign to resist environmental loads, such as wind, and that precludes ready removal or movement of the sign and whose intended use appears to be indefinite.
- R. **Personal Expression Sign:** An on-premises sign that expresses an opinion, interest, or position, but does not include political signs.
- S. **Sandwich Board or A-Frame Sign:** A type of freestanding, portable, temporary sign consisting of two faces and taken down at the end of each day. Sandwich board and A-Frame signs are typically used to advertise dining, entertainment, or sales. Such signs must be located on the premises of the business it advertises.

- T. **Vehicular Sign:** A sign affixed to a vehicle in such a manner that the sign is used primarily as a stationary advertisement for the business on which the vehicle sits or is otherwise not incidental to the vehicle's primary purpose.
- U. **Projecting Sign:** A building mounted sign with the faces generally perpendicular to the building fascia, not to include signs located on a canopy, awning, or marquee. (Also known as *blade sign*)
- V. **Security Sign:** An on-premises sign regulating the use of the premises, such as a "no trespassing," "no hunting," or "no soliciting" sign. (Also known as *warning sign*)
- W. **Snipe Sign:** A temporary or permanent sign tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, public benches, streetlights, or other objects, or placed on any public property or in the public right-of-way. (Also known as *bandit sign*)
- X. **Temporary Sign:** Any sign which is not permanently affixed to land or to any surface or improvement.
- Y. **Wall Sign:** A building-mounted sign which is either attached to, displayed on, or painted on an exterior wall in a manner parallel with the wall surface. A sign installed on a false or mansard roof is also considered a wall sign (Also known as: *fascia sign, parallel wall sign, band sign*).
- Z. **Window Sign:** Any sign that is applied, painted, or affixed to a window, or placed inside a window, within three (3) feet of the glass, facing the outside of the building, and easily seen from the outside. Customary displays of merchandise or objects and material without lettering behind a store window are not considered signs.

SIGN AREA - The total dimensions of a sign surface used to display information, messages, advertising, logos, or symbols.

SIGN COPY - The words and/or message displayed on a sign.

SIGN FACE - The part of the sign that is or can be used for the sign area. The sign area could be smaller than the sign face.

SPECIAL EXCEPTION - A use which may be granted or denied pursuant to express standards or criteria by the Zoning Hearing Board in accordance with Article XXII hereof where provisions therefore are made by the terms of this chapter. In granting a special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this chapter.

SPECIALIZED RETAIL - Retail shops and stores selling gifts, novelties, flowers, books, periodicals, jewelry, apparel, tobacco, toys, arts and crafts, hobby supplies, cameras and film, stationery and antiques. Stores in excess of 7,500 square feet in a single structure are not included in this use. Adult uses are excluded.

STEALTH DESIGN - A telecommunication facility that is designed or located in such a way that the facility is not readily recognizable as telecommunications equipment (see "alternative tower structure").

STREAMERS - A display made of lightweight, flexible materials, consisting of long, narrow, wavy strips hung individually or in a series, with or without a logo or advertising message printed or painted on them and typically designed to move in the wind.

STORY - That part of any building comprised between any floor and the floor or roof next above. The "first story" of a wall is the lowest story which is 75% or more above the average level of the ground adjacent to said wall.

STREET - Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians, whether public or private.

STREET FRONTAGE - The linear edge of a lot adjacent to the lot line abutting a street or public right-of-way. (Also known as *lot frontage*)

STREET LINE - The dividing line between a lot and the outside boundary or legal right-of-way, road or highway legally opened or officially approved, or between a lot and a privately owned street, road or way over which the owners or tenants of two or more lots each held in single and separate ownership have the right-of-way.

STREET RIGHT-OF-WAY — Land opened for use as a street, municipally or privately owned, serving as a means of vehicular and pedestrian travel, with space for sewers, public utilities and sidewalks. As a minimum, the legal right-of-way on each side of a street or highway shall be a parallel line not less than 25 feet from the center of a street or highway.

STREET ULTIMATE RIGHT-OF-WAY — The expected future street right-of-way width computed from the center line of an established street right-of-way, as identified in the Borough Land Development and Subdivision Regulations, but in no event less than the minimum width established by the street right-of-way.

STRUCTURE — Any form or arrangement of building materials, excluding fences, involving the necessity of providing proper support, bracing, tying, anchoring or other protection against the forces of the elements, whether or not affixed to the land.

SUBDIVISION — The division or re-division of a single lot, tract, or parcel of lands by any means into two or more lots, tracts, or parcels of land, including changes in street lines or lot lines for any purpose, whether immediate or future, including, but not limited to, the transfer of ownership or building or lot development; provided, however, that divisions by lease of land for agricultural parcels of more than ten acres, not involving any new streets or easements of access or any residential dwelling, shall be exempted. [**Amended 12-18-2001 by Ord. No. 713**]

SWIMMING POOL — Any permanent or temporary structure used for swimming or bathing which has a depth in any part of 18 inches or more. A "residential swimming pool" is any swimming pool which is constructed on the same lot with and used in conjunction with a dwelling and which is available only to the occupants of the dwelling and their private guests.

TATTOO PARLOR/BODY-PIERCING STUDIO - An establishment whose business includes the practice of one or more of the following: [**Added 8-24-2004 by Ord. No. 735**]

- A. Placement of designs, letters, figures, symbols or colors upon or under the skin of a person, using ink or other substances that result in the permanent coloration of the skin by the use of instruments designed to contact or puncture the skin;
- B. Creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration.

TELECOMMUNICATION FACILITY - A facility designed and used for the purpose of transmitting, receiving, and relaying voice and data signals from various wireless communication devices including transmission towers, antennas and ancillary facilities. For purposes of this Section, amateur radio transmission facilities and facilities used exclusively for the transmission of television and radio broadcasts are not telecommunication facilities.

TELECOMMUNICATIONS OR TRANSMISSION TOWER - The monopole or lattice framework designed to support transmitting and receiving antennas. For purposes of this Section, amateur radio transmission facilities and facilities used exclusively for the transmission of television and radio signals are not transmission towers.

TENURE - The form of occupancy of a unit, i.e., fee simple sale, rental, condominium, cooperative, etc.

TOTAL FLOOR AREA - The maximum horizontal floor area of all floors within a building using outside dimensions of each floor, excepting therefrom cornices, chimneys, bay windows not extending more than five feet, one-story open porches, steps, balconies and floor openings above the first floor to the roof such as an atrium or open court.

TRAVEL TRAILER - A recreational vehicle requiring a separate power source for pulling it, which may include living, sleeping and sanitary facilities, but which is designed for vacation travel and not for long-term permanent occupancy.

TREATMENT CENTER - A facility providing health services to primarily in-patients including services for health maintenance, diagnosis, treatment of or rehabilitation from human diseases, injury, or physical condition. Includes the use of residential treatment facility. [Added 8-24-2004 by Ord. No. 735]

TRUCK - Any motor vehicle designed or used for commercial purposes, including, but not limited to, freight, goods or merchandise.

VARIANCE - Relief which may be granted or denied by the Zoning Hearing Board in accordance with Article XXII hereof constituting a modification of, or deviation from, the exact provisions of this chapter as applied to a specific piece of property where it is alleged that the provisions of this Zoning Chapter inflict unnecessary hardship upon the applicant. In granting a variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Zoning Chapter.

WIRELESS COMMUNICATIONS - Any personal wireless services as defined in the Federal Telecommunications Act of 1996 which includes FCC licensed commercial wireless telecommunications services including cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar services that currently exist or that may in the future be developed. It does not include any amateur radio facility that is owned and operated by a federally licensed amateur radio station operator or is used exclusively for receive only antennas, nor does it include non-cellular telephone service.

YARD - The required open, unoccupied space on the same lot with a building, open and unobstructed from the ground to the sky except for cornices, eaves, gutters, chimneys or fireplaces projecting not more than 24 inches, uncovered steps, fences and walls not greater than six feet six inches in height, and accessory buildings as may be otherwise permitted. [Amended 8-24-2004 by Ord. No. 735]

ARTICLE III
Zoning District Classifications

§ 208-9. Enumeration of districts.

For the purposes of this chapter the Borough of North Wales is hereby divided and designated into zoning district classifications as follows:

| | |
|------|--|
| R-AA | Residential District |
| R-A | Residential District |
| R-B | Residential District |
| R-C | Residential District |
| ROR | Restricted Office Residential District |
| OR | Office-Residential District |
| CBD | Commercial Business District |
| TOD | Transit Oriented Development District |
| LI | Limited Industrial District |
| GP | Government-Public District |
| INO | Institutional Overlay District |
| FP | Floodplain Conservation District |
| HP | Historic Preservation District |
| RM | Residential Multifamily District |

§ 208-10. District boundaries.

- A. The boundaries of these districts and classes of districts are hereby established as shown on the map entitled "Zoning Map" of the Borough of North Wales, which map accompanies this chapter and is hereby declared to be a part thereof.
- B. Classification of lot at Borough boundary line. In any case where a lot or tract is divided by a Borough boundary line, then, for the purpose of this Article, the existing zoning classification for the portion of the property within the Borough shall extend over and include the entire balance of the tract or lot in the event it shall be determined that the Borough boundary line is repositioned or expanded beyond its present location.
- C. Where uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning Map, the following rules shall govern:
- (1) The district boundaries are the center lines of streets, alleys, lot lines or railroads, unless otherwise shown, and where the designation on the Zoning Map indicates a boundary approximately upon a street line, alley, lot line or railroad shall be construed as the boundary. Where figures are shown on the Zoning Map between a road and a district boundary line, they indicate that the district boundary line runs parallel to the road line at a distance therefrom equivalent to the number of feet so indicated.
 - (2) In undivided property, the district boundary lines on the Zoning Map shall be determined by the use of the scale of the map.
 - (3) When a district boundary line divides a lot held in single and separate ownership at the effective date of this chapter, the regulations as to the use in the less restricted district shall extend over the portion of the lot in the more restricted district a distance of not more than 50 feet beyond the district boundary line.

§ 208-11. Zoning classifications and Zoning Map.

- A. Zoning classifications. The Borough of North Wales shall be hereafter divided into districts, which are described in the text of this chapter as ordained and enacted by the Council of the Borough of North Wales or as amended from time to time thereafter.

- B. Zoning Map. The zoning districts or zoning classifications as originally enacted and ordained by the Borough Council as aforesaid or amended from time to time thereafter are described, depicted and bounded as shown on the Zoning Map of the Borough of North Wales.
- C. Adoption of Zoning Map. The Borough Council hereby adopts the Zoning Map the Borough of North Wales bearing a date of 2013, , as the official Zoning Map of the Borough of North Wales and shall hereinafter be referred to as the "Zoning Map" of the Borough of North Wales, and specifically repeals any prior Zoning Map of the Borough of North Wales.
- D. Incorporation by reference. The Zoning Map of the Borough of North Wales, together with the notations and references appearing thereon, is specifically incorporated as part of Chapter 208 (also known as the "North Wales Borough Zoning Code"), as may be further amended, as fully as though the same were set forth and fully described herein.
- E. Copies of map. Copies of the Zoning Map of the Borough of North Wales are on file in the office of the North Wales Borough Manager.

ARTICLE IV R-AA Residential District

§ 208-12. Intent; applicable regulations.

The intent of this district is to provide for single-family detached dwellings and limited accessory or municipal uses in a suburban-like or transitional town setting on large lots. In an R-AA Residential District, the following regulations shall apply.

§ 208-13. Permitted uses.

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

- A. One single-family detached dwelling and related accessory structures for occupant's noncommercial use such as private garage, storage shed or swimming pool.
- B. Borough municipal use of a noncommercial nature devoted to community service; public park.
- C. No-impact home-based businesses in accordance with the standards set forth in § 208-139C.
- D. The following uses when authorized as a special exception by the Zoning Hearing Board:
 - (1) Minor Home Occupation.
 - (2) Public utility use.
 - (3) One separate living area subject to the provisions of § 208-147 of this chapter.

§ 208-14. Height.

The height of a principal building shall not exceed 35 feet, nor be in excess of 2 1/2 stories. The height of accessory buildings and structures shall not exceed 14 feet.

§ 208-15. Lot area.

A lot area of not less than 12,000 square feet shall be required for every principal building hereafter erected, altered or used.

§ 208-16. Impervious surfaces.

The building area shall not exceed 25% of the lot area and total impervious surfaces shall not exceed 50% of the

lot area.

§ 208-17. Front yard.

There shall be a front yard the depth of which shall not be less than 40 feet, provided that in the case of a corner lot, a forty-foot front yard shall be required on each street on which the lot abuts.

§ 208-18. Side yards.

There shall be two side yards, neither of which shall be less than 12 1/2 feet wide. In the case of a corner lot, one side yard and one rear yard shall be provided.

§ 208-19. Rear yard.

There shall be a rear yard, the depth of which shall be not less than 25 feet.

§ 208-20. Lot width.

The width of the lot shall be not less than 80 feet and said width shall be maintained for the entire depth of the lot. When situated along the turnaround bulb of a cul-de-sac, a lot width of 50 feet shall be permitted along the street right-of-way line, provided that 80 feet is provided at the building setback line of the front yard.

§ 208-21. Accessory buildings.

All accessory buildings and structures must be located behind the rear building line and are to be located not less than ten feet from the side and rear lot lines. No more than two accessory buildings shall be permitted on a lot.

§ 208-22. Parking and access.

All off-street parking spaces and access driveways shall be a minimum of 10 feet in width and shall be located not less than five feet from any side and/or rear lot lines.

§ 208-23. Flag lots.

A flag lot, as defined in Article II of this chapter, shall be permitted subject to the following:

- A. An access strip is a strip of land which is not less than 25 feet wide, which begins at the point where the lot accesses a public street and which extends from that point to the point where the lot widens to the minimum required lot width which is otherwise required.
- B. Flag lots shall be permitted only in the Class AA Residential District.
- C. The minimum lot area for any flag lot shall be 24,000 square feet. The land area within a flag lot's access strip shall not be used in calculating the minimum lot area.
- D. No building shall be constructed within 35 feet of the boundary of any adjacent property, which dimensional requirements shall be in lieu of those which would otherwise be required as set forth in §§ 208-17, 208-18, 208-19 and 208-20. The front yard of a flag lot shall be the yard nearest and most nearly parallel to the public street to which the flag lot has access. The rear yard of a flag lot shall be parallel, or nearly parallel, to the flag lot's front yard. The side yard of a flag lot shall be perpendicular, or nearly perpendicular, to the front yard of the flag lot.
- E. No more than two flag lots shall be permitted in the subdivision of a tract of land, even if the lots were subdivided from the tract at different times.

ARTICLE V
R-A Residential District

§ 208-24. Intent; applicable regulations.

The intent of this district is to provide for single-family detached dwellings and limited accessory or municipal uses in a traditional town-like setting on medium-sized lots. In an R-A Residential District, the following regulations shall apply.

§ 208-25. Permitted uses.

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

- A. One single-family detached dwelling and related accessory structures for occupant's noncommercial use such as private garage, storage shed or swimming pool.
- B. Borough municipal use of a noncommercial nature devoted to community service; public park.
- C. No-impact home-based businesses in accordance with the standards set forth in § 208-139C. [**Added 12-17-2002 by Ord. No. 720**]
- D. The following uses when authorized as a special exception by the Zoning Hearing Board:
 - (1) Minor home occupation.
 - (2) Public utility use.
 - (3) One separate living area subject to the provisions of § 208-147 of this chapter.

§ 208-26. Height.

The height of a principal building shall not exceed 35 feet, nor be in excess of 2 1/2 stories. The height of accessory buildings and structures shall not exceed 14 feet.

§ 208-27. Lot area.

A lot area of not less than 9,000 square feet shall be required for every principal building hereafter erected, altered or used.

§ 208-28. Impervious surfaces.

The building area shall not exceed 25% of the lot area and total impervious surfaces shall not exceed 50% of the lot area.

§ 208-29. Front yard.

There shall be a front yard, the depth of which shall be at least 30 feet, provided that in the case of a corner lot, a thirty-foot front yard shall be required on each street on which the lot abuts.

§ 208-30. Side yards.

- A. In the case of a single-family detached dwelling, there shall be two side yards, neither of which shall be less than 12 1/2 feet wide. In the case of a corner lot, one side yard and one rear yard shall be provided.
- B. In the case of any building other than a dwelling or a building accessory thereto, there shall be two side yards, neither of which shall be less than 15 feet wide.

§ 208-31. Rear yard.

There shall be a rear yard, the depth of which shall be not less than 25 feet.

§ 208-32. Lot width.

The width of the lot shall be not less than 60 feet and said width shall be maintained for the entire depth of the lot.

§ 208-33. Accessory buildings. [Amended 9-9-1998 by Ord. No. 692]

All accessory buildings and structures must be located behind the rear building line and are to be located not less than three feet from the side and rear lot lines. No more than two accessory buildings shall be permitted on a lot.

§ 208-34. Parking and access.

All off-street parking spaces and access driveways shall be a minimum of 10 feet in width and shall be located not less than five feet from any side and/or rear lot lines.

**ARTICLE VI
R-B Residential District**

§ 208-35. Intent; applicable regulations.

The intent of this district is to provide for single-family detached dwellings and limited accessory or municipal uses in a traditional town-like setting on medium-sized lots. In a B Residential District the following regulations shall apply.

§ 208-36. Permitted uses.

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

- A. One single-family detached dwelling and related accessory structures for occupant's noncommercial use such as private garage, storage shed or swimming pool.
- B. Borough municipal use of a noncommercial nature devoted to community service; public park.
- C. No-impact home-based businesses in accordance with the standards set forth in § 208-139C. **[Added 12-17-2002 by Ord. No. 720]**
- D. The following uses when authorized as a special exception by the Zoning Hearing Board:
 - (1) Minor home occupation.
 - (2) Public utility use.
 - (3) One separate living area subject to the provisions of § 208-147 of this chapter.

§ 208-37. Height.

The height of a principal building shall not exceed 35 feet nor be in excess of 2 1/2 stories. The height of accessory buildings and structures shall not exceed 14 feet.

§ 208-38. Lot area.

A lot area of not less than 7,000 square feet shall be provided for every principal building hereafter erected, altered or used.

§ 208-39. Impervious surfaces.

The building area shall not exceed 35% of the lot area and total impervious surfaces shall not exceed 70% of the lot area.

§ 208-40. Front yard.

There shall be a front yard, the depth of which shall be at least 30 feet, provided that in the case of a corner lot, a thirty-foot front yard shall be required on each street on which the lot abuts.

§ 208-41. Side yards.

- A. There shall be two side yards, neither of which shall be less than eight feet wide for each dwelling. In the case of a corner lot, one side yard and one rear yard shall be provided.
- B. In the case of any building other than a dwelling or a building accessory thereto, there shall be two side yards, neither of which shall be less than 15 feet wide.

§ 208-42. Rear yard.

There shall be a rear yard, the depth of which shall be at least 25 feet.

§ 208-43. Lot width.

The width of the lot shall be not less than 50 feet and said width shall be maintained for the entire depth of the lot.

§ 208-44. Accessory buildings. [Amended 9-9-1998 by Ord. No. 692]

All accessory buildings and structures must be located behind the rear building line and are to be located not less than three feet from the side and rear lot lines. No more than two accessory buildings shall be permitted on a lot.

§ 208-45. Parking and access.

All off-street parking spaces and access driveways shall be a minimum of 10 feet in width and shall be located not less than five feet from any side and/or rear lot lines.

**ARTICLE VII
R-C Residential District**

§ 208-46. Intent; applicable regulations.

The intent of this district is to provide for detached or semidetached dwellings and limited accessory or municipal uses in a town-like setting and to provide development standards for such uses. In a R-C Residential District the following regulations shall apply.

§ 208-47. Permitted uses.

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

- A. A single-family detached dwelling.
- B. Single-family semidetached dwelling (twin home).
- C. Two-family detached dwelling (duplex home).

D. Two-family semidetached dwelling.

E. No-impact home-based businesses only when located within a single-family detached or semi-detached dwelling in accordance with the standards set forth in § 208-139C.

F. The following uses when authorized as a special exception by the Zoning Hearing Board:

- (1) Minor home occupation only when located within a single-family detached dwelling.
- (2) One separate living area subject to the provisions of § 208-147 of this chapter.
- (3) Borough municipal use of a noncommercial nature devoted to community service; public parks.

§ 208-48. Height.

The height of a principal building shall not exceed 35 feet nor be in excess of 2 1/2 stories. The height of accessory buildings and structures shall not exceed 14 feet.

§ 208-49. Lot area.

The following minimum lot areas shall be required:

- A. Single-family detached dwelling: 7,000 square feet per dwelling.
- B. Other dwellings: Three thousand five hundred square feet per dwelling unit.

§ 208-50. Impervious surfaces.

The building area shall not exceed 35% of the lot area and total impervious surfaces shall not exceed 70% of the lot area.

§ 208-51. Front yard.

There shall be a front yard, the depth of which shall be at least 20 feet, provided that in the case of a corner lot a twenty-foot front yard shall be required on each street on which the lot abuts.

§ 208-52. Side yards.

- A. In the case of a single-family detached dwelling, there shall be two side yards, neither of which shall be less than eight feet wide.
- B. In the case of a single-family semidetached dwelling, there shall be one side yard, which shall be at least eight feet wide.
- C. In the case of a two-family detached dwelling, there shall be two side yards, neither of which shall be less than eight feet wide.
- D. In the case of a two-family semidetached dwelling, there shall be one side yard, which shall be at least eight feet wide.
- E. In the case of any building other than a dwelling or a building accessory thereto, there shall be at least two side yards, neither of which shall be less than 15 feet wide.

§ 208-53. Rear yard.

There shall be a rear yard, the depth of which shall be not less than 25 feet.

§ 208-54. Lot width.

The width of each lot shall be not less than indicated below and shall be maintained for the entire depth.

- A. Single-family detached dwelling: 40 feet.
- B. Single-family semidetached dwelling: 25 feet.
- C. Two-family detached dwelling: 50 feet.
- D. Two-family semidetached dwelling: 50 feet.

§ 208-55. Accessory buildings. [Amended 9-9-1998 by Ord. No. 692]

All accessory buildings and structures must be located behind the rear building line and are to be located not less than three feet from the side and rear lot lines. No more than two accessory buildings shall be permitted on a lot.

§ 208-56. Parking and access.

All off-street parking spaces and access driveways shall be a minimum of 10 feet in width and shall be located not less than five feet from any side and/or rear lot lines.

§ 208-57. Lot area increases for conversions.

All conversions shall meet all requirements of this article the same as if the property being converted were new construction.

**ARTICLE VIII
RM Residential Multifamily District**

§ 208-58. Intent; applicable regulations.

The intent of this district is to provide for multifamily housing within the Borough at high densities and to ensure suitable design standards to protect surrounding neighborhoods. In a Residential Multifamily District, the following regulations shall apply.

§ 208-59. Permitted uses.

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

- A. Any use permitted in § 208-47 of this chapter and subject to all applicable regulations of the C Residential District.
- B. Multifamily dwellings.
- C. Accessory uses customarily incidental to the above uses, including swimming pool or tot lot.
- D. Professional offices limited to the first floor of garden apartment buildings only and not to exceed 10% of the total floor area of the building. No goods shall be publicly displayed on the premises, and no sign or advertisement may be shown other than a sign not larger than eight inches by 18 inches bearing only the name and occupation of the practitioner, and shall not include any use which by its nature may be called a nuisance in a residential area.
- E. Off-street automobile parking lot and off-street delivery/collection facilities. Such parking area shall not be leased but shall be for the sole use of the occupants of such buildings and the visitors thereto.
 - (1) The following uses when authorized as a special exception by the Zoning Hearing Board: Nontraffic home occupation.
 - (2) Borough municipal use of a noncommercial nature devoted to community service; public parks.

§ 208-60. Height.

The height of a principal building shall not exceed 35 feet, nor be in excess of 2 1/2 stories. The height of accessory buildings and structures shall not exceed 14 feet.

§ 208-61. Lot area.

A. Minimum lot areas, width and density regulations, whether or not subdivided, shall be as follows:

| | Garden Apartment | Multiplex/ Quadraplex | Townhouse |
|--|-----------------------------|----------------------------------|-----------------------|
| Minimum lot area | 20,000 square feet | 3,000 square feet | 2,000 square feet |
| Minimum lot width | 200 feet | 30 feet | 20 feet |
| Maximum density (dwelling units per acre) | 12 | 9 | 8 |
| Minimum front yard | 30 feet | 30 feet | 25 feet |
| Minimum rear yard | 30 feet | 30 feet | 30 feet |
| Minimum side yard | 30 feet | 20 feet | 15 feet for end units |
| Building area (maximum) | 30% | 30% | 35% |
| Impervious surfaces (maximum) | 60% | 60% | 70% |

B. The maximum horizontal length of the facade of any building shall be 150 feet.

C. For multifamily dwellings, the following setbacks shall apply:

- (1) An access driveway may be taken through a setback area, but no common parking lot shall be permitted in setback areas abutting streets nor within 15 feet of any boundary line.
- (2) Excluding driveways, the remainder of the setback area shall be landscaped and maintained as such.
- (3) A multifamily dwelling shall be provided with a screen buffer along adjoining properties by planting or walls or fencing conforming to the requirements of this chapter.
- (4) The minimum distance between buildings either existing or to be built on the same lot or on any adjacent property and the new structures shall be no less than the height of the taller building.

D. Staging. If the development of a multifamily project is to be carried out in stages, each stage shall be so planned that all requirements shall be fully complied with at the completion of any stage.

§ 208-62. Development regulations.

The following development regulations shall apply:

A. The tract will be developed under single control in accordance with the approved development plan. Construction of the approved buildings and improvements shall commence within 18 months of approval of the development plan or the zoning of said tract shall revert to its former classification. Upon transfer of ownership to another applicant prior to the commencement of construction, the development plan and the agreement set forth in Subsection B below may be renegotiable between the new owner(s) and the Borough Council at the option of the Borough Council.

B. Development plan agreement. The development of a tract carried out either in a single phase or in stages

shall be executed in accordance with a development agreement based upon a development plan. The owner, developer and Borough shall enter into said agreement embodying all details regarding compliance with this Article to ensure the binding nature thereof on the overall tract and its development, which agreement shall be recorded with the final development plan.

C. Recreation and open space. A minimum of 20% of the total tract area shall be provided as the common open space for use by the residents of the development (or general public if dedicated to the Borough as provided in Subsection D below) for active or passive recreation.

- (1) The common open space as required herein must be contained in one parcel of ground located as approved on the development plan. Yard areas shall not be used to compute open space requirements.
- (2) The common open space must be usable for recreation, environmental and/or aesthetic purposes. It must be conveniently located for use by residents and, where applicable, shall preserve and protect environmentally sensitive features.

D. Maintenance of common areas and facilities. Provisions satisfactory to the Borough Council must be made for the perpetual maintenance and care of all common facilities and open space. Alternatives include maintenance by the developer or a homeowners' association or similar entity. Any common open space or recreation area shall be first offered for dedication to the Borough by the developer for active or passive recreation. However, the Borough need not accept dedication.

§ 208-63. Accessory buildings. [Amended 9-9-1998 by Ord. No. 692]

All accessory buildings and structures must be located behind the rear building line and are to be located not less than three feet from the side and rear lot lines. No more than two accessory buildings shall be permitted on a lot.

**ARTICLE IX
ROR Restricted Office Residential District**

§ 208-64. Intent; applicable regulations.

The intent of the ROR Restricted Office Residential District is to allow for restricted professional and business offices adjacent to and within residential areas which would be compatible with such residential uses. Specifically, it is the intent of this article to:

- A. Permit owner-occupied small-scale professional and/or business home occupations in existing residential structures that are located along Main Street (Sunneytown Pike).
- B. Encourage the use of existing structures, now or lately used as residences, and discourage the demolition of such structures.
- C. Discourage significant exterior alterations or expansions of existing structures.
- D. Encourage the preservation of the residential character of the district.
- E. Provide for services generally useful to and in harmony with residential neighborhoods.
- F. Encourage the use of shared or common driveways and parking.

§ 208-65. Permitted uses.

Any one of the following uses is permitted in the ROR Restricted Office Residential District and no other:

- A. A single-family detached dwelling
- B. Owner-occupied minor home occupation professional offices for medical doctors; surgeons; dentists; chiropractors whose practices are limited to the treatment of humans; lawyers; engineers; realtors; architects; land planners; accountants; or economic consultants, provided that such permitted uses are limited only to the existing principal building. These uses shall be subject to all requirements of §§ 208-67

through 208-80 of this article.

C. No-impact home-based businesses in accordance with the standards set forth in § 208-139C. [Added 12-17-2002 by Ord. No. 720]

D. The following uses when authorized as a special exception by the Zoning Hearing Board:

(1) One separate living area subject to the provisions of § 208-147 of this chapter.

§ 208-66. Conditional uses.

A. The following uses are permitted in the ROR Restricted Office Residential District when authorized as conditional uses by the Borough Council:

(1) Office uses which are similar to those in § 208-65 above and subject to all requirements of § 208-67 through § 208-80 of this article.

(2) Bed-and-breakfast inns subject to the following specific conditions:

(a) The establishment must be owner occupied, and the owner shall maintain the existing architecture of the building so that exterior modifications would be limited to emergency or fire and safety measures only. Such measures shall not alter the front facade of any building.

(b) The maximum stay for guests shall not exceed two consecutive weeks during a period of six months.

(c) There shall be no separate kitchen or cooking facilities in any guest room. restricted in use to guests of the establishment. Only the breakfast meal may be provided, and the serving of breakfast shall be restricted to the guests of the establishment.

(d) No more than four guest rooms shall be permitted per individual property.

(e) The parking shall be provided on the following basis: two spaces for the primary dwelling, plus one space for each guest room.

B. In addition to all regulations pertaining to permitted uses, conditional uses shall meet the following provisions:

(1) The proposed use will not attract volumes of traffic greater than normally associated with permitted uses.

(2) Anticipated noise and congestion created by the proposed use will not be greater than the levels normally associated with permitted uses.

(3) Proposed uses shall comply with § 208-188 of this chapter.

§ 208-67. Use limitations.

All home occupations shall be subject to the following use limitations, which shall be in addition to all other home occupation requirements as set forth in this chapter:

A. The home occupation shall be clearly incidental and secondary to the use of the property as a residence.

B. The use of the dwelling shall not change the character thereof or show any exterior evidence whatsoever of the existence of the home occupation within the premises.

C. The home occupation shall be carried on entirely indoors and within a dwelling.

D. No goods or merchandise of any kind shall be sold or publicly displayed upon the premises.

E. Excluding bed-and-breakfast inns, § 208-66A(2), the occupation shall not occupy more than 25% of the habitable space contained within the dwelling, including basements.

F. The occupation shall not create noise, fumes, odor, dust, electrical interference or other emanation of

any kind which may be detected outside of the dwelling unit containing the use.

- G. No mechanical equipment other than equipment normally intended for domestic, household or small office use shall be permitted.
- H. The storage of stock in trade and the sale of commodities of merchandise on the premises is prohibited, except for those produced upon the premises.
- I. The use does not require internal or external alterations or involve construction features not customary in a dwelling unit.
- J. No exterior storage of any materials shall occur.
- K. Servicing by commercial vehicles for supplies and materials shall be limited to one commercial traffic visit to the premises each day and shall occur only between the hours of 8:00 a.m. and 8:00 p.m.
- L. No use which results in a violation of any Borough ordinance relating to the parking or storage of vehicles upon any premises shall be permitted. No home occupation shall be permitted which in any way violates the residential character of a neighborhood or otherwise interferes with quiet enjoyment and the aesthetic residential quality of any street or neighborhood.
- M. Employment of any nonresident of the household other than one person is prohibited.

§ 208-68. Height.

The height of a principal building shall not exceed 35 feet nor be in excess of 2 1/2 stories. The height of accessory buildings and structures shall not exceed 14 feet.

§ 208-69. Lot area.

A lot area of not less than 12,000 square feet shall be required for every principal building hereafter erected, altered or used. The size of existing lots shall not be reduced when used for non-single-family residential use.

§ 208-70. Building area.

The building area shall not exceed 25% of the lot area and total impervious surfaces shall not exceed 50% of the lot area.

§ 208-71. Lot width.

The width of the lot shall be not less than 80 feet and said width shall be maintained for the entire depth of the lot.

§ 208-72. Front yard.

There shall be a front yard the depth of which shall not be less than 40 feet, provided that in the case of a corner lot, a forty-foot front yard shall be required on each street on which the lot abuts. The front yard shall not be reduced in size when used for non-single-family residential use.

§ 208-73. Side yards.

There shall be two side yards, neither of which shall be less than 15 feet wide, except where an ROR Zoning District abuts a residential district, then the side yard shall be increased to 25 feet, including a ten-foot landscaped buffer. In the case of a corner lot, one side yard and one rear yard shall be provided.

§ 208-74. Rear yard.

There shall be a rear yard, the depth of which shall not be less than 40 feet.

§ 208-75. Accessory buildings.

All accessory buildings and structures must be located behind the rear building line and are to be located not less than ten feet from the side and rear lot lines. No more than two accessory buildings shall be permitted on a lot.

§ 208-76. Development requirements.

- A. A use must utilize an existing building for its purposes. Any exterior alteration or expansion shall require a conditional use approval by the North Wales Borough Council, except that an alteration, extension or addition to a Single-Family detached dwelling shall be permitted in conformance with all the height, area, width, yard and coverage requirements for the district.
- B. Where a use, other than a residential use, in this district abuts a single-family residential use or district, the applicant shall install a screen buffer strip a minimum of 10 feet in width in accordance with § 208-80 of this article.

§ 208-77. Lighting standards.

Lighting facilities shall be of a residential nature and be arranged in such a manner so as to protect the highway and neighboring properties, whether contiguous or not, from casting glare, direct light or hazardous interference of any kind beyond the property line. Freestanding light standards shall not exceed a total height of 12 feet.

§ 208-78. Signs.

Signs in the ROR Restricted Office Residential District shall comply with all the provisions of Article XIX. Where the ROR District is not specifically mentioned, the provisions regulating residential districts shall apply.

§ 208-79. Parking and access driveways.

In addition to the parking requirements of § 208-141, parking and access driveways will meet the following minimum standards, for all uses except a single-family detached dwelling:

- A. Parking setback. Parking spaces, areas and driveways serving the spaces shall be set back a minimum of 30 feet from the rear property line and 10 feet from the side property line, except in the case of shared access driveways or common parking shared by one or more abutting lots, in which case parking may abut or cross the property lines shared by the common users. No parking, either paved or unpaved, shall be permitted in the front yard of an ROR District.
- B. When an access driveway is shared by two or more lots, the following standards shall apply:
 - (1) The driveway may be located along or straddling the common boundary of the lots.
 - (2) The driveway shall be a minimum width of 16 feet and shall have a minimum five-foot planting strip along both sides.
 - (3) When a shared driveway is used:
 - (a) Access easements and maintenance agreements or other suitable legal mechanisms shall be provided which are acceptable to the Borough Solicitor.
 - (b) Parking will be provided in accordance with Article XVII of this chapter.
 - (c) Each lot will be permitted no more than one curb cut for vehicular access, with the balance of the frontage to a depth of five feet from the ultimate right-of-way being maintained as a green buffer strip. However, such green buffer strip shall not interfere with vehicular sight distance.

§ 208-80. Planting strips.

Landscaping, including conservation of existing trees and woodlands, street trees, stormwater basin landscaping and site element screens, shall be provided in accordance with the provisions of the North Wales Borough Subdivision and Land Development Chapter.¹⁹

ARTICLE X
OR Office-Residential District

§ 208-81. Intent.

The Office Residential District regulations are designed to encourage the formation and continuance of a quiet, compatible and uncongested environment for business and professional offices intermingled harmoniously with dwellings and to encourage the preservation of existing buildings for business and limited commercial uses when approved by special exception; to discourage any encroachment by unrestricted commercial or industrial establishment or other uses which might adversely affect the specialized office-residential character of the district; and to give careful consideration to parking.

§ 208-82. Permitted uses.

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

- A. Residential uses permitted in § 208-47 and in accordance with minimum lot area, building area and yard regulations of the R-C Residential District, subject to the requirement that all conversions, alterations or new construction must provide non-residential uses by right or authorized as a special exception as provided in Schedule I of this chapter on the 1st floor of a building.
- B. Accessory apartment located on the 2nd floor or above of a building in conjunction with other permitted uses, when authorized as a special exception.
- C. Uses by right and when authorized as a special exception by the Zoning Hearing Board as provided in Schedule I of this chapter.¹⁴
- D. Accessory use on the same lot with and customarily incidental to any of the above permitted uses.

§ 208-83. Standards and criteria for special exceptions.

The Zoning Hearing Board shall not grant special exceptions for uses permitted by Schedule 1¹⁶ until it has determined that:

- A. The use shall generate low intensities of vehicular activity, thus assuring that the amount of traffic generated by the use shall not detract from the office and residential character of the district; and the traffic generated and the use shall not result in noise pollution, air pollution, glare, visual monotony and pedestrian vehicular conflict, all of which detract from the establishment of an orderly, quiet and harmonious Office-Residential District.
- B. The use shall not require servicing or deliveries of stock by trucks having more than two axles.
- C. The use shall occupy an existing building and shall not expand the building area of the building by more than 15%.

§ 208-84. Area and yard requirements.

- A. A lot area of not less than 5,000 square feet shall be required for each building. In addition, there shall be provided not less than 2,000 square feet of lot area for each accessory apartment.
- B. The building area shall not exceed 40% of the lot area and the total impervious surface area shall not exceed 80% of the lot area.
- C. Every structure containing dwelling units shall have two side yards, each not less than eight feet in width.

D. The minimum rear yard depth shall vary according to the following schedule:

| Lot Depth | Minimum Rear Yard Depth |
|-----------------------|--------------------------------|
| Greater than 150 feet | 40 feet |
| Less than 150 feet | 25 feet |

E. The width of the lot shall be not less than 35 feet and said width shall be maintained for the entire depth of the lot.

§ 208-85. Front yards.

- A. In blocks where 70% or more of the existing buildings have established a uniform, standard front yard, the required front yard shall be no less than that uniform standard.
- B. In blocks where less than 70% of the existing buildings have established a uniform, standard front yard, the required front yard shall be no less than the front yard established by the two immediately adjacent existing buildings, but not less than 15 feet.
- C. For corner lots, the required front yard shall be the same as the front yard of the adjacent building but not less than 15 feet on each street on which the lot abuts..

§ 208-86. Parking.

In addition to the parking requirement of § 208-141 of this chapter, the following requirements shall apply in the OR Office-Residential District:

- A. All required off-street parking spaces shall be located to the rear of the structure occupying a lot.
- B. Required off-street parking spaces may occupy the area comprising the rear yard but not within the minimum required side yard, unless permitted by conditional use and with appropriate landscaping buffer.
- C. Access driveways onto Main Street shall not be permitted except where the lot width is greater than 100 feet. If the lot width is greater than 100 feet, only one twenty-foot-wide access driveway from Main Street shall be permitted. The permitted access driveway may pass through a required side yard, but shall be located not less than five feet from any side lot line.

§ 208-87. Height.

No building or structure shall exceed the height of 40 feet. The height of accessory buildings and structures shall not exceed 14 feet.

§ 208-88. Accessory buildings.

All accessory buildings and structures must be located to the rear of the building line of the principal building on the lot and are to be located not less than three feet from the side and rear lot lines. No more than two accessory buildings shall be permitted on a lot.

ARTICLE XI
CBD Commercial District

§ 208-89. Intent; applicable regulations.

The intent of this district is to propose a wide variety of businesses and services that are in character with the existing mixed commercial uses that are considered necessary for the function and convenience of residents and employees within the Borough. In a Commercial Business District, the following regulations shall apply.

§ 208-90. 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:

- A. Residential uses permitted in § 208-47 and in accordance with minimum lot area, building area and yard regulations of the R-C Residential District, subject to the requirement that all conversions, alterations or new construction must provide non-residential uses by right or authorized as a special exception as provided in Schedule I of this chapter on the 1st floor of a building.
- B. Accessory apartment located on the 2nd floor or above of a building in conjunction with other permitted uses, when authorized as a special exception.
- C. Uses by right and when authorized as a special exception by the Zoning Hearing Board as provided in Schedule I of this chapter.¹⁴
- D. Accessory use on the same lot with and customarily incidental to any of the above permitted uses.

§ 208-91. Performance standards.

No building shall be erected, altered or used, and no lot or premises shall be used for any trade, industry or business that is noxious or offensive by reason of odor, dust, smoke, gas, vibration or noise, nor any mechanical device be used unless all objectionable noise and vibration be eliminated.

§ 208-92. Impervious surfaces.

The total impervious surface area shall not exceed 80% of the lot area.

§ 208-93. Front yard.

Residential uses shall comply with regulations of the R-C Residential District. For all other uses there shall be a front yard, the depth of which shall be at least 15 feet, provided that in the case of a corner lot, a fifteen-foot front yard shall be required on each street on which the lot abuts.

§ 208-94. Side yards.

Residential uses shall comply with regulations of the R-C Residential District. For all other uses or a building other than a building accessory thereto, there shall be two side yards, neither of which shall be less than 8 feet wide.

§ 208-95. Rear yard.

There shall be a rear yard, the depth of which shall be not less than 25 feet.

§ 208-96. Lot width.

The width of the lot shall be not less than 35 feet and said width shall be maintained for the entire depth of the lot.

§ 208-97. Parking.

Each use must have adequate exterior, off-street space for unloading and loading vehicles and a service entrance directly accessible to a public street, alley or service drive in accordance with Section 208-141 of this Chapter.

§ 208-98. Height.

The height of a principal building shall not exceed 40 feet. The height of accessory buildings and structures shall not exceed 14 feet.

§ 208-99. Accessory buildings.

All accessory buildings and structures must be located to the rear of the building line of the principal building on the lot and are to be located not less than three feet from the side and rear lot lines. No more than two accessory buildings shall be permitted on a lot..

§ 208-100. Lot area.

A lot area of not less than 5,000 square feet shall be required for each principal building or use.

ARTICLE XII
Transit Oriented Development District (TOD)

§ 208-101. Purpose and applicability.

A. General Purpose

- (1) The Transit Oriented Development District (TOD) is established as a zoning district to encourage the development of transit-supportive Mixed-Use neighborhoods that foster economic viability, pedestrian activity and a sense of community. It recognizes the importance of public transit as a viable alternative to the automobile by permitting appropriate densities and a mix of land uses within walking distance of transit stops while, at the same time, providing sufficient off-street parking to uses both within and adjacent to the TOD.
- (2) The intent of this Article is to allow development that decreases auto dependency and mitigates the effects of congestion and pollution. The regulations create accessible neighborhoods and promote and protect the health, safety and general welfare of the citizens of North Wales Borough.

B. These general goals and objectives include the following specific purposes:

- (1) Encourage Mixed-Use real estate development oriented to the rail station that promotes transit ridership;
- (2) Promote well-integrated residential, commercial, office and civic development in close proximity to local and regional transit stations that have an urban scale development pattern;
- (3) Support new development that includes diverse pedestrian-compatible, higher density, transit friendly designs and expands economic development opportunities and minimizes distances between destinations by requiring linked sidewalks and pedestrian oriented access;
- (4) Provide incentives for the creation of mixed uses in keeping with the character, scale and architecture of the neighborhood, while using development design guidelines to promote compatibility of uses and stimulate pedestrian activity

- (5) Maintain a scale, balance and variety of commercial, institutional and residential uses;
- (6) Promote the livability and identity of the neighborhood by providing for dwellings, shops and workplaces in close proximity to each other.
- (7) Enhance the visual character and physical comfort of the district by minimizing pedestrian and vehicular conflicts and encouraging the renovation and erection of buildings and storefronts that provide direct connections to the street and sidewalk.
- (8) Discourage the dependence on automobile use, thereby reducing traffic congestion and promoting alternative modes of traffic.
- (9) Encourage the development of shared parking and attractive, convenient off-street parking facilities to reduce on-street congestion and facilitate vehicular and pedestrian circulation.

§ 208-102. Use regulations.

A building may be erected or used and a lot may be used or occupied only for the purposes listed below. The applicant is encouraged to create a Mixed-Use development. Developments shall adhere to the Subdivision and Land Development requirements in Chapter 184 (provisions of the SALDO that may inhibit the type of pedestrian oriented development intended by the TOD may be waived by Borough Council).

A. Residential Uses

- (1) Single Family Semi-detached Dwellings
- (2) Townhouses
- (3) Apartment houses, which shall include condominiums.
- (4) Upper Story residential uses above non-residential uses.
- (5) Live/Work units for artisans, professionals and service providers, provided the work area does not exceed 50% of the floor area of the dwelling unit.
- (6) Accessory uses on the same lot with and customarily incidental to any of the above permitted uses, including Parking Structures and Fitness Centers, but specifically excluding off-track betting parlors.
- (7) Any use of the same general character as any of the uses hereinbefore specifically permitted, excluding off-track betting parlors.

B. Non-residential/Commercial Uses

- (1) Adult or child day care.
- (2) Nursery school or similar nonresidential use for more than six (6) children.
- (3) Bank or other financial institution, excluding drive-thru windows. Existing banks with drive-thru windows may be incorporated into a new mixed use development if the drive-thru window and the vehicle stacking area cannot be seen from any street.
- (4) Professional offices or office building, medical offices or medical clinic building.
- (5) Full service restaurants, including walk up windows, but excluding drive-thru windows.
- (6) Bakery, confectionery or custom shop for the production of articles to be sold at retail on the premises.
- (7) Copy centers and job printing operating on a retail sales level.
- (8) Commercial Parking Facility that is pedestrian oriented in both design and scale.
- (9) Retail store with an area on each Story equal to or less than 10,000 square feet.
- (10) Tailor, barber, beauty salon, shoe repair or similar type use, excluding Fitness Centers and massage parlors,
- (11) Grocery Store with a floor area less than 15,000 square feet.
- (12) Theater.
- (13) Real estate sales office.

- (14) Municipal office building.
- (15) Accessory use on the same lot with and customarily incidental to any of the above permitted uses, including above ground or below ground Parking Structures and Fitness Centers but specifically excluding off-track betting parlors.
- (16) Any use of the same general character as any of the uses hereinbefore specifically permitted, when approved by a Special Exception, but excluding off-track betting parlors.
- (17) Motor vehicle sales agency in a Mixed-Use building. A motor vehicle sales agency may include as an accessory use a service and repair shop, provided that the accessory services and repairs are conducted in the basement or the rear of the same building, or building accessory thereto. A motor vehicle sales agency, and any accessory uses to a sales agency shall not be considered a Mixed-Use building. Motor vehicle sales agencies in the TOD shall be separated from any other motor vehicle sales agency by a minimum of 1,500 feet.
- (18) Storage use, as an accessory use to any permitted use provided the storage area doesn't occupy more than 25% of the total floor area.

§ 208-103. Dimensional standards for development.

A. Building Area

- (1) Single Use Buildings- Limited to 70% of the lot area
- (2) Mixed Use Buildings- Limited to 80% of the lot area

B. Building Setbacks

- (1) Build-to-Lines (The line at which construction of a building is to meet or cross on a lot. A build-to line runs parallel to the street right-of-way and is established to create a generally consistent building line along a street. It is also known as a maximum setback line.)
 - (a) The front façade of a building in the TOD District shall be set back from the street right-of-way no farther than that of the closest building within 150 feet, facing the same street and in the same zoning district, except as provided for in Subsection B(1)(g) below.
 - (b) The primary pedestrian access point to buildings shall face onto the Build-to-Line, rather than onto rear or side parking lots or alleys. Secondary access points may be located along other facades.
 - (c) Parking lots, driveways, loading zones and other auto-related areas do not qualify as structures, enhanced pedestrian spaces or amenities and are prohibited at or in front of the Build-to-Line. This section shall not prohibit a loading or unloading area along a street for a train station or a transit bus stop.
 - (d) For non-residential development, if the front façade is set back from the street right of way, the area between the front façade and the street right of way shall be used for enhanced pedestrian spaces and amenities, landscaped with shade trees and furnished with seating areas.
 - (e) Features such as Overhangs, upper floor balconies, Loggias, Arcades, covered (non-enclosed) bicycle parking, Pergolas and similar architectural features placed on the front (street facing) side of the building may extend beyond the Build-to-Line and/or up to three (3) feet into the right of way, but no closer than five (5) feet to the curb line.
 - (f) Projections into the right of way shall be subject to approval by the authority having jurisdiction.
 - (g) The Build-To Line may be extended up to twenty (20) feet further from the street right of way if the additional area is used as a Public Gathering Space or for outdoor dining. If the outdoor dining use is discontinued, this outdoor area must be used for Public Gathering Space.
 - (h) Where a street line separates the TOD district from a residential use in a Residential Zoning District, a ten (10) foot landscaped front yard setback in the TOD District along the Build-to-Line is required in accordance with the required Buffer provisions, provided, however, that features included in 208-103.B(1)(e) may project in

to the ten (10) foot landscaped front yard setback.

- (i) For properties larger than 10,000 square feet fronting on a primary street, any portion of a new building above three stories or 42 feet above grade shall be set back from the Build-to-Line a minimum of 10 feet.
- (2) Front Yards. There is no required minimum front yard setback.
- (3) Side Yards. New and redeveloped buildings in the TOD shall be subject to a range of minimum/maximum side yard setbacks in order to maintain a consistent and uninterrupted streetscape that generates pedestrian activity.
 - (a) Minimum. There is no required minimum side yard setback. However, if a new or expanded structure is not built up to the side lot line, the new or expanded portion of the building must be setback a minimum of ten (10) feet from the side lot line. Where a building is located between a street and a train station or bus stop, direct egress shall be provided to the occupants of the building to the street and the public transportation stop.
 - (b) Maximum. The maximum side yard setbacks shall be twenty (20) feet , or the width of any required Buffer Area, whichever is greater.
 - (c) For a lot immediately contiguous to a residential use in a Residential Zoning District, the side yard on the residential street shall be at least equal in depth to the side yard requirement in such residential district.
- (4) Rear Yards. Depending on the proposed use and subject to the Buffer requirements set forth in Section 208-103.F below, all lots subject to this overlay may have a required minimum rear yard setback.
 - (a) When a new or redeveloped building complying with the TOD development design standards is on a lot that backs up to another commercially zoned lot, a rear yard setback is not required.
 - (b) When a new or redeveloped building complying with the TOD development design standards is on a lot that backs up to a residentially zoned lot, then the rear yard setback shall be twenty (20) feet.
 - (c) When a railroad right of way separates a new or redeveloped building complying with the TOD development design standards from a residential zoning district, the rear yard setback shall be fifteen (15) feet.

C. Lot Width

- (1) Single Use Buildings. The minimum lot width is between 18 and 60 feet as set forth below:
 - (a) Townhouses 18ft
 - (b) Apts. & Condos 60ft
 - (c) Other Residential Uses 25ft
 - (d) Hotel 60ft
 - (e) Other Commercial Uses 35ft
 - (f) Office 25ft
- (2) Mixed Use Buildings. The minimum lot width shall be 25 feet.

D. Impervious Cover

- (1) Single Use Buildings- Impervious cover is limited to 80% of the net lot area.
- (2) Mixed Use Building- Impervious cover may go up to 90% of the net lot area.

E. Building Height

- (1) The minimum height of any building shall be two (2) Stories or twenty-eight (28) feet above grade, over 90% of the building area.
- (2) The maximum height of any building in the TOD District shall be three (3) Stories, exclusive of a basement, or forty-two (42) feet above grade whichever is less.

F. Buffer Area

- (1) Where a TOD commercial development abuts a residential use in a residential zoning district or a railroad right of way with a residential district on the opposite side of the railroad, there shall be a Buffer Area along the district boundary line within the TOD.
 - (a) Where the district boundary line abuts a residential use in a residential zoning district, the depth of this buffer shall be at least twenty (20) feet.
 - (b) Where the district boundary line is the center of a street or at a street line, there shall be a ten (10) foot wide planted landscape area along the Build- to-Line in the TOD district. Other than the required street trees, the plantings shall be low level and cannot obstruct a pedestrian's view of the first floor window or door openings.
 - (c) Where the district boundary line is a railroad right of way, the depth of the buffer may be reduced to fifteen (15) feet from the railroad right of way.
- (2) The Buffer Area shall be planted with a variety of high and low level plantings. Where the required buffer is along a railroad right of way, a wall or a fence or a similar architectural detail that satisfies the purpose of the buffer requirement may be used in addition to the plantings.
- (3) There may not be more than one vehicular entrance and one vehicular exit through the Buffer Area to any street.
- (4) Any lot which becomes vacant through the removal of a structure for any reason must be screened from all abutting public streets by planting street trees and providing a six (6) foot wide landscaped area with a continuous row of two (2) foot high shrubs.

G. Density

- (1) A maximum density of thirty (30) residential units per acre shall be permitted.
- (2) A minimum density of fifteen (15) residential units per acre shall be required.

§ 208-104. Parking and loading requirements

A. On-site Parking

- (1) At-grade, above- or below-ground parking and loading facilities shall be permitted.
- (2) Surface parking lots and exterior loading areas shall be placed between the structure and a rear lot line:
 - (a) On a corner lot, if surface parking and exterior loading cannot be behind the buildings and screened from view, then the parking shall be located:
 - i. along the street with the least amount of commercial activity
 - ii. along the street with the least amount of pedestrian activity if the lot is located along two or more commercial streets with equal amounts of commercial activity.
- (3) If surface parking and exterior loading areas are visible from the street Frontage, then a fence, wall or plantings shall be provided to maintain the street edge and Buffer views of parked cars:
 - (a) In no case shall surface parking lots or exterior loading areas occupy more than one-third (1/3) of a lot's Frontage along a pedestrian street or street segment.
 - (b) Parking and exterior loading areas shall be Buffered from any adjacent Pedestrian Way by planting street trees and providing a six (6) feet wide landscaped area with a continuous row of two (2) feet high shrubs, or a fence or seating wall not less than two (2) feet and no more than 3 feet high. Shrubs shall be maintained at a height of two (2) to three (3) feet.
- (4) The Primary Front Façade of a Parking Structure visible from a public or private street or Pedestrian Way shall be pedestrian oriented and scaled. Building design shall be complementary to nearby active commercial facades, in terms of building materials and architectural pattern. Residential and/or useable commercial floor space shall occupy eighty percent (80%) of the Ground Floor façade.
- (5) Ground level parking beneath buildings shall be permitted provided 80% of the Primary Front

- Façade is pedestrian oriented and scaled, and shall be used for commercial and/or residential use.
- (6) Any façade of a Parking Structure that can be seen from a residential zoning district shall comply with the architectural design standards.
 - (7) Off street surface parking shall not extend more than seventy feet (70) in width along any pedestrian street frontage without an outdoor café, landscaped garden or public plaza with seating.
- B. Parking for Single Use Structures
- (1) Required parking for new and redeveloped structures within the TOD shall be calculated by using the Single Peak Hour Demand values noted in TABLE 1.
- C. Parking for Mixed-Use Structures
- (1) Parking required for new and redeveloped Mixed-Use structures within the TOD shall be calculated by using the following process and the percentages provided in TABLE 1:
 - (a) First, determine the number of parking spaces required for each individual use within the Mixed-Use structure by using the Single Use Peak Hour Demand values in TABLE 1. That number serves as the base for calculating the Percentages of Peak Demand for Key Times values.
 - (b) Next, calculate the number of spaces needed for each use for each peak hour by multiplying the base number (the Single Use Peak Hour Demand value) by the percentage of Peak Demand for Key Times values.
 - (c) Next, add the columns for each Peak Demand Time to determine the number of spaces required for the Mixed-Use structure for each peak hour.
 - (d) The required number of parking spaces for the development is the highest total hour figure for the Mixed-Use development
 - (2) If a minimum of fifty percent (50%) of the parking required by the parking table is below grade, the required parking for non-residential uses may be reduced by ten percent (10%) and required parking for residential uses may be reduced to one (1) space per unit.

Table 1: Required Parking

| Land Use | Single Use Peak Hour Demand (spaces) | Percentage of Peak Demand for Key Times ¹ | | | | | | | | | |
|--|--------------------------------------|--|-----|-----|-----|------|----------|-----|-----|-----|------|
| | | Weekdays | | | | | Saturday | | | | |
| | | 10am | 1pm | 5pm | 8pm | 10pm | 10am | 1pm | 5pm | 8pm | 10pm |
| Retail | 4/1000 sq.ft. | 50 | 75 | 75 | 65 | 25 | 50 | 100 | 90 | 65 | 35 |
| Office | 4/1000 sq.ft. | 100 | 90 | 50 | 5 | 5 | 15 | 15 | 5 | 0 | 0 |
| Restaurant | 8/1000 sq.ft. | 20 | 70 | 70 | 100 | 95 | 5 | 45 | 60 | 100 | 95 |
| Theatre | 1/5 seats | 0 | 60 | 60 | 85 | 85 | 0 | 70 | 70 | 100 | 100 |
| Fitness Center | 5/1000 sq.ft | 10 | 80 | 100 | 30 | 10 | 60 | 80 | 60 | 30 | 10 |
| Indoor Recreational Facility and other | 5/1000 sq. ft. | 70 | 75 | 100 | 100 | 40 | 100 | 100 | 100 | 100 | 90 |
| Motor vehicle | 4/1000 sq. ft. | 100 | 100 | 100 | 75 | 50 | 100 | 100 | 100 | 40 | 0 |
| Hotel | 1/room | 45 | 30 | 60 | 90 | 100 | 40 | 30 | 60 | 90 | 100 |
| Residential | 1.5/units* | 85 | 80 | 85 | 95 | 100 | 70 | 65 | 75 | 95 | 100 |

1. Source of peak demand percentages is the Urban Land Institute's Shared Parking Standards. * Moderate-income dwelling units require 1/2 (.5) parking spaces/unit

TABLE 2: Mixed Use Building Example

Example: An existing commercial building is renovated according to the TOD design standards and now contains: 3,500 sq.ft. retail 1,500 sq.ft. restaurant and thirteen (13) residential units. The number of required parking spaces is 40.

| Land Use | Single Use | Percentage of Peak Demand for Key Times ¹ | | | | | | | | | |
|-------------------------------|------------|--|------|------|------|------|----------|------|------|------|------|
| | | Weekdays | | | | | Saturday | | | | |
| | | 10am | 1pm | 5pm | 8pm | 10pm | 10am | 1pm | 5pm | 8pm | 10pm |
| 3,500 sq.ft. retail | 14 | 7 | 10.5 | 10.5 | 9.1 | 3.5 | 7 | 14 | 12.6 | 9.1 | 4.9 |
| 1,500 sq.ft restaurant | 12 | 2.4 | 8.4 | 8.4 | 12 | 11.4 | .6 | 5.4 | 7.2 | 12 | 12 |
| 13 market rate dwelling units | 19.5 | 16.6 | 15.6 | 16.6 | 18.5 | 19.5 | 13.7 | 12.7 | 14.6 | 18.5 | 19.5 |
| Totals | N/A | 26 | 34.5 | 34.5 | 39.6 | 36.5 | 21.3 | 32.1 | 34.4 | 39.6 | 36.6 |

D. Off-Site Parking

- (1) Off-site parking is permitted in the TOD District, except for new and used automobile dealerships, subject to the regulations set forth below.
- (2) Shared parking. When land uses on adjacent lots within the TOD create Shared Parking areas with circulation paths and access points that are under common ownership or controlled by a reciprocal easement agreement, the collective parking requirements for development on those properties may comply with the Required Parking values listed in TABLE 1.
 - (a) Documentation confirming the ownership and/or management arrangement shall be submitted to the Borough prior to the Council’s consideration of a Plan application and shall be subject to the Council’s approval. The agreement must demonstrate a permanent commitment for the use of the off-site Shared Parking.
- (3) Code required parking for Mixed-Use structures may be provided off-site, provided:
 - (a) Off-site parking must be within 900 feet of the Mixed-Use development using a pedestrian route continually accessible to the public, measured from lot line to lot line; and
 - (b) Both the Mixed-Use development and the parking facility comply with the TOD Development Design Standards in Section 208-105; and
 - (c) Documentation that the private parking facility owner agrees to make the spaces available to the proposed off-site Mixed-Use development shall be submitted to Borough Council’s consideration of a Plan application. The off-site parking spaces may not be designated as required parking for some other use. The agreement must demonstrate a permanent commitment for the use of the off-site Shared Parking.
 - (d) If adequate on-site parking is not available, the parking requirements may be met by designating public parking spaces within nine hundred (900) feet of the proposed use. Each public parking space may only be counted once when this parking provision is utilized. A maximum of seventy five (75) parking spaces in public parking lots may be designated under this section for new buildings or buildings being expanded. If public parking spaces are designated for dwelling units, the parking required on the lot where the residential units are located shall not be reduced to less than one space per unit.

- (4) Code required parking for Single-Use structures may be provided off-site when:
 - (a) The development lot is less than 8,000 square feet and improved street Frontage is less than 40 feet; and
 - (b) Parking must be within nine-hundred (900) feet of the single-use development using a pedestrian route continually accessible to the public, measured from lot line to lot line; and
 - (c) Both the Single-Use development and the parking facility comply with the TOD Development Design Standards in Section 208-105 and
 - (d) Documentation that the parking facility owner agrees to make the spaces available to the proposed off-site Single-Use development within the TOD shall be submitted prior to Borough Council's consideration of a Plan application. The off-site parking spaces may not be designated as required parking for some other use. The agreement must demonstrate a permanent commitment for the use of the off-site Shared Parking.
- E. On-Street Parking
 - (1) Provided the new or rehabilitated building or buildings complies with the TOD Development Design Standards in Section 208-105, legal on-street parking along the lot's street Frontage may be counted toward the development's minimum parking requirements. Each such on-street public parking space may only be counted once.
- F. Bicycle Parking
 - (1) Convenient bicycle facilities shall be provided up to a maximum of twenty (20) spaces, as follows:
 - (a) For Residential uses, there shall be one bicycle space or locker for each three dwelling units or portion thereof.
 - (b) For Commercial uses, there shall be one bicycle space or locker for every twenty (20) automobile parking spaces or fraction thereof.
 - (c) The Borough Council, may, by conditional use, hold in reserve or reduce the number of required bicycle parking spaces if the applicant demonstrates that there are ample facilities available for use nearby.
- G. Loading
 - (1) To the greatest extent feasible, areas used for loading or trash receptacle purposes shall not be located adjacent to residential uses and residential zoning districts.
 - a. If these areas must be located adjacent to residential uses or zoning districts then they shall be screened from view. Noise, sound and odors associated with these uses shall not be discernible at the lot line.

§208-105. Development Design Standards

- A. Purpose
 - (1) The purpose of this section is to require pedestrian oriented buildings and to require building entrances to be oriented toward the streets, sidewalks and/or public access ways. Windows must facilitate views into and out of buildings. Requirements for orientation and primary entrances are intended to:
 - (a) Provide for convenient, direct and accessible pedestrian access to and from public sidewalks, transit facilities, residential and commercial users;
 - (b) Provide a safe, pleasant and enjoyable pedestrian experience by connecting activities between buildings in the TOD and within a structure to the adjacent sidewalk and/or transit stop; and
 - (c) Promote use of pedestrian and mass transit modes of transportation to access residential and commercial facilities.
 - (2) New and renovated buildings may be either traditional in their architectural character or be a contemporary expression of traditional styles and forms, respecting the scale, proportion, character and materials of structures within a five hundred (500) foot radius.

- (3) The preservation and rehabilitation of existing buildings and structures is strongly encouraged in order to create diversity of development, accent pedestrian-scale activity, and to preserve the character of the Borough's existing commercial districts in the vicinity of the train station.

B. Building Orientation and Primary Entrance

(1) General Standards.

All new and rehabilitated buildings shall comply with the following standards:

- (a) Buildings shall be designed with window space, public access points and signage facing the street and sidewalk.
- (b) The façade treatment of walls facing residential uses or residential zoning districts shall be similar to the Primary Front Façade along the Pedestrian Oriented Street.
- (c) All buildings shall provide Clear Windows along the Ground Floor of the Primary Front Facades.
 - i. Required window areas must be either windows that allow views into working areas or lobbies, pedestrian entrances or merchandise display windows.
- (d) Primary building entrances shall be articulated and visible from the street, except where units internal to a property are accessed through a private drive and have an entrance on a pedestrian walkway, green court or drive.
 - i. Building entrances shall incorporate Arcades, roofs, porches, alcoves and awnings that protect pedestrians from the sun and rain.
 - ii. If the building has Frontage on more than one street, the building shall provide primary entrances oriented toward both streets, or a single entrance on the corner where the two streets intersect.
- (e) To the greatest extent feasible, if a single lot is redeveloped, any new vehicular access point shall be located on a side lot line and shared with adjacent lots. (See Section 208-105 (C))
- (f) Driveways, parking areas and traffic circulation patterns shall be designed as shared facilities whenever feasible. The design of these elements shall create a unified site plan between the lots. The goal is to gain parking efficiencies, reduce the number of access points and improve internal and external vehicular circulation patterns.
- (g) When one or more lot(s) is redeveloped such that one-hundred and fifty (150) feet or more of new building façade is constructed along the Primary Front Facade, an Access way shall be provided (i.e. through a lobby or alley) to reach available Shared Parking facilities.

C. Architectural Design Standards

- (1) The architectural design standards have been incorporated into this district to ensure that the size and proportions of new buildings relate to the scale of the existing structures, especially at the street level. The first three (3) stories of new buildings must relate to the street level heights of existing buildings. The architectural features of the vertical and horizontal façade character of new buildings must relate to adjacent structures (especially at the street level).

(2) Buildings

- (a) If the subject property is located in the North Wales Borough Historic Preservation District and/or national historic district, the new construction and any changes to the exterior of the building that can be seen from a public way shall reflect and be an example of the character of that building and district in compliance with Chapter 130 of the North Wales Borough Code and the Secretary of the Interior Standards for Rehabilitation.
- (b) All buildings shall articulate the line between the ground and upper levels with a cornice, canopy, balcony, Arcade or other visual device.

- (c) The massing of all buildings shall be de-emphasized in a variety of ways, including the use of projecting and recessed elements such as porches, windows, and roof dormers, to reduce their apparent overall bulk and volume, to enhance visual quality and contribute to human-scale development. Such breaks in the facades and roof lines shall occur not more frequently than the width of two historic shop fronts (generally about 25 feet each) nor less frequently than 100 feet.
- (d) The Ground Floor of the Primary Front Façade shall contain an average of 65% to 70% Clear Windows and doors. Smoked, reflective, tinted or black glass in windows is prohibited.
- (e) Any walls with less than 25% of Clear Windows shall be articulated by two or more of the following:
 - i. details in masonry courses;
 - ii. the provision of blank window openings trimmed with frames, sills and lintels;
 - iii. if the building is occupied by a commercial use, recessed or projecting display window cases.
- (f) The Ground Floor design shall be based upon historic examples in the district, with commercial uses having large, Clear Window displays.
 - i. The maximum sill height above the adjacent sidewalk elevation shall be two feet or lower;
 - ii. Window heads shall be nine (9) to twelve (12) feet above sidewalk level;
 - iii. The top of the display window shall be at least as high as door height.
- (g) Second Story and above of Primary Front Facades, shall contain a minimum of 50% of the horizontal width of the facade as Clear Windows.
 - i. Clear Window openings shall be vertical, at least twice as high as the width of those openings.
 - ii. To the extent possible, individual window units in the upper stories shall be vertically aligned with the location of windows and doors on the ground level, including storefront or display windows.
- (h) Buildings shall be topped with either pitched roofs with overhanging eaves or flat roofs with articulated parapets and cornices. Pitched roofs shall have a minimum slope of 4:12.
- (i) Pitched roof material may include slate (either natural or manmade), shingle (either wood or asphalt composition) and metal formed to resemble “standing seams” or other similar materials. Specifically prohibited are white, tan or blue shingles and corrugated plastic or metal. Fascia’s, dormers and gables or similar architectural features shall be employed to provide visual interest. All gables shall be functional.
- (j) Exterior wall materials may include stucco, wood clapboard (including aluminum imitation clapboard siding) native stone, or brick of a shape, color and texture as that found within the adjacent district. Specifically prohibited shall be white, tan or any type of painted brick or T-111 or other similar plywood siding, or exterior insulation and finishing system (EIFS). Except on side or rear walls, not visible from any public way, all forms of concrete block shall be prohibited. Metal buildings shall be prohibited. Borough Council may approve a prohibited material if it can be demonstrated that the material can be installed to have the same appearance and texture as any of the approved materials. Stucco or artificial materials, except fire clay products such as brick, shall not occupy more than 50% of the building façade unless Borough Council makes a specific finding that more than 50% is appropriate, and similar to the architectural features on other similar buildings in the district.
- (k) All roof-top mechanical equipment, including antennas, shall be screened visually and acoustically. Such screening shall be an integral to the architectural design of the building.

- (1) Grade level exterior doors that swing onto a public walkway that is less than six (6) foot wide, shall be set into the building to avoid conflict with pedestrians. Doors swinging out that do not project into a required public walkway shall include a barrier to prohibit doors from swinging into pedestrians.
- (3) Borough Council may, by conditional use, approve the use of architectural concepts and designs which differ from those set forth above, if the applicant demonstrates to the satisfaction of the Board that such concepts and designs are in furtherance of the legislative intent of this article and of this subsection.
- (4) Public walkways shall:
 - (a) Any sidewalks along Walnut Street shall be constructed of brick, concrete pavers, stamped concrete or integral colored concrete with brick borders consistent with existing decorative treatments.
 - (b) Have a minimum unobstructed width as set forth in Chapter 184, Subdivision and Land Development. Where an existing building is being preserved with an existing public sidewalk that is less than the required width, the existing sidewalk width must be maintained. The unobstructed width of an existing public sidewalk may be reduced to four (4') feet to accommodate the installation of street trees when shown on the approved development plan.
 - i. The minimum unobstructed width for public sidewalks used for outdoor dining in front of a building that exists as of the effective date of this ordinance may be reduced to six (6') feet. The reduced width must remain completely unobstructed to permit the free passage of pedestrians.
 - (c) Create a completely linked network of walkways connecting transit stops, commercial centers, institutional facilities and residential uses including parks and other open space areas.
 - (d) Not be used for exterior storage.
 - (e) Permitted outdoor seating for food and drink establishments and pedestrian oriented accessory uses, such as sales display for flowers, small shops, and food or drink stands are permitted, provided the minimum unobstructed walkway is maintained.

D. Signage

- (1) Signs shall be permitted in accordance with the provisions of Section 208-161 of this Chapter, with the following exceptions:
 - (a) Ground signs shall be monument type only and shall have a maximum height of 10 feet.
 - (b) Internal illumination shall only be permitted for façade signs and when such is used, the illumination shall follow the form of the letters, numbers or symbols on the sign; box signs with the entire box illuminated on which copy is affixed shall be prohibited.

E. Street/Shade Trees

- (1) Street trees shall be planted by the developer along all public rights-of-way in compliance with Chapters 174 and 184 of the North Wales Borough Code. In locations where healthy and mature trees exist that comply with the street tree requirements, additional plantings are not required.
- (2) Mature street trees shall be limbed up from the sidewalk to six (6) feet to enhance pedestrian safety.
- (3) Street trees shall be planted in Borough approved tree grates, or in planter areas at least four (4) feet long by four (4) feet wide.

ARTICLE XIII
LI Limited Industrial District

§ 208-106. Intent.

The Limited Industrial District is intended to establish strict performance standards to control potentially adverse environmental effects resulting from development of permitted uses and establish operational, dimensional and landscaping standards minimizing adverse impacts on surrounding uses and districts, while also preserving the opportunity for an industrial land use within a confined portion of the Borough.

§ 208-107. Permitted Uses.

The specific uses permitted shall be the alteration, construction or use of a building or group of buildings on a lot for any of the following uses, and no other.

A. Uses by right and when authorized as a special exception by the Zoning Hearing Board as provided in Schedule I of this chapter.¹⁷

- (1) An applicant for any special exception authorized within this district shall have the burden to demonstrate that the operation of the proposed use shall not be noxious or offensive by reason of the emission of odor, dust, fumes, smoke, gas, vibration or noise and shall further demonstrate that the use shall not be dangerous by reason of risk of fire or explosion so as to constitute a public hazard.

B. Permitted industrial uses.

- (1) Business and professional offices.
- (2) Wholesale, warehouse, storage or distribution center, provided that satisfactory provisions are made to prevent traffic congestion and hazard, and that loading docks are provided to load and unload directly into the building, provided that no retail sales are made from these facilities except as may be related to a showroom for products manufactured on or assembled or distributed from the premises, but in no event shall exceed 25% of the building floor area on the lot.
- (3) Scientific or industrial research, engineering, testing or experimental laboratory or similar establishment for research, training or product development.
- (4) Printing and publishing, lithographing and similar processes.
- (5) Offices, shops and storage for building, plumbing, electrical or other contractors, provided that outdoor storage shall be prohibited.
- (6) Agriculture.
- (7) Commercial kennels.
- (8) Public utility use.
- (9) The processing, compounding, treatment, packaging and manufacturing of clothes, cosmetics, soft drinks, electrical appliances and equipment; tools and hardware, jewelry, watches; musical, professional and scientific instruments; metal working and treatment, such as stamping, extrusion, heating, plating, rustproofing and similar uses; processing of food, excluding meat and fish; and textiles, excluding bleaching.
- (10) Laundry, dry cleaning or dyeing plant.

C. Accessory use on the same lot and customarily incidental to any of the above-permitted uses not detrimental to the neighborhood which may include:

- (a) Storage within a completely enclosed building in conjunction with a permitted use.
- (b) A cafeteria or other service facility located within the building and operated for the exclusive use of occupants of the building.

D. Any industrial use not specifically enumerated herein and not specifically excluded, which meets the provisions of this Article when authorized as a special exception.

§ 208-108. Environmental Regulations.

A. Smoke.

No smoke shall be emitted from any chimney or other source which is a nuisance or poses a threat to the public welfare.

B. Dust and dirt, fly ash and fumes, vapors and gases.

1. No emission shall be made which can cause any damage to health, to animals or vegetation or other forms of property, or which can cause any excessive soiling at any point.

2. All emissions shall comply with the National Emissions Standards for Hazardous Air Pollutants promulgated by the United States Environmental Protection Agency under the Federal Clean Air Act (42 U.S.C. § 7412) as promulgated in 40 CFR Part 61, or its most recent update.

C. Noise.

| Octave Band in Cycles per Second | <u>Sound Levels</u> | |
|----------------------------------|--|---|
| | Along Residential District Boundaries Maximum Permitted Sound Level in Decibels | At Any Other Point on the Lot Boundary Maximum Permitted Sound Level in 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 |

D. Odors.

There shall be no emission of odorous gases or other malodorous 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 shall fail. There is hereby established as a guide in determining such quantities of offensive odors Table III (Odor Thresholds) in Chapter 5, Air Pollution Abatement Manual, copyright 1951 by Manufacturing Chemists' Association, Inc., Washington, D.C.

E. 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.

F. Vibration.

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

G. Radioactivity or electrical disturbances.

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 disturbances.

§ 208-109. 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 connecting 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, stored outdoors shall be enclosed by a fence adequate to conceal the facilities from any adjacent properties and to prevent access by the general public.
- C. No materials or wastes shall be deposited upon a lot in such form or manner that 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.
- E. Outdoor storage and refuse areas shall be set back from all property lines which abut or in the case of a street are directly opposite a residential district a distance not less than those required by individual yards in § 208-112 below.

§ 208-110. Electric, diesel, gas or other power.

Every use requiring power shall be so operated that the service lines, substation, etc., shall conform to the most acceptable safety requirements recognized by the Pennsylvania Bureau of Labor and Industry, shall be so constructed, installed, etc., to be an integral part of the architectural features of the plant or, if visible from abutting residential properties, shall be concealed by coniferous planting.

§ 208-111. Industrial waste or sewage.

No use shall be conducted in such a way as to discharge any treated or untreated sewage or industrial waste treatment and disposal except as shall be approved by sanitary engineers or other qualified persons employed by the Borough at the expense of the owner of the premises. Where sanitary sewers are involved, approval of the Authority Board providing service to the site shall be required.

§ 208-112. Area, width and yard requirements.

- A. A lot area of not less than 10,000 square feet shall be required for each principal building or use.
- B. The building area shall not occupy more than 50% of the lot area and the total impervious surface area shall not exceed 80% of the lot area.
- C. The front yard shall be no less than 25 feet in depth.
- D. There shall be two side yards and each shall be no less than 20 feet in width.
- E. The rear yard shall be no less than 50 feet in depth.
- F. The lot width shall be no less than 100 feet.
- G. All accessory buildings and structures must be located behind the rear building line and are to be located not less than ten feet from the side and rear lot lines. No more than two accessory buildings shall be permitted on a lot.

H. Uses permitted by special exception shall provide the following:

- (1) A lot area of two acres for each principal use.
- (2) A landscape screen buffer along all property lines having a minimum width of 15 feet and a minimum height of seven feet.

§ 208-113. Parking.

- A. Each use must have adequate exterior, off-street space for parking, in accordance with Section 208-141 of this Chapter, and a driveway entrance directly accessible to a public street.
- B. The required parking spaces shall occupy the rear and/or side yard, but no parking space shall be closer than 10 feet to a property line or street line.
- C. All parking areas shall be provided with a landscape screen buffer from surrounding residential areas to a height of not less than seven feet.

§ 208-114. Height regulations.

The maximum height of buildings and other structures erected or enlarged in this district shall be 40 feet, except that such height may be increased to a maximum of 65 feet as may be warranted when approved as a special exception by the Zoning Hearing Board, provided that for every foot of height in excess of 40 feet there shall be added to each yard requirement two corresponding feet of width or depth, and provided that structures that are over 40 feet in height, such as chimneys, water towers, windmills, communication towers and other similar projections, shall not be regularly used by people.

§ 208-115. Special regulations for mobile home parks.

- A. The minimum tract size for a mobile home park shall not be less than two acres of land area.
- B. The total number of mobile home lots shall not exceed a density of eight mobile home lots per acre of land devoted exclusively to mobile home park use.
- C. Individual lot criteria required whether or not intended for individual sale shall be as follows:
 - (1) Minimum lot size: 5,000 square feet.
 - (2) Minimum lot width: 50 feet.
 - (3) Minimum front yard: 25 feet.
 - (4) Minimum side yard: 10 feet.
 - (5) Minimum rear yard: 15 feet.
- D. A screen buffer shall be required along the perimeter property lines that are not road rights-of-way.
- E. Maximum total impervious surfaces coverage shall not exceed 50% of each mobile home lot area.
- F. No structure or building shall exceed two stories and in no event shall exceed a maximum height of 35 feet.
- G. Off-street parking shall be provided at the rate of two off-street spaces for each mobile home lot and may be provided on each lot or combined into a common parking facility.

§ 208-116. Application and review requirements.

Plans for any industrial use and all uses permitted by special exception shall be submitted to the Borough Planning Commission and, where applicable, the Zoning Hearing Board prior to the issuance of any building or zoning permit or special exception, and such plans shall include the following:

- A. A plot plan of the lot showing the location of all present and proposed buildings, drives, parking lots, waste disposal facilities and other operational features of each use.
- B. Architectural plans for any proposed building and/or addition.
- C. A description of the industrial operations proposed in sufficient detail to indicate the effects of those operations in producing traffic congestion, loading requirements, noise, glare, air pollution, water pollution, fire hazard or safety hazards.
- D. Engineering and architectural plans for the handling and disposal of sewage and industrial waste.
- E. Engineering and architectural plans for the handling of traffic, loading, noise, glare, air pollution, water pollution, fire hazard or safety hazard.
- F. Designation of the fuel proposed to be used or stored upon the property and any necessary architectural and engineering plans for controlling smoke.
- G. The proposed number of shifts to be worked and the maximum number of employees on each shift.
- H. Any other data that the Planning Commission or Zoning Hearing Board may require in order to adequately evaluate the proposal.

ARTICLE XIV

GP Government-Public District

§ 208-117. Intent.

The intent of this district is to provide for a separate Government-Public District and to provide for the well-planned development of governmental and public uses, which development shall be in a manner which is harmonious to adjacent land use and which development minimizes potential conflicts between public and governmental land use and residential uses.

§ 208-118. Permitted uses.

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

- A. Borough, county, state or federal government use for offices, libraries, educational facilities or water supply.
- B. Parking lot for permitted uses.
- C. The following uses when authorized as a special exception by the Zoning Hearing Board:
 - (1) Public utilities facilities.

§ 208-119. Dimensional and use requirements.

The following dimensions shall apply for each development within the GP Government-Public District:

- A. Height. The height of a building shall not exceed 35 feet nor be in excess of three stories.
- B. Lot area. There shall be a minimum of 40,000 square feet of lot area.
- C. Impervious surface. The building area shall not exceed 35% of the lot area and the total impervious surface area shall not exceed 70% of the lot area.
- D. Front yard. There shall be a front yard, the depth of which shall be not less than 50 feet.
- E. Side yard. All side yards shall be no less than 25 feet.

- F. Rear yard. There shall be a rear yard, the depth of which shall be not less than 50 feet.
- G. The lot width shall be no less than 80 feet.
- H. All accessory buildings and structures must be located behind the rear building line and are to be located not less than ten feet from the side and rear lot lines. No more than two accessory buildings shall be permitted on a lot.
- I. Loading, unloading and outdoor storage. Loading and unloading of vehicles shall not occur within the public right-of-way. All loading, unloading and outdoor storage areas shall be screened from adjacent uses and streets by a screen buffer.
- J. Parking. Each parking space shall be no less than nine feet by 18 feet in size. Parking and driving areas may occupy setback areas but no parking shall be less than 15 feet from the property line. There shall be 1.25 parking spaces for each employee of the user of the premises
- K. A screen buffer shall be required along the side and rear property lines when adjoining a residential zoning district.
- L. Signs. All signs shall be placed flat on the exterior walls of the building and shall be less than four square feet in size except that one sign identifying the overall government-public use may be no greater than nine square feet and may be located in the front yard, no closer to the right-of-way than 10 feet. There shall be no more than a total of three signs on the premises.

§ 208-120. Planned development.

Notwithstanding any of the provisions of § 208-119 to the contrary, a building or group of buildings may be erected, altered or used, and a lot may be used if it is developed in accordance with a planned development approved by the Borough Council pursuant to the provisions of this Article.

§ 208-121. Planned development intent.

It is the intent of the planned development sections of this Article to provide for a more flexible planned development of government-public uses in order to blend more carefully the proposed government-public use into the existing residential and nonresidential areas of the Borough in a well-planned manner and thereby minimize any adverse impact of the government-public use.

§ 208-122. Planned development procedure.

- A. An applicant requesting approval of a Planned Development shall file 10 copies of an application with the Zoning Officer, who shall, within 10 days of receipt of the application, determine if the application is complete.
- B. If the Zoning Officer determines that the application is not complete, the applicant shall be so notified in writing and the Zoning Officer and any other officials of the Borough shall not be obligated to take any further action with respect to such application.
- C. If the Zoning Officer determines that the application is complete, he shall promptly provide copies of the application to the Borough Planning Commission and such other Borough officials as is deemed appropriate by the Zoning Officer.
- D. Within 45 days of the receipt of the application, the Planning Commission shall submit a written report to Borough Council, which report shall set forth whether the Planning Commission is in favor or opposed to the approval of the application, the reasons for its position, any appropriate conditions and any other relevant comments. The position of the Planning Commission shall be advisory only.
- E. Within 90 days of the Zoning Officer's determination that the application is complete, Borough Council shall decide whether or not the application should be approved; provided, however, that the application shall be deemed to have been denied if it has not been approved within 90 days of the Zoning Officer's determination that a completed application has been filed.

F. The applicant shall have any approved plan recorded in the office of the Recorder of Deeds of Montgomery County within 30 days of its approval. Otherwise, such approval shall be deemed invalid.

§ 208-123. Contents of application.

The application provided for in § 208-122 and which shall be accompanied by a fee to be determined by resolution as part of the fee schedule of the Borough shall contain the following:

- A. The applicant's name.
- B. The applicant's address.
- C. The name of the owner of the lot which is the subject of the application.
- D. The owner's address.
- E. The relationship of the applicant and the owner.
- F. The location of the lot which is the subject of the application.
- G. The size of the lot which is the subject of the application.
- H. The purpose for which the lot is proposed to be used.
- I. Ten copies of plans showing a detailed use of the entire lot, including all dimensions, public and employee parking, loading and unloading areas, sidewalks and pedestrian areas, structures, drainage facilities, access to roads, existing and proposed landscaping and buffers and the proposed uses of all structures in the developed areas.

§ 208-124. Conditions for approval.

A planned development may be approved by Borough Council only if the following conditions have been satisfied:

- A. The lot to be developed is owned by one person or entity.
- B. Except as provided for in Subsections C and D hereof, the requirements as set forth in § 208-119 shall apply.
- C. The building area shall not exceed 50% of the lot area.
- D. If a landscape and buffer plan which indicates screen buffers for new parking, loading and storage areas as well as appropriate landscaping and softening buffers in setback areas where screen buffers are not required is approved by Borough Council, then the dimensional requirements may be reduced to the following:

| | Front Side | | |
|------------------------------|-------------------|--------------|-------------------|
| | Yards | Yards | Rear Yards |
| Adjacent to residential uses | 25 feet | 15 feet | 30 feet |
| Adjacent to all other uses | 15 feet | 10 feet | 25 feet |

- E. The tracts may be developed in a single or multiple stages; provided, however, that if development occurs in stages, such development must take place in accordance with the development plan within the time periods provided for therein.
- F. Existing structures which do not conform with setback requirements may be expanded within the setback areas when authorized as a special exception by the Zoning Hearing Board, provided that the following are addressed:

- (1) For every one square foot of additional structure to be constructed within a setback area at least three square feet of such a nonconforming structure within a setback area shall be removed as part of an approved phase of the development plans.
 - (2) No expansion shall occur which further decreases the setback line already established at its nearest point to the property line of the structures along that property line.
 - (3) Once a nonconforming structure which does not meet setback requirements is removed, it can no longer be used to determine the nearest point to the property line for future expansions.
- G. The development plan shall be binding upon the entire lot.

ARTICLE XV

INO Institutional Overlay District

§ 208-125. Intent.

The intent of this Article is:

- A. To provide suitable areas within the Borough to accommodate emergency, medical, treatment, religious or similar institutional uses having a special character.
- B. To provide special standards for institutional uses which will ensure the compatibility of adjacent uses and which will minimize any adverse traffic or environmental impacts.

§ 208-126. Establishment of overlay district.

The Institutional Overlay District shall be an overlay to the existing or hereafter created underlying districts as shown on the Zoning Map.¹⁸

- A. Should the Institutional Overlay District be declared inapplicable to any tract by reason of action of the Borough Council in amending this chapter; or the Zoning Officer, the Zoning Hearing Board or any court of competent jurisdiction in interpreting the same; or the Zoning Hearing Board or any court of competent jurisdiction in determining a legal effect of the same, the zoning applicable to such lot shall be deemed to be the district in which it is located without consideration of this Article.
- B. Should the zoning of any parcel or any part thereof which the Institutional Overlay District is located be changed through any legislative or administrative actions or judicial discretion, such change shall have no effect on the Institutional Overlay District unless such change was included as part of the original application.

§ 208-127. Permitted uses.

Permitted uses shall be as follows:

- A. Emergency services including ambulance services and firehouses.
- B. Community center, adult education center, senior citizen center or similar facility operated by an educational or religious institution.
- C. Library or museum open to the public.
- D. Churches, chapels or places of worship and their adjunct residential dwellings; cemetery.
- E. Convents and monasteries.
- F. Institutional headquarters for educational, professional, religious or other nonprofit organizations of a similar nature.

§ 208-128. Conditional uses.

Conditional uses shall be as follows:

- A. Medical or surgical hospitals and clinics, such as a health-care facility providing health-care services primarily for in-patient medical or surgical care of the sick or injured.
- B. Public or private day schools, colleges, universities, theological schools and other institutions of learning.
- C. Licensed institution for care of the elderly, handicapped or mentally ill, including skilled nursing care, personal care and intermediate care facilities.

§ 208-129. Dimensional standards. Dimensional standards shall be as follows:

- A. Minimum lot size: one acre.
- B. Minimum lot width at building setback line: 200 feet.
- C. Minimum lot frontage: 50 feet.
- D. Minimum building setback from ultimate right-of-way or property lines: 50 feet.
- E. Maximum building height: 35 feet.
- F. Maximum building area: 30%.
- G. Maximum impervious surfaces: 65% (includes building area).
- H. Minimum distance between buildings: 25 feet.
- I. Minimum parking setback from ultimate right-of-way or property lines: 25 feet.

§ 208-130. Conditional use criteria.

The Borough Council shall:

- A. Require community impact analysis.
- B. Require traffic impact study.
- C. Require submission of environmental impact of:
 - (1) Noise.
 - (2) Odors.
 - (3) Pollution or glare.
 - (4) Artificial light.
 - (5) Outdoor recreation.
 - (6) Outdoor storage.
 - (7) Waste disposal.
 - (8) Screening of loading areas.
 - (9) Site plan required.
- D. Buffers. Where an institutional use abuts a residential use or district, a screen buffer of at least 15 feet in width shall be provided along the property boundary and shall be landscaped with plant material and/or opaque fence to a minimum height of seven feet.

ARTICLE XVI
FP Floodplain Conservation District

§ 208-131. Applicability of Floodplain Conservation District.

The Floodplain Conservation District shall be delineated according to FEMA's Flood Insurance Rate Map (FIRM) for Borough of North Wales and shall be deemed an overlay on any zoning district now or hereafter applicable to any lot. All standards and regulations of the Floodplain Conservation District are delineated in Chapter 122 of the Borough Code.

ARTICLE XVII
Historic Preservation District
[Added 12-13-1999 by Ord. No. 699]
Moved to Chapter 130 of Borough Code

ARTICLE XVII

General Provisions

§ 208-132. Applicability.

The regulations of this Article have relevance to all zoning district classifications except as noted. If a conflict occurs between the standards of the general regulations and other standards of this chapter, then the most restrictive standards shall apply.

§ 208-133. Miscellaneous lot and use requirements.

- A. In a residential district all buses or motor vehicles of maximum gross weight of more than 5,000 pounds as defined in the Motor Vehicle Code, all building or industrial equipment or materials and all junked vehicles must be stored or parked in an enclosed building.
- B. Projections. In all districts no building and no part of a building shall be erected within or shall project into a required yard except cornices, eaves, gutters or chimneys projecting not more than 18 inches, and steps or bay windows projecting not more than three feet.
- C. Fences and walls.
 - (1) All fences and walls in excess of 36 inches in height shall be prohibited forward of the furthest most forward point of the front facade of the principal building on each lot, provided that retaining walls greater than 36 inches in height required to stabilize changes in elevations shall be permitted to a height one foot above ground elevation retained. **[Amended 12-13-2005 by Ord. No. 743]**
 - (2) Fences and walls may be permitted within the required side and rear yard for each lot to a maximum height of six feet six inches above ground level. On any corner lot fences shall be allowed on three sides of the property to a maximum height of six feet six inches, provided that the fence complies with paragraphs C.3 and C.4 below.
 - (3) 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 within the legal right-of-way line of street which may cause danger to traffic on a street by obscuring the view within clear sight triangles of 60 feet measured along the street rights-of-way lines from their points of junction at all intersections.
 - (4) On any lot, no wall, fence or other structure shall be erected, altered or maintained and no hedge, tree, shrub or other growth shall be planted or maintained within the right-of-way which shall interfere with a free and unobstructed view down or across sidewalks where they exist or lands located at or near the intersection of any two streets or a street and railroad; or at any curve in any street. The purpose of this prohibition shall be to assure a full and unobstructed view in all directions at such crossings or curves and to so prevent the use of such lands for any purpose or in any manner which may interfere with or obstruct the vision of persons traveling upon such sidewalks or streets within the Borough. **[Added 12-13-2005 by Ord. No. 743]**
- D. Forestry activities. **[Added 12-18-2001 by Ord. No. 713]**
 - (1) Forestry activities shall be a permitted use by right in all zoning districts in the Borough.
 - (2) Forestry activities shall be completed in accordance with any and all state and federal regulations, including, but not limited to, any regulations adopted by the Department of Conservation and Natural Resources, and shall be in accordance with recognized natural resource conservation practices, but shall not permit any structures or land development.
- E. Buildings constructed before 1940 shall be maintained and restored to their original character if physically and economically feasible. An owner, after presenting sufficient evidence of costs, may argue that repairs are economically infeasible when the cost of maintenance and restoration exceed the value of the building after making needed repairs. The building owner is required to provide the fair market value of the

building and the cost of all repairs prepared by certified professionals to the Borough to determine the economic feasibility. If determined to be economically infeasible, the applicant shall consult with the Historical Architectural Review Board for guidance on any proposed renovations of the building or salvage recommendations if the building is to be demolished; this requirement shall apply regardless of its location with respect to the Historic Preservation District.

§ 208-134. Minimum lot frontage.

- A. Each and every lot created for single and separate ownership shall be provided with a minimum continuous frontage equal to the required lot width at the building setback line along the ultimate right-of-way of a street, or legal right-of-way where ultimate and legal are coterminous; except for flag lots (see § 208-23) or lots situated around the bulb of a cul-de-sac, in which case the minimum frontage lot shall equal 25 feet.
- B. A lot shall only be created upon a publicly owned, dedicated street maintained by the Borough of North Wales and no lot frontage shall be created upon an alley as defined by § 208-8. **[Added 9-9-1998 by Ord. No. 692]**

§ 208-135. Refuse collection facilities.

In all zoning districts on land developed for nonresidential or RM uses, refuse collection facilities must be provided by the applicant, either inside the building(s) or within an area enclosed by either walls or opaque fencing.

- A. These facilities shall be architecturally compatible with the building(s).
- B. Walls or fencing shall be designed to shield the refuse facilities from direct view from adjacent properties, to a height of at least six feet.
- C. These facilities shall be designed in a manner which can accommodate large collection trucks.
- D. Where feasible landscaping is required around these facilities.
- E. Refuse facilities attached to, detached from or within buildings shall be subject to same building setback requirements.

§ 208-136. Lighting.

- A. General Standards- Outdoor lighting for all residential and nonresidential uses shall be designed to minimize undesirable off-premises effects.
 - (1) No use shall produce glare off the premises by illumination originating on the premises. Glare is defined as the sensation produced by light within the visual field that is sufficiently greater than the light to which the eyes are adapted and which cause annoyance, discomfort, or loss in visual performance or visibility, for any period of time, no matter how short in duration.
 - (2) No bare or direct light source shall be visible beyond the lot lines. All lights shall have a full cutoff fixture, which is defined as a light fixture with light distribution pattern that results in no light being projected at or above a horizontal plane located at the bottom of the fixture. This applies to all pole-mounted lights, building mounted lights, sign lights, walkway lights, and any other type of illumination. No light shall shine directly into windows or onto streets and driveways off the premises. These standards shall not apply to holiday lights that are temporarily displayed during holiday seasons.
- B. Nuisance - No lighting of private property shall be permitted that shall cause a hazard or a nuisance to abutting roads and properties.
 - (1) When lighting is observed to be a potential hazard or nuisance regarding public roads, the

Borough Zoning Officer shall make a determination as to the need to relocate, diminish, reorient or remove the light fixtures in question, with the advice of the Borough Engineer. The determination shall be made mainly in terms of the effect of the lighting on traffic safety, such as from glare or brightness interfering with a driver's ability to see safely.

- (2) When lighting is observed to be a potential hazard or nuisance to an abutting property, the Zoning Officer shall make a determination as in Subsection 1 above, to ensure compliance with Section 208-136A when requested by the affected property owner.

§ 208-137. Uses accessory to dwellings.

- A. The following uses are permitted by right. However, approval as a special exception by the Zoning Hearing Board shall be required for uses that exceed the stated capacities or sizes, or that would involve use or storage of items other than those listed.
 - (1) Private garage, four car maximum.
 - (2) Private parking spaces, not to exceed four per dwelling unit (not counting garage spaces).
 - (3) Shelter for not more than four traditional house pets, none of which will grow to be larger than a large dog.
 - (4) Noncommercial greenhouse of not greater than 750 square feet in floor area.
 - (5) Storage sheds for garden equipment, household goods and/or sporting goods owned and used by the residents of the dwelling, with a total floor area of less than 750 square feet.
 - (6) Noncommercial swimming pool or other recreational facilities, excluding facilities for use of motorized recreation vehicles. Private swimming pools, including pool equipment, must be located behind the rear building line; shall not encroach on any required side yard and in all instances shall not be located less than eight feet from any side or rear property line.
- B. Any other building used for an accessory use which exceeds 750 square feet in ground floor area shall require a special exception from the Zoning Hearing Board, and shall be subject to the setbacks established by the Zoning Hearing Board.

§ 208-138. Adult use standards and criteria.

The following standards and criteria shall govern adult uses as defined and permitted in this chapter:

- A. No adult use shall be permitted to be located within 500 feet of an existing residence, residential district, place of worship, school or school property line, playground, park or any other adult use.
- B. No adult use shall be considered to be a permissible change of use, in conformance with Article XX, unless the subject property is located in a district where adult uses are permitted, and can be shown to comply with the regulations, standards and criteria of this section.
- C. Adult uses shall be housed in completely enclosed buildings, designed and used in a manner which prevents the viewing of adult use activities or materials from outside the building. No exterior display of products, activities or shows shall be permitted, except for a sign which identifies the name of the establishment and its hours of operation, in conformance with the requirements of Article XIV of this chapter.
- D. If any portion of a use meets the definition of adult use, then that portion must comply with the requirements of this section.

§ 208-139. Home occupations.

Home occupations, as defined in § 208-8 and permitted under the provisions of this chapter, shall comply with the following regulations and standards:

- A. Minor home occupation shall be provided with two paved off-street parking spaces, in addition to those

required of residence units, and shall not be located within any required setback areas. The Zoning Hearing Board may waive this requirement when the application is for an outside salesman who has no employees on the premises

- (1) No other persons except a resident in the dwelling shall practice the occupation therein.
- (2) No more than two persons shall be employed by the practitioner at any one time.
- (3) The area used for the practice of a home occupation shall occupy no more than 25% of the total floor area of the dwelling unit. Each dwelling or residential lot shall be limited to no more than one home occupation.
- (4) No storage of materials or products in open areas shall be permitted.
- (5) No retail sales shall be permitted except for articles or works of art produced solely on the premises, and in no event shall goods be publicly displayed on the premises.
- (6) No heat or glare shall be perceptible at or beyond the lot boundaries.
- (7) No potentially dangerous effluent or fumes from operations shall be discharged.
- (8) No material designed for use as an explosive shall be produced or stored on the premises.
- (9) Home day care for not more than a total of three children, unrelated to the caregiver, shall be permitted.

B. Day-care facilities. Permitted only within a single-family detached dwelling when authorized as a special exception, home day care may be permitted for greater than three, but not more than a total of six children, unrelated to the caregiver, subject to all the following conditions:

- (1) The lot must conform to the minimum frontage, width, area and yard requirements of the district in which it is situate and shall not be reduced.
- (2) An outdoor lot area of at least 2,000 square feet shall be reserved for a play area and shall be located in the rear yard only, and not within any required side yard.
- (3) There shall be a minimum of 40 square feet of floor space per child, inclusive of space occupied by furniture and equipment, but exclusive of closets, halls, bathrooms, kitchens and areas related thereto, which shall be on the first or second floor above grade of the single-family detached dwelling structure utilized for such purpose. A second means of pedestrian access from the second floor, if required by any public law or regulation, shall be covered and enclosed so as to be concealed from view from perimeter property lines.
- (4) A minimum outdoor play area of 65 square feet of contiguous area shall be provided for each child as a recreational area for the children. This area shall not include any impervious surface or parking areas. The play area shall not be located in the minimum yard areas required by this chapter or other Borough ordinances. Play areas shall not include any swimming or ornamental pool.
- (5) Areas for outdoor recreation shall be visually screened for immediate year-round basis to a height of not less than four feet when natural shrubbery or evergreen trees are utilized or six feet when a fence is utilized.
- (6) The building shall conform to any and all regulations of the Commonwealth of Pennsylvania for child day care, as well as all applicable regulations for fire and panic, and have no barriers for the handicapped, and shall conform to all Borough codes. All applicable state or county licenses and certifications of approval shall be provided to the Code Enforcement Officer as a condition of occupancy.
- (7) Signs and outdoor illumination shall be prohibited except as may be permitted under Article XIV.

C. No-impact home-based businesses. 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. The business or commercial activity must satisfy the following requirements: [Added 12-17-2002 by Ord. No. 720]

- (1) The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- (2) The business shall employ no employees other than family members residing in the dwelling.
- (3) There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- (4) There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
- (5) The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical interference, including interference with radio or television reception, which is detectable in the neighborhood.
- (6) The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
- (7) The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
- (8) The business may not involve any illegal activity.

§ 208-140. Day-care centers.

Day-care centers as defined in § 208-8 shall comply with the following regulations and standards:

- A. A lot area of not less than one and no more than four acres shall be provided for each day-care center.
- B. A lot area of not less than 500 square feet shall be provided for each child that the facility is licensed to accommodate.
- C. A lot width of 150 feet shall be provided along the ultimate right-of-way of either Walnut or Main Streets.
- D. Public water and sanitary sewer utility service shall be provided.
- E. Setbacks for buildings, parking and outdoor play areas shall comply with yards established for the district in which located, but in no event shall be less than the following:
 - (1) Front, side and rear yards shall be provided on each lot which shall be not less than 25 feet.
 - (2) Parking areas shall be set back not less than 15 feet from all property lines.
 - (3) Outdoor play areas shall be set back not less than 15 feet from all property lines, shall not be permitted within the minimum front yard and shall be set back not less than 50 feet from any property line which adjoins a residential district.
- F. See Article XVII, § 208-141 herein for additional standards of the Zoning Ordinance regarding parking and circulation.

§ 208-141. Off-street parking and loading.

Any building or other structure erected, altered or used, or any lot used or occupied, for any of the following purposes, shall be provided with minimum off-street parking spaces, as defined in Article II hereof and as set forth below, together with adequate passageways, driveways or other means of circulation and access to and from a street or way. The parking spaces together with the driveways or passageway shall be large enough to permit the circulation or turning around of vehicles on the lot so that egress to the street or way can be made front-ways to avoid backing in or onto the street or way. The standards contained in this Article may be

modified by the Borough if it is deemed necessary by any unique conditions, and at the discretion of Borough Council, in appropriate cases, the Council may permit a reduction in the number of parking spaces.

- A. Single-family, duplex, twin and two-family semidetached dwellings: two all-weather parking spaces, except as provided in § 208-142 below, for each dwelling unit on the same lot therewith.
- B. Multifamily dwellings, townhouses and accessory apartments: two all-weather parking spaces for each dwelling unit.
- C. For any of the following uses, the required parking spaces shall be at grade, all-weather and shall be located on the same lot therewith or on land adjacent thereto, except as provided in § 208-142 below:
 - (1) Automobile sales and/or leasing.
 - (a) Sale and/or leasing of automobiles; used car sales; car, truck, trailer, cycle and boat rental: one off-street parking space for each 100 square feet of gross floor area, plus one additional space for each employee.
 - (b) The above standards shall be in addition to any spaces provided for vehicles available for sales and/or leasing.
 - (2) Automobile repair or car-washing facility: one off-street parking space for each 100 square feet of gross floor area. In addition, a car-washing facility shall have a minimum of 20 vehicle waiting spaces.
 - (3) Cemetery; a burial place or graveyard, including mausoleum, crematory or columbarium: one off-street parking space for each employee and one off-street space for each four visitors in total capacity of cemetery, mausoleum, crematory or columbarium.
 - (4) Commercial school: one off-street parking space per faculty member and employee, plus one space per three students.
 - (5) Community center. Community center, adult education center or other similar facility operated by an educational, philanthropic or religious institution: one off-street parking space for each four seats provided for patron use; or at least one off-street parking space for each 50 square feet of gross floor area used or intended to be used for service to customers, patrons, clients, guests or members, whichever requires the greater number of off-street parking spaces, plus one additional space for each employee.
 - (6) Contractor offices and shops such as building, cement, electrical heating, masonry, painting and roofing: three off-street parking spaces for each four employees on the largest shift, or one off-street parking space for every 250 square feet of gross floor area, whichever is greater, plus one space for each company vehicle normally stored on the premises.
 - (7) Convenience-type retail stores with less than 10,000 square feet of floor area, open daily with extended hours of operation: one off-street parking space for each 150 square feet of gross floor area provided for patron use.
 - (8) Day-care homes, day-care centers, nursery schools or similar places giving day care to children: one parking space for each employee plus one safe drop-off space provided for each 10 children that the facility is licensed to accommodate. Each drop-off space shall conform to the dimensional standards for parking spaces.
 - (a) The drop-off area shall be located immediately adjacent to the facility. The drop-off area should be designed in such a way that pedestrians do not cross vehicular traffic lanes in any parking area or driveway. The drop-off area may be designed either as a part of the on-site parking area or as a part of the driveway providing direct access to the day-care facility.
 - (b) When the drop-off area is incorporated into the on-site parking area, the parking spaces nearest to the facility shall be designated as drop-off spaces. When the drop-off area is incorporated into a driveway, the drop-off spaces shall be a distinct and separate vehicle area 12 feet in width, exclusive of the driveway through traffic lane(s).

- (9) Eating place, restaurant. Eating place for the sale and consumption of food and beverages without drive-in service and without take-out service: one off-street parking space for each 100 square feet of total floor area devoted to patron use.
- (10) Drive-in and drive-through facilities: eating place for the sale and/or consumption of food and beverages and banking or other financial facilities with drive-in sales or service windows. In addition to required parking based on building floor area or seats, the following shall be required:
 - (a) For each sales or service window, a minimum of eight vehicle waiting spaces shall be provided away from the trafficway serving the facility.
 - (b) In addition, employee parking shall be provided at the rate of one per employee, on the largest shift.
- (11) Emergency services. Fire, ambulance, rescue and other emergency services of a municipal or volunteer nature: three off-street parking spaces for every four employees on the two major shifts at maximum employment, or four off-street parking spaces for each fire truck where no community room is a part of the building, whichever requires the greater number of parking spaces. Where a community room is provided, two off-street parking spaces for each fire truck plus one off-street parking space for each 100 square feet of gross floor area.
- (12) Entertainment, cabaret or theater. Entertainment and recreation facilities operated as a gainful business within a building: one off-street parking space for each four seats provided for patron use, or at least one off-street parking space for each 50 square feet of gross floor area used or intended to be used for service to customers, patrons, clients, guests or members, whichever requires the greater number of off-street parking spaces, plus one additional space for each employee.
- (13) Financial establishment: bank, savings and loan association, credit union and other financial establishment.
 - (a) For each drive-in teller window, a minimum of eight vehicle waiting spaces shall be provided away from the trafficway serving the facility.
 - (b) One off-street parking space for each 50 square feet of gross area used or intended to be used for servicing customers, plus one additional space for each employee.
- (14) Fraternity house, boardinghouse, dormitory or lodge: one off-street parking space for each room offered for rent or occupancy by guests. **[Amended 8-24-2004 by Ord. No. 735]**
- (15) Funeral home. Mortuary or funeral home: one off-street parking space for each four seats provided for patron use, or at least one off-street parking space for each 50 square feet of gross floor area used or intended to be used in the operation of the establishment, whichever is greater, plus one space for each employee.
- (16) Gasoline service station. Gasoline service station where any of the following items are sold: gasoline, oil, grease, batteries, tires and automobile accessories are sold at retail: six off-street parking spaces for each service bay, plus one space for each employee on the largest shift. Off-street parking spaces are not intended to be a part of, nor interfere with, the access ways to the pumps.
- (17) Home occupation, minor: two off-street parking spaces in addition to spaces otherwise required in Subsections A and B of this section.
- (18) Hospital: one off-street parking space for each patient or inmate bed, plus at least one additional off-street parking space for every two staff and visiting doctors, plus one additional space for every two employees (including nurses).
- (19) Large retail stores. Stores having more than 10,000 square feet of floor area, including all variety stores, supermarkets or department stores: 5 1/2 spaces per 1,000 square feet of commercial floor space devoted to patron use.
- (20) Library: one space per five seats or one space per 250 square feet of gross floor area where no seats are provided.

- (21) Lumberyard: three off-street parking spaces for every four employees on the two major shifts at maximum employment, but in no case less than one off-street parking space for every 300 square feet of gross floor area.
- (22) Manufacturing plants: three off-street parking spaces for every four employees on the largest shift, plus one space for each company vehicle normally stored on the premises, or one off-street parking space for every 200 square feet of gross floor area, whichever is greater, plus one space for each company vehicle normally stored on the premises
- (23) Medical office. Office or clinic for medical or dental examination or treatment of persons as out-patients, including laboratories incidental thereto: four off-street parking spaces per examining room or treatment facility, plus one additional space for each employee and staff member.
- (24) Motel, hotel; club. A building or group of buildings for the accommodation of transient guests, chiefly motorists, containing guest rooms for rent: one off-street parking space for each rental room or suite, plus one additional off-street parking space for each employee. If an additional use, such as a restaurant, is part of the hotel/motel or club use, off-street parking applicable to those uses shall be provided also.
- (25) Nursing home. Licensed nursing or convalescent home, subject to the following additional provisions: one off-street parking space for every two patients or inmate beds, plus at least one additional off-street parking space for every two staff and visiting doctors, plus one additional parking space for every two employees (including nurses).
- (26) Office. Business, professional or governmental office: one off-street parking space for each 250 square feet of gross floor area.
- (27) Place of worship: one off-street parking space for each five seats provided for patron use, or at least one off-street parking space for each 50 square feet of gross floor area used or intended to be used for service of patrons, guests or members, whichever requires the greater number of off-street parking spaces.
- (28) Plumbing shop, carpentry shop, cabinetmaking, furniture-making, upholsterer: three off-street parking spaces for every four employees on the two major shifts at maximum employment, but in no case less than one off-street parking space for every 300 square feet of gross floor area.
- (29) Printing: three off-street parking spaces for each four employees on the largest shift, or one off-street parking space for every 200 square feet of gross floor area, whichever is greater, plus one space for each company vehicle normally stored on the premises.
- (30) Private club: one off-street parking space for each 50 square feet of gross floor area used or intended to be used for service to customers, patrons, clients, guests or members, whichever requires the greater number of off-street parking spaces, plus one additional space for each employee.
- (31) Private recreational facility: one off-street parking space for each five persons of total user capacity, or at least one off-street parking space for each 50 square feet of gross floor area used or intended to be used for service to customers, patrons, clients, guests or members, whichever requires the greater number of off-street parking spaces, plus one additional space for each employee.
- (32) Repair shop. Repair shop for appliances, lawn mowers, watches, guns, bicycles, locks, small business machines, but not including automobile and motorcycle repairs: one off-street parking space for each 300 square feet of gross floor area, plus one additional space for each employee.
- (33) Research, testing or experimental laboratory: three off-street parking spaces for each four employees on the largest shift, or one off-street parking space for every 200 square feet of gross floor area, whichever is greater, plus one space for each company vehicle normally stored on the premises.
- (34) School. Religious, sectarian and non-sectarian, denominational private school, or public school which is not conducted as a private gainful business.
 - (a) Kindergarten: one off-street parking space for each faculty member and employee plus two additional spaces per classroom.

- (b) Elementary school: one off-street parking space for each faculty member and employee plus one space per two classrooms and offices.
 - (c) Junior high school: one off-street parking space for each faculty member and employee plus one space per two classrooms and offices.
 - (d) Senior high school: one off-street parking space per faculty member and employee plus one space per 10 students of projected building capacity.
 - (e) College and junior college: one off-street parking space per faculty member and employee plus one space for each 10 classroom seats, or one off-street parking space for each 10 auditorium seats, whichever requires the greater number of off-street parking spaces.
- (35) Senior citizen housing: 0.5 parking space shall be provided for each senior citizen dwelling unit plus one off-street parking space per employee/staff of the largest shift.
 - (36) Service business, including barber, beautician, laundry and dry cleaning, shoe repair, tailor, photographer, travel agency: one off-street parking space for each 100 square feet of gross area used or intended to be used for servicing customers, plus one additional space for every employee.
 - (37) Shopping center. A neighborhood shopping center, pre-planned and designed as a complex of related structures and circulation patterns: 5.5 spaces per 1,000 square feet of gross leasable floor space.
 - (38) Tavern, saloon or taproom. An establishment which serves alcoholic beverages for on-premises consumption: one off-street parking space for each 50 square feet of total floor area, plus one additional off-street parking space for each full-time employee.
 - (39) Truck and farm equipment sales: one off-street parking space for each 100 square feet of gross floor area, plus one additional space for each employee.
 - (40) Utilities. Transformer station, pumping station, relay station, towers (transmission or relay), substations, switching center, sewage treatment plant and any similar or related installation: two off-street parking spaces, or one space per employee, whichever requires the greatest number of spaces.
 - (41) Veterinary office. Office of a veterinarian with accessory animal kennel: four off-street parking spaces for each doctor plus one space for each employee.
 - (42) Wholesale business, warehouse or storage in a roofed structure: three off-street parking spaces for each four employees on the largest shift, or one off-street parking space for every 500 square feet of gross floor area, whichever is greater, plus one space for each company vehicle normally stored on the premises. If the use should change, additional parking shall be provided as required.

§ 208-142. Special parking regulations.

- A. Existing parking. Structures and uses in existence at the date of adoption of this chapter shall not be subject to the requirements of this Article so long as the kind or extent of use is not changed, provided that any parking facility now serving such structures or uses shall not, in the future, be reduced below such requirements.
- B. Conflict with other uses. No parking areas shall be used for any use that interferes with its availability for the parking need it is required to serve.
- C. Joint use. Two or more uses may provide for required parking in a common parking lot if the total space provided is not less than the sum of the spaces required for each use individually. However, the number of spaces required in a common parking facility may be reduced below this total by special exception if it can be demonstrated to the Zoning Hearing Board that the hours or days of peak parking needed for the uses are so different that a lower total will provide adequately for all uses served by the facility.
- D. Location of parking spaces. Required off-street parking spaces shall be located on the same lot or premises with the principal use served; or, where this requirement cannot be met when approved by special exception, within 300 feet of the main entrance to the principal use or building.
- E. Parking space size.

- (1) In all zoning districts the size of each parking space shall be no less than nine feet in width by 18 feet in length for ninety-degree or angle parking.
- (2) Parking spaces designed as parallel shall have a depth of no less than 22 feet.
- (3) All access ways shall be no less than 12 feet wide for single loaded parking and no less than 24 feet wide for double loaded parking.
- (4) If a permanent landscaped open buffer is provided between rows of parking spaces, then the length of adjacent spaces may be reduced to 16 feet, provided that the landscaped open buffer shall have a width of not less than five feet and be capable of accommodating vehicle overhang.

§ 208-143. Reduction of nonresidential parking facilities.

In order to prevent a greater number of parking spaces than is actually required to serve the needs of nonresidential uses, the Borough Council, after consulting with the Planning Commission and Borough Engineer, may permit a conditional reduction of parking space if the following conditions are satisfied:

- A. The design of the parking lot, as indicated on the land development plan, must designate sufficient space to meet the parking requirements of this chapter. The plan shall also illustrate the layout for the total number of parking spaces.
- B. The conditional reduction shall provide for the establishment of not less than 70% of the required number of parking spaces, as specified in this chapter. This initial phase of the parking provision shall be clearly indicated on the plan.
- C. The balance of the parking area conditionally reserved shall not include areas for required buffer yards, setbacks or areas which would otherwise be unsuitable for parking spaces due to the physical characteristics of the land or other requirements of this chapter. This parking area which is reserved shall be located and have characteristics so as to provide amenable open space should it be determined the additional parking spaces are not required. The applicant shall provide a landscaping plan for the reserved area with the land development plan.
- D. The applicant shall enter into a written agreement with the Borough that the additional parking spaces shall be provided at the applicant's or owner's expense should it be determined that the required number of parking spaces are necessary to satisfy the need of the particular land development.
- E. At the time of the above-stated agreement, the applicant or owner shall post a performance bond or other securities to cover the expense of a traffic study to be undertaken by a registered traffic engineer of the Borough's choosing who shall determine the advisability of providing the full parking requirement. The bond shall also include the estimated cost of the installation of the parking spaces. If the study determines the spaces are not needed, this money shall be refunded. Said study shall be undertaken one year after the issuance of the last occupancy permit pursuant to Subsection D above. With the recommendations of the traffic engineer, the Borough Engineer and the Planning Commission, the Borough shall determine if the additional spaces shall be provided by the applicant or if the area shall remain as open space.
- F. Land which has been determined and designated by the Borough to remain as open space rather than as required parking shall not be used to provide parking spaces for any building addition or expansion but shall remain as open space.

§ 208-144. Off-street loading.

Adequate off-street loading and unloading space with proper access from a street, highway or common service driveway shall be provided on any lot on which a building or buildings used for commercial, business, industrial or an institution, apartment house or similar use is located. All areas for loading and unloading of delivery trucks and other vehicles and for the servicing of establishments or shops by refuse collection, fuel and other service vehicles shall have adequate and unobstructed access from a street or service driveway and shall be so arranged that they may be used without blocking or otherwise interfering with the use of automobile access ways, parking facilities or pedestrian-ways. They shall also be so arranged that they may be used without backing out onto a street.

- A. For industrial uses, there shall be one loading berth for the first 15,000 square feet of gross floor area and one additional loading berth for each subsequent 12,000 square feet of gross area or fraction thereof. Each loading space shall not be less than 14 feet by 65 feet in area and may occupy all or any part of any required side or rear yard except that portion which is required to be used for buffer areas.
- B. For commercial and business uses, adequate off-street parking for the loading and unloading of goods and material shall be provided in accordance with the size and proposed use of the building. Each off-street loading space required in these areas shall be a minimum of 12 feet by 35 feet in area. The number and adequacy of such loading and unloading spaces shall be determined by the Borough Council at the time of development plan approval upon consideration of the following factors:
 - (1) Ingress and egress to an adjacent street, alley or driveway;
 - (2) Location in relation to vehicular circulation in adjacent areas; and
 - (3) The nature of the establishment and its required schedule of loading and unloading.

§ 208-145. Compliance with Subdivision and Land Development Ordinance

For any development or land development all procedural requirements in Chapter 184, Subdivision and Land Development, must be complied with prior to the issuance of any zoning permit or certificate of occupancy. Development or land development shall be considered:

- A. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
 - (1) A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots, regardless of the number of occupants or tenure; or
 - (2) Division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
- B. A subdivision of land.
- C. Development involving:
 - (1) The conversion of an existing single-family detached dwelling or single-family semidetached dwelling into not more than three residential units, unless such units are intended to be a condominium.
 - (2) The addition of any nonresidential accessory building, on a lot or lots subordinate to an existing principal building; or
 - (3) Changing or altering a nonresidential parking lot, to include adding parking, altering parking spaces or changing traffic pattern, etc.

§ 208-146. Special requirements for drive-through facilities. [Amended 8-24-2004 by Ord. No. 735]

Such use shall include cafeterias and eating establishments in which the principal business is the sale of foods and/or beverages in ready-to-consume state for consumption either within the restaurant building or for carry-out with consumption either within the restaurant building or for carry-out with consumption off the premises; or banking and financial facilities, provided that:

- A. The use must have direct access to the major streets of Main or Walnut Streets.
- B. There shall be only one point of ingress and only one point of egress to the major streets.
- C. Where a drive-through window is proposed, a separate stacking lane shall be provided to serve a minimum of eight cars. The stacking lane shall not be used for parking lot circulation aisles, nor shall it in any way conflict with through circulation or access drives.
- D. A pedestrian walkway shall be provided between an existing sidewalk and the entrance to the principal building. If there is no sidewalk, one shall be provided along the street frontage.
- E. In the case of restaurants and eating places a trash storage area shall be provided which is designed and constructed to be screened from the street and adjacent properties, to prevent trash from blowing from the area, and to permit safe and easy removal of the trash.
- F. Trash receptacles shall be provided outside the restaurant or eating place for patron use.
- G. Parking and loading spaces shall be provided in accordance with §§ 208-141 and 208-142 of this chapter.

§ 208-147. Special requirements for separate living areas when approved by special exception.

In a single-family detached, semidetached, two-family detached or two-family semidetached dwelling (as defined in Article II), one separate living area, including cooking facilities, may be provided for no more than two persons, provided that those two persons are each immediate family members of at least one of the principal occupants of the dwelling, and provided further that said use is registered with the Borough Manager, subject to deed restriction or declaration of covenants and restrictions in form acceptable to the Borough Manager, to be recorded in the office of the Recorder of Deeds, Montgomery County, to remove said cooking facilities at the time said facilities are no longer utilized by said persons related to the principal occupant as aforesaid, period of removal not to exceed 60 days. The registration shall be renewed annually. Both units shall be located within a single-family detached, semidetached, two-family detached or two-family semidetached dwelling and shall be connected internally and a common internal passage shall be maintained between the units by way of a doorway or hall.

§ 208-148. Special requirements for tattoo parlors. [Added 8-24-2004 by Ord. No. 735]

All licenses and certifications required by county or state agencies shall be disclosed and indication of compliance shall be stipulated to by applicant as part of application for special exception.

§ 208-149. Special requirements for medical center/clinic. [Added 8-24-2004 by Ord. No. 735]

- A. A medical center/clinic is a facility that requires a transfer agreement with a local hospital. A medical center/clinic shall also include any medical or dental office that operates with a walk-in business rather than strictly by appointment. A medical center/clinic shall not contain any facility that is used for emergency medical procedures that would customarily be performed in the emergency room of a hospital. A medical center/clinic shall not treat substance abuse. Facilities such as laboratories for non-patient use or training facilities are not permitted.
- B. A minimum lot size of one acre shall be required. Parking shall be provided in accordance with § 208-141C(23).

§ 208-150. Special requirements for boardinghouses. [Added 8-24-2004 by Ord. No. 735]

The maximum density shall be one boarder bedroom per 2,500 square feet of lot area, but in no event greater than six boarder bedrooms per building.

ARTICLE XVIII
Wireless Communication Facilities

§ 208-151. Wireless Communication Facilities.

A. Purpose and Intent: the purpose of this Chapter is to establish guidelines for the siting of wireless telecommunications towers and antennas and ancillary facilities. The goals of this Article are to:

- (1). Protect residential areas and land uses from potential adverse impacts of towers and antennas;
- (2). Encourage the location of towers on municipally owned property where appropriate or in other nonresidential areas;
- (3). Minimize the total number of towers throughout the Borough;
- (4). Strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers;
- (5). Ensure that all telecommunication facilities, including towers, antennas and ancillary facilities are located and designed to minimize the visual impact on the immediate surroundings and throughout the community by encouraging users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques;
- (6). Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently;
- (7). Consider the public health and safety of telecommunication towers; and
- (8). Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.
- (9) Preserve the visual character of the Borough

B. Definitions: as used in this Article are found in Article II, Definitions and Word Usage.

C. Applicability.

- (1). New Towers and Antennas. All new telecommunications towers or antennas in the Borough shall be subject to these regulations.
- (2). Preexisting Towers or Antennas. Preexisting telecommunications towers and preexisting antennas shall not be required to meet the requirements of this Article, other than the requirements of subsections (10) and (11), absent from any enlargement or structural modification or the addition of any antennas.
- (3). District Height Limitations. The requirements set forth in this Article shall govern the location of telecommunications towers that exceed, and antennas that are installed at a height in excess of, the height limitations specified for each zoning district.
- (4). Public Property. Antennas or towers located on property owned, leased or otherwise controlled by the Borough of North Wales shall be encouraged, provided a license or lease authorizing such antenna or tower has been approved by Resolution of Borough Council. Said approved publicly owned sites utilized for the purpose of constructing towers and/or antennas shall be treated as engaging in a conditional use under this Article.

- (5). Amateur Radio Station Operators/Receive Only Antennas. This Article shall not govern any tower, or the installation of any antenna, that is under 70 feet in height and is owned and operated by a federally licensed amateur radio station operator or is used exclusively for receive only antennas.
- (6). Satellite Dish Antennas. This Article shall not govern any parabolic dish antennas used for transmission or reception of radio signals associated with satellites.

D. General Requirements.

- (1). Principal or Accessory Use. Notwithstanding any other land use regulation, a different existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot. If a tower and its appurtenant structures constitute the sole use of the lot, the tower shall be deemed to be the principal use otherwise, the use shall be considered accessory.
- (2). Leased Area. For purposes of determining whether the installation of a tower or antenna complies with the zoning district in which it is located, including but not limited to setback requirements, lot-coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lot.
- (3). State or Federal Requirements. All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this Article shall bring such towers and antennas into compliance with such revised standards and regulations within 90 days of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.
- (4). Building Codes: Safety Standards. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the Electronic Industries Association and Telecommunications Industry Association, as amended from time to time. If, upon inspection, the Borough concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have 30 days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said 30 days shall constitute grounds for the removal of the tower or antenna at the owner's expense.
- (5). Colocation Required. The Borough mandates that carriers collocate antennas on towers and other structures whenever possible. See Section (208-151.G) for colocation requirements.
- (6). Land Development Plan Required. Site plan approval shall be required for all new telecommunications facilities in the Borough including modifications to or addition of new telecommunications facilities to preexisting towers, buildings or other structures.

E. Use Regulations.

- (1). Conditional Use. A wireless telecommunications facility is permitted as conditional use in the LI and CBD Zoning Districts.
- (2). Conditional Use Standards. Wireless telecommunications facilities may be permitted on the above referenced lands, provided that:
 - (a) The minimum lot size on which the telecommunications facility is to be located is at least one acre in area.

- (b) Lattice towers and any type of guyed tower are prohibited.
- (c) Telecommunications towers shall be limited to monopoles without guys designed to ultimately accommodate at least three carriers and shall meet the following height and usage criteria:
 - (i) For a single carrier, up to 75 feet in height;
 - (ii) For two or more carriers, up to 120 feet in height; and
- (3). Factors Considered in Granting Conditional Use Permits. In addition to the above standards, the approving board shall consider the following factors in determining whether to issue a conditional use permit:
 - (a) Proximity of the tower to residential structures and residential district boundaries.
 - (b) Nature of uses on adjacent and nearby properties.
 - (c) Surrounding topography.
 - (d) Surrounding tree coverage and foliage.
 - (e) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness including stealth designs which are encouraged.
 - (f) Availability of suitable existing towers, alternative tower structures, other structures or alternative technologies not requiring the use of towers or structures.
 - (g) Availability of the proposed tower to other potential carriers.

F. Site Design Standards.

- (1). New Towers.
 - (a) Telecommunications towers may not be located closer than height of the tower to any residential zone. Antennas located on preexisting buildings or structures are exempt from this requirement.
 - (b) A new telecommunications tower may not be located within 500 feet of an existing telecommunications tower.
 - (c) Fall Zone. A fall zone shall be established such that the tower is setback 100% of the height of the tower from any adjoining lot line or non-appurtenant building.
 - (d) Security Fencing. Towers shall be enclosed by security fencing not less than eight feet in height. Towers shall also be equipped with appropriate anti-climbing measures.
 - (e) Landscaping. The following requirements shall govern the landscaping surrounding towers:
 - (i) Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from property used for residences or planned residences or any other area frequented by the public. The standard buffer shall consist of a landscaped strip at least 10 feet wide outside the perimeter of the compound. However, at a minimum, the facility should be shielded from public view by evergreen trees at least eight feet high at planting and planted in staggered double rows 15 feet on center.
 - (ii) Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be a sufficient buffer.

(f) Ancillary Buildings. Any proposed building enclosing related electronic equipment shall not be more than 10 feet in height nor more than 200 square feet in area, and only one such building shall be permitted on the lot for each provider of wireless telecommunication services located on the site. Such buildings must satisfy the minimum zoning district setback requirements.

(g) Aesthetics. Towers and antennas shall meet the following requirements:

(i) Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.

(ii) At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.

(h) Lighting. No lighting is permitted except as follows, which shall be subject to review and approval by the approving board as part of the site plan application:

(i) The building enclosing electronic equipment may have one light at the entrance to the building, provided that the light is attached to the building, is focused downward and is switched so that the light is turned on only when workers are at the building; and

(ii) No lighting is permitted on a tower except lighting that specifically is required by the Federal Aviation Administration (FAA), and any such required lighting shall be focused and shielded to the greatest extent possible so as not to project towards adjacent and nearby properties.

(i) Signs/Advertising. No signs or advertising is permitted except those required by the Federal Communications Commission, the Electronic Industries Association (EIA) and/or the Telecommunication Industry Association (TIA) or by law, such as warning and equipment information signs.

(2). Antennas Mounted on Existing Structures or Rooftops.

(a) Antennas on existing structures. Any antenna, which is not attached to a tower, may be attached to any existing business, industrial, office, utility or institutional structure in the LI or CBD Zoning Districts, provided:

(i) Side- and roof-mounted personal wireless service facilities shall not project more than 10 feet above the height of an existing building or structure nor project more than 10 feet above the height limit of the zoning district within which the facility is located. Personal wireless service facilities may locate on a building or structure that is legally nonconforming with respect to height, provided that the facilities do not project above the existing building or structure height.

(ii) The antenna complies with all applicable FCC and FAA regulations.

(iii) The antenna complies with all applicable building codes.

(iv) The equipment structure shall not contain more than 200 square feet of gross floor area or be more than 10 feet in height. In addition, for buildings and structures which are less than 48 feet in height, the related unmanned equipment structure shall be located on the ground and shall not be located on the roof of the structure. If the equipment structure is located on the roof of a building, the area of the equipment structure and other equipment and structures shall not occupy more than 10% of the roof area. Equipment storage buildings, structures or cabinets shall comply with all applicable building codes.

(b) Aesthetics. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible

with the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

(3). Antennas on Existing Towers. An antenna may be attached to a preexisting tower in a nonresidential zone and, to minimize adverse visual impacts associated with the proliferation and clustering of towers, collocation of antennas by more than one carrier on existing towers shall take precedence over the construction of new towers, provided such collocation is accomplished in a manner consistent with the following:

(a) A tower which is modified or reconstructed to accommodate the collocation of an additional antenna shall be of the same tower type as the existing tower, unless reconstruction as a monopole is proposed.

(b) An existing tower may be modified or rebuilt to a taller height, not to exceed the maximum tower height established by this Article.

(c) On-site location.

G. Colocation.

(1). The Borough requires that licensed carriers share personal wireless service facilities and sites where feasible and appropriate, thereby reducing the number of personal wireless service facilities that are standalone facilities. All applicants for site plan approval for a personal wireless service facility shall demonstrate a good faith effort to collocate with other carriers. Such good faith effort includes:

(a) A survey of all existing structures that may be feasible sites for collocating personal wireless service facilities;

(b) Notification by certified mail of intent to seek site plan approval to all the other licensed carriers for commercial mobile radio services operating in the County;

(c) Sharing information necessary to determine if collocation is feasible under the design configuration most accommodating to collocation; and

(d) A copy of a proposed lease or affidavit of compliance with this Section.

(2). In the event that collocation is found to be not technically feasible, a written statement of the reasons for the unfeasibility shall be submitted to the Borough. The Borough may retain a technical expert in the field of RF engineering to verify if collocation at the site is not feasible or is feasible given the design configuration most accommodating to collocation. The cost for such a technical expert will be at the expense of the applicant. The municipality may deny approval to an applicant that has not demonstrated a good faith effort to provide for collocation.

(3). If the applicant does intend to collocate or to permit collocation, plans and elevations, which show the ultimate appearance and operation of the personal wireless service facility at full build-out shall be submitted.

H. Location Priorities. Wireless telecommunication facilities shall be located and approved in accordance with the following prioritized locations:

(1). The first priority shall be a wireless communications facility utilizing stealth design.

(2). The second priority shall be a location on an existing tower owned by a public or private utility within or near the Borough.

(3). The third priority shall be a location on an existing building in the LI Zoning District.

(4). The fourth priority shall be new towers on lands owned or not owned by the Borough in the LI or CBD Zoning Districts.

I. Site Plan Submission Requirements. In addition to the site plan submission requirements of the development regulations, the following information shall be submitted in conjunction with site plan approvals for all wireless telecommunication facilities:

(1). Comprehensive Service Plan: In order to provide proper evidence that any proposed location of wireless telecommunications antennas (and any supporting tower and/or ancillary building enclosing related electronic equipment) has been planned to result in the fewest number of towers within the Borough at the time full service is provided by the applicant throughout the municipality, the applicant shall submit a comprehensive service plan. Said comprehensive service plan shall indicate how the applicant proposes to provide full service throughout the municipality and, to the greatest extent possible, said service plan shall also indicate how the applicant's plan is coordinated with the needs of all other providers of telecommunication services within the Borough of North Wales. The comprehensive service plan shall indicate the following:

(a) Whether the applicant's subscribers can receive adequate service from antennas located outside of the borders of the Borough.

(b) How the proposed location of the antennas relates to the location of any existing towers within and/or near the Borough.

(c) How the proposed location of the antennas relates to the anticipated need for additional antennas and supporting towers within and/or near the Borough by both the applicant and by other providers of telecommunication services within the Borough of North Wales.

(d) How the proposed location of the antennas relates to the objective of collocating the antennas of different service carriers on the same tower.

(e) How the proposed location of the antennas relates to the overall objective of providing full telecommunication services within the Borough while, at the same time, limiting the number of towers to the fewest possible.

(2). A scaled site plan clearly indicating the location, type and height of the proposed tower, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities), and all properties within the applicable fall zone, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and any other structure, topography, parking and other information deemed by the Borough Council to be necessary to assess compliance with this Article.

(3). Legal description of the entire tract and leased parcel (if applicable).

(4). The setback distance between the proposed tower and the nearest residential unit and residentially zoned properties.

(5). The separation distance from other towers and antennas.

(6). A landscape plan showing specific landscape materials including, but not limited to, species type, and size, spacing and existing vegetation to be removed or retained.

(7). Method of fencing and finished color and, if applicable, the method of camouflage.

(8). A description of compliance with all applicable federal, state or local laws.

(9). A notarized statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennas for future users.

(10). Identification of the entities providing the backhaul network for the tower(s) described in the application and other telecommunication sites owned or operated by the applicant in the municipality.

(11). A letter of commitment to lease excess space to other potential users at prevailing market rates and conditions. The letter of commitment shall be in form suitable for recording with the County Recorder of Deeds prior to the issuance of any permit and shall commit the tower owner(s), property owner(s) and their successors in interest.

(12). A visual impact study containing, at a minimum, a photographic simulation showing the appearance of the proposed tower, antennas, and ancillary facilities from at least five points within a three mile radius. Such points shall be chosen by the carrier with review and approval by the approving board or designee to ensure that various potential views are represented.

(13). An analysis of the RFR levels at the facility as a means of assessing compliance with the FCC RF safety criteria. This analysis shall:

(a) Take into consideration all collocated radio transmitting antennas and/or nearby antennas that could contribute to RFR levels at the facility.

(b) Be performed by a RF engineer, health physicist or similar knowledgeable individual.

(c) Follow current methods recommended by the FCC for performing such analyses.

J. Monitoring and Maintenance.

(1). After the wireless telecommunications facility is operational, the applicant shall submit, within 90 days of beginning operations, and at annual intervals from the date of issuance of the building permit, existing measurements of RFR from the wireless telecommunications facility. Such measurements shall be signed and certified by a RF engineer, stating that RFR measurements are accurate and meet FCC Guidelines as specified in the radio frequency standards section of this Chapter.

(2). The applicant and co-applicant shall maintain the personal wireless service facility in good condition. Such maintenance shall include, but shall not be limited to, painting, structural integrity of the mount and security barrier, and maintenance of the buffer areas and landscaping.

K. Abandonment or Discontinuation of Use.

(1). At such time that a licensed carrier plans to abandon or discontinue operation of a personal wireless service facility, such carrier shall notify the Borough Manager by certified U.S. Mail of the proposed date of abandonment or discontinuation of operations. Such notice shall be given no less than 30 days prior to abandonment or discontinuation of operations. In the event that a licensed carrier fails to give such notice, the wireless telecommunications facility shall be considered abandoned upon discontinuation of operations.

(2). Upon abandonment or discontinuation of use, at the option of the municipality, the carrier shall physically remove the personal wireless service facility within 90 days from the date of abandonment or discontinuation of use. "Physically remove" shall include, but not limited to:

(a) Removal of antennas, mount, equipment shelters and security barriers for the subject property.

(b) Proper disposal of the waste materials from the site in accordance with local, county and state solid waste disposal regulations.

(c) Restoring the location of the personal wireless service facility to its natural condition, except that any landscaping and grading shall remain in the after-condition.

(3). If a carrier fails to remove a personal wireless service facility in accordance with this Article, the municipality shall have the authority to enter the subject property and physically remove the facility. The approving board will require the applicant to post a bond at the time of approval to cover costs for the removal of the personal wireless service facility in the event the municipality must remove the facility.

ARTICLE XIX

Signs

§ 208-152. Purpose & Intent

It is recognized that signs perform an important function in identifying properties, businesses, services, residences, events, and other matters of interest to the public. The intent of this Article is to regulate all signs within the Borough to ensure they are appropriate for their respective uses and in keeping with the appearance of the affected property and surrounding environment and to protect the public health, safety, and general welfare by:

- A. Setting standards and providing controls that permit reasonable use of signs and enhance the character of the Borough.
- B. Prohibiting the erection of signs in such numbers, sizes, designs, and locations as may create a hazard to pedestrians and motorists.
- C. Avoiding excessive competition for large or multiple signs, so that permitted signs provide adequate identification and direction while minimizing clutter, unsightliness, and confusion.
- D. Establishing a process for the review and approval of sign permit applications.
- E. Ensuring sign design that builds on the traditional town image and visual environment the Borough seeks to promote.

§ 208-153. Prohibited Signs

The following signs are unlawful and prohibited:

- A. Abandoned signs and abandoned billboards.
- B. Snipe signs. Signs shall only be attached to utility poles in conformance with state and utility regulations and the requirements of this Chapter.
- C. Vehicle signs. This regulation does not include the use of business logos, identification or advertising on vehicles primarily and actively used for business purposes and/or personal transportation.
- D. Mechanical movement signs, including revolving signs.
- E. Pennant strings and streamers.
- F. Animated signs, flashing signs, or signs that scroll or flash text or graphics.
- G. Inflatable devices or balloon signs, with the exception of balloons used in temporary, non-commercial situations.
- H. Any signs that imitate, resemble, interfere with, or obstruct official traffic lights, signs, or signals.
- I. Signs which prevent free ingress or egress from any door, window, fire escape, or that prevent free access from one part of a roof to any other part. No sign other than a safety sign shall be attached to a standpipe or fire escape.
- J. Signs which emit smoke, visible vapors, particulate matter, sound, odor or contain open flames.
- K. Reflective signs or signs containing mirrors.
- L. Interactive signs.
- M. Signs incorporating beacon or festoon lighting.
- N. Any banner or sign of any type suspended across a public street, without the permission of the owner of the property or road.
- O. Roof signs.

- P. Unofficial signs on Borough property.
- Q. Signs erected without the permission of the property owner.
- R. Any sign containing information which states or implies that a property may be used for any purpose not permitted under the provisions of the Borough Zoning Ordinance.
- S. Signs that exhibit statements, words, or pictures of obscene or pornographic subjects as determined by the Borough.
- T. Any sign that promotes illegal activity.

§ 208-154. Signs Exempt from Permit Requirements

The construction or display of the following sign types will be permitted without a permit. Exempt signs shall, however, conform to all other applicable regulations:

- A. Official traffic signs.
- B. Government/regulatory signs.
- C. Signs inside a building, or other enclosed facility, that are not meant to be viewed from the outside.
- D. Holiday and seasonal decorations.
- E. Personal expression signs, provided that they are non-commercial in nature, not illuminated, and are either freestanding, wall, or window signs. Such signs may not exceed three (3) sq. ft. and, in the case of freestanding signs, may not exceed four (4) feet in height.
- F. Address signs - Up to two (2) signs indicating address, number and/or name of occupants of the premises that do not exceed two (2) sq. ft. in area per side, and do not include any commercial advertising or other identification.
- G. Menu signs - One (1) sign displaying the menu of a sit-down restaurant, not to exceed two (2) sq. ft. in area.
- H. Public signs - Signs erected or required by government agencies or utilities, including traffic, utility, safety, railroad crossing, and identification signs for public facilities.
- I. Signs or emblems of a religious, civil, philanthropic, historical or educational organization that do not to exceed four (4) sq. ft. in area.
- J. Private Drive Signs - One (1) sign per driveway entrance, not to exceed two (2) sq. ft. in area.
- K. Security and Warning Signs – One (1) sign not to exceed two (2) sq. ft. in area. These limitations shall not apply to the posting of conventional “no trespassing” signs in accordance with state law.
- L. Flags:
 - (1) *Location.* Flags and Flagpoles shall not be located within any required yard setbacks.
 - (2) *Height.* Flags shall be limited in height to 30 feet above grade level.
 - (3) *Number.* No more than two (2) flags per lot in residential districts, no more than three (3) flags per lot in all other districts.
 - (4) *Size.* Maximum flag size is 24 sq. ft. in residential districts, 35 sq. ft. in all other districts.
 - (5) Flags containing commercial messaging may be used as a permitted freestanding or projecting sign, and, if so used, the area of the flag shall be included in, and limited by the computation of allowable area for signs on the property.
- M. Legal notices.
- N. Incidental window signs.
- O. Vending machine signs.
- P. Memorial signs, public monument or historical identification sign erected by the Borough, including plaque signs up to one (1) sq. ft. in area.
- Q. Signs which are a permanent architectural feature of a building or structure, existing at the time of adoption of this ordinance.
- R. Signs advertising the variety of crop growing in a field. Such signs shall be removed after the growing season.

- S. Incidental signs.
- T. Directional signs.
- U. Art and Murals, provided such sign does not contain a commercial message
- V. Temporary signs in accordance with §208-158, Regulations by Sign Type (Temporary Signs).

§ 208-155. General Regulations

A. Nuisance. No sign shall create a public nuisance by emitting smoke, visible vapors, particulate matter, sound, odor or open flames.

B. Sign location.

- (1) No sign shall be placed in such a position as to endanger pedestrians or traffic on a street by obscuring the view or by interfering with official street signs or signals by virtue of position or color.
- (2) No sign, except official traffic signs or those approved by the Borough, is permitted within the cartway of the right-of-way.
- (3) No projecting sign shall extend into the cartway of the right-of-way, or be less than eight (8) feet above a pedestrian way.
- (4) No freestanding sign may occupy an area designated for parking, loading, walkways, driveways, fire lane, easement, cartway of the right-of-way or other areas required to be unobstructed.
- (5) No freestanding sign may occupy a sight triangle.
- (6) Awnings and/or canopies shall not extend into the street right-of-way.
- (7) No signs shall be erected or maintained so as to prevent free ingress and egress to or from any door, window, or fire escape. No sign other than a safety sign shall be attached to a standpipe or fire escape.
- (8) Signs and their supporting structures shall maintain clearance and noninterference with all surface and underground utility and communications lines or equipment.

C. Sign Materials & Construction. Every sign permitted in this Section shall be constructed of durable materials, using non-corrosive fastenings, shall be structurally safe, and erected or installed in strict accordance with the PA Uniform Construction Code, and shall be maintained in safe condition and good repair at all times so that all sign information is clearly legible.

D. Sign Area.

- (1) The “area of a sign” shall mean the area of all lettering, wording and accompanying designs, logos and symbols, together with the background on which they are displayed, whether open or enclosed. The area of a sign shall not include any supporting framework, bracing or trim which is incidental to the display, provided that it does not contain any lettering, wording, or symbols.
- (2) Where the sign consists of individual letters, designs, or symbols attached to a building, awning, wall, or window, the area shall be that of the smallest rectangle which encompasses all of the letters, designs, and symbols.
- (3) Signs may be multi-sided. In determining the area of a multi-sided sign, only one side shall be considered, provided that the faces are not more than 18 inches apart. Where the faces are not equal in size, the larger sign face shall be used as the basis for calculating sign area. When the interior angle formed by the faces of a multi-sided sign is greater than 45 degrees, or the faces are greater than 18 inches apart, all sides of such sign shall be considered in calculating the sign area.
- (4) Signs that consist of, or have attached to them, one or more three-dimensional or irregularly-shaped objects, shall have a sign area of the sum of two adjacent vertical sign faces of the smallest cube encompassing the sign or object.
- (5) If elements of a sign are movable or flexible, such as a flag or banner, the measurement is taken when the elements are fully extended and parallel to the plane of view.

E. Sign Height.

- (1) Sign height shall be measured as the distance from the highest portion of the sign to the mean finished grade of the street closest to the sign. In the case of a sign located greater than 100 feet from a public street, height shall be measured to the mean grade at the base of the sign.
- (2) All wall, projecting, awning, and canopy signs shall have a maximum height equal to the bottom of the second story window sign or the eaveline, whichever is lower.
- (3) All marquee signs shall have a maximum height equal to the eaveline.
- (4) Clearance for freestanding and projecting signs shall be measured as the smallest vertical distance between finished grade and the lowest point of the sign, including any framework or other structural elements.

F. Sign Spacing. The spacing between sign structures shall be measured as a straight-line distance between the edges of each sign face closest to each other.

G. Sign Illumination.

- (1) Signs may be illuminated, unless otherwise specified herein, consistent with the following standards:
 - a. Location/Allowed Illumination Standards by Location.
 - i. Residential – No Illumination (Excludes institutional and government uses)
 - ii. Business Districts – External Illumination, Internal Illumination when in accordance with the provisions of this Chapter
 - iii. Industrial District – External Illumination, Internal Illumination
 - iv. Off-Premises – External Illumination, Internal Illumination
 - b. Illumination by Sign Type.
 - i. Temporary Signs – No Illumination
 - ii. Portable Signs – No Illumination
 - c. Light sources to illuminate signs shall neither be visible from any street right-of-way, nor cause glare hazardous to pedestrians or vehicle drivers or so as to create a nuisance to adjacent properties. All ground-mounted lighting fixtures must be obscured by landscaping or architectural features such as walls.
- (2) Types of Illumination: Where permitted, illumination may be:
 - a. *External*: Externally illuminated signs, where permitted, are subject to the following regulations:
 - i. The source of the light must be concealed by translucent covers.
 - ii. External illumination shall be by a steady, stationary light source, shielded and directed solely at the sign. The light source must be static in color
 - b. *Internal*: Internally illuminated signs, where permitted, are subject to the following regulations:
 - i. Neon lighting or other visible light emanating gas tubes may be used only for signs located in non-residential districts and shall not exceed ten (10) percent of the sign area for any given sign.
 - ii. Internal illumination must be static in intensity and color.
- (3) Electrical Standards.
 - a. Permits for illuminated signs will not be issued without an approved electrical permit. Applications for electrical permits shall be filed at the same time as the sign permit application.
 - b. All work shall be completed in full compliance with the Borough Electrical Code as set forth in the PA Uniform Construction Code.
 - c. The electrical supply to all exterior signs, whether to the sign itself or to lighting

fixtures positioned to illuminate the sign, shall be provided by means of concealed electrical cables. Electrical supply to freestanding signs shall be provided by means of underground cables.

- (4) Glare Control. Glare control shall be achieved primarily through the use of such means as cutoff fixtures, shields, and baffles, and appropriate application of fixture mounting height, wattage, aiming angle, and fixture placement. Vegetation screens shall not be employed to serve as the primary means for controlling glare.

§ 208-156. Regulations by Sign Type (On-Premises Signs)

A. Wall Signs.

1. No portion of a wall sign shall be mounted less than eight (8) feet above the finished grade or extend more than twelve (12) inches from the building wall on which it is affixed. If the wall sign projects less than three (3) inches from the building wall on which it is affixed, the eight-foot height requirement need not be met.
2. Illumination. Wall signs may be illuminated subject to the regulations in §208-155.G. Sign Illumination.
3. Sign Height.
 - a. No portion of a wall sign shall extend vertically higher than the bottom of the second story window sill or the eaveline, whichever is lower.

B. Window Signs.

1. Incidental window signs displaying pertinent business information such as the business' hours of operation and credit cards accepted, shall be excluded from area calculations for window signs.
2. Illumination. Window signs may be illuminated subject to the regulations in §208-155.G. Sign Illumination.

C. Projecting Signs.

1. No portion of a projecting signs shall project more than four (4) feet from the face of the building.
2. The outer-most portion of a projecting sign shall project no closer than five (5) feet from a curbline or shoulder of a public street.
3. Illumination. Projecting signs may be illuminated subject to the regulations in §208-155.G. Sign Illumination.
4. Sign Height.
 - a. No portion of a projecting signs shall extend vertically higher than the bottom of the second story window sill or the eaveline, whichever is lower.
 - b. The lowest edge of a projecting sign shall be at least eight (8) feet above the finished grade.

D. Canopy or Awning Signs.

1. A canopy or awning without lettering or other advertising shall not be regulated as a sign.
2. Canopy or awning signs must be centered within or over architectural elements such as windows or doors.
3. No awning or canopy sign shall be wider than the building wall or tenant space it identifies.
4. Sign Placement.
 - a. Letters or numerals shall be located only on the front and side vertical faces of the awning or canopy.
 - b. Logos or emblems are permitted on the top or angles portion of the awning or canopy up to a maximum of three square feet. No more than one emblem or logo is permitted on any one awning or canopy.
5. Illumination.
 - a. External illumination from above

6. Sign Height.

- a. No portion of an awning or canopy sign shall extend vertically above the eaveline.
- b. The lowest edge of the canopy or awning sign shall be at least eight (8) feet above the finished grade.

7. Any ground-floor awning projecting into a street right-of-way must be retractable.

8. Awnings above the ground floor may be fixed, subject to a maximum projection of four (4) feet from the face of the building.

9. Multi-tenant Buildings. If the awning or canopy sign is mounted on a multi-tenant building, the awning or canopy sign shall be similar in terms of height, projection, and style to all tenants in the building.

E. Marquee Signs.

1. Such signs shall be located only above the principal public entrance of a building facing a public street.
2. No marquee shall be wider than the entrance it serves, plus two (2) feet on each side thereof.
3. No marquee shall extend closer to the curb than three (3) feet.
4. Illumination. Marquee signs may be illuminated subject to the regulations in §208-155.G. Sign Illumination.
 - a. Electronic message center signs and digital displays shall be permitted as part of a marquee sign, subject to the regulations in §208-155.G. Sign Illumination.
5. Sign Height.
 - a. No portion of a marquee sign shall extend vertically above the eaveline.
 - b. The lowest edge of the marquee sign shall be at least ten (10) feet above the finished grade.

F. Freestanding Signs.

1. The lowest edge of any freestanding pole sign shall be either less than four (4) feet or greater than seven (7) feet above the ground.
2. Freestanding ground signs (i.e., monument signs) shall be supported and permanently placed by embedding, anchoring, or connecting the sign in such a manner as to incorporate it into the landscape or architectural design scheme.
3. Illumination. Freestanding signs may be illuminated subject to the regulations in §208-155.G. Sign Illumination.

G. Manual Changeable Copy Signs

1. Manual changeable copy signs are permitted only when integrated into a freestanding, marquee, or portable sign.
2. Commercial messages must advertise only goods and services available on the premises.
3. The changeable portion of the sign shall not exceed 40% of the total allowable sign face area for any single on-premises freestanding sign.

§ 208-157. Regulations by Sign Type (Off-Premises Signs)

A. Locations Permitted.

1. Off premises signs are permitted in the following locations:
 - a. Limited Industrial District
 - b. Commercial Business District

2. Off-premises signs are subject to the following regulations.

B. Sign Size. An off-premises advertising sign shall not have a sign area greater than 150 sq. ft.

C. Height and Location of Sign.

1. The Copy Area of any off-premises sign shall not exceed 20 feet in length or be greater than 12 feet in height above ground elevation.

D. Spacing.

1. May not be located closer than 25 feet from any street measured from the ultimate right-of-

way of such street.

2. May not be located closer than 25 feet from any property line
3. May not be located within 50 feet of any building, structure, or on-premises sign located on the same property.
4. May not be located closer than 500 feet from another off-premises sign on either side of the road measured linearly.
5. May not be located within 500 feet of any intersection, interchange, or safety rest area.
6. May not be permitted within 1,000 feet of any property line abutting a public park, playground, religious institution, cemetery, school, or residential district.
7. No off-premises sign shall be attached to the external wall or otherwise affixed to any part of any building and shall not extend over any public property or right-of-way.

E. Number of Signs per Lot. There shall be no more than one off-premises sign per lot.

F. Content. Off-premises signs shall not display any message or graphic of an obscene nature as determined by the Borough.

G. Multi-Sided Off-Premises Signs. Signs may be single or double sided, in accordance with §208-155.D.3.

H. Message Sequencing. Message sequencing is prohibited.

I. Identification of Sign Owner. All off-premises signs shall be identified on the structure with the name, address and phone number of the owner of such sign.

J. Additional Regulations. All off-premises signs shall comply with any and all applicable zoning regulations of Borough, and any and all municipal, state and/or federal regulations.

K. Illumination and Changeable Copy of Off-Premises Signs.

1. Off-premises signs may be illuminated, provided that:

- a. All light sources shall be designed, shielded, arranged, and installed to confine or direct all illumination to the surface of the billboard and away from adjoining properties. Light sources shall not be visible from any street or any adjoining properties.
- b. Off-premises signs are in accordance with the lighting requirements established in §208-155.G.

L. Safety. In applying for special exception relief, the applicant bears the burden of proof to establish that the proposed off-premises sign will not create a public health or safety hazard in the matter and location that it is proposed and in the manner by which it is to be operated.

§ 208-158. Regulations by Sign Type (Temporary Signs)

A. Temporary Signs, as defined in this Section, located on private property, are exempt from standard permit requirements; however they are required to comply with the regulations set forth below. The requirements listed below shall apply to both commercial and non-commercial signs, unless otherwise stated within a particular subsection.

B. Size and Number:

1. Non-Residential Zones:

a. Large Temporary Signs: One (1) large temporary sign is permitted per property in all non-residential zones.

(i) Type: Ground, window, and banner signs.

(ii) Area: Each large temporary sign shall have a maximum area of 16 sq. ft.

(iii) Height:

a. Temporary Ground signs shall have a maximum height of eight (4) feet.

b. Banner signs shall hang at a height no greater than 24 feet.

b. Small Temporary Signs: In addition to the large temporary sign(s) outlined above, two (2) small temporary signs are permitted per property in all nonresidential zones.

(i) Type: Ground, window, and banner signs

(ii) Area: Each small temporary sign shall have a maximum area of four (4) sq. ft.

(iii) Height: Small temporary signs shall have a maximum height of six (3) feet.

c. No more than two (2) temporary signs are permitted at the same time on any one property.

2. Residential Zones:

b. Small Temporary Signs: One (1) small temporary sign is permitted per property.

(i) Type: Ground, window, and banner signs

(ii) Area: Each small temporary sign shall have a maximum area of four (4) sq. ft.

(iii) Height: Small temporary signs shall have a maximum height of three (3) feet.

C. Duration and Removal:

1. Temporary Banner signs that are commercial in nature, including but not limited to advertising grand openings, festivals, carnivals, garage/yard sales, and other sales signs, are allowed to be displayed no more than two (2) times per year, for not more than 30 consecutive days, in that year.
2. All temporary signs shall be removed by the sign owner within ten (10) days after the occurrence of the event.
3. The Borough or property owner may confiscate signs installed in violation of this chapter and dispose of it. The property owner is not responsible for notifying sign owners of confiscation of an illegal sign.

D. Permission

1. The party posting the temporary sign is solely responsible for obtaining the permission of the property owner before posting their temporary sign.

E. Borough Notification

1. Temporary signs are exempt from the standard permit requirements but the Borough must be notified of the location, size, and timing associated with any temporary sign that is larger than four (4) square feet in size. This notification must include a contact person's name, address and telephone number.

F. Installation and Maintenance

1. All temporary signs must be installed such that in the opinion of the Borough's Building Official, they do not create a safety hazard.
2. All temporary signs must be made of durable materials and shall be well-maintained.
3. Temporary signs that are frayed, torn, broken, or that are no longer legible will be deemed unmaintained and required to be removed.

G. Illumination: Illumination of any temporary sign is prohibited.

§ 208-159. Regulations by Sign Type (Portable Signs)

A. General Provisions.

1. Illumination: Illumination of any portable sign is prohibited.
2. Hours of Display.
 - a. Signs shall not be displayed on any premises before 6:00 AM and shall be removed each day at or before 10:00 PM. However, all portable signs must be taken in during hours of non-operation of the business being advertised.
 - b. All portable signs must be taken in during inclement weather.

B. Sandwich Board or A-frame Signs.

1. Number: One (1) sandwich board sign is permitted per establishment.
2. Area: Each sign shall have a maximum area of seven (7) sq. ft. per sign face.
3. Height: Signs shall have a maximum height of three and one-half (3.5) feet.
4. Sign Placement.

- a. If a sign is located on a public or private sidewalk, a minimum of 36 inches of unobstructed sidewalk clearance must be maintained between the sign and any building or other obstruction.
- b. The sign must be located on the premises, and within 12 feet of the primary entrance, of the establishment it advertises.
- c. Portable signs shall be weighted, temporarily secured, or strategically placed so as to avoid being carried away by high winds.

5. Manual Changeable Copy.

- a. Manual changeable copy signs are permitted when integrated into a sandwich board sign.
- b. Commercial messages must advertise only goods and services available on the premises.

B. Vehicular Signs and Mobile Billboards: Vehicular Signs and Mobile Billboards are subject to the regulations found in Pennsylvania Vehicle Code.

§ 208-160. Signs in Residential Districts

In addition to the exempt signs described in §208-154. Exempt Signs, the following numbers and types of signs may be erected in the AA Residential District, A Residential District, and C Residential District, subject to the conditions specified here and in Sections 208-155 through 208-158.

A. Any temporary sign as defined and regulated in Section 9. Regulations by Sign Type (Temporary Signs).

B. Home Occupations.

- 1. One (1) freestanding sign shall be permitted subject to the following regulations.
 - a. Area: Each sign shall have a maximum area of six (6) sq. ft. per sign face.
 - b. Height: Signs shall have a maximum height of seven (7) feet.

- 2. One (1) wall or projecting sign shall be permitted, up to two (2) square feet in area.

C. Freestanding signs for residential developments containing more than ten units shall be permitted subject to the following regulations.

- 1. Number: One (1) sign per street frontage.
- 2. Area: Each sign shall have a maximum area of 15 sq. ft. per sign face.
- 3. Height: Signs shall have a maximum height of ten (10) feet.

D. Institutional uses, including schools, churches, municipal buildings, hospitals, clubs or other institutions of a similar nature.

- 1. Two (2) freestanding sign shall be permitted subject to the following regulations.
 - a. Area: Each sign shall have a maximum area of 15 sq. ft. per sign face.
 - b. Height: Signs shall have a maximum height of ten (10) feet.
- 2. One (1) wall or projecting sign shall be permitted, up to ten (10) square feet in area.
- 3. Illumination:
 - i. Internal or external illumination of institutional signs is permitted subject to the regulations found in §208-155.G. Sign Illumination.
 - ii. Message center signs are permitted subject to the regulations found in §208-155.G. Sign Illumination.

E. Summary Table for Signs in Residential Districts.

| | | Residential Districts | |
|-----------|------------------------|--|---|
| | | Wall and Projecting | Freestanding |
| Standards | Maximum Number | Home Occupations: 1 per lot Institutional Uses: 1 per lot | Home Occupations: 1 per lot Residential Developments: 1 per lot Institutional Uses: 2 per lot |
| | Maximum Area (sq. ft.) | Home Occupations: 2 Institutional Uses: 10 | Home Occupations: 6 Residential Developments: 15 Institutional Uses: 15 |
| | Maximum Height | The eave line or the bottom of the second story window sill, whichever is lower. | Home Occupations: 7 ft. Residential Developments: 10 ft. Institutional Uses: 10 ft. |

§ 208-161. Signs in Business District

In addition to the exempt signs described in §208-154. Exempt Signs, the following numbers and types of signs may be erected in the Commercial Business District (CBD), Office Residential District(OR) and Transit Oriented Development District (TOD), subject to the conditions specified here and in Sections 208-155 through 208-158.

- A. Any sign permitted in residential districts, for the appropriate uses.
- B. Portable signs shall be permitted subject to the provisions of §208-159. Regulations by Sign Type (Portable Signs).
- C. The total area of all permitted sign types for non-residential uses shall be limited to two (2) square feet per one (1) linear foot of building frontage that faces a public street or parking lot, subject to maximum size limitations based on sign type.
- D. Wall signs for non-residential uses shall be permitted subject to the following regulations.
 - 1. Number: One (1) sign per tenant per street frontage, up to a maximum of two (2) signs per tenant. Where a corner storefront faces a street and a parking lot, a second sign is permitted to face the parking lot.
 - 2. Area: Each sign shall have a maximum area of 24 sq. ft. per sign face.
 - 3. Illumination: The following illumination types shall be permitted subject to the regulations in §208-155.G. Sign Illumination.
 - a. External illumination from above.
 - b. Halo illumination or back lit letters.
 - c. Neon Signs
- E. Window signs for non-residential uses shall be permitted subject to the following regulations.
 - 1. Area: A maximum of 15% of the total window area of any single storefront may be used for permanent signs that are etched, painted, or permanently affixed to the window. A maximum of 25% of the total window area of any single storefront may be covered by a combination of permanent and temporary window signs.
 - 2. Illumination: The following illumination types shall be permitted subject to the regulations in

§208-155.G. Sign Illumination. a. Neon signs.

F. Projecting signs for non-residential uses shall be permitted subject to the following regulations.

1. Number: One (1) sign per ground floor establishment, plus one (1) sign per building entrance serving one or more commercial tenants without a ground floor entrance.
2. Area: Each sign shall have a maximum area of twelve (12) sq. ft. per sign face.
3. Illumination: The following illumination types shall be permitted subject to the regulations in §208-155.G. Sign Illumination.
 - a. External illumination from above.
 - b. Neon signs.

G. Canopy or awning signs for non-residential uses shall be permitted subject to the regulations established in §208-156. Regulations by Sign Type (On-Premises).

1. Illumination: The following illumination types shall be permitted subject to the regulations in §208-155.G. Sign Illumination.
 - a. External illumination from above.

H. Marquee signs for non-residential uses shall be permitted subject to the following regulations.

1. Number: One (1) marquee structure per movie theatre, performing arts center, cinema, or other similar use.
2. Area: The total area of signs on a single marquee structure shall not exceed 150 sq. ft. in area.
3. Illumination: The following illumination types shall be permitted subject to the regulations in §208-155.G. Sign Illumination.
 - a. Internal illumination.
 - b. Message center signs.

I. No freestanding signs are permitted.

J. Summary Table for Signs in Main Street Districts.

| | | Main Street Districts | | | |
|-----------|-------------------------|--|--|---|--------------|
| | | Wall, Awning/Canopy, and Marquee | Projecting | Window | Freestanding |
| Standards | Maximum Number | Based on sign type (See §208-161). | 1 per ground floor establishment, plus 1 per building entrance serving tenants without a ground floor entrance | N/A | Prohibited |
| | Maximum Area | 2 sq. ft. per linear ft. of building frontage facing a public street, subject to maximum size limitations based on sign type | | | Prohibited |
| | Maximum Height | The eave line or the bottom of the second story window sill, whichever is lower. | | N/A | Prohibited |
| | Additional Requirements | See §208-161. | See §208-161. | 15% of total window area (permanent signs); 25% total window area (all signs) | Prohibited |

§ 208-162. Signs in Industrial Districts

Except as noted below, the following numbers and types of signs may be erected in any industrial district or the Limited Industrial District (LI) subject to the conditions specified here and in Sections 208-155 through 208-158.

- A. Any sign permitted in residential districts, for the appropriate uses.
- B. Portable signs shall be permitted subject to the provisions of §208-159. Regulations by Sign Type (Portable Signs).
- C. The total area of all permitted sign types for non-residential uses shall be limited to one and a half (1.5) square feet per one (1) linear foot of building frontage that faces a public street or parking lot, subject to maximum size limitations based on sign type.
- D. Wall signs for non-residential uses shall be permitted subject to the following regulations.
 - 1. Number: One (1) sign per tenant per street frontage, up to a maximum of two (2) signs per tenant. Where a corner storefront faces a street and a parking lot, a second sign is permitted to face the parking lot.
 - 2. Area: Each sign shall have a maximum area of 32 sq. ft. per sign face.
 - 3. Illumination: The following illumination types shall be permitted subject to the regulations in §208-155.G. Sign Illumination.
 - a. Internal illumination.
 - b. External illumination from above.
 - c. Halo-lit or back lit letters.
 - d. Neon signs.
- E. Window signs for non-residential uses shall be permitted subject to the following regulations.
 - 1. Area: A maximum of 25% of the total window area of any single storefront may be used for permanent signs that are etched, painted, or permanently affixed to the window. A maximum of 35% of the total window area of any single storefront may be covered by a combination of permanent and temporary window signs.
 - 2. Illumination: The following illumination types shall be permitted subject to the regulations in §208-155.G. Sign Illumination. a. Neon signs.
- F. Projecting signs for non-residential uses shall be permitted subject to the following regulations.
 - 1. Number: One (1) sign per ground floor establishment, plus one (1) sign per building entrance serving one or more commercial tenants without a ground floor entrance.
 - 2. Area: Each sign shall have a maximum area of twenty (20) sq. ft. per sign face.
 - 4. Illumination: The following illumination types shall be permitted subject to the regulations in §208-155.G. Sign Illumination.
 - a. External illumination from above.
 - b. Neon signs.
- G. Canopy or awning signs for non-residential uses shall be permitted subject to the regulations established in §208-156. Regulations by Sign Type (On-Premises).
 - 1. Illumination: The following illumination types shall be permitted subject to the regulations in §208-155.G. Sign Illumination.
 - a. External illumination from above.
- H. Marquee signs for non-residential uses shall be permitted subject to the following regulations.
 - 1. Number: One (1) marquee structure per movie theatre, performing arts center, cinema, or other similar use.
 - 2. Area: The total area of signs on a single marquee structure shall not exceed 200 sq. ft. in area.
 - 3. Illumination: The following illumination types shall be permitted subject to the regulations in §208-155.G. Sign Illumination.
 - a. Internal illumination.

b. Message center signs.

c. Digital displays.

I. Freestanding signs for non-residential uses shall be permitted subject to the following regulations.

1. *Number:* One (1) sign per street frontage, up to two (2) signs per property held in single and separate ownership.
2. *Area:* Each sign shall have a maximum area of 50 sq. ft. plus an additional 10 sq. ft. per tenant up to a maximum of 100 sq. ft.
3. *Height:* Signs shall have a maximum height of 20 ft.
4. *Illumination:* Signs may be illuminated subject to the regulations established in Section 6.G. Sign Illumination.
 - a. Internal illumination.
 - b. Message center signs.
5. *For gas stations:*
 - a. One (1) additional freestanding sign per street frontage shall be permitted for advertising gas prices and identification of the gas station only.
 - b. Gas station canopy signs:
 - c. Gas station price signs:

J. Off-premises signs shall be permitted, subject to the regulations detailed in §208-157. Regulations by Sign Type (Off-Premises).

§ 208-163. Special Regulations for Signs in the Historic Preservation District.

In addition to all other requirements of the Section, the following regulations shall be applicable to any sign placed in the designated Historic Preservation District:

- A. No sign shall be erected or altered until an application has been reviewed and approved by the Historic Architectural Review Board and after Borough Council has issued a Certificate of Appropriateness.
- B. The Historic Architectural Review Board shall ensure that the proposed sign is appropriate compared to the style, period, type, size, and scale of the building for which it is proposed with other signs in the district.
- C. In addition to all other applicable requirements of this Section, the following regulations shall apply to any sign placed in the Historic Preservation District:
 1. All applications for a permit must contain the following information:
 - a. A current color photograph of the property.
 - b. An illustration of the building facade showing the proposed sign.
 - c. A scaled drawing showing the sign itself and including the size, materials, colors, lighting, lettering, and method of attachment. Material samples may be required.
 - d. For ground signs, a site plan indicating the location of the sign.
 - e. The type of illumination.
 2. Installation must not damage or require removal of historic materials and must be done in a manner such that signs can be removed without harm to the masonry or architectural detailing.

§ 208-164. Removal of Unsafe, Unlawful, or Abandoned Signs

A. Unsafe or Unlawful Signs.

1. Upon written notice by the Borough, the owner, person, or firm maintaining a sign shall remove said sign when it becomes unsafe, is in danger of falling, or it becomes so deteriorated that it no longer serves a useful purpose of communication, or it is determined by the Borough to be a nuisance, or it is deemed unsafe by the Borough, or it is unlawfully erected in violation of any of the provisions of this Article.

2. The Borough may remove or cause to be removed said sign at the expense of the owner and/or lessee in the event of the owner of the person or firm maintaining said sign has not complied with the terms of said notice within thirty 30 days of the date of the notice. In the event of immediate danger, the Borough may remove said sign immediately upon the issuance of said notice to the owner, person, or firm maintaining said sign.

B. Abandoned Signs.

1. It shall be the responsibility of the owner of any property upon which an abandoned sign is located to remove such sign within 180 days of the sign becoming abandoned as defined in this section. Removal of an abandoned sign shall include the removal of the entire sign including the sign face, supporting structure, and structural trim.
2. Where the owner of the property on which an abandoned sign is located fails to remove such sign in 180 days, the Borough may remove such sign. Any expense directly incurred in the removal of such sign shall be charged to the owner of the property. Where the owner fails to pay, the Borough may file a lien upon the property for the purpose of recovering all reasonable costs associated with the removal of the sign.

§ 208-165. Permits & Applications

- A. It shall be unlawful for any person, firm, or corporation to erect, alter, repair, or relocate any sign within the Borough without first obtaining a sign permit, unless the sign is specifically exempt from the permit requirements as outlined in §208-154. Exempt Signs.
- B. In order to apply for a sign permit, the applicant must provide the following information, in writing, to the Borough:
 1. A completed sign permit including all required information identified on the permit
 2. If the sign is located in the Historic Preservation District, confirmation that an application has been submitted to the Historic Architectural Review Board
 3. A permit fee, to be established from time to time by Resolution shall be paid.

§ 208-166. Nonconforming Signs

- A. Signs legally in existence at the time of the adoption of this Ordinance, which do not conform to the requirements of this Ordinance, shall be considered non-conforming signs.
- B. Permanent signs and sign structures must be brought into conformance with the sign regulations when and if the following occurs:
 1. The sign is removed, relocated, or significantly altered. Significant alterations include changes in the size or dimension of the sign. Changes to the sign copy or the replacement of a sign panel on a nonconforming sign shall not be considered a significant alteration.
 2. If more than 50% of the sign area is damaged, it shall be repaired to conform to this Ordinance.
 3. An alteration in the structure of a sign support.
 4. A change in the mechanical facilities or type of illumination
 5. A change in the material of the sign.
 6. The property on which the nonconforming sign is located submits a subdivision or land development application requiring municipal review and approval.
 7. The property on which the nonconforming sign is located undergoes a change of land use requiring the issuance of either a use and occupancy permit or a change of use and occupancy permit by the Borough.
- C. All non-conforming temporary signs, portable signs, and banners must be permanently removed within 90 days of the effective date of this article, unless specific approval is granted as provided for herein.

§ 208-167. Signs on the Premises of Legally Nonconforming Uses.

- A. Signs on the premises of legally nonconforming uses (such as an office in a residential area) may remain until the existing use of the premises is discontinued.
- B. If a sign wears out or is damaged (including rust, faded colors, discoloration, holes, or missing parts or informational items), or is changed for any other reason, the number, size, and area of all signs relating to the premises shall not be increased beyond the characteristics of the sign or signs that existed on that property at the time this Article was adopted.

§ 208-168. Substitution Clause.

Notwithstanding any provision of this chapter to the contrary, to the extent that this Chapter allows a sign containing commercial copy, it shall allow a noncommercial sign to the same extent. The noncommercial message may occupy the entire sign area or any portion thereof, and may substitute for or be combined with the commercial message. The sign message may be changed from commercial to noncommercial, or from one noncommercial message to another, as frequently as desired by the sign's owner, provided that the sign is not prohibited and the sign continues to comply with all requirements of this Chapter.

§ 208-169. Violations

The placement of a permanent or specially permitted sign without a sign permit shall be unlawful. Violations of this Ordinance shall be treated as strict liability offences regardless of intent. Violators shall be fined a daily fee per sign displayed in violation of this Ordinance. The fee amount shall be established from time to time by Resolution of the Borough.

**ARTICLE XX
Nonconforming Uses**

§ 208-170. Land or Lot.

The existing lawful use of land which at the time of passage of this chapter or any subsequent amendment does not conform with the regulations of the district in which it is located should have such use considered as nonconforming use. This nonconforming use may continue on such land but shall be subject to the regulations covering nonconforming use.

§ 208-171. Buildings and Structures.

Any lawful building or the lawful use of any building existing at the time of the passage of this chapter³⁶ that does not conform to use, height, location, size or bulk with the regulations of the district in which it is located shall be considered a nonconforming structure or use, and may continue such use in its present location, but shall be subject to the regulations covering nonconforming uses.

§ 208-172. Buildings and Structures under construction.

A building for which a valid building permit has been issued and is actually under construction to the extent of completion of footings may be completed as a nonconforming use. Buildings for which no permit has been issued at the time of passage of this chapter shall be built in conformity with its requirements.

§ 208-173. Change of use.

A nonconforming structure or use shall be considered as such unless and until it complies with the regulations of the district in which it is located. Provided that a special exception is granted by the Zoning Hearing Board, a nonconforming use may be changed to a new use permitted in the most restrictive district which permits, by special exception or by right, the subject nonconforming use. The Zoning Hearing Board shall have discretion to determine whether the change of nonconforming use is permitted by this section. If a nonconforming use is changed to a new use which is permitted only by special exception, then in addition to determining whether the change is permitted, the Board shall also make the special exception determination using the criteria set forth for the district which permits the new use requested.

§ 208-174. Discontinued use.

A nonconforming use, when discontinued, may be resumed any time within one year from such discontinued date, but not after, as the same class of use, but cannot be resumed as a nonconforming use of a lower class.

§ 208-175. Extension.

Any lawful nonconforming use of a portion of a building may be extended throughout the building and any lawful nonconforming structure or any building of which a lawful nonconforming use is made may be extended upon the lot occupied by such building and held in single and separate ownership on the effective date of this chapter, provided that the area of such building shall not be increased by more than a total of 25% of the gross square footage of floor area of such building existing on the date it first became a lawful nonconforming structure or a building of which a lawful nonconforming use is made, or 25% of the gross square footage of the lot coverage area of the original nonconforming use, and provided further that any structure alteration, extension or addition shall conform with all the height, area, width, yard and coverage requirements for the district in which it is located and with all other applicable provisions of this chapter.

§ 208-176. Change or resumption of nonconforming use.

The change or resumption of nonconforming use. The Zoning Hearing Board shall have discretion to determine what resumption or change of nonconforming use is of the same class of use and permissible. Such approval shall expire if the applicant fails to obtain a building permit within six months of the date of authorization thereof.

§ 208-177. Building destroyed.

A nonconforming structure which has been damaged or destroyed by fire, explosion, accident or calamity (as contrasted to deterioration due to time or neglect) may be reconstructed and used for the nonconforming use, provided that:

- A. The reconstructed building shall not exceed in height, area and volume the building destroyed.
- B. The reconstructed building shall have the exact location of the building destroyed or shall conform with all the height, area, width, yard and coverage requirements for the zoning district.
- C. Building reconstruction shall be started within one year from the date the building was destroyed and shall be carried on without interruption.

§ 208-178. Building condemned.

A nonconforming structure which has been legally condemned shall not be rebuilt or used except in accordance with the provisions of this chapter.

§ 208-179. Temporary nonconforming use.

A temporary nonconforming use, which will benefit the public health or welfare or promote proper development of a district in conformity with the intent of this chapter, may be permitted for a period of not more than 30 days, on the approval of the Zoning Officer, but any such use to be permitted for a longer period shall require a public hearing thereon, after which a Zoning Hearing Board Certificate may be issued for a period not exceeding one year.

ARTICLE XXI Administration

§ 208-180. Zoning Officer.

Zoning Officer appointment and qualifications. The provisions of this chapter shall be enforced by a Zoning Officer with the aid of the Police Department and other municipal agencies.

§ 208-181. Duties and powers.

It shall be the duty of the Zoning Officer and he shall have the power to:

- A. Keep a permanent record of all plans and applications for permits, and all permits issued with notations as to special conditions attached thereto. All records shall be open for public inspection and shall be the property of the Borough.
- B. Review applications for zoning permits for erections or alterations of structures or changes of use, determine whether such construction or use is in accordance with the general requirements of this chapter, all other applicable ordinances and with the laws and regulations of the Commonwealth.
- C. Conduct inspections and surveys to determine compliance or noncompliance with the terms of this chapter. In carrying out such surveys, the Zoning Officer or his representative may enter upon any land or buildings except that if the building is occupied he needs a warrant.
- D. Make written orders requiring compliance with the provisions of this chapter to be served personally or by registered mail.
- E. Institute proceedings in courts of proper jurisdiction for the enforcement of provisions of this chapter.
- F. Maintain a map showing the current zoning classification of all land.
- G. Maintain a map and register showing the registration, identity, location and type of all nonconforming uses.
- H. Participate in all proceedings before the Zoning Hearing Board, present facts and information to assist the Board in reaching a decision, resist and oppose any deviations from the standard provisions of this chapter and have decisions of Board reviewed in a court of proper jurisdiction when, in the judgment of the Zoning Officer, such review is desirable.

§ 208-182. Issuance of permits.

The Zoning Officer shall have authority to issue zoning permits only for construction and uses which are in accordance with the general requirements of this chapter. Zoning permits for construction and uses which are a special exception to such general requirements shall be issued by the Zoning Officer only upon order of the Zoning Hearing Board. The Zoning Officer shall issue no permits for the construction or use of any land or building unless it also conforms to the requirements of all other ordinances of North Wales Borough and with the laws of the Commonwealth.

§ 208-183. Permits. [Amended 10-25-2011 by Ord. No. 783]

A zoning permit shall be required for the construction or alteration of any building, change of use of any building; construction or alteration of any fence, pool, patio, shed under 1,000 square feet and deck under 30 inches above ground level. No work shall begin and no building shall be occupied until a zoning permit has been secured from the Zoning Officer. Upon completion of the work authorized by any permit, the applicant for the permit shall notify the Zoning Officer of such completion. No permit shall be considered complete or as permanently effective until the Zoning Officer has noted on the permit that the work has been inspected and approved as being in conformity with the provisions of this chapter.

§ 208-184. Application for permits.

All applications for zoning permits shall be made in writing by the owner or tenants or authorized agent, on the

required form or forms and shall be filed with the Zoning Officer. The application shall be in accordance with the regulations promulgated at the time of submission.

§ 208-185. Appeals, special exceptions or variances.

An appeal or an application for a special exception or variance from the terms of the Zoning Code may be filed with the Zoning Officer and shall set forth the following facts:

- A. The name and address of the applicant.
- B. The name and address of the owner of the real estate to be affected by the proposed exception or variance.
- C. A brief description and location of the real estate to be affected by such proposed change.
- D. The present zoning classification of the real estate in question, the improvements thereon and its present use.
- E. The section of this chapter under which the variance or exception requested may be allowed and reasons for which it should be granted.
- F. A reasonably accurate description of the improvements and the additions intended to be made under this application, including the size of such proposed improvements, material and general construction thereof, and attached thereto shall be a certified survey from a licensed surveyor or professional engineer showing the affected real property, indicating the location of the lot and its size, all current and proposed improvements, parking spaces where pertinent, and all plot lines, dimensions, and setback boundaries. Further, this provision is mandatory and should apply to, but is not limited to, all appeals to the Zoning Hearing Board relative to subdivision issues; changes in use of a property or portion thereof, requests for variances, conditional uses, or special exceptions; land development approvals; and any other changes, alterations or improvements to a property which might result in exterior construction, excavation, or additions, repairs or other like activity as determined by the Zoning Officer. **[Amended 7-26-2005 by Ord. No. 741]**
- G. A deposit to cover the cost of advertising and notifications, which shall accompany the application in accordance with § 208-184 herein.
- H. No application to the Zoning Hearing Board will be scheduled for hearing unless and until all requirements, including the production of a certified survey as noted in Subsection F above, have been produced to the Zoning Officer. **[Added 7-26-2005 by Ord. No. 741]**

§ 208-186. Appeals.

An appeal from the decision of the Zoning Officer must be taken within 30 days.

§ 208-187. Fees.

The applicant for a permit, appeal to the Zoning Hearing Board or conditional use shall, at the time of making the application, pay to the Zoning Officer for the use of the Borough a fee in accordance with a fee schedule adopted by resolution of the Borough Council upon the enactment of this chapter, or as shall be determined from time to time, by the Borough Council.

§ 208-188. Conditional use procedures.

Whenever a conditional use is authorized pursuant to the terms of this chapter, as amended, the procedures for application and review of requested conditional uses shall be as follows:

- A. Written request. The landowner shall make a written request to the Borough Council that it hold a hearing on his or her application. The request shall contain a statement reasonably informing the Borough Council of the matters that are in issue.
- B. Plans and accompanying documents. The application shall be accompanied by plans and other materials in

accordance with § 208-184 and this section herein. If the application shall involve a subdivision or land development, then plans prepared in accordance with the requirements of the Subdivision and Land Development Ordinance shall be filed for review as well.

- C. Hearing on conditional use request. The Borough Council shall hold a hearing upon written request and shall give public notice as defined herein. The hearing shall be held within 60 days after the date the request is filed, unless the applicant requests or consents in writing to an extension of time.
- D. Decision on conditional use request. In allowing a conditional use, the Borough Council may attach reasonable conditions and safeguards as may be deemed necessary to implement the purposes of this Zoning Ordinance and to ensure the protection of adjacent uses from adverse impacts that may be determined from credible testimony.

ARTICLE XXII Zoning Hearing Board

§ 208-189. Appointment.

- A. The Borough Council of North Wales Borough shall appoint a Zoning Hearing Board consisting of three or five members who shall be residents of the Borough. The members of the Zoning Hearing Board shall be removable for cause by a majority vote of Borough Council upon written charges and after a public hearing. The word "Board," when used in this Article, shall mean the "Zoning Hearing Board."
- B. The terms of office of a three-member Board shall be three years and shall be so fixed that the term of office of one member shall expire each year. The terms of office of a five-member Board shall be five years and shall be so fixed that the term of office of one member of a five-member Board shall expire each year. If a three-member Board is changed to a five-member Board, the members of the existing three-member Board shall continue in office until their term of office would expire under prior law. The governing body shall appoint two additional members to the Board with terms scheduled to expire in accordance with the provisions of this section. 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.
- C. Alternate members may be appointed by the Borough Council as provided for under the Pennsylvania Municipalities Planning Code.³⁸ When seated pursuant to the Pennsylvania Municipalities Planning Code, an alternate shall be entitled to participate in all proceedings and discussions of the Board.

§ 208-190. Powers and duties.

The Board shall have the following powers:

- A. Appeals and interpretations. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement of this chapter or administrative procedures adopted pursuant thereto. To interpret upon the words, terms, rules, regulations, provisions and restrictions of this chapter where there is doubt as to the meaning thereof, including determination in specific instances whether questionable uses are permitted by virtue of being "similar to" or "customarily incidental to" permitted uses as may be specifically provided by this chapter.
- B. Special exceptions. To hear and decide special exceptions to the terms of this chapter, in such cases as are herein expressly provided for, with power to impose appropriate conditions and safeguards.
- C. Variances.
 - (1) The Board shall hear requests for variances where it is alleged that the provisions of this Zoning Ordinance inflict unnecessary hardship upon the applicant. The Board may, by rule, prescribe the form of application and may require preliminary application to the Zoning Officer. The Board may grant a variance, provided that all of the following findings are made where relevant in a given case:
 - (a) 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 this Zoning Ordinance in the neighborhood or district in which the property is located.

- (b) 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 this Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
- (c) That such unnecessary hardship has not been created by the appellant.
- (d) 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 permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
- (e) 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.

(2) In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the Pennsylvania Municipalities Planning Code and this Zoning Ordinance.

D. Discretionary items enumerated in Article XX, nonconforming use, of this chapter.

E. Other matters as provided for in this chapter or in Section 909.1 of the Pennsylvania Municipalities Planning Code, as amended.

§ 208-191. Burden of proof.

A. An applicant for a special exception shall have the burden of establishing:

- (1) That his application falls within the provision of this chapter which accords to the applicant the right to seek a special exception.
- (2) That allowance of the special exception will not be contrary to the public interest.

B. An applicant for a variance shall have the burden of establishing:

- (1) That a literal enforcement of the provisions of this chapter will result in unnecessary hardship, as that term is defined by law including court decisions.
- (2) That allowance of the variance will not be contrary to the public interest.

C. In determining whether the allowance of a special exception or a variance is contrary to the public interest, the Zoning Hearing Board shall consider whether the application, if granted, will:

- (1) Be detrimental to appropriate use of adjacent property.
- (2) Cause undue congestion of pedestrian or vehicular traffic.
- (3) Endanger the safety of persons or property by improper location or design of facilities for ingress or egress.
- (4) Increase the danger of fire or otherwise endanger the public safety.
- (5) Overcrowd the land or create an undue concentration of population.
- (6) Impair an adequate supply of light and air to adjacent property.
- (7) Adversely affect transportation or unduly burden water, sewer, school, park or other public facilities.
- (8) Adversely affect the public health, morals, safety or general welfare.

(9) Run counter to the spirit and purpose of this chapter.

D. The applicant for a special exception or variance shall have the duty of presenting credible evidence relating to the criteria set forth above.

§ 208-192. Standards.

In any instance where the Zoning Hearing Board is required to consider a special exception or variance to the Zoning Ordinance or Map in accordance with the provisions of this chapter, the Board shall, among other things:

- A. Consider the suitability of the property for the use desired. Assure itself that the proposed change is consistent with the spirit, purpose and intent of the Zoning Ordinance.
- B. Determine that the proposed change will not substantially injure or detract from the use of neighboring property or from the character of the neighborhood and that the use of the property adjacent to the area included in the proposed change or plan is adequately safeguarded.
- C. Determine that the proposed change will serve the best interests of the Borough, the convenience of the community (where applicable), and the public welfare.
- D. Consider the effect of the proposed change upon the logical, efficient and economical extension of public services and facilities such as public water, sewers, police and fire protection and public schools.
- E. Consider the suitability of the proposed location of an industrial or commercial use with respect to probable effects upon highway traffic, and assure adequate access arrangements in order to protect all streets from undue congestion and hazard.
- F. Be guided in its study, review and recommendation by sound standards of subdivision practice where applicable.
- G. Impose such conditions, in addition to those required, as are necessary to assure that the intent of the Zoning Ordinance is complied with, which conditions may include, but are not limited to, harmonious design of buildings, planting and its maintenance as a sight or sound screen, the minimizing of noxious, offensive or hazardous elements, adequate standards of parking and sanitation.

§ 208-193. Orders.

In exercising the above-mentioned powers, the Board may reverse or affirm, wholly or in part, or may modify the order, requirement, decision or determination as ought to be made, and, to that end, shall have all the powers of the officer from whom the appeal is taken.

§ 208-194. Procedures.

The Board shall adopt rules of procedure in accordance with the several provisions of this chapter as to manner of filing appeals or applications for special exceptions or for variance from the terms of this chapter. All appeals and application shall refer to the specific provision of the chapter involved, and shall exactly set forth the interpretation that is claimed, the use for which the special exception is sought, the details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted, as the case may be.

§ 208-195. Meetings.

Meetings of the Board shall be held at the call of the Chairman and at such times as the Board may determine. The Chairman, or in his absence, the Acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. 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, 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 a public record.

§ 208-196. Planning Commission review.

At least 14 days before the date of hearing required by law for an application for special exception before the Zoning Hearing Board, the Secretary of such Board shall transmit to the Planning Commission a copy of the notice of hearing and other information as may have been furnished by the applicant or the Zoning Officer. The Planning Commission may submit an advisory opinion which shall be considered by the Board, provided that opinion is received on or before the date of hearing of the Zoning Hearing Board.

§ 208-197. Technical assistance.

The Zoning Hearing Board in considering any matter within its jurisdiction may consult with the North Wales Borough Planning Commission, the Montgomery County Planning Commission or any other specialist or groups of specialists having expert knowledge of the matter under consideration.

§ 208-198. Hearings.

- A. Upon the filing with the Board of an application for a special exception or for variance or an interpretation or appeal from the terms of this chapter, the Board shall fix a reasonable time and place for a public hearing thereon and shall give public notice as defined herein.
- B. Written notice shall be given to the applicant, the Zoning Officer and the Council and to any person who has made timely request for the same. In addition, written notice of the hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing.
- C. At the discretion of the Board, by mailing a notice to all property owners within 500 feet, if only a particular area is involved.
- D. The notice shall state the general nature of the proposed amendment and that full opportunity to be heard will be given to any citizen and all parties interested in attending such hearing. The notices herein required shall state the location of the building or lot and the general nature of the question involved.
- E. The hearing shall be held within 60 days from the date the applicant's request is filed, unless the applicant has agreed, in writing, to an extension of time.
- F. The Board shall keep a stenographic record of the proceedings.
- G. The Board shall render a written decision or, when no decision is called for, make written findings on the application within 45 days after the last hearing before the Board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefor.

§ 208-199. 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 within one year of the date of authorization thereof.

§ 208-200. Appeals.

Appeal to court. Any person aggrieved by any decision of the Borough Zoning Hearing Board, in 30 days after any 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, specifying the grounds upon which he relies.

§ 208-201. Charges.

A charge which shall be determined, from time to time, by the North Wales Borough Council shall be made, payable in advance, for the following:

- A. For each application made to the Zoning Hearing Board for the granting of a special exception or a variance or for an appeal from a decision of the Zoning Officer wherein the application for a special exception or variance or appeal from the Zoning Officer concerns premises which are zoned residential and which will contain no more than two single-family dwelling units.

- B. For all other applications made to the Zoning Hearing Board for the granting of a special exception or a variance and for all other appeals from a decision of the Zoning Officer.
- C. For each application made to the Zoning Hearing Board or Borough Council which constitutes a challenge to the Zoning Ordinance, or parts thereof; or Zoning Map, or parts thereof.

ARTICLE XXIII
Violations, Penalties and Remedies

§ 208-202. Enforcement.

- A. It shall be the duty of the Zoning Officer to take cognizance of violations of this chapter. He shall investigate each violation which comes to his attention whether by observation or by communication. He shall order, in writing, the correction of such conditions as are found to be in violation of this chapter.
- B. Failure to secure a zoning or use permit or Zoning Hearing Board certificate when required, prior to the erection, construction, extension or addition to a building, shall be a violation of this chapter.

§ 208-203. Notice of violations.

- A. If a violation occurs and a correction thereof has been directed by the Zoning Officer, which correction remains undone for a period of 30 days after the date of the issuance of the order, it shall be the duty of the Zoning Officer to notify the Borough Council of the violation. The Borough Council shall take such action as it deems necessary to enforce the correction of the violation. However, if in the opinion of the Zoning Officer the violation creates an imminent danger to life and property, the violator shall be ordered to discontinue such violation immediately.
- B. The giving of notice of a violation as herein provided shall not be interpreted to supersede or deny the Zoning Officer and the Borough the right and duty to prosecute a violator for a violation of each respective provision of this chapter.
- C. 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.
- D. An enforcement notice shall state at least the following:
 - (1) The name of the owner of record and any other person against whom the municipality intends to take action.
 - (2) The location of the property in violation.
 - (3) The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the 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 the 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.

§ 208-204. Violations and penalties.

- A. For any and every violation of the provisions of this chapter, the owner, general agent or contractor of a building or premises of such violation has been permitted or shall exist, and the leasee or tenant of an entire building or entire premises where such violation has been committed or shall exist, and the owner,

general agent, architect, building contractor or any other person who knowingly commits, takes part or assists in any such violation, or who maintains any building or premises in which such violation shall exist, shall, upon being found liable on conviction thereof in a civil enforcement proceeding commenced by the municipality, pay a fine not exceeding \$500 for each and every offense, and whenever such person shall have been notified by the Zoning Officer or by service of warrant in a prosecution, or in any other way, that he is committing such violation of this chapter, each day that he shall continue shall constitute a separate offense punished by the like fine or imprisonment.

- B. All judgments, costs and reasonable attorney fees collected for the violation of zoning ordinances shall be paid over to the Borough.

§ 208-205. Remedies.

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used or any hedge, tree, shrub or other growth is maintained in violation of this chapter or any regulations made pursuant hereto, in addition to the other remedies provided by law, any appropriate action or proceedings, whether by legal process or otherwise, may be instituted or taken to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or abate such violation to prevent the occupancy of such building, structure or land, or to prevent an illegal act, conduct, business or use in or about such premises.

§ 208-206. Charges.

- A. A charge which shall be determined, from time to time, by the North Wales Borough Council for each Zoning Hearing Board application and/or certificate issued under authority of this chapter shall be made, payable in advance.
- B. A charge which shall be determined, from time to time, by the North Wales Borough Council shall be made for each duplicate copy of Zoning Hearing Board certificate.

ARTICLE XXIV Amendments

§ 208-207. Amendment by governing body and applicability of amendments.

- A. The Borough Council of North Wales Borough may, from time to time, amend, supplement, change, modify or appeal this chapter, including the Zoning Map, by proceeding in the manner set forth in this article.
- B. When an application for either a special exception or a conditional use has been filed with either the Zoning Hearing Board or governing body, as relevant, and the subject matter of such application would ultimately constitute either a land development or a subdivision as defined in § 208-8, no change or amendment of the zoning, subdivision or other governing ordinance or plans shall affect the decision on such application adversely to the applicant, and the applicant shall be entitled to a decision in accordance with the provisions of the governing ordinances or plans as they stood at the time the application was duly filed; provided, further, should such an application be approved by either the Zoning Hearing Board or governing body, as relevant, applicant shall be entitled to proceed with the submission of either land development or subdivision plans within a period of six months or longer or as may be approved by either the Zoning Hearing Board or the governing body following the date of such approval in accordance with the provisions of the governing ordinances or plans as they stood at the time the application was duly filed before either the Zoning Hearing Board or governing body, as relevant. If either a land development or subdivision plan is so filed within said period, such plan shall be subject to the provisions of Section 508(1) through (4) of the Pennsylvania Municipalities Planning Code, 53 P.S. §§ 10508(1) through (4), and specifically to the time limitations of Section 508(4), 53 P.S. § 10508(4), which shall commence as of the date of filing such land development or subdivision plan.

§ 208-208. Amendment procedure.

The Borough Council, by resolution adopted at a regular or special meeting, shall fix the time and place of a public hearing on the proposed amendment and cause public notice thereof to be given as follows:

A. Publication and mailing.

- (1) 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.
- (2) By mailing a notice to all property owners within 500 feet if only a particular area is involved.
- (3) Before voting on the enactment of an amendment, the governing body shall hold a public hearing thereon, pursuant to public notice. In addition, if the proposed amendment involves a Zoning Map change, notice of said public hearing shall be conspicuously posted by the municipality at points deemed sufficient by the municipality along the perimeter of the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one week prior to the date of the hearing.
- (4) The notice shall state the general nature of the proposed amendment and that full opportunity to be heard will be given to any citizen and all parties in interest attending such hearing.

§ 208-209. Application for amendment by citizens.

Every application for amendment of the Zoning Ordinance shall first be presented to the Zoning Officer, and shall contain the following:

- A. The applicant's name and address and his representative and the interest of every person represented in the application.
- B. A plan showing the extent of the area to be rezoned, street, bounding and intersecting the area, the land use and zone classification of abutting districts, and photographs of the area to be rezoned and abutting areas.
- C. A statement of the circumstances in the proposed district and the abutting districts and any other factors on which the applicant relies as reasons for supporting the proposed rezoning.
- D. The approximate time schedule for the beginning and completion of development in the area.
- E. A site plan to scale, indicating the locations of structures, uses, areas for off-street parking and loading.
- F. Information about the market area to be served by the proposed development if a commercial use, including population, effective demand for proposed business facilities, and any other information describing the relationship of the proposed development to the needs of the market area as the Zoning Officer, Planning Commission or governing body shall prescribe.

§ 208-210. Application for amendment by citizen groups.

Whenever the owners of 50% or more of the property owners within any district or of the property owners of property fronting on the same street or streets or abutting on the property sought to be changed, and situate within 1,000 feet of the property sought to be changed, shall present to the Borough Council a petition duly signed and acknowledged, requesting an amendment, supplement, change, modification or repeal of the regulations prescribed, or of the Zoning Map, including such district, it shall be the duty of the Borough Council to hold a public hearing thereon and cause notice thereof to be given in the manner prescribed in § 208-208 herein.

§ 208-211. Referral to Borough Planning Commission.

All proposed amendments before adoption shall be referred to the Borough Planning Commission for recommendations and an advisory report.

§ 208-212. Citizens protest.

In case of a protest against such amendment, change, modification or repeal, signed by the owners of 20% or more either of the area or the lots included in such proposed changes or of those immediately adjacent in the rear thereof extending 100 feet therefrom, or of those directly opposite thereto, extending 100 feet from the street frontage of such opposite lots, such amendment, supplement, change or modification shall not become effective except by the favorable vote of 2/3 of all the members of the governing body.

§ 208-213. Charges.

A. Charges, payable in advance, as shall be determined from time to time by Borough Council shall be made for the following applications:

- (1) For each application made to the Borough Council of North Wales Borough for a change or amendment of the Zoning Map or for a change or amendment of this chapter or any part thereof wherein the application concerns property zoned residential.
- (2) For all other applications made to the Borough Council of North Wales Borough for a change or amendment of the Zoning Map or for a change or amendment of this chapter or any part thereof.

B. In addition to the foregoing, each application shall be accompanied by the required amount representing the costs of publishing the required notices. In the event that the cost of publishing the required notices is less than the amount paid, the balance shall be remitted to the applicant. In the event that the cost of publishing the required notices exceeds the amount paid by the applicant, the applicant shall pay the balance thereof before the public hearing as set forth in the published notice. Furthermore, every applicant shall be responsible for all additional costs incidental to such application, including engineering and stenographic fees as vouchered to the Borough.

§ 208-214. Referral to County Planning Commission.

At least 30 days prior to the public hearing on a zoning amendment by Borough Council, the Borough shall submit the proposed amendment to the County Planning Commission for recommendations.

ARTICLE XXV Repealer

§ 208-215. Repealer.

All chapters or parts of chapters inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specifically repealed; provided, however, if this Zoning Ordinance 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 former Zoning Code, Ordinance No. 677, would necessarily remain in full force and effect.

SECTION 2

The provisions of this ordinance shall be severable, and if any provision thereof shall be declared unconstitutional, illegal or invalid, such decision shall not affect the validity of any of the remaining provisions of this ordinance.

SECTION 3

This ordinance hereby repeals any and all ordinances or parts of ordinances inconsistent with this ordinance.

SECTION 4

This ordinance shall take effect immediately as provided by law.

ORDAINED AND ENACTED this 8th day of July, 2014

BOROUGH COUNCIL OF THE
BOROUGH OF NORTH WALES

BY: _____
Michael McDonald, President

ATTEST:

Nathaniel Dysard, Secretary

APPROVED by the MAYOR this day of July, 2014

BY: _____
Gregory J. D'Angelo, Mayor

ZONING

208 Attachment 1

SCHEDULE I Permitted Uses

[Amended 6-22-1999 by Ord. No. 698; 8-24-2004 by Ord. No. 735; 12-15-2009 by Ord. No. 771]

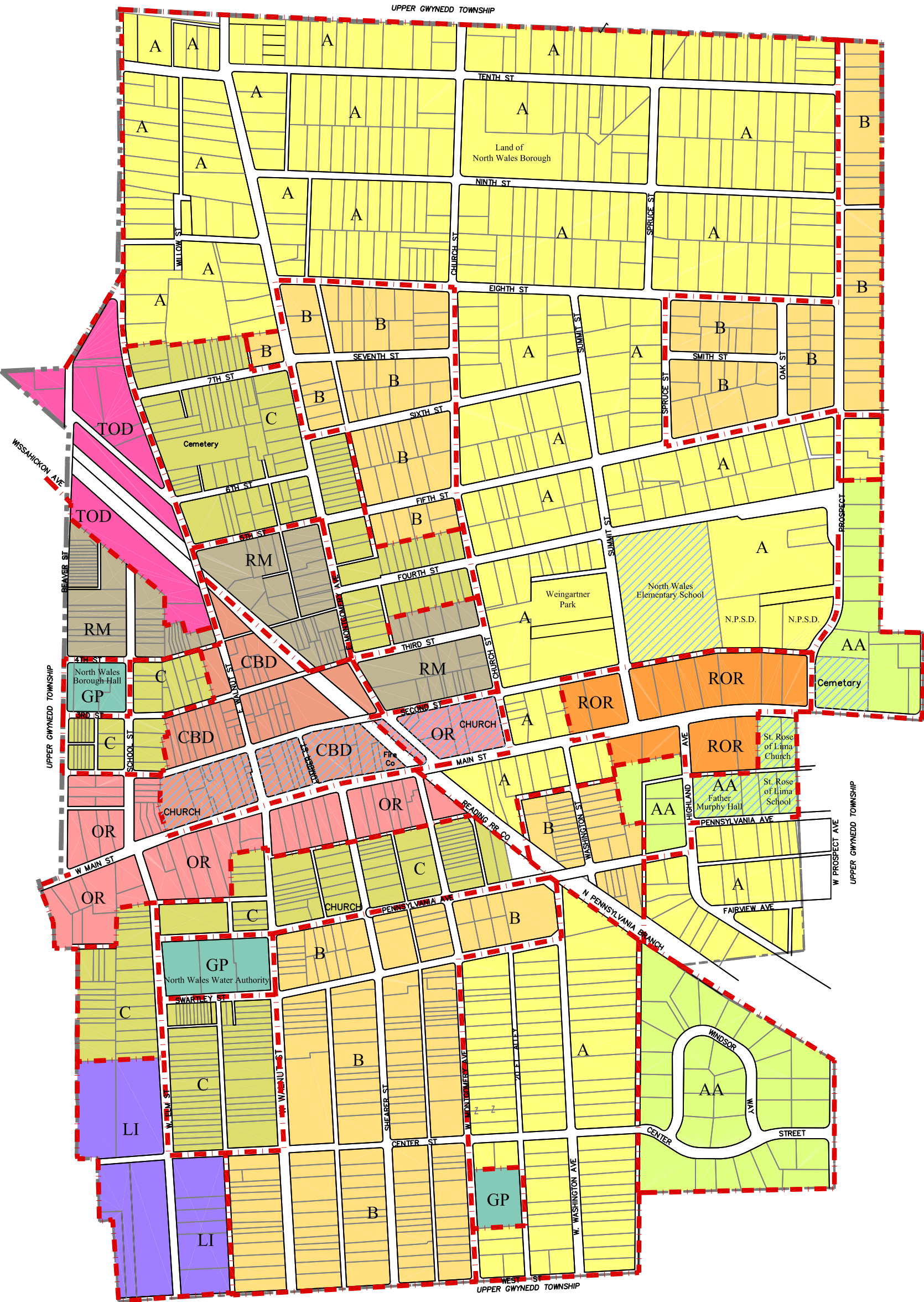
| | Zoning District | | |
|--|------------------------|----------------------|------------------------|
| | CBD (Article IX) | OR (Article X) | LI (Article XII) |
| Accessory apartment | SE | SE | --- |
| Adult use* | --- | --- | --- |
| Animal hospital | --- | --- | SE |
| Art, music and dance studio | P | SE | --- |
| Automotive repair, major* | --- | --- | P |
| Automotive repair, minor* | --- | --- | P |
| Automotive, truck and farm equipment sales | --- | --- | P |
| Bakery, confectionery or ice cream parlor | P | --- | --- |
| Bank, financial | P | P | --- |
| Barber, beauty parlor, tanning salon, day spa, massage therapy | P | P | --- |
| Billboard* | --- | SE | --- |
| Boardinghouse* | --- | --- | --- |
| Cabaret*, including dancing and live entertainment | SE | --- | --- |
| Car wash, automatic and self-serve | --- | --- | SE |
| Carpentry, cabinet maker | P | SE | P |
| Cemetery | --- | --- | P |
| Club*, fraternity house | --- | --- | --- |
| Communications tower* | --- | --- | SE |
| Copy or printing center | P | P | P |
| Day-care center*, day nursery | SE | --- | --- |
| Drive-thru use* | SE | --- | --- |
| Drugstore, pharmacy | P | SE | --- |
| Electric, gas utility use | P | --- | P |
| Fitness center, health club, including pilates, yoga, and the martial arts | P | --- | P |
| Florist | P | P | P |
| Funeral home | P | SE | --- |
| Garage, public* | --- | --- | --- |
| Garden center | --- | --- | P |
| Gasoline service station* | SE | --- | --- |
| Hardware store, lawn equipment | P | --- | P |
| Hotel*, motel* | --- | --- | --- |
| Indoor recreation/entertainment such as bowling alley, billiard rooms, skating rink, indoor tennis, or other similar places of indoor amusement: | | | |
| Under 3,000 square feet gross floor area | SE | --- | P |
| 3,000 square feet or greater gross floor area | --- | --- | P |
| Jewelry, watches, clocks ¹ | P | P | --- |
| Junkyard* | --- | --- | SE |
| Kennel, commercial* | --- | --- | P |
| Laundry, dry cleaning | SE | --- | P |

NORTH WALES CODE

| | Zoning District | | |
|---|------------------------|----------------------|------------------------|
| | CBD (Article IX) | OR (Article X) | LI (Article XII) |
| Library, museum, art gallery, or community center for cultural activities | P | P | P |
| Lumber, building materials, sale and storage of | SE | --- | P |
| Medical center/clinic* | SE | --- | SE |
| Mobile home park* | --- | --- | P |
| Movie theater | --- | --- | --- |
| Municipal use consisting of fire station, ambulance and emergency service | P | --- | P |
| Newspaper and job printing | P | --- | P |
| Offices, professional and business | P | P | P |
| Opticians | P | P | --- |
| Pet store without commercial kennel ¹ | SE | --- | --- |
| Photography studio ¹ | P | P | P |
| Post office | P | --- | P |
| Private recreational facility | --- | --- | --- |
| Public utilities facilities* | SE | SE | P |
| Repair shop excluding automotive repair | SE | SE | P |
| Restaurant, without drive-thru* or drive-in* | P | --- | --- |
| Restaurant or other place serving food or beverages <u>with</u> outdoor counter or drive-thru service (does not include drive-in uses*) | --- | --- | --- |
| Retail store | P | --- | --- |
| Saloon/taproom | SE | --- | --- |
| Specialized retail* | P | P | --- |
| Storage garage* | --- | --- | P |
| Tailoring, dressmaking, shoe repair | P | SE | --- |
| Tattoo parlor* | --- | --- | SE |
| Trade or vocational school | P | SE | P |
| Use of same character as use permitted by right | SE | SE | SE |
| Veterinary office without animal kennel | P | SE | --- |
| Video gaming/pinball arcade* | ---- | ---- | ---- |
| Wholesale establishments, including warehousing of merchandise | ---- | ---- | P |

Legend:

- P = Permitted by right
- SE = Permitted by special exception
- = Not permitted
- * = Defined term (see Article II)

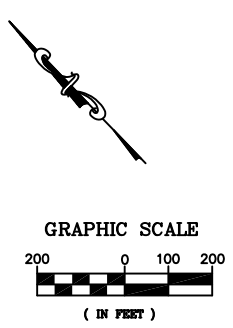


Note:
The Historic District and Flood Plain District are overlays and are not depicted on this map; consult with the Borough Zoning Administrator for specific parcel information.

LEGEND

- AA Residential District
- A Residential District
- B Residential District
- C Residential District
- RM Residential District
- OR Office-Residential District
- CBD Commercial District
- TOD Transit Oriented Development District
- GP Government-Public District
- LI Limited Industrial District
- INO Institutional Overlay District
- ROR Restricted Office Residential District
- Zoning Boundary Line

**North Wales Borough
Montgomery County, Pennsylvania
Zoning Map**



| REVISIONS | | |
|-----------|-----------|----------------------------------|
| ORDINANCE | DATE | REVISION |
| 771 | 1-25-2010 | CR District changed to TOD |
| 796 | 7-8-2014 | Re-adopted map with text changes |
| | | |
| | | |