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# Chapter 208

## Zoning

**[HISTORY: Adopted by the Borough Council of the Borough of North Wales 7-8-2014 by Ord. No. 796. Amendments noted where applicable.]**

### 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 "Noncoal 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 (First 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 Borough, Municipal, and Public Utility Exemption from the Zoning Ordinance.**

- A. This Zoning Ordinance shall not apply to uses, buildings, or structures owned or operated by North Wales Borough or by a municipal authority created solely by North Wales Borough for uses, buildings, and structures that are intended for a public utility, stormwater, public recreation, or public health and safety purpose.
- B. In accordance with 53 P.S. § 10619, this chapter shall not apply to any existing or proposed building or extension thereof or to any land used or to be used by a public utility corporation if, upon petition of the corporation, the Public Utility Commission shall, after a public hearing, decide that the present or proposed situation or use of the building or land in question is reasonably necessary for the convenience or welfare of the public.

§ 208-7 **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**  
**Terminology**

§ 208-8 **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 chapter 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.

§ 208-9 **Definitions.**

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

**100-YEAR FLOOD**

See "Base Flood."

**ACCESSORY BUILDING**

A subordinate, uninhabitable building, located on the same lot as the principal building and clearly incidental and subordinate to that principal building. Any portion of a principal building devoted or intended to be devoted to an accessory use is not an accessory building. Examples of accessory buildings include, but are not limited to detached garages, sheds, greenhouses, gazebos, carports and covered decks, patios, or terraces.

**ACCESSORY EQUIPMENT**  
Any equipment servicing or being used in conjunction with a wireless communication services facility or wireless communication support structure. The term includes utility transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds.

**ACCESSORY STRUCTURE**

A subordinate, uninhabitable structure, located on the same lot as the principal building and clearly incidental and subordinate to that principal building. Examples of accessory structures include, but are not limited to swimming pools, pergolas, fences or walls, signs, walkways, driveways, parking areas and uncovered decks, patios, or terraces.

**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.

## **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.

## **ANTENNA**

Any system of wires, rods, discs, panels, flat panels, dishes, whips, or other similar devices used for the transmission or reception of wireless signals. An antenna may include an omnidirectional antenna (rod), directional antenna (panel), parabolic antenna (disc) or any other wireless antenna. An antenna shall not include tower-based wireless communications facilities defined below.

## **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 for the approval of a development plan.

## **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.

## **BANNER**

Any cloth, bunting, plastic, paper or similar nonrigid 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 nonrigid 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**

A flood having a one percent chance of being equaled or exceeded in any given year. This is the regulatory standard also referred to as the "100-year flood."

## **BASE FLOOD ELEVATION**

The elevation of surface water resulting from a flood that has a 1% chance of equaling or exceeding that level in any given year. The BFE is shown on the Flood Insurance Rate Map (FIRM) for zones AE, AH,

## **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.

## **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.

## **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. See also § 184-26.F(1).
- 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. See also § 184-26.F(2).
- 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. See also § 184-26.F(3).

## **BUILD-TO LINE**

A build-to line is a line parallel to the street along which a front façade must be set. It is measured as a perpendicular distance from the curblineline to the nearest point of the building façade. See also, “Setback, Front.”

## **BUILDING**

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

The horizontal cross-sectional area of a building on a lot above the ground level, measured at the greatest outside dimensions. This definition excludes: cornices, eaves, gutters, or chimneys projecting not more than two feet, bay windows not extending through more than one story and not projecting more than five feet, steps, and ramps.

- 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**

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

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.

**CLUB**

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

**CO-LOCATION or COLLOCATION**

The mounting of one or more wireless communications facility, including antennas, on an existing tower-based wireless communications facility or utility pole or light pole.

**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.

**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 form of permitted use, authorized by this chapter and by Section 603(c)(2) of the Municipalities Planning Code, under the jurisdiction of the Borough Council following recommendation by the Borough Planning Commission. The Borough Council is empowered to grant permission for conditional uses, consistent with the public interest, in compliance with the standards and procedures established in this chapter, following thorough examination of the proposal and hearing and under any reasonable safeguards necessary to implement the purposes and intent of this chapter and to protect the general welfare.

**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.

## **CURBLINE**

A line formed by the face of the existing curb or in its absence, the outer edge of the shoulder, along which a curb would be otherwise located.

## **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 and is used primarily for private recreational purposes. A deck may be constructed of any materials.

## **DEMOLITION**

Any act or process that destroys or removes 51 percent or more of the exterior walls of a structure, improvement, or object.

## **DEMOLITION BY NEGLECT**

The absence of routine maintenance and repair which can lead to a building's or structure's structural weakness, decay and deterioration resulting in its demolition.

## **DENSITY**

The number of dwelling units per developable acre.

## **DEVELOPABLE ACRE**

The developable acreage shall equal the gross acreage minus the following: all land contained within the existing, legal rights-of-way of all roads abutting or running through the land proposed for subdivision or land development; all slopes of 15% or greater; and all wetlands, one-hundred-year floodplain and alluvial soils as defined by the Soil Survey of Montgomery County of 1967.

## **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.

### **DRIVEWAY, ACCESS**

A private way for vehicular and pedestrian access between a public street and a parking area within a lot or property. Also referred to as a "driveway."

### **DRIVEWAY, RIBBON**

A driveway consisting of two parallel strips of concrete, mortar-set stone or brick, or solid or turf pavers with an open, unpaved space in between. Refer to § 208-60E(4)(a)[4] for design requirements specific to Ribbon Driveways. The total area of a ribbon driveway, as calculated using the perimeter on all sides, shall be included in the calculation of impervious coverage.

### **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 ATTACHED DWELLING (TOWNHOUSE)**-- A single-family attached dwelling, also known as a townhouse or rowhouse, is a single-family attached or semi-detached (in the case of end units) dwelling within a multi-dwelling building, consisting of at least three (3) but no more than eight (8) such dwelling units, with each unit occupying the total space from ground to roof, and joined to each other by not more than two (2) vertical, common party walls, which also serve as the lot line dividing the properties.
- B. **SINGLE-FAMILY DETACHED DWELLING**-- A dwelling unit designed and used exclusively as the residence for only one family unit, that is the only dwelling unit located on the parcel it is situated on, and that is not attached to any other structures or dwelling units, except accessory structures permitted in this Chapter.
- C. **SINGLE-FAMILY SEMI-DETACHED DWELLING (TWIN)**-- A dwelling unit in which one side wall is a party wall in common with a neighboring dwelling unit designed so that the vertical party wall separates two dwelling units, and acts as the lot line dividing the properties, but it is otherwise surrounded by required yard areas.

**D. TWO-FAMILY DETACHED DWELLING (DUPLEX)--** A building having two separate dwelling units, one over the other or side-by-side, so that each unit shares one and only one common partition. Both dwelling units are located on a single parcel and are under common ownership.

**E. MULTIFAMILY DEVELOPMENT--** A residential building containing at least three (3) permanent dwelling units in a variety of combinations, including side-by-side, over and under, or back-to-back with another dwelling unit.

#### **DWELLING UNIT**

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

#### **FAA**

The Federal Aviation Administration.

#### **FAMILY**

Any group of individuals living together permanently or long-term, as opposed to transiently or short-term, as the functional equivalent of a family where the residents may share living expenses, chores, eat meals together and are a close group with social, economic and psychological commitments to each other. A family includes, for example, the residents of residential care facilities and group homes for people with disabilities. A family does not include larger institutional group living situations such as student-housing, dormitories, fraternities, sororities, monasteries or nunneries.

#### **FCC**

The Federal Communications Commission.

#### **FEMA**

Federal Emergency Management Agency (FEMA), an agency within the U.S. Department of Homeland Security. The Federal agency under which the National Flood Insurance Program is administered. FEMA is charged with responding to Presidentially-declared disasters.

#### **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.

#### **FLOOD**

A general and temporary condition of partial or complete inundation of 2 or more acres of normally dry land area or of 2 or more properties (at least 1 of which is the policyholder's property) from:

- A. Overflow of inland or tidal waters; or
- B. Unusual and rapid accumulation or runoff of surface waters from any source; or

- C. Mudslides (i.e., mudflows) which are proximately caused by flooding and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.; or
- D. Collapse or subsidence of land along the shore of a lake or similar body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels that result in a flood as defined above.

A flood inundates a floodplain. Most floods fall into three major categories: riverine flooding, coastal flooding, and shallow flooding

### **FLOOD HAZARD BOUNDARY MAP (FHBM)**

Official map of a community issued by FEMA, where the boundaries of the flood, mudflow and related erosion areas having special hazards have been designated.

### **FLOOD INSURANCE RATE MAP (FIRM)**

Official map of a community on which FEMA has delineated the Special Flood Hazard Areas (SFHAs), the Base Flood Elevations (BFEs) and the risk premium zones applicable to the community.

### **FLOODPLAIN**

Any land area susceptible to being inundated by floodwaters from any source.

### **FLOODPLAIN MANAGEMENT**

The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to, emergency preparedness plans, flood-control works and floodplain management regulations.

Floodplain management is a decision-making process that aims to achieve the wise use of the nation's floodplains. "Wise use" means both reduced flood losses and protection of the natural resources and function of floodplains.

### **FLOODPROOFING**

Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

### **FLOODWAY**

The channel of a river, stream, or other watercourse and the adjacent land area required to carry and discharge a flood of the one-hundred-year magnitude.

### **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.

### **FUNCTIONAL FAMILY EQUIVALENT**

Persons living and cooking together as a single, nonprofit and nontransient housekeeping unit and having facilities to do their cooking on the premises.

### **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.

### **GOVERNING BODY**

The Council of the Borough of North Wales.

### **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, liftoff and parking of rotor-wing aircraft (helicopters) for the purpose of picking up and discharging passengers or cargo with no service facilities.

### **HOLIDAY AND SEASONAL DECORATIONS**

Signs or displays, including lighting, which are a nonpermanent installation celebrating national, state, and local holidays, religious or cultural holidays, or other holiday seasons.

### **HOME-BASED BUSINESS, NO-IMPACT**

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.

### **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.

- A. **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.
- B. **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 displays, and signs incorporating neon lighting shall not be considered internal illumination for the purposes of this chapter.
- C. **HALO ILLUMINATION (OF SIGN)**A sign using a three-dimensional message, logo, etc., which is lit in such a way as to produce a halo effect. (Also known as "backlit illumination.")

## **IMMEDIATE FAMILY MEMBER**

Any spouse, parents, stepparents, foster parents, father-in-law, mother-in-law, children, stepchildren, foster children, sons-in-law, daughters-in-law, grandparents, grandchildren, brothers, sisters, brothers-in-law, sisters-in-law, aunts, uncles, nieces, nephews, or first cousin (that is, a child of an aunt or uncle).

## **IMPERVIOUS SURFACE**

A surface that prevents the infiltration of water into the ground. Impervious surfaces (or areas) shall include, but not be limited to, roofs, additional indoor living spaces, patios, garages, storage sheds and similar structures, swimming pools, and any new streets or sidewalks. Decks, parking areas, and driveway areas are not counted as impervious areas if they do not prevent infiltration.

## **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.

## **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 held by a landowner and/or intended for use, development, lease, or transfer of ownership and for which a deed description is recorded or is intended to be recorded at the Office of the Recorder of Deeds for Montgomery County.

**LOT AREA, GROSS**

The area of land contained within the property lines of a parcel, tract or lot as described in the deed or as shown on an approved subdivision plan.

**LOT AREA, NET**

The gross lot area, excluding the following areas:

1. Any area within the street ultimate right-of-way; or within any other ultimate right-of-way, whether public or private, that provides, or is intended to provide, access to more than one lot by way of vehicular and/or pedestrian circulation.
2. Any area, easement or right-of-way to be used for emergency access, drives or fire lanes.

The net lot area shall be used to determine the area, bulk, coverage, dimensional, and density requirements.

**LOT, CORNER**

A lot having contiguous frontage on two or more intersecting roads. The setback at each road frontage shall be the front setback for the district in which the lot is located. One of the other two sides shall have a rear yard setback and the other shall be the side yard.

**LOT, LANDLOCKED or INTERIOR**

A designated parcel, tract, or area of land lawfully assigned a separate tax parcel identification number by the Montgomery County Board of Assessment office that does not have frontage on a street or alley.

**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.

**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.

## **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 MARIJUANA**

Marijuana for certified medical use as set forth in the Medical Marijuana Act.

## **MEDICAL MARIJUANA ACT**

The Pennsylvania Medical Marijuana Act, Act 16 of 2016, 35 P.S. § 10231.101, et seq.

## **MEDICAL MARIJUANA DISPENSARY**

A person, including a natural person, corporation, partnership, association, trust, or other entity or any combination thereof which holds a permit issued by the Pennsylvania Department of Health to dispense medical marijuana. The term includes the facility from which medical marijuana is dispensed. The term does not include a health care medical marijuana organization under Chapter 19 of the Medical Marijuana Act.

## **MEDICAL MARIJUANA GROWER/PROCESSOR**

A person, including a natural person, corporation, partnership, association, trust, or other entity or any combination thereof which holds a permit from the Department of Health to grow and process medical marijuana. The term includes the facilities in which medical marijuana is grown and processed. The term does not include a health care medical marijuana organization under Chapter 19 of the Medical Marijuana Act.

## **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.

## **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 single-family detached dwelling intended for permanent occupancy, which may not meet local building codes but does meet the standards of the United States Department of Housing and Urban Development, as indicated by the Structural Engineering Bulletin(s) provided to the Borough Council by the applicant. It shall be contained in one unit (called a "single-wide") or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing (called a "double-wide"), 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 with or

without a permanent foundation, including any roofed addition such as extra rooms, covered patios, porches, etc.

**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 or contiguous parcels of land which has been so designated and improved that it contains two or more lots, improved with the necessary utility connections and other appurtenances necessary for the placement thereon of mobile homes.

**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.

**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, 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.

**MULTIFAMILY DEVELOPMENT**

A multifamily residential development is a detached, residential building containing at least three (3) permanent dwelling units in a variety of combinations, including side-by-side, over and under, or back-to-back with another dwelling unit.

**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)**

An image which is painted, constructed or affixed directly onto a vertical building wall, which may or may not contain text, logos, and/or symbols. A mural is considered a wall sign regardless of the content and the area of any mural shall be calculated as part of permissible sign area.

**NATIONAL FLOOD INSURANCE PROGRAM (NFIP)**

The program of flood insurance coverage and floodplain management administered under the Act and applicable federal regulations promulgated in Title 44 of the Code of Federal Regulations, Subchapter B.

### **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 SIGN**

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

### **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.

### **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.

### **OBSTRUCTION**

Any wall, dam, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel, rectification, culvert, building, fence, stockpile, refuse, fill, structure or matter in, along, across or projecting into any channel, watercourse or designated floodplain district which may impede, retard or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or is placed where the flow of the water might carry the same downstream to damage property or threaten lives.

### **OWNER**

Any person vested with ownership, legal or equitable, sole or partial, of any property located in this Borough.

## **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.

## **PAVING, PERMEABLE**

An all-weather paving material which allows for significant reduction in surface water run-off due to its absorptive or porosity characteristics. The paving materials may include porous bituminous concrete mixtures, permeable interlocking concrete paving blocks, concrete grid pavers, perforated brick pavers, permeable flexible paving, and similar materials when reviewed by the Borough Engineer; gravel or cinders shall not qualify. The material and its construction details shall be reviewed and approved by the Borough Engineer prior to installation.

## **PARKING SPACE**

An open or covered area with a dust-free, all-weather surface for the storage of one automobile, accessible via a driveway. A parking space shall be constructed of macadam, asphalt, concrete, or permeable paving and has an area as specified otherwise required in this chapter.

## **PATIO**

An unenclosed area at ground level, with or without a roof and is used primarily for private recreational purposes.

## **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.

## **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 or without a roof, is one story in height, and has access to the ground.

## **PREEXISTING 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.

## **PRIMARY FRONT FACADE**

All aboveground exterior walls of a building oriented parallel to a street frontage. In the event there is more than one street frontage, the primary front facade shall be oriented toward the street of higher

classification. Primary facades shall contain a main entrance connected to the sidewalk by a walkway, or shall front directly on a sidewalk.

**[Added 11-23-2021 by Ord. No. 819]**

**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.

**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 (R-1, R-2 and R-3), 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.

**SETBACK**

The distance from a lot line or, in the case of front setbacks, a curbline to the point on a lot where a building or structure may be constructed. A setback area must be maintained clear of buildings and structures, with the exception of encroachments as may be permitted by this Chapter.

**SETBACK, FRONT**

A setback extending along the full width of the lot along the street line and which extends from the curbline towards the interior of a lot. The required depth of a front setback shall be established by the applicable zoning district. See also "Build-to Line,"

**SETBACK, REAR (or REAR YARD SETBACK)**

A setback extending along the full width of the lot along the rear lot line that extends towards the interior of the lot. The required depth of a rear setback shall be established by the applicable zoning district.

### **SETBACK, SIDE (or SIDE YARD SETBACK)**

A setback extending along a side lot line, those being the lot lines connecting the front lot line to the rear lot line, measured from a side lot line towards the interior of the lot. The required depth of a side setback shall be established by the applicable zoning district.

### **SIGHT DISTANCE, STOPPING**

The distance of unobstructed view along the center line of a street from the driver's eye-height of 3 1/2 feet above the pavement surface to the furthest visible point, or as otherwise defined in the most current edition of PennDOT Publication No. 13M: Design Manual, Part 2: Highway Design.

### **SIGHT TRIANGLE**

A triangular-shaped portion of land established at street intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

### **SIGN**

Any device, structure, fixture, painting, emblem, or visual image using words, graphics, symbols, numbers, or letters designed and used 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 365 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° apart. (Also known as "multisided 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:
  - (1) **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").
  - (2) **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's 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 noncommercial 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 noncommercial 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.
- 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 a sign 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 sites 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. **SNIPED 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," or "band sign.")
- Z. **WINDOW SIGN** Any sign that is applied, painted, or affixed to a window, or placed inside a window within three 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 **XXI** 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.

**SPECIAL FLOOD HAZARD AREA (SFHA)**

An area having special flood, mudflow or flood-related erosion hazards and shown on a Flood Hazard Boundary Map (FHBM) or a Flood Insurance Rate Map (FIRM) Zone A, AO, A1-A30, AE, A99, AH, AR, AR/A, AR/AE, AR/AH, AR/AO, AR/A1-A30, V1-V30, VE or V. The SFHA is the area where the National Flood Insurance Program's (NFIP's) floodplain management regulations must be enforced and the area where the mandatory purchase of flood insurance applies. For the purpose of determining Community Rating System (CRS) premium discounts, all AR and A99 zones are treated as non-SFHAs.

## **STEALTH TECHNOLOGY**

Camouflaging methods applied to wireless communications towers, antennas and other facilities which render them more visually appealing or blend the proposed facility into the existing structure or visual backdrop in such a manner as to render it minimally visible to the casual observer. Such methods include, but are not limited to, architecturally screened roof-mounted antennas, building-mounted antennas painted to match the existing structure, and facilities constructed to resemble trees, shrubs, flagpoles and light poles.

## **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.

## **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.

## **STREET**

Includes streets, avenues, boulevards, roads, highways, freeways, parkways, lanes, alleys, viaducts 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 redivision 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 10 acres, not involving any new streets or easements of access or any residential dwelling, shall be exempted.

#### **SUBSTANTIALLY CHANGED**

- A. Any increase in the height of a wireless support structure by more than 10%, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater, except that the mounting of the proposed wireless communications facility may exceed the size limits set forth herein if necessary to avoid interference with existing antennas; or
- B. Any further increase in the height of a wireless support structure which has already been extended by more than 10% of its originally approved height or by the height of one additional antenna array.

#### **SUBSTANTIALLY IMPROVED BUILDING**

Any repair reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either before the improvement or repair is started or, if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

- Any project for improvement of a structure to comply with existing State or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or
- Any alteration of a structure listed on the National Register of Historic Places or the Pennsylvania Inventory of Historic Places.

#### **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:

- 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 communications 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 telecommunications 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 inpatients 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.

### **USE**

The use of land or a building or structure on a lot. Uses are classified, defined, and regulated by Article IV, Use Regulations (§ 208-18).

### **USE, ACCESSORY**

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

### **USE, PRINCIPAL**

The primary use of a building or structure permitted and intended for a given lot, parcel, or premises.

### **UTILITY POLE**

An existing or replacement pole or similar structure that is used in whole or in part to carry or to provide lateral support to electric distribution lines or cables or wires for telecommunications, cable or electric service, or for lighting or support for traffic control devices. Such term shall not include structures supporting only wireless facilities.

### **VARIANCE**

Relief which may be granted or denied by the Zoning Hearing Board in accordance with Article XXI 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**

Transmissions through the airwaves, including, but not limited to, infrared line-of-sight, cellular, PCS, microwave, satellite, or radio signals.

#### **WIRELESS COMMUNICATIONS FACILITY**

The antennas, nodes, control boxes, towers, poles, conduits, ducts, pedestals, electronics and other equipment used for the purpose of transmitting, receiving, distributing, providing, or accommodating wireless communications services.

#### **WIRELESS COMMUNICATIONS FACILITY, NON-TOWER**

All non-tower wireless communications facilities, including, but not limited to, antennas and related equipment, and those involving replacement of existing Borough or third-party utility structures, provided that the original function of the utility structure continues to be served following replacement. Non-tower wireless communications facilities shall not include support structures for antennas and related equipment.

#### **WIRELESS COMMUNICATIONS FACILITY, TOWER-BASED**

Any structure that is initially constructed for the primary purpose of supporting one or more antennas, including, but not limited to, self-supporting lattice towers, guy towers and monopoles, and utility poles and light poles. DAS hub facilities are considered to be tower-based wireless communications facilities

#### **WIRELESS COMMUNICATION SERVICES (WTS)**

The provision of wireless communication services, including those more commonly referred to as “cellular phones” which services are regulated by the Federal Communications Commission (FCC) in accordance with and as the term “personal wireless service” is defined in the Communications Act of 1934, as amended by the Telecommunications Act of 1996, 47 USC Section 332(c)(7)(c), or as amended.

#### **WIRELESS COMMUNICATIONS FACILITY APPLICANT**

Any person that applies for a wireless communications facility building permit, zoning approval and/or permission to use the public right-of-way or other Borough-owned land or property.

#### **WIRELESS FACILITY, SMALL**

A wireless communications facility that meets each of the following conditions:

- The structure on which antenna facilities are mounted:
  - Is 50 feet or less in height; or
  - Is no more than 10% taller than other adjacent structures; or
  - Is not extended to a height of more than 10% above its preexisting height as a result of the co-location of new antenna facilities; and
  - Each antenna (excluding associated antenna equipment) is cumulatively no more than three cubic feet in volume; and
- All antenna equipment associated with the facility (excluding antennas) is cumulatively no more than 28 cubic feet in volume; and
- The facility does not require antenna structure registration under 47 CFR Part 17; and
- The facility is not located on tribal lands, as defined under 36 CFR 800.16(x); and
- The facility does not result in human exposure to radio frequency radiation in excess of the applicable safety standards specified in 47 CFR 1.1307(b).

#### **WIRELESS SUPPORT STRUCTURE**

A freestanding structure, such as a tower-based wireless communications facility, or any other support structure that could support the placement or installation of a wireless communications facility if approved by the Borough.

#### **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 or chimneys projecting not more than two feet, uncovered steps and ramps, fences and walls, and accessory buildings or structures as may be otherwise permitted.

### 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-1	Residential District
R-2	Residential District
R-3	Residential District
OR	Office-Residential District
CBD	Commercial Business District
TOD	Transit Oriented Development District
LI	Limited Industrial District
INO	Institutional Overlay District
FP	Floodplain Conservation District
HP	Historic Preservation 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 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. The Zoning Map of the Borough of North Wales is provided under Attachment 2. Paper copies are on file in the office of the North Wales Borough Manager.

## Article IV Use Regulations

### § 208-13 Regulation of uses.

Except as provided for by law, no building, structure, land, lot or premises shall be used for any purposes other than as permitted in this Chapter.

### § 208-14. Purpose.

It is the intent of this article to provide clear and specific standards for uses permitted within the various North Wales Borough zoning districts, including design standards for uses permitted in more than one district.

### § 208-15. Applicability and interpretation.

- A. When a use is proposed, the Zoning Officer shall make the final determination on which use classification described herein best or most closely defines or matches the use being proposed. If a proposed use meets the definition of more than one use classification, as defined herein, the most specific use classification which matches most precisely the proposed use shall be used.
- B. When a proposed use does not precisely match a use classification defined herein, the Zoning Officer shall determine which described use it most closely matches. If the principal use proposed is similar in most respects to a given described use, as determined by the Zoning Officer, then the proposed use shall be classified according to the use defined herein.
- C. All uses permitted by right, by conditional use or by special exception, shall be subject to the use regulations herein, as well as any applicable district regulations, and any other applicable provisions as are specified in this Chapter. If there is a conflict between the use regulations herein and any other applicable regulations, the more restrictive regulation shall apply.
- D. A building, structure, lot, or premises shall be permitted only one principal use, except as may be provided for in this Chapter.
- E. A building, structure, lot, premises, or use shall not be altered, partitioned or subdivided in any manner for the purpose of creating an additional principal use, or additional accessory use, except as may be provided for in this Chapter.

### § 208-16. Permitted uses.

- A. Use by Right. In any given district, a use is permitted by right, provided it is listed as such in the district regulations, provided it can comply with the applicable use regulations stated herein, and provided a use and occupancy permit has been duly issued by North Wales Borough, as specified in this Chapter.
- B. Use by Conditional Use Approval. In any district, a use is permitted by Conditional Use approval, provided it is listed as such and meets the conditions in the district regulations, and provided it can comply with the applicable use regulations stated herein. In addition, the use is subject to approval or denial by the Borough Council. If approved, the Borough Council may impose further conditions to ensure the protection of adjacent uses and the health, safety and general welfare of the residents. Following approval and conditions of the Borough Council, the use is subject to all other applicable codes, permits, regulations, and standards expressed in this Ordinance.
- C. Use by Special Exception. In any district, a use is permitted by Special Exception, provided it is listed as such in the district regulations, and provided it can comply with the applicable use regulations

stated herein. In addition, the use is subject to approval or denial by the Borough Zoning Hearing board. If approved, the Zoning Hearing Board may impose further conditions to insure the protection of adjacent uses and the health, safety and general welfare of the residents. Following approval and conditions of the Zoning Hearing Board, the use is subject to all other applicable codes, permits, regulations, and standards expressed in this Ordinance.

D. Accessory Uses Permitted.

- (1) An accessory use is permitted if it is listed as a permitted accessory use in the district use provisions. Accessory uses not listed as such are not permitted, except when the Zoning Officer determines a use qualifies as "subordinate and customarily incidental to" the principal use of the subject tract.
- (2) Accessory uses, when permitted, are subject to the district regulations, the provisions of the uses regulations established herein, and all other applicable sections of this Chapter.
- (3) Accessory uses must be subordinate to a principal permitted use on the lot and may not in any case be a principal use.
- (4) Any proposed use that is accessory to a use that is permitted by conditional use, special exception, or variance shall require the same type of approval.

E. Uses Not Permitted. Any use not listed in the district in question as explained above is not permitted.

F. Use by Variance. Any use not permitted in the district regulations or conforming to the use regulations or applicable provisions of this Chapter may be permitted if a variance for relief of those requirements is granted by the Borough Zoning Hearing Board. If approved, the Board may impose further conditions to ensure the protection of adjacent uses, and the health, safety and general welfare of the residents. Following approval and conditions of the Board, the use is subject to all other applicable codes, permits, regulations, and standards expressed in this Chapter.

**§ 208-17. Legal status of uses.**

- A. The following terminology is assigned to uses, based upon their method of institution. Refer to the Administration and the Borough Zoning Hearing Board sections of this Chapter for treatment of these various circumstances.
- (1) Conforming Use. The use meets all applicable standards and regulations as established in this Zoning Ordinance.
  - (2) Nonconforming Use. The use does not meet all applicable standards and regulations as established in this Zoning Ordinance.
  - (3) Legally Nonconforming Use. The use does not meet all applicable standards and regulations as established in the Zoning Ordinance, but the use or property received the required Borough approval through the variance process; or was legally instituted prior to the adoption of this Ordinance or the applicable Zoning Ordinance standard.
  - (4) Illegal Use. A use which may or may not conform to zoning, but never received the appropriate Borough approval.

(5) Federal and State property is subject to the provisions of this Ordinance only insofar as permitted by the Constitution and laws of the United States and the Commonwealth of Pennsylvania.

B. A use created by conditional use approval, special exception approval, or variance approval, may only undergo alteration, addition, expansion, or intensification of the use by reapplication and re-approval of the body granting original approval.

## § 208-18. Categories of permitted uses

A. Accessory uses.

(1) **Use A-1: Accessory Dwelling Unit.** An accessory dwelling unit (ADU) is a dwelling unit that is accessory to a single-family dwelling that is located on the same lot. An ADU may not be a mobile home, motor home, or trailer. Use A-1: Accessory Dwelling Unit is only permitted upon special exception approval by the Zoning Hearing Board and when the following requirements are met:

(a) **Limitation.** One ADU may be permitted per lot where a **Use B-2: Single Family Detached Dwelling** or **Use B-3: Single-Family Semi-detached (twin) dwelling** is established as the principal use of the lot.

(b) **Annual registration required.** The owner of an ADU must register the unit prior to occupancy and must submit for recertification and inspection annually.

(c) **Occupancy.**

[1] The use permit for the ADU shall be in effect only so long as either the principal dwelling or the ADU is occupied by the owner of record of the property.

[2] In the R-1 Residential District, an ADU shall only be occupied by an immediate family member of the owner of record of the property. This restriction shall not apply in any other zoning district.

[3] No more than three (3) people shall occupy an ADU.

(d) **Design and Development Standards.**

[1] **Dimensional requirements.** ADUs shall meet the setback and coverage requirements for principal structures in the underlying zoning district.

[2] **Attached ADUs.** ADUs that are attached to the principal or within the principal building shall have an entrance separate from the entrance to the primary residence. This entrance may not be a part of the front façade of the primary residence.

[3] **Detached ADUs.** When detached from the primary residence, the accessory dwelling unit shall be separated by a minimum distance of 10 feet from the primary residence.

[4] **Maximum size.** The maximum permitted floor area of an ADU shall be the lesser of 40 percent of the living area of the primary residence or 1,200 square feet.

[5] **Maximum building height.**

a. The maximum building height for detached ADUs shall not exceed 14 feet for a one-story ADU and 24 feet for a two-story ADU.

b. ADUs attached to the primary residence shall not increase or exceed the height of the existing primary residence.

[6] Parking. Required parking spaces associated with the accessory unit shall share the driveway of the primary residence and conform to all applicable standards of the underlying zoning district.

[7] General design. The design of the accessory unit shall relate to the design of the primary residence by use of similar exterior wall materials, window types, door and window trims, roofing materials, and roof pitch. Windows on the ADU shall be offset from neighboring residences so as to preserve privacy.

(e) Deed restriction required. Before obtaining a building permit for an ADU, the property owner shall file with the Montgomery County Recorder of Deeds a declaration of restrictions containing a reference to the deed under which the property was acquired by the present owner stating that:

[1] The accessory unit shall not be sold separately

[2] The unit is restricted to the approved size.

[3] The use permit for the accessory unit shall be in effect only so long as either the principal residence or the accessory unit is occupied by the owner of record of the principal residence.

[4] The above declarations are binding upon any successor in ownership of the property; lack of compliance shall be cause for code enforcement and/or revoking of the use permit.

[5] The deed restrictions shall lapse upon removal of the accessory unit.

(2) **Use A-2: Accessory Structure, Residential.** A building or structure erected for the private use of the owner or occupant of a single-family dwelling, which is situated on the same lot as the residence, and used for common household purposes, storage or vehicular parking, including but not limited to a detached garage or carport for no more than four vehicles, storage shed, gazebo, deck, barn, private greenhouse, or shelter for up to four traditional household pets. The following additional regulations must be satisfied:

(a) All residential accessory structures shall require a zoning permit.

(b) A maximum of three (3) accessory structures may be permitted per lot.

(c) The total ground floor area of all accessory structures on any one lot shall not exceed 450 square feet, unless a greater floor area is authorized by approval of a special exception by the Zoning Hearing Board.

(d) The area of all residential accessory structures shall be calculated into the impervious surfacing on the property, unless made of demonstrably pervious surfacing.

(e) The maximum height of all accessory buildings shall be 15 feet.

(f) Setbacks:

[1] No accessory structure may be erected or placed within the required front setback area or between the front façade of the primary building and the right-of-way.

[2] A residential accessory structure with a footprint smaller than 200 square feet shall not be constructed closer than five (5) feet from any side or rear property line, notwithstanding the principal building setback of the district.

- [3] A residential accessory structure with a footprint larger than 200 square feet shall be required to meet the principal building setbacks for the district in which it is located.
  - [4] Notwithstanding the above, no residential accessory structure shall be constructed closer than 10 feet from any other structures, whether on the same lot or on an adjacent lot.
- (3) **Use A-3: Accessory Structure, Nonresidential.** A building or structure erected for uses customarily incidental to a non-residential use permitted in non-residential zoning districts and legally established as a principal use of the premises. The following additional regulations must be satisfied:
- (a) The location of the accessory structure shall not violate any district zoning provision or use in which it is located, or any aspect of an approved land development plan. An area already impervious, but not required for parking or other zoning use purposes will not be considered in conflict with an approved development plan.
  - (b) A trailer, freezer, or shipping container, whether or not removed from its wheels, shall not be used as an accessory structure.
  - (c) An accessory structure shall not be used to establish a new or unrelated use on the premises.
  - (d) No more than a total of three (3) accessory structures may be permitted per lot.
  - (e) Setbacks:
    - [1] No accessory structure may be erected or placed within the required front setback area or between the front façade of the primary building and the right-of-way.
    - [2] A structure with a footprint smaller than 200 square feet shall not be constructed closer than ten (10) feet from any side or rear property line, notwithstanding the principal building setback of the district.
    - [3] A structure with a footprint larger than 200 square feet shall be required to meet the principal building setbacks for the district in which it is located.
    - [4] Notwithstanding the above, the structure shall not be constructed closer than ten (10) feet from any other structures, whether on the same lot or on an adjacent lot.
- (4) **Use A-4: Bed and Breakfast.** A home occupation that provides one to five rooms for occasional paying guests on an overnight basis for periods not to exceed 14 days. A bed and breakfast is allowed only in an owner-occupied single-family detached dwelling when operated as a home occupation. Use A-4: Bed and Breakfast is only permitted upon special exception approval by the Zoning Hearing Board and when the following requirements are met:
- (a) A bed and breakfast may only be located in a single-family detached dwelling.
  - (b) A bed and breakfast home shall not have more than five guest rooms.
  - (c) No guest shall stay for more than 14 consecutive days.
  - (d) Meal service for guests is limited to breakfast and shall not include the sale of alcoholic beverages.
  - (e) Owner shall maintain a current guest register.
  - (f) Any modifications, additions, or alterations to the building are allowed only on the side and rear of the building. The structure's facade shall be maintained to appear as a single-family dwelling.
  - (g) Each bed and breakfast facility shall be equipped with smoke detectors and fire extinguishers in accordance with the requirements of the Pennsylvania Department of Labor and Industry, the Property Maintenance Code, and/or Building Code. Guests shall be

provided with information regarding the floor plan of the building and the location of emergency exits.

- (h) A telephone shall be provided in each guest room or, where infeasible, guests shall be provided information on the location of a telephone that is accessible to all guests at any time.
- (i) No separate kitchen or cooking facilities shall be provided in guest rooms.
- (j) The business shall employ no employees other than family members residing in the dwelling.

(5) **Use A-5: Drive-through Facilities.** A building, facility, or structure, or portion thereof, from which a business, product or service is transacted, or is capable of being transacted, directly with customers located in a motor vehicle during the transaction. The following additional regulations must be satisfied:

- (a) A queuing study shall be performed to demonstrate that adequate space can be provided on-site and the queue will not spillback off-site onto adjacent accesses and/or public roadways. A plan illustrating the maximum queue is to be included in the study with appropriate documentation as to how the maximum queue was calculated. The plan must also demonstrate that safe pedestrian access can be provided to and from the building and adjacent parking spaces.
- (b) Lots fronting an arterial highway shall provide ingress to the drive-in facility from an aisleway that is no less than 12 feet in width within the interior circulation of the lot.
- (c) Ingress to the drive-in-facility must occur from an aisleway within the interior circulation of the lot, and not directly from an arterial highway.
- (d) Egress from the drive-in-facility shall not occur within fifteen (15) feet from a pedestrian entrance or exitway to the building.
- (e) A clearly marked crosswalk located from the entryway(s) to the parking lot situated perpendicular to the drive-through stacking lane that, in addition to paint, is in a physical form sufficient to alert drivers of potential pedestrian/vehicle conflicts.
- (f) A drive-through facility shall not be located within the front yard area.
- (g) The use must have direct access to Main Street or Walnut Street.
- (h) There shall be only one point of ingress and only one point of egress to Main Street or Walnut Street.

(6) **Use A-6: Family Child Care Home.** As defined by 55 Pa. Code §§ 3290, Family Child Care Homes are “facilities in which out-of-home care is provided, at any one time, for part of a 24-hour day to four, five or six children who are not related to the operator and who are 15 years of age or younger.” Furthermore, such facilities may be private or public, profit or nonprofit. Use A-6: Family Child Care Home is only permitted upon special exception approval by the Zoning Hearing Board and when the following requirements are met:

- (a) A family child care home may only be located in a single-family detached dwelling.
- (b) Any addition or improvement to an existing residential structure or property for purposes of child care shall preserve its residential character. The scale, bulk, height, and roof pitch of any addition and the building materials used shall be compatible with the existing structure.
- (c) When an outdoor play area is provided there shall be fencing of adequate height (four-foot minimum) along the perimeter of any outdoor play area in order to physically contain the activity of children. Play equipment, such as a swing set or slide, shall not be located closer than ten (10) feet from any property line.
- (d) An on-site drop-off area shall be provided with sufficient area to allow the temporary parking of at least two vehicles.

- [1] An existing driveway may be used for the drop-off area if it can be demonstrated that there is sufficient space available in the driveway, which is not otherwise occupied or committed, to safely accommodate two parked vehicles. If a driveway is used for the drop-off area and the property fronts an arterial or collector street, then an on-site turnaround area shall be provided so that vehicles can exit the site driving forward.
- [2] In cases where the existing driveway cannot function as a drop-off area, new on-site drop-off spaces shall be provided.
- (e) Hours of Operation. The hours of operation shall be limited to the hours between 6:30 a.m. and 6:00 p.m.
- (f) All facilities must have a certificate of compliance (license) from the PA Department of Human Services in order to operate. Proof of licensure shall be provided to the Borough upon request.
- (g) The requirements herein shall not apply to care provided relatives or care furnished in places of worship during religious service.
- (h) In addition to the requirements herein, strict compliance with all applicable provisions of 55 Pa. Code §§ 3290 is required.
- (7) **Use A-7: 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. Home occupations are further categorized as either **Use A-7a: No-Impact Home-Based Business** or **A-7b: Minor Home-Based Business**:
  - (a) **Use A-7a: Home-Based Business, No-Impact.** 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:
    - [1] The business activity shall be compatible with the residential use of the property and surrounding residential uses.
    - [2] The business shall employ no employees other than family members residing in the dwelling.
    - [3] There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
    - [4] There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
    - [5] The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
    - [6] The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
    - [7] The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
    - [8] The business may not involve any illegal activity.

(b) **Use A-7b: Home Based-Business, Minor.** 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 may involve no more than one employee and limited customer or client appointments on-site. Use A-7b: Minor Home Based-Business is only permitted upon special exception approval by the Zoning Hearing Board and when the following requirements are met:

- [1] A minor home based-business may only be established where a single-family detached dwelling is the principal use of the lot.
- [2] The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- [3] A maximum of one employee that need not reside in the residence may work on-site at any given time.
- [4] There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- [5] The hours of operation, hours of drop-off/pick-up of clients or their belongings, and times of delivery to/from the premises shall be limited to the hours between 8 a.m. and 8 p.m.
- [6] There shall be no outside appearance of a business use, except for any signage as may be permitted by Article XVIII, Signs.
- [7] The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
- [8] 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.
- [9] When the business activity is conducted within the dwelling, it may not occupy more than 25% of the habitable floor area. Legally established accessory structures may be utilized for the business purpose.
- [10] The business may not involve any illegal activity.

(8) **Use A-8 Outdoor Dining.** An eating area with tables and chairs that is located outside of and accessory to **Use D-6: Microbrewery/Microdistillery/Microwinery, D-10: Dine-in Restaurant, or D-11: Restaurant, Take-out.** The following additional regulations must be satisfied:

- (a) Outdoor dining shall not obstruct or interfere with pedestrian circulation on or off site and shall have unobstructed aisles and entrances. When conducted in the right-of way, a minimum of five feet of sidewalk width must remain unobstructed.
- (b) A minimum of five feet shall be maintained between fire hydrants and outdoor dining areas.
- (c) Outdoor dining areas shall be kept sanitary, neat, and clean at all times. It shall be kept free from accumulation of food, litter, snow, ice, and any dangerous or unsanitary matter.
- (d) If located in a parking lot or street right-of-way, the outdoor dining area must be physically separated from drive aisles, parking spaces, or any motor vehicle traffic area by a railing, fence, planter box, or combination thereof.

- (e) Any encroachment into a street, public parking lot, shared driveway, or other area to which the owner of the establishment seeking outdoor dining does not have full and sole ownership over shall be approved by any owners or holders of easements or rights to the area prior to establishing any outdoor dining area.
- (9) **Use A-9: Outdoor Storage.** The outdoor keeping of junk, material, merchandise, equipment, or any goods in an uncovered/open area, or unenclosed building for more than 24 hours. The following additional regulations must be satisfied:
- (a) All outdoor storage areas must be located within the building envelope, as created by the applicable dimensional requirements. In addition, no outdoor storage area shall be located between the primary building(s) on a site and public streets, nor shall it be located closer than fifteen (15) feet to any side or rear property line, nor fifteen (15) feet from any structure. Furthermore, no part of a public right-of-way, buffer area, storm-water management systems, or required parking spaces shall be used for outdoor storage.
  - (b) Where permitted, outdoor storage areas shall occupy an area less than twenty-five percent (25%) of the ground floor area of the principal building or structure.
  - (c) In order to shield outdoor storage facilities from direct view from adjacent properties and the public right-of-way at ground level and to prevent access by children and members of the general public, all outdoor storage facilities shall be completely enclosed by either walls or fencing at least 6 feet in height with self-closing, self-latching gates/doors with a secure lock. In the event that the required walls/fencing does not adequately screen an outdoor storage facility, high density landscaping sufficient to screen the storage area from view shall be required.
  - (d) No materials or wastes shall be deposited upon a lot in such form or manner that they may be transferred off the lot by natural causes or forces.
  - (e) 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, sealed containers.
  - (f) The practice of storing or depositing any abandoned or junked automobiles, vehicles, machinery or discarded equipment of any kind, or parts thereof, in or on any public or private property, vacant or occupied within the Borough of North Wales shall be deemed to be and constitute a nuisance and is hereby prohibited.
  - (g) All solid and liquid wastes shall be disposed of in a timely basis and in an environmentally safe manner.
- (10) **Use A-10: Refuse Collection Facilities.** The storage of refuse inside a building or within an outdoor area completely enclosed by either walls or opaque fencing (a dumpster enclosure). The following additional regulations must be satisfied
- (a) Outdoor refuse collection facilities.
    - [1] Such facilities shall be architecturally compatible with the principal building(s) on-site.
    - [2] Such facilities may only be located in the side or rear yards; such facilities must be set back at least 10 feet from all property lines.
    - [3] Such facilities shall be completely enclosed by either walls or opaque fencing at least 6 feet in height with self-closing and self-latching gates. No chain link fences or cinder block shall be used for such enclosures.
    - [4] Such facilities shall be designed in a manner which can accommodate large collection trucks.
    - [5] Landscaping is encouraged around such facilities.

- [6] Refuse collection facilities detached from residential buildings shall be subject to the setback of 10 feet from all property lines.
- (b) Indoor refuse collection facilities. Refuse collection facilities located inside of a building shall be monitored and managed by the property owner, property manager, or other property maintenance personnel and shall be kept sanitary at all times; the collection of refuse shall occur no less than once per week.
- (11) **Use A-11: Solar Energy System.** A solar collection system consisting of one or more building and/or ground mounted solar collector devices and related equipment that converts solar energy into usable electric energy. A solar energy system may be established as an accessory use only if it supplies electrical or thermal power solely for on-site use, except that when a property upon which the facility is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company. Solar Energy Systems include the following categories:
- (a) **Use A-11a: Roof-Mounted Solar Energy Systems.** A solar energy system located on the roof of any legally permitted building or structure that produces electricity. The following additional regulations must be satisfied:
- [1] Solar panels on pitched roofs shall be mounted with a maximum distance of eight (8) inches between the roof surface the highest edge of the system.
  - [2] Solar panels on pitched roofs shall be installed parallel to the roof surface on which they are mounted or attached.
  - [3] Solar panels on pitched roofs shall not extend higher than the highest point of the roof surface on which they are mounted or attached.
  - [4] Solar panels on flat roofs shall not extend above the top of the surrounding parapet, or more than 24 inches above the flat surface of the roof, whichever is higher.
  - [5] All solar panels shall have an anti-reflective coating.
  - [6] All roof-mounted solar energy systems shall be subject to the maximum height regulations specified for principal and accessory buildings within the underlying zoning district.
- (b) **Use A-11b: Ground-Mounted Solar Energy Systems.** A Solar Energy System that is anchored to the ground via a pole or other mounting system, detached from any other structure that generates electricity. The following additional regulations must be satisfied:
- [1] Ground-mounted solar energy systems may only be located between the rear face of the principal building on-site and the rear property line.
  - [2] The minimum setbacks from property lines shall be 10 feet.
  - [3] All solar panels shall have an anti-reflective coating.
  - [4] For purposes of determining compliance with coverage standards of the applicable zoning district, the total horizontal projection area of all ground-mounted and freestanding solar collectors, including solar photovoltaic cells, panels, arrays, and inverters shall be considered pervious coverage provided that pervious conditions are maintained underneath the solar photovoltaic cells, panels, and arrays.
- (12) **Use A-12: Swimming Pool, Residential.** A body of water or receptacle for water having a depth at any point greater than 24 inches which is primarily used or intended to be used for swimming or bathing. Wading pools are exempt from these provisions and are considered temporary pools if made of plastic, light metal, or other light duty materials which do not exceed a full volume depth of 24 inches at the lowest point, and which are completely emptied of water when not in use. The following additional regulations must be satisfied:

- (a) A zoning permit shall be required to locate or construct a residential swimming pool.
- (b) The surface area of the water within a swimming pool shall be included in the calculation of impervious surface area for the lot.
- (c) Location. A swimming pool, filters, pumps and other mechanical equipment shall not be located within the required side and rear yard areas, within front setback area, or between the front façade of the primary building and the right-of-way.
- (d) Swimming pools, whether above or below ground, not removed prior to the first day of November each year shall be considered permanent and are required to meet the zoning district requirements with respect to impervious surface.
- (e) At the time of application for a zoning permit it shall be demonstrated that the drainage, including stormwater runoff, for a pool is adequate and will not interfere with the water supply system, existing sewage facilities, public streets, and shall not drain onto a neighboring property
- (f) Water contained in swimming pools must be kept healthy and sanitary at all times and shall not emit offensive odor that creates a nuisance or unhealthy condition.
- (g) Abandoned pools must be removed or appropriately filled in and covered under ground.
- (h) The pool shall meet current UCC regulations or shall be completely enclosed by a fence or wall not less than 4 feet in height, with a self-locking gate as access. In addition, swimming pools equipped with elevated platforms or walkways that are at least 4 feet above the ground need not be fenced if the design prevents access by ladders or steps which can be made inaccessible and locked when not attended or in use.

(13) **Use A-13: Non-Tower Wireless communications Facilities.** All telecommunications facilities shall be governed by **Article XVII, Wireless Communications Facilities.**

#### B. Residential Uses.

- (1) **Use B-1: Single-Family Attached Dwelling (Townhouse).** A single-family attached dwelling, also known as a townhouse or rowhouse, is a single-family attached or semi-detached (in the case of end units) dwelling within a multi-dwelling building, consisting of at least three (3) but no more than eight (8) such dwelling units, with each unit occupying the total space from ground to roof, and joined to each other by not more than two (2) vertical, common party walls, which also serve as the lot line dividing the properties.
- (2) **Use B-2: Single-Family Detached Dwelling.** A dwelling unit designed and used exclusively as the residence for only one family, that is the only dwelling unit located on the parcel it is situated on, and that is not attached to any other structures or dwelling units, except accessory structures permitted in this Chapter.
- (3) **Use B-3: Single-Family Semi-Detached (Twin).** A dwelling unit in which one side wall is a party wall in common with a neighboring dwelling unit designed so that the vertical party wall separates two dwelling units, and acts as the lot line dividing the properties, but it is otherwise surrounded by required yard areas.

- (4) **Use B-4: Two-Family Detached Dwelling (Duplex).** A building having two separate dwelling units, one over the other or side-by-side. Both dwelling units are located on a single parcel and are under common ownership. The following additional standards shall be satisfied:
- (a) The duplex must be located entirely on one (1) lot, with front, rear, and two (2) side yards of the required depth for the district in which it is located.
  - (b) Separate ingress and egress must be provided to each unit.
- (5) **Use B-5: Mobile Home Park.** A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more lots, improved with the necessary utility connections and other appurtenances necessary for the placement thereon of mobile homes. The following additional standards shall be satisfied:
- (a) Mobile home lot dimensional requirements.
    - [1] Minimum lot size: 5,000 square feet
    - [2] Minimum lot width: 50 feet
    - [3] Minimum front setback: 25 feet
    - [4] Minimum side yard setback: 10 feet (per side)
    - [5] Minimum rear yard setback: 15 feet
  - (b) Maximum permissible density. The maximum permitted residential density shall be eight (8) dwelling units per acre.
  - (c) Distance between mobile home units. The minimum distance between mobile home units shall be 25 feet.
  - (d) Recreation and open space. A minimum of 20% of the total lot area occupied by a mobile home park shall be provided as common open space for use by the residents of the development for active or passive recreation.
    - [1] No less than 25% of this area shall be maintained as open space usable for recreation and leisure activities of residents of the development.
    - [2] No more than 25% of this area may be required buffer area(s).
  - (e) Nonresidential units. No part of a mobile home park shall be used for nonresidential purposes, except such uses that are required for the direct servicing, recreation and well-being of the residents and for the management and maintenance of the park (such as a store, laundromat or office not exceeding 2,000 square feet).
  - (f) Lighting facilities. Lighting facilities shall be required for the safety and convenience of residents. These facilities shall be arranged in a manner which will protect streets and neighboring properties from unreasonable glare or hazardous interference of any kind.

(g) Accessory uses and structures customarily incidental to the maintenance, servicing and well-being of mobile home park residents shall be permitted only as part of an approved development plan for the site.

(6) **Use B-6: Multifamily Development.** A multifamily development is a residential building containing at least three (3) permanent dwelling units in a variety of combinations, including side-by-side, over and under, or back-to-back with another dwelling unit. The following additional standards shall be satisfied:

(a) Minimum unit size. Dwelling units in a multifamily development must meet or exceed the following minimum unit sizes:

[1] 0 bedrooms (studio/efficiency): 400 square feet per unit

[2] One (1) bedroom: 500 square feet per unit

[3] Two (2) or more bedrooms: 600 square feet per unit, plus an additional 100 square feet per additional bedroom beyond two (2).

(b) Shared access. The dwelling units may share outside access and internal hallways, lobbies and similar facilities.

(c) Lotting. The dwelling units cannot be individually lotted, but shall share a lot or parcel on which the building is located; except under condominium law.

(d) Multiple buildings permitted. When two or more multifamily buildings are proposed, they shall be separated by a minimum distance of 30 feet, in addition to required zoning district setbacks.

(e) In order to mitigate potential impacts from the proposed development, any multifamily development with eight (8) or more units must also satisfy the following requirements:

[1] Landscape buffer required. A landscaped screen buffer 15 feet in width shall be provided along the side and rear property lines in order to screen the development from neighboring properties.

[2] Refuse collection facilities required. A refuse collection area that is convenient for access by residents and meeting the requirements of **Use A-10: Refuse collection facilities** shall be provided on-site.

[3] Centralized postal service hub(s) required. In order to ensure efficient and secure postal service, a central location where residents' mail and parcels/packages may be delivered shall be provided on-site. Each building in a multifamily development must either offer a single mailroom where all residents may receive mail, or an exterior cluster of mailboxes that limits the number of delivery locations for postal workers.

(f) Accessory uses. Any accessory use on the same lot with and that is determined to be customarily incidental to this use by the Zoning Officer is permitted. Such accessory use(s) may include but is not limited to any administrative offices, laundry facilities, refuse collection facilities, or recreation facilities that are used exclusively by residents, their visitors, or employees.

- (g) Transportation impact study required. In order to analyze and mitigate potential traffic impacts associated with the proposed development, a transportation impact study shall be required for any Multifamily Development with 25 or more dwelling units. Transportation impact studies shall be prepared pursuant to § 208-77, **Transportation Impact Study** of this chapter.

C. Community Service and Institutional Uses

- (1) **Use C-1: Cemetery.** An area of land used or intended to be used for the burial of the dead, dedicated for such purposes and licensed by the state authority having jurisdiction. The following additional standards shall be satisfied:
  - (a) No more than 10 percent of the lot area may be devoted to accessory buildings not serving as burial markers or memorials.
  - (b) A 40 foot screening or opaque buffer strip, unoccupied except for landscaping and walkways, shall be provided between any building or burial site and the cemetery property line.
  - (c) Any entrance features such as gates or columns shall not exceed 15 feet.
  - (d) Crematoriums shall not be permitted within a cemetery.
- (2) **Use C-2 Club/Lodge.** A building or portion thereof that houses the headquarters or meeting place of members of a non-profit organization where educational, social, or recreational activities take place. Only members of the organization or authorized guests attend events at a Club/Lodge.
- (3) **Use C-3: Daycare Facility.** A facility and associated outdoor play areas in which out-of-home care is provided for part of a 24-hour day for seven or more children under the age of 15 or any number of persons over the age of 15. Such use shall be distinct from **Use A-6: Family Child Care Home**. The following additional standards shall be satisfied:
  - (a) When such facilities meet the definition of a Child Care Center, pursuant to 55 Pa. Code § 3270, or a Group Child Care Home, pursuant to 55 Pa. Code §§ 3280, strict compliance with all applicable regulations is required. Furthermore, proof of licensure shall be provided to the Borough upon request.
  - (b) Such facilities shall include constant supervision of clients during all hours of operation.
  - (c) Any outdoor play area shall be enclosed by fencing four to six feet in height in order to physically contain the activity of clients. Play equipment, such as a swing set or slide, shall not be located closer than ten (10) feet from any property line.
  - (d) A minimum of 40 square feet of interior floor area shall be provided for each client, excluding any area of hallways, kitchens, staff areas, utility rooms and bathrooms.
  - (e) A drop-off/pick-up area with sufficient capacity for 1 parking space per 20 clients shall be provided on-site. The parking spaces for drop-off/pick-up may be the same as required by the minimum parking requirements of this chapter.
- (4) **Use C-4: Educational Institutional.** A facility, building, lot, parcel, use, or group of facilities, buildings, and uses that provides a broad educational curriculum to individuals enrolled therein, and is licensed by the State Department of Education, including private and public kindergartens, elementary schools, junior and senior high schools, colleges, universities, trade schools, and theological schools. The following additional standards shall be satisfied:

- (a) Building spacing. The distance between the closest points between any buildings shall be not less than 25 feet.
  - (b) Transportation impact study required. In order to analyze and mitigate potential traffic impacts associated with the proposed development, a transportation impact study shall be required. Transportation impact studies shall be prepared pursuant to § 208-77, **Transportation Impact Study**.
  - (c) Fencing. Fencing surrounding outdoor recreation areas, such as sports courts, shall be required and may be as high as 12 feet provided that the fence is set back a minimum of 10 feet from all property lines.
- (5) **Use C-5: Emergency Services.** A facility that provides ambulance, fire, police, rescue, and other emergency services of a municipal or volunteer nature.
- (6) **Use C-6: Hospital.** An institution providing human healthcare services primarily as an in-patient facility, and offering clinical, temporary, or emergency medical or surgical care procedures to the sick and injured, and licensed by the commonwealth to provide such facilities and services. A hospital includes not only the facilities where such service is rendered, but includes related facilities such as laboratories, out-patient departments, training facilities, central services, and staff offices that are essential to the service delivery. The following additional standards shall be satisfied:
- (a) Transportation impact study required. In order to analyze and mitigate potential traffic impacts associated with the proposed development, a transportation impact study shall be required. Transportation impact studies shall be prepared pursuant to § 208-77, **Transportation Impact Study**.
- (7) **Use C-7 Library, Museum, or Community Center.** A facility that is open to the general public or a subset thereof (e.g., senior citizens) for educational, social or recreational programs and other community uses, and owned and operated by a civic, educational, municipal, philanthropic, religious, or tax-exempt entity. The following additional standards shall be satisfied:
- (a) Transportation impact study required. In order to analyze and mitigate potential traffic impacts associated with the proposed development, a transportation impact study shall be required. Transportation impact studies shall be prepared pursuant to § 208-77, **Transportation Impact Study**.
- (8) **Use C-8: Place of Worship.** A church, synagogue, temple, mosque, or other place of religious worship. The following additional standards shall be satisfied:
- (a) Any accessory use on the same lot with and customarily incidental to this use is permitted, including any accessory administrative offices, educational institutional, residence(s), or day-care facility.
  - (b) If the place of worship is located on a parcel of property in conjunction with **Use C-4: Education Institution**, as defined in this article, the minimum lot size shall be 5 acres and the use conditions associated with **Use C-4: Education Institution** shall also apply.
- (9) **Use C-9: Residential Care Facility.** A facility in which residents that are elderly, ailing, or recovering from illness/injury reside within rentable rooms or dwelling units and where they have access to skilled medical care and are provided supervision or assistance with activities of daily living. The following additional standards shall be satisfied:
- (a) Leasable dwelling units may contain kitchen facilities and any other facility that a traditional dwelling unit may contain.

(b) Accessory uses. Any accessory use on the same lot with and that is determined to be customarily incidental to this use by the Zoning Officer is permitted. Such accessory use(s) may include but is not limited to any administrative offices, laundry facilities, refuse collection facilities, or recreation facilities that are used exclusively by residents, their visitors, or employees.

(c) Transportation impact study required. In order to analyze and mitigate potential traffic impacts associated with the proposed development, a transportation impact study shall be required for any Residential Care Facility with 25 or more beds. Transportation impact studies shall be prepared pursuant to § 208-77, **Transportation Impact Study** of this chapter.

#### D. Commercial Uses.

- (1) **Use D-1: Adult Use.** A building or portion thereof that includes an adult bookstore, adult dancing establishment, adult motion picture theater, or similar use where specified sexual activities are performed or where specified anatomical areas are viewed by persons other than the artist/performer and one other person with the consent of the client. The following additional standards shall be satisfied:
  - (a) No adult use shall be located on a lot which directly abuts a lot occupied by an existing residence, place of worship, public or private school, playground, park, or any other adult use.
  - (b) 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 XVIII, Signs of this chapter.
  - (c) If any portion of a use meets the definition of adult use, then that portion must comply with the requirements of **Use D-1: Adult Use**.
- (2) **Use D-2: Bank.** A building or portion thereof where the primary use is the processing of credit or monetary transactions, including a savings and loan association, credit union, and other financial establishment. **Use A-5: Drive-through facility** may be established as an accessory use to a Bank provided that all requirements of the use are met.
- (3) **Use D-3: Event Facility.** A facility that primarily rents space in a building, structure, and/or lot for private, pre-scheduled events. Such facilities are not open to the general public during events and attendees are limited to those renting the facility and their invited guests. Examples of private events include weddings, bar or bat mitzvahs, birthday parties, conferences, or other family/community/professional social events. The following additional standards shall be satisfied:
  - (a) Transportation impact study required. In order to analyze and mitigate potential traffic impacts associated with the proposed development, a transportation impact study shall be required. Transportation impact studies shall be prepared pursuant to § 208-77, **Transportation Impact Study**.

- (4) **Use D-4: Funeral Home.** A building or portion thereof used for human funeral services or wakes. Such facilities may contain provisions for chapel, embalming, viewing, and other services used in preparation of the deceased, including the storage of caskets, supplies, and funeral vehicles.
- (5) **Use D-5: Gasoline Service Station.** A facility where the primary use is the storage, dispensing and supply of gasoline, other petroleum fuels, and/or alternative fuels for vehicles are sold. Same-day, light maintenance activities such as oil changes, lubrication, battery and tire replacement, or other minor repairs on vehicles may be performed on premises when undertaken within an enclosed building. Gasoline Service Stations shall not include heavy automotive maintenance and repair activities such as engine overhaul, transmission, painting or body work. The following additional standards shall be satisfied:
- (a) Transportation impact study required. In order to analyze and mitigate potential traffic impacts associated with the proposed development, a transportation impact study shall be required. Transportation impact studies shall be prepared pursuant to § 208-77, **Transportation Impact Study.**
  - (b) Queuing study required. A queuing study shall be performed to demonstrate that adequate space can be provided on-site and the queue will not spillback off-site onto adjacent accesses and/or public roadways. A plan illustrating the maximum queue is to be included in the study with appropriate documentation as to how the maximum queue was calculated. The plan shall also demonstrate that safe pedestrian access can be provided to and from the building and adjacent parking spaces.
  - (c) No more than two (2) repair bays may be included at a **Use D-6: Gasoline Service Station**; any facility exceeding this capacity shall be deemed **Use F-3: Automobile Sales or Service.**
  - (d) No storage or servicing of vehicles shall be permitted outdoors. Any storage or service of vehicles shall only occur within an enclosed building. This shall not preclude the temporary parking of vehicle by customers.
  - (e) All activities except those performed at fuel or air pumps shall be performed within an enclosed building.
  - (f) No merchandise may be displayed in front of the building line facing a public street, or under any canopy area.
  - (g) Location of Fuel Pumps.
    - [1] All fuel pumps shall be setback a minimum of 25 feet from the curblines and all property lines.
    - [2] All fuel pumps shall be setback a minimum of 150 feet from any property boundary with an existing residence or lot in a residential district (R-1, R-2 and R-3).
  - (h) Canopy Design. Where canopies, awnings, or similar shelter from the elements are provided over fuel pumps or other customer areas they shall comply with the standards herein.
    - [1] All canopies shall comply with the setback requirements for principal structures in the underlying zoning district.
    - [2] Canopies shall be set back at least 15 feet from property lines and ultimate rights-of-way lines and 50 feet from abutting residentially zoned properties.
    - [3] Canopies shall have a maximum height of 16 feet measured to the underside of the canopy.
    - [4] Lighting for canopies shall use full cutoff flat lens luminaires.

[5] Canopies shall use pitched roofs (4:1)

- (i) **Use D-13b: Retail Store** may be established as a complementary or accessory use to a Gasoline Service Station provided that all requirements of the use are met.
- (6) **Use D-6: Microbrewery, Microdistillery, or Microwinery.** A building or portion thereof wherein the production, packaging, sampling, sale, and on- or off-premises consumption of beer, wine, cider, malt beverages and/or distilled liquors occurs. Production of beer, wine, cider, malt beverages and/or distilled liquors shall not to exceed a combined total of 100,000 gallons annually. Such use may be associated with a **Use D-10: Dine-In Restaurant.** The following additional standards shall be satisfied:
  - (a) The facility shall be licensed by the Pennsylvania Liquor Control Board.
  - (b) **Use A-8: Outdoor Dining** may be established as an accessory use to a Microbrewery, Microdistillery, or Microwinery provided that all requirements of the use are met.
  - (c) Any brewery, winery, or distillery that produces greater than 100,000 gallons annually shall be considered **Use F-7: Manufacturing, Processing, and Production.**
- (7) **Use D-7: Mixed Use.** A building which contains both residential dwelling unit(s) and at least one nonresidential use. The following additional standards shall be satisfied:
  - (a) Dwelling units shall not be located within the ground floor of any mixed use building. This shall not preclude incidental pedestrian entrances on the ground floor that lead to a dwelling elsewhere in the building.
  - (b) Regardless of the number of residential dwelling units proposed, the use regulations for **Use B-6: Multifamily Development** as set forth in § 208-18B(6) shall apply to all mixed use buildings.
  - (c) Only those uses which are expressly permitted in the applicable zoning district shall be permitted in a mixed use building. The applicable use regulations for said use(s) shall be complied with.
- (8) **Use D-8: Overnight Lodging.** Overnight lodging includes hotels, motels, inns, bed-and-breakfasts, and similar uses where guests may rent a room on a nightly basis for a fee. The following additional standards shall be satisfied:
  - (a) No guest rooms may be located on the ground level.
  - (b) No guest shall stay for more than 14 consecutive days.
  - (c) The owner or manager shall maintain a current guest register.
  - (d) No cooking facilities shall be permitted in guest rooms.
  - (e) If meal service is provided, owners shall comply with all federal, state and local requirements for the preparation, handling and serving of food.
  - (f) Each overnight lodging facility shall be equipped with smoke detectors, fire extinguishers and shall be structured in accordance with requirements of the Pennsylvania Department of Labor and Industry and the BOCA Code, the Building Code of the Borough of North Wales. Guests shall be provided with information regarding the floor plan of the building and the location of emergency exits.

- (g) A telephone shall be provided in each guest room or, where infeasible, guests shall be provided information on the location of a telephone that is accessible to all guests at any time.
  - (h) All overnight lodging facilities will be licensed annually and shall be inspected annually by the borough's building inspectors.
- (9) **Use D-9: Recreation Facility.** A facility, building, lot, parcel, use, or group of facilities, buildings, and uses providing private or public walk-in or regularly scheduled recreation-oriented activities. Examples of such facilities include, but are not limited to: arcade, billiard hall, bowling alley, health club, skating rink, golf course or driving range, and athletic fields or courts. Such use shall not include theaters or racing tracks.
- (10) **Use D-10: Restaurant, Dine-In.** A building or portion thereof where food and beverages are sold for direct consumption on the premises to persons seated within the building. Customers are normally served by a restaurant employee while seated at the table or counter at which said items are consumed. A dine-in restaurant may include carry-out services, but shall not include establishments where food service is subordinate or incidental to the consumption of alcoholic beverages, entertainment, or to the sale of merchandise or non-food-related services. See also **Use D-11: Restaurant, Take-Out** and **Use D-6: Microbrewery/Microdistillery/Microwinery.**
- (a) **Use A-8: Outdoor Dining** may be established as an accessory use to a dine-in restaurant provided that all requirements of the use are met.
- (11) **Use D-11: Restaurant, Take-Out.** A building or portion thereof where food and beverages are sold primarily in single-use or disposable containers for take-out and where the food/beverages are primarily consumed off-site. Customers generally pay for their food/beverage prior to consumption either at a counter or by paying ahead of time via computer/phone. Limited sit-down service may be provided when is incidental to the take-out function and does not occupy more than 20% of the gross floor area of the use. See also **Use D-10: Restaurant, Dine-In** and **Use D-6: Microbrewery/ Microdistillery/ Microwinery.**
- (a) **Use A-5: Drive-Thru Facility** may be established as an accessory use to a Take-Out Restaurant provided that all requirements of the use are met.
  - (b) **Use A-8: Outdoor Dining** may be established as an accessory use to a Take-Out Restaurant provided that all requirements of the use are met.
- (12) **Use D-12: Retail Facility.** A building or portion thereof involved in the sale, lease, or rental of new or used products, not including vehicle or machinery sales/rental. Retail uses are further categorized as follows:
- (a) **Use D-12a: Retail, Specialty.** A small retail facility that specializes in the sale of a particular product or product line. Specialty retail shall occupy a maximum of 5,000 square feet; any use meeting the standards of **Use 12a: Specialty Retail** but which exceeds 5,000 square feet shall be considered **Use D-12b: Retail Store.**
  - (b) **Use D-12b: Retail Store.** A retail facility that may sell a wide range of goods. Examples of retail stores are supermarkets, department stores, discount stores, and specialized retail exceeding 5,000 square feet in gross floor area. The following additional standards shall be satisfied:
    - [1] A retail store shall not include wholesale, manufacturing, processing, or production of goods.

- [2] Shopping cart return areas, where provided, shall be located such that they do not impede the flow of vehicles and shall not be located in any required parking space.
- [3] Outdoor sales or display areas are permitted so long as they are not located within the following locations:
- i. Within any required yard setbacks or buffer areas.
  - ii. Within any required vehicle parking spaces.
  - iii. In any location that distracts drivers or is otherwise a safety hazard.
- (c) Medical Marijuana Dispensaries, as defined by the Medical Marijuana Act, shall be considered use **D-12b: Retail Store**.
- [1] Medical marijuana dispensaries shall be considered **Use D-12b: Retail Store** regardless of the square footage of the facility.
- [2] Medical marijuana dispensaries must comply with the requirements of the Medical Marijuana Act, the regulations of the Department of Health, and all other regulations from the Commonwealth of Pennsylvania and the County of Montgomery. In accordance with the Medical Marijuana Act, a Medical Marijuana Dispensary shall not be permitted to be located within 1,000 feet of the property line of a public, private or parochial school or day care center.
- (13) **Use D-13: Service/Personal Care Establishment.** A building or portion thereof engaged in providing service involving the care of a person or personal items. A personal care business requires direct, physical contact with the customer in the performance of a personal service. Examples of such use include barbers, beauticians, nail manicurists, estheticians, tattoo parlors, tanning salons, massage parlors, tailors, and seamstresses. When such use requires a license from the Commonwealth Department of Professional Occupations, proof of licensure shall be provided to the Borough.
- (14) **Use D-14: Studio.** The workshop and/or gallery of an artist, sculptor, photographer, or performance artist (musician, actor, dancer, etc.). Such use may be open to the public and offer educational events, private lessons, and may include the retail sale of artist work.
- (15) **Use D-15: Tavern/Bar/Nightclub.** A building or portion thereof wherein alcoholic beverages are served or sold at retail for consumption on the premises, of which the principal business is the sale of such beverages, and where the sale of such beverages comprises at least 75% or more of gross receipts. Such facilities must be licensed by the Pennsylvania Liquor Control Board.
- (16) **Use D-16: Theater.** A building or portion thereof that is used primarily for the screening of films or for the viewing of live performances such as dance, dramatic, oratorical, musical, or similar performance art. Theaters generally have a stage or dais that is distinct from the area where the general audience is located; tickets are generally required for entry to events. Such use may include associated offices, ticket windows, and limited food/beverage service when licensed by the appropriate agency.

#### E. Office Uses.

- (1) **Use E-1: Co-working Site.** A building or portion thereof containing desks or other workspaces and facilities that involve a shared working environment for people who are usually not employed by the same organization. Co-working sites typically operate on a membership basis, though so-working sites may host classes or events which are open to the public or to prospective members. Common facilities such as a kitchen, meeting rooms, and the like are permitted.
- (2) **Use E-2: Office, Business/Professional.** A building or portion thereof consisting of

facilities for the conducting of business by employees and which may involve public access or appointment-only customer/client interaction. Such use shall not include the offices of medical or dental professionals, which are defined as **E-3: Medical Office or Clinic**.

- (3) **Use E-3: Medical Office or Clinic.** A building or portion thereof consisting of offices and facilities for the examination, diagnosis and/or treatment of medical or dental concerns for outpatients. Such facilities may operate by appointment-only or allow for walk-in service. A medical office or clinic may include a reception or waiting area, examination rooms, X-ray or other imaging facilities, employee breakrooms, and pharmacy facilities. Patients may remain on the premises overnight when medically necessary. See also **Use C-6: Hospital**.

F. Industrial Uses.

- (1) **Use F-1: Animal Care.** A facility dedicated to the care of dogs, cats, or other common household pets. Such use may include veterinary care and the overnight boarding, breeding, grooming, sale, training, and the like for household pets. The following additional standards shall be satisfied:
- (a) Proof of appropriate licensure shall be provided to the borough.
  - (b) Interior enclosures shall be sound-proofed so that no animal noise may be heard outside of the premises.
  - (c) Outdoor enclosures for animals shall be setback a minimum of 100 feet from all lot lines.
- (2) **Use F-2: Artisan Manufacturing.** A facility specializing in the manufacture and production of goods created on site by a craftsperson using hand tools and/or small-scale, light mechanical equipment. Examples of such work include pottery, fiber crafts, sculpture, leathercraft, jewelry, soaps, metalwork, cabinetry, stained glass, textile production, candle-making, and hand-made food products. Artisan manufacturing may also include demonstration/instruction in the production processes and the display or retail sale of goods produced on-site. The following additional regulations must be satisfied:
- a. Artisan manufacturing shall not include any activity that causes noise, odor, or vibration to be detectable on a neighboring property.
  - b. Artisan manufacturing shall occupy a maximum of 5,000 square feet; any use meeting the standards of **Use F-2: Artisan Manufacturing** but which exceeds 5,000 square feet shall be considered **Use F-7: Manufacturing, Processing, and Production**.
- (3) **Use F-3: Automobile Sales or Service.** A facility, building, lot, parcel, use, or group of facilities, buildings, and uses specializing in the service and/or retail sale or rental of new or used automobiles, trucks, and the like. Service may include but is not limited to car washing and detailing, painting, body repairs, maintenance and general repairs. The following additional standards shall be satisfied:
- (a) All repair work must be performed within a building.
  - (b) The storage of parts, tires, and fluids must be within an enclosed area.
  - (c) Employee and customer parking shall be clearly identified and shall not be utilized for the storage of for-sale or repair vehicles except when customers are retrieving their vehicles following sale/service.
  - (d) Parking spaces of for-sale or repair vehicles may be reduced to eight feet by 16 feet and may be stacked up to three cars deep.
  - (e) Vehicle delivery or drop-off shall be conducted on site, or through off-site contract arrangements, but not from public streets or rights-of-way.

- (f) Display of for-sale vehicles shall not be elevated above grade and may not be located closer than five feet from any property line.
- (g) **Use A-9: Outdoor Storage** and/or **Use A-10: Refuse Collection Facilities** may be established as an accessory use to an Automobile Sales or Service facility provided that all requirements of the use are met.
- (4) **Use F-4: Building Supply or Home Improvement.** A facility, building, lot, parcel, use, or group of facilities, buildings, and uses involved in the retail sale or wholesale of building and home improvement supplies such as bricks, concrete, lumber, plumbing, roofing materials, doors, windows, manual and power tools, landscaping and lawn equipment, garden equipment, and similar products typically purchased for construction and repair or maintenance of buildings or landscaping.
- (a) **Use A-9: Outdoor Storage** and/or **Use A-10: Refuse Collection Facilities** may be established as an accessory use to a **Building Supply or Home Improvement** facility provided that all requirements of the use are met.
- (5) **Use F-5 Contractor's Office/Storage.** A facility, building, lot, use, or group of facilities, buildings, and uses including offices, workshops, and/or storage of materials for services rendered in the building trades, including, carpentry, cement, electric, furniture-making, heating, painting, plumbing, roofing, landscaping, and the like. The following additional standards shall be satisfied:
- (a) All operations, other than deliveries, shall be conducted within a completely enclosed building.
- (b) No shipping or receiving shall be permitted between the hours of 10:00 p.m. and 7:00 a.m.
- (c) **Use A-9: Outdoor Storage** and/or **Use A-10: Refuse Collection Facilities** may be established as an accessory use to a contractor's office/storage facility provided that all requirements of the use are met.
- (6) **Use F-6: Dry Cleaners or Laundromat.** A building or portion thereof specializing in or providing on-site processing for laundry, dry-cleaning, and/or clothes pressing. Self-service (coin or card operated) facilities are included in this category. Facilities that exclusively offer drop-off/pick-up of personal items and do not include on-site processing for laundry, dry-cleaning, and/or clothes pressing shall be considered **Use D-13: Service/Personal Care Establishment**
- (7) **Use F-7: Junkyard.** A facility, building, lot, parcel, use, or group of facilities, buildings, and uses 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.
- (8) **Use F-8: Manufacturing, Processing, and Production.** A facility, building, lot, parcel, use, or group of facilities, buildings, and uses engaged in the manufacture or assembly of products, parts, or materials. The processing, fabrication, assembly, treatment, packaging, incidental storage, and distribution of such products is included under this use. The following additional standards shall be satisfied:
- (a) All activity must be contained entirely within a building or structure.
- (b) All use permits shall be accompanied by an application signed by a registered architect or engineer certifying that no dust, vibration, odors, or fumes will be detectable at the property lines.
- (c) Medical Marijuana growing or processing shall be considered an **F-8: Manufacturing, Processing, and Production** use and must comply with the requirements of the Medical Marijuana Act, the regulations of the Department of Health, and all other regulations from the Commonwealth of Pennsylvania and the County of Montgomery. In

accordance with the Medical Marijuana Act, a Medical Marijuana grower/processor may only conduct their operations within an indoor, enclosed, secure facility equipped with an electronic locking system and electronic surveillance.

- (9) **Use F-9: Self-Storage Facility.** A facility, building, lot, parcel, use, or group of facilities, buildings, and uses that consist of varying sizes of compartmentalized, self-contained, and controlled access stalls or spaces. Such stalls or spaces are leased or rented for the storage of business, private, or household goods. The following additional standards shall be satisfied:
- (a) An office or residence may be established as an accessory use on-site in order to provide for a full-time caretaker.
  - (b) No retail business activities other than those directly associated with the Self-Storage Facility shall be permitted; rental of trucks or vehicles is not permitted (see **Use F-3: Automobile Sales or Service**).
- (10) **Use F-10: Tower-Based Wireless communications Facility.** All telecommunications facilities shall be governed by **Article XVII, Wireless Communications Facilities**.
- (11) **Use F-11: Warehouse.** A facility, building, lot, parcel, use, or group of facilities, buildings, and uses engaged in the storage, wholesale, and/or distribution of manufactured equipment, goods, materials, products, or supplies. The bulk storage of chemicals and materials that are explosive, inflammable or hazardous are strictly prohibited.
- (12) **Use F-12: Any other use not specifically prohibited, when permitted as a conditional use.**

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Article V  
**R-1 Residential District**

**§ 208-19. Intent; applicable regulations.**

The purpose of the R-1 Residential District is to apply compatible yet flexible zoning regulations to areas of the Borough that were historically developed for single-family detached dwellings on medium-sized lots. The regulations herein are intended to ensure that all new development in the R-1 Residential District is compatible with the existing neighborhood. This district is intended to preserve the unique character of these areas.

**§ 208-20. Permitted uses.**

A building may be erected, altered or used, and a lot may be occupied or used, in whole or in part, for any of the uses indicated in the Appendix A, Use Matrix, and no other, provided that such uses shall comply with the district regulations established in this article, Article IV, Use Regulations (in the event of a conflict between district and use regulations, the more stringent regulation shall be applicable), and all other applicable sections of this Ordinance.

**§ 208-21. Dimensional Requirements.**

A. Minimum lot area.

- a. Required minimum lot area shall be established by calculating the mathematical average area of lots occupied by single-family detached dwellings on the block (see § 208-9 for the definition of “block”); this figure shall constitute the minimum allowable lot area. Furthermore, the greater of the calculated average lot area and 7,000 square feet shall apply; in no case shall a lot less than 7,000 square feet in area be permitted in the R-1 Residential District.
- b. Any use permitted via special exception shall only be permitted on a lot with a minimum area of 10,000 square feet.

B. Minimum lot width: 50 feet, which shall be maintained for the entire depth of the lot.

C. Setbacks.

- (1) Front setback and build-to line. In order to preserve and enhance the character of the neighborhood, a required build-to line (as defined by § 208-9, Definitions) shall be established by measuring the front setbacks of the nearest principal buildings to the left and right of the subject property; either neighboring front setback, or a value between the two, may be selected by the property owner as the build-to line.
  - (a) When the subject lot abuts a vacant lot on one or both sides, the build-to line shall be established by the procedure above but by utilizing the front setback of the nearest developed property within 200 feet in both directions.
  - (b) Corner lots shall require a build-to line on each street frontage. If this would require that a building be constructed within a clear sight triangle (see § 208-67, Visibility at intersections), then the building shall be setback only as deep as would be necessary to accommodate a clear sight triangle.

(2) Minimum side setback: 8 feet.

(3) Minimum rear setback: 25 feet.

D. Maximum building coverage: 25%.

E. Maximum impervious coverage: 40%.

F. Maximum principal building height: 35 feet (maximum of 2 1/2 stories)

G. Maximum accessory structure/building height: 15 feet

**§ 208-22. Additional regulations in the R-1 Residential District.**

- A. Garages. Garages, when provided, shall satisfy one of the following design options:

- (1) Front entry garage. Garages which have entry door(s) facing the same street as the front façade of the primary building must meet the following design requirements:
  - (a) Attached. When attached to the primary building, the front façade and any façade having an entryway or door for vehicular access must be set back a minimum of 10 feet behind the front façade of the primary building.
  - (b) Detached. When detached from the primary building, the front façade and any façade having an entryway or door for vehicular access must be set back behind the rear façade of the primary building.
- (2) Side entry garage. Garages which have entry door(s) perpendicular to the front façade of the primary building must meet the following design requirements:
  - (a) Must be attached to the primary building.
  - (b) Must have the same or greater front setback than the primary building.
- (3) Rear entry. Garages which have entry door(s) that are on the opposite side of the primary building from the front façade must meet the following design requirements:
  - (a) May be attached or detached from the primary building.
  - (b) Must have the same or greater front setback as the primary building.
  - (c) Such garages must be accessed by an alley to the rear of the lot unless alternative access is available.

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## Article VI R-2 Residential District

### § 208-23. Intent; applicable regulations.

The purpose of the R-2 Residential District is to apply compatible yet flexible zoning regulations to areas of the Borough that were historically developed for attached and detached one to two-family dwellings on small to medium-sized lots. The regulations herein are intended to ensure that all new development in the R-2 Residential District is compatible with the existing neighborhood. This district is intended to preserve the unique character of these areas.

### § 208-24. Permitted uses.

A building may be erected, altered or used, and a lot may be occupied or used, in whole or in part, for any of the uses indicated in the Appendix A, Use Matrix, and no other, provided that such uses shall comply with the district regulations established in this article, Article IV, Use Regulations (in the event of a conflict between district and use regulations, the more stringent regulation shall be applicable), and all other applicable sections of this Ordinance

### § 208-25. Dimensional requirements.

#### A. Minimum lot area.

(1) Required minimum lot area shall be established by calculating the mathematical average area of lots occupied by the same category of use on the block (see § 208-9 for the definition of “block”); this figure shall constitute the minimum allowable lot area. Furthermore, the greater of the calculated average lot area and following lot area minimums shall apply:

(a) Use B-3: Single-Family Semi-Detached Dwelling (Twin): 3,500 square feet

(b) All other uses: 7,000 square feet

(2) Any use permitted via special exception shall only be permitted on a lot with a minimum area of 10,000 square feet.

#### B. Lot width. Required minimum lot width shall not be less than the figures indicated below and said width shall be maintained for the entire depth of the lot:

(1) Use B-3: Single-Family Semi-Detached Dwelling (Twin): 20 feet

(2) All other uses: 40 feet

#### C. Setbacks.

(1) Front setback and build-to line. In order to preserve and enhance the character of the neighborhood, a required build-to line (as defined by § 208-9, Definitions) shall be established by measuring the front setbacks of the nearest principal buildings to the left and right of the subject property; either neighboring front setback, or a value between the two, may be selected by the property owner as the build-to line.

(a) When the subject lot abuts a vacant lot on one or both sides, the build-to line shall be established by the procedure above but by utilizing the front setback of the nearest developed property within 200 feet in both directions.

(b) Corner lots shall require a build-to line on each street frontage. If this would require that a building be constructed within a clear sight triangle (see § 208-67, Visibility at intersections), then the building shall be setback only as deep as would be necessary to accommodate a clear sight triangle.

(2) Minimum side setback: 8 feet, except that zero (0) feet shall be provided where buildings on separate lots share a party wall (Use B-3: Single-Family Semi-Detached Dwelling [Twin]).

(3) Minimum rear setback: 25 feet.

#### D. Maximum building coverage: 35%.

#### E. Maximum impervious coverage: 50%.

#### F. Maximum principal building height: 35 feet (maximum of 2 1/2 stories)

G. Maximum accessory structure/building height: 15 feet

**§ 208-26. Additional regulations in the R-2 Residential District.**

A. Garages. Garages, when provided, shall satisfy one of the following design options:

- (1) Front entry garage. Garages which have entry door(s) facing the same street as the front façade of the primary building must meet the following design requirements:
  - (a) Attached. When attached to the primary building, the front façade and any façade having an entryway or door for vehicular access must be set back a minimum of 10 feet behind the front façade of the primary building.
  - (b) Detached. When detached from the primary building, the front façade and any façade having an entryway or door for vehicular access must be set back behind the rear façade of the primary building.
- (2) Side entry garage. Garages which have entry door(s) perpendicular to the front façade of the primary building must meet the following design requirements:
  - (a) Must be attached to the primary building.
  - (b) Must have the same or greater front setback as the primary building.
- (3) Rear entry. Garages which have entry door(s) that are on the opposite side of the primary building from the front façade must meet the following design requirements:
  - (a) May be attached or detached from the primary building.
  - (b) Must have the same or greater front setback than the primary building.
  - (c) Such garages must be accessed by an alley to the rear of the lot unless alternative access is available.

Article VII  
**R-3 Residential District**

**§ 208-27. Intent; applicable regulations.**

The intent of the R-3 Residential District is to provide for a wide range of housing options and limited mix of low-impact commercial uses within close proximity to the North Wales Train Station and the Commercial Business District. The regulations herein aim to encourage a mix of medium to high-density housing options in a variety of styles and in a manner that complements the character of the existing community and built environment. In an R-3 Residential District, the following regulations shall apply.

**§ 208-28. Permitted uses.**

A building may be erected, altered or used, and a lot may be occupied or used, in whole or in part, for any of the uses indicated in the Appendix A, Use Matrix, and no other, provided that such uses shall comply with the district regulations established in this article, Article IV, Use Regulations (in the event of a conflict between district and use regulations, the more stringent regulation shall be applicable), and all other applicable sections of this Ordinance

**§ 208-29. Dimensional requirements.**

A. Dimensional requirements in the R-3 Residential District shall be as follows:

	<b>Use B-1: Single-Family Attached Dwelling (Townhouse)</b>	<b>Use B-2: Single Family Detached Dwelling</b>	<b>Use B-3: Single-Family Semi-Detached Dwelling (Twin)</b>	<b>Use B-4: Two-Family Detached Dwelling (Duplex)</b>	<b>Use B-6: Multifamily Development</b>	<b>Special exceptions and all other uses</b>
<b>Min. lot area</b>	2,000 ft <sup>2</sup>	5,000 ft <sup>2</sup>	3,000 ft <sup>2</sup>	5,000 ft <sup>2</sup>	2,000 ft <sup>2</sup> per unit, with a minimum of 8,000 ft <sup>2</sup>	10,000 ft <sup>2</sup>
<b>Min. lot width</b>	20 feet	40 feet	20 feet	50 feet	100 feet	100 feet
<b>Front build-to line</b>	Minimum: 10 feet Maximum: 30 feet					
<b>Min. rear yard setback</b>	25 feet					
<b>Min. side yard setback</b>	8 feet*	8 feet	8 feet*	8 feet	15 feet	15 feet
<b>Max. building coverage</b>	45%					
<b>Max. impervious coverage</b>	60%					
<b>Max. principal building height</b>	40 feet (3 stories max.)					
<b>Max. accessory building height</b>	15 feet					
*Zero (0) feet shall be provided where buildings on separate lots share a party wall.						

**§ 208-30. Additional regulations in the R-3 Residential District.**

A. Accessory structures and buildings. All accessory buildings and structures must be located behind the

rear façade of the principal building and are to be located not less than five feet from the side and rear lot lines. No more than three (3) accessory buildings shall be permitted on a lot.

B. Design standards.

- (1) Maximum façade length. The maximum horizontal length of the front façade(s) of any building shall be 150 feet.
- (2) Orientation.
  - (a) The front facade of principal buildings shall be oriented towards the street, with an everyday public entrance in this front facade.
  - (b) When a building is located on a corner lot, the entrance shall be located on the corner with an appropriate building articulation, such as a chamfered corner, turret, canopy, or other similar building feature.
- (3) Porches and porticos. In order to keep with the defined character of the existing neighborhood, a front porch or portico shall be required for new residential development when neighboring properties to the right and left of the proposed development feature such.
  - (a) Applicability.
    - [1] If both neighboring properties feature a porch or a portico, the same shall be required.
    - [2] If one neighboring property has a porch and the other a portico, then the applicant shall provide either a porch or portico (applicant's choice).
    - [3] If neither or one neighboring property features a porch or portico, the applicant shall not be required to provide either a porch or a portico.
  - (b) Design of projecting or recessed porches.
    - [1] The depth of the porch shall be a minimum of six feet and a maximum of 10 feet.
    - [2] The minimum open area on the porch shall encompass a rectangle a minimum size of four feet by six feet.
    - [3] The minimum width of a path of travel independent of any open area described above shall be three feet wide.
    - [4] The minimum width of a projecting porch at the primary frontage line shall be nine feet.
    - [5] The minimum clear height of the porch roof shall be eight feet.
    - [6] Required open sides.
      - [1] Projecting porches shall be open on at least three sides and have a roof.
      - [2] Recessed porches shall be open on at least two sides and have a roof.
  - (c) Design of porticos.
    - [1] The minimum projecting depth of a portico shall be six feet.
    - [2] The minimum width of a portico shall be six feet.
    - [3] The maximum depth of a recessed entry shall be six feet.
    - [4] The minimum clear height of a portico roof shall be eight feet.
    - [5] Porticos shall be open on at least two sides and have a roof.

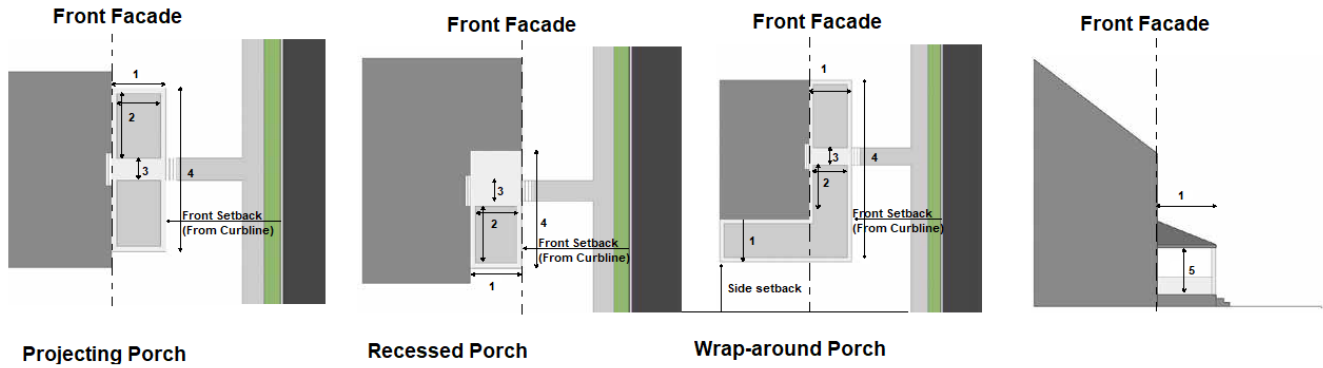


Figure 208.44.1 Design of Porches of Varying Styles

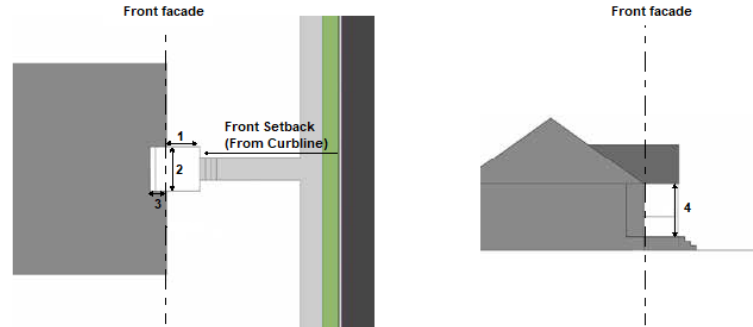


Figure 208.44.2 Design of Porticos

- (4) Residential garages. Garages, when provided, shall satisfy one of the following design options:
- (a) Front entry garage. Garages which have entry door(s) facing the same street as the front façade of the primary building must meet the following design requirements:
    - [1] Attached. When attached to the primary building, the front façade and any façade having an entryway or door for vehicular access must be set back a minimum of 10 feet behind the front façade of the primary building.
    - [2] Detached. When detached from the primary building, the front façade and any façade having an entryway or door for vehicular access must be set back behind the rear façade of the primary building.
  - (b) Side entry garage. Garages which have entry door(s) perpendicular to the front façade of the primary building must meet the following design requirements:
    - [1] Must be attached to the primary building.
    - [2] Must have the same or greater front setback as the primary building.
  - (c) Rear entry. Garages which have entry door(s) that are on the opposite side of the primary building from the front façade must meet the following design requirements:
    - [1] May be attached or detached from the primary building.
    - [2] Must have the same or greater front setback than the primary building.
    - [3] Such garages must be accessed by an alley to the rear of the lot unless alternative access is available.

**§ 208-31. Mixed use as a special exception in the R-3 Residential District.**

The following standards shall apply to any proposed mixed use in the R-3 Residential District:

- A. Only the following uses shall be permitted in the ground floor of a mixed-use building:
- (1) Use D-15: Service/Personal Care Establishment
  - (2) Use D-16: Studio

- (3) Use E-1: Co-working space
- (4) Use E-2: Office, Business/Professional
- B. Location. Mixed use buildings shall only be permitted on corner lots or in a building originally constructed as a single-family detached dwelling.
- C. No more than 25% of the gross floor area of the principal building shall be devoted to any of the nonresidential uses in subsection (A), above.
- D. The dimensional requirements related to **Use B-6: Multifamily Development**, as set forth in § 208-29A, shall apply.
- E. All applicable requirements of § 208-30 shall apply.

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Article VIII  
**OR Office-Residential District**

**§ 208-32. Intent; applicable regulations.**

The intent of the Office Residential District (OR) is to allow for limited, small-scale office and nonresidential uses within a historically residential section of Main Street. The regulations herein are intended to:

- A. Permit low-impact, small-scale and owner-occupied professional and business offices and a small variety of other low-impact nonresidential uses within existing residential buildings.
- B. Encourage the continued use of existing buildings, which were originally constructed as residences, and discourage the demolition of such.
- C. Encourage the preservation of the residential character of the district.
- D. Limit the impact of nonresidential development on existing residences by requiring a residential character, limiting the scale of buildings, controlling the location of parking areas, and requiring buffer landscaping.

**§ 208-33. Permitted uses.**

A building may be erected, altered or used, and a lot may be occupied or used, in whole or in part, for any of the uses indicated in the Appendix A, Use Matrix, and no other, provided that such uses shall comply with the district regulations established in this article, Article IV, Use Regulations (in the event of a conflict between district and use regulations, the more stringent regulation shall be applicable), and all other applicable sections of this Ordinance

**§ 208-34. Standards and criteria for special exceptions.**

The Zoning Hearing Board shall not grant approval of any use requiring approval of a special exception until compliance with the following standards and criteria are met:

- A. The use must preserve, utilize, and maintain any existing principal building, provided the subject building was originally built for residential purposes.
- B. Existing buildings may be expanded by no more than 25% of the building floor area that existed at the time of passage of this Chapter. All additions must be designed to match the residential character of the existing building and district and, in order to ensure this, must meet the following design requirements:
  - (1) Building additions shall only be constructed to the rear or side of existing principal buildings.
  - (2) The building material and colors of building additions shall be made to match or complement the existing principal building.
  - (3) A wall to window/door opening ratio that is between 1:1 and 2:1 shall be required.
  - (4) All roofs on additions shall have a pitch of at least six (6) vertical inches to every twelve (12) horizontal inches. Dormers or gables may be used to break up the bulk of roofs.
- C. When a use requiring a special exception abuts a property solely occupied by a residential use, a screen buffer with a minimum width of 10 feet shall be provided along any shared property boundaries. This provision shall not apply to accessory uses (see **Appendix A: Permitted Use Matrix**) requiring special exception approval.
- D. The following additional standards must be met when Use D-7: Mixed Use is proposed as a special exception in the Office Residential District:
  - (1) No more than a total of two residential dwelling units may be established within the principal building.

- (2) Only those uses permitted by § 208-33 may be established within a Mixed-Use building in the Office Residential District.

**§ 208-35. Dimensional requirements.**

A. Dimensional requirements in the Office Residential District shall be as follows:

<b>Office Residential District Dimensional Requirements</b>	
<b>Min. lot area</b>	12,000 ft <sup>2</sup>
<b>Min. lot width</b>	75 feet
<b>Min. front setback</b>	40 feet
<b>Min. rear yard setback</b>	40 feet
<b>Min. side yard setback</b>	15 feet
<b>Max. building coverage</b>	25%
<b>Max. impervious coverage</b>	50%
<b>Maximum Principal Building Height</b>	40 feet (3 stories max.)
<b>Maximum Accessory Building Height</b>	15 feet

**§ 208-36. Lighting.**

Lighting shall not shine on abutting residential properties, and lighting poles shall not exceed twelve (12) feet in height. Nonresidential light fixtures shall be setback a minimum of twenty (20) feet from residential property lines, and the light source itself shall not be visible from abutting residential properties.

**Article IX**  
**CBD Commercial Business District**

**§ 208-37 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 (CBD), the following regulations shall apply.

**§ 208-38 Permitted uses.**

A building may be erected, altered or used, and a lot may be occupied or used, in whole or in part, for any of the uses indicated in the Appendix A, Use Matrix, and no other, provided that such uses shall comply with the district regulations established in this article, Article IV, Use Regulations (in the event of a conflict between district and use regulations, the more stringent regulation shall be applicable), and all other applicable sections of this Ordinance

**§ 208-39. Dimensional requirements.**

A. Dimensional requirements in the Commercial Business District shall be as follows:

<b>Min. lot area</b>	5,000 ft <sup>2</sup>
<b>Min. lot width</b>	35 feet
<b>Front build-to line</b>	Minimum: 8 feet Maximum: 30 feet
<b>Min. rear yard setback</b>	25 feet
<b>Min. side yard setback</b>	Detached building: 5 feet Attached building: none
<b>Max. impervious coverage</b>	85%
<b>Max. principal building height</b>	40 feet (3 stories max.)
<b>Max. accessory building height</b>	15 feet

**§ 208-40. Additional requirements for special exceptions.**

- A. The Zoning Hearing Board shall not grant approval of any application for special exception until compliance with the following criteria are met:
- (1) A minimum lot area of 10,000 square feet shall be required.
  - (2) When abutting a residential use or residential district (R-1, R-2 and R-3), a landscape screen buffer having a minimum width of 10 feet and a minimum height of seven feet shall be provided along any shared property boundary.
  - (3) Anticipated noise created by the proposed use shall not be greater than the level normally observed within the district. In order to prove compliance, the applicant shall provide evidence from a qualified professional, such as a Licensed Engineer, regarding the anticipated noise generated by the proposed use and the mitigation of excessive noise.

Article X  
**Transit Oriented Development District (TOD)**

**[Amended 11-23-2021 by Ord. No. 819]**

**§ 208-41 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 existing public transit as a valuable amenity 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 development oriented to the rail station that is complementary to the needs of transit riders;
- (2) Promote well-integrated residential, commercial, office, and civic development in close proximity to the local transit station that has an urban scale development pattern supportive of multimodal transportation and walkable neighborhoods;
- (3) Support new development that includes diverse pedestrian-friendly, higher-density, and transit-friendly architectural and site designs that minimizes distances between destinations by requiring linked sidewalks and pedestrian-oriented access;
- (4) Expand economic development opportunities by encouraging mixed-use development to provide jobs, services, and retail supported by higher density residential;
- (5) Provide incentives for the creation of mixed-use buildings 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;
- (6) Maintain a balance and variety of retail, professional, and residential uses to promote the livability and anchor the identity of the neighborhood;
- (7) Enhance the visual character and physical accessibility of the district by minimizing pedestrian and vehicular conflicts and encouraging the renovation and/or construction of buildings and storefronts that provide direct connections to the street and sidewalk;
- (8) Provide improved access to alternative modes of transportation through improved pedestrian amenities and biking facilities to decrease the dependence on automobile use and reduce traffic congestion, particularly for local trips;
- (9) Encourage the development of shared parking and attractive and convenient off-street parking facilities to reduce on-street congestion and facilitate vehicular and pedestrian circulation;

- (10) Improve health outcomes by creating a more walkable and transit-friendly community that results in increased physical activity to accomplish daily tasks and a reduction in greenhouse gas emissions.

**§ 208-42 Use regulations.**

A building may be erected, altered or used, and a lot may be occupied or used, in whole or in part, for any of the uses indicated in the Appendix A, Use Matrix, and no other, provided that such uses shall comply with the district regulations established in this article, Article IV, Use Regulations (in the event of a conflict between district and use regulations, the more stringent regulation shall be applicable), and all other applicable sections of this Ordinance. The applicant is encouraged to create a mixed-use development. Developments shall adhere to the Subdivision and Land Development requirements in Chapter **184** (Borough Council is encouraged to waive provisions of the SALDO that inhibit the type of pedestrian oriented development intended by the TOD).

**§ 208-43 Dimensional requirements for development.**

- A. Building setbacks. For the purposes of this section, building setbacks shall be defined as the distance measured from the inside edge of the curb to the primary front facade of the building.
- (1) Front building setbacks.
- (a) Minimum front building setback for primary front facade: All buildings shall have a front setback of not less than eight feet, which shall include the required sidewalks.
- (b) Maximum front yard building setback for primary front facade:
- [1] For properties with frontage on Walnut Street: 16 feet.
- [2] For properties with frontage on all other streets: 12 feet.
- (c) Projecting features such as overhangs, porticos, upper floor balconies, loggias, arcades, covered (nonenclosed) bicycle parking, pergolas and similar architectural features placed on the front facade of the building may extend beyond the front yard building setback up to three feet, but the edge of which shall extend no closer than five feet to the curb line.
- (d) All properties shall provide streetscaping amenities within the front setback area. Landscaping shall include street trees, shrubs, and other flowering plants located in mulched beds, tree pits, and/or planters. Alternatively, or in addition to landscaping, enhanced pedestrian spaces that include seating or bicycle parking may be incorporated into the area between the edge of the sidewalk and the building facade. If a building facade sits at the minimum setback, decorative planting containers are encouraged but only street trees planted in accordance with § **208-44E** shall be required.
- (e) All primary building facades shall be connected to the sidewalk network by a pedestrian walkway. Building entrances shall be located along the primary front facade and shall be distinguishable by a canopy, portico, or other similar architectural detail. Secondary building entrances may be located along other building facades and shall connect into the front pedestrian walkway where feasible. For properties with side or rear frontage on Railroad Street, pedestrian pathways should be provided to connect side or rear building access points to the regional rail station.
- (2) Buildings shall meet the following side yard setbacks:
- (a) Side yard building setback when side property lines do not abut a street:
- [1] Where buildings share a party wall: zero feet.
- [2] Where buildings do not share a party wall: minimum: five feet, maximum: 10 feet.

- (b) Side yard building setback when side property lines abut a street: minimum: eight feet, maximum: 12 feet.
- (c) Side yard building setbacks shall be a minimum of 10 feet and a maximum of 15 feet for properties adjacent to properties in the R-2 Residential and R-3 Residential Districts.
- (d) Pedestrian walkways shall be provided to connect sidewalks to internal walkways and parking areas. Paved concrete walkways shall be a minimum of four feet wide and shall connect side and/or rear building entrances and parking areas to the pedestrian sidewalk network in the front yard, and shall also provide connections to the regional rail station, where applicable.

(3) Rear yards.

- (a) Where a lot is adjacent to another lot within the TOD, no rear yard setback is required.
- (b) Where a lot is adjacent to another lot zoned in the R-2 Residential or R-3 Residential District, a twenty-foot rear yard setback is required.
- (c) Where a lot is adjacent to a railroad right-of-way, a ten-foot rear yard setback is required.

B. Minimum lot width.

- (1) Single use buildings, including multifamily: 60 feet.
- (2) All other nonresidential and mixed-use buildings: 50 feet.

C. Maximum impervious cover.

- (1) Single use buildings: 80% of the lot area.
- (2) Mixed use building: 90% of the lot area.

D. Building height.

- (1) The minimum height of any building shall be two stories or 28 feet.
- (2) The maximum height of any building shall be three stories, exclusive of a basement, or 40 feet, whichever is less.

E. Density.

- (1) A minimum density of 20 residential units per acre shall be required.
- (2) A maximum density of 30 residential units per acre shall be permitted.
- (3) Bonus density: Maximum density may be increased up to 35 residential units per acre, provided an existing or consolidated lot meets or exceeds a minimum lot size of 0.7 acres (30,492 square feet) and utilizes a mixed-use building.

F. Landscape buffers.

- (1) Rear yard.
  - (a) Softening buffers shall be required where a property within the TOD abuts a residential use in a residential zoning district (R-1, R-2 and R-3), Railroad Street, or a railroad right-of-way. Buffers shall be located in the rear yard setback, as required for the property outlined in § 208-43A(3).

- (b) The landscape buffer shall be planted with a variety of high and low level plantings. A masonry wall, fence, or a similar architectural detail that satisfies the purpose of the buffer requirement may be used in addition to or in lieu of the plantings in accordance with § **184-26F(2)**.
- (2) Side yard. Side yards shall be landscaped with grass, shrubs, or other vegetation in the area not used for the pedestrian walkway. Landscaping shall be designed in a manner that mature vegetation will not block or impede the walkway area.
- (3) Required Buffer Between the Street and Parking lots.
  - (a) In lieu of the screening requirements required by SALDO § **184-26**, parking and exterior loading areas shall be screened from streets and sidewalks by the provision of a landscaped buffer with a minimum width of four feet and planted with a continuous row of three-foot-high shrubs or grasses. A decorative fence or seating wall not less than two feet and no more than three feet high may also be permitted in combination with the landscaping.
  - (4) Areas used for trash receptacle purposes shall be located within buildings where feasible. Outside trash storage areas shall be screened from adjacent properties through the use of a fence or vegetation on at least two sides.

§ 208-44 **Development design standards.**

A. General purpose and master plan.

- (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 accessways. 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 uses;
  - (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) All properties proposed for development shall be developed in accordance with a master plan that has been reviewed by an architectural consultant in accordance with the design review process of § **208-45** and approved by Borough Council, and shall meet the following requirements:
  - (a) Master plans shall be prepared when any property is proposed for subdivision or land development. This shall apply to any property that exists at the time of adoption of this chapter, or is created through lot subdivision or lot consolidation.
  - (b) Borough Council may require changes in the master plan in order to meet the legislative intent and other standards of the Transit Oriented Development District.

B. Building orientation and primary entrance.

- (1) All new and rehabilitated buildings shall comply with the following general standards:
  - (a) Buildings shall be designed with window space, public access points and signage facing the street and sidewalk.
  - (b) To the greatest extent feasible any new vehicular access point shall be located on a side lot line and

shared with adjacent lots.

- (c) 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.
- (d) When one or more lot(s) is redeveloped such that 150 feet or more of new building facade is constructed along the primary front facade, a pedestrian access way shall be provided (i.e., through a lobby or alley) to reach available shared parking facilities.
- (2) 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.
  - (a) Building entrances shall incorporate arcades, porches, alcoves or awnings that protect pedestrians from the sun and rain.
  - (b) If the building has frontage on more than one street, the building shall provide two primary entrances oriented toward both streets, or a single entrance on the corner where the two streets intersect. Corner entrances may utilize a vestibule design, or may be angled, as a chamfered corner.
  - (c) Loading doors, service doors, and loading docks shall not be located along the primary building facade but shall be oriented toward the side or rear of the building along the facade fronting the street of lower classification.
  - (d) No properties shall locate the primary facade along Railroad Street.
- C. Architectural design standards. 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. All subdivision and land development applications shall submit building elevations with site plans during the preliminary plan submission process for review to determine compliance with the standards set forth below.
  - (1) New and renovated buildings must 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 found within the commercial areas of the Borough's Historic District.

If the subject property is located in the North Wales Borough 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.

- (2) Building design standards.
  - (a) The massing of all buildings shall be de-emphasized in a variety of ways to reduce their apparent overall bulk and volume, to enhance visual quality, and to contribute to pedestrian-scale development.
    - [1] Buildings must have at least a three-foot break in all front facades. Such breaks in the facades and rooflines shall occur not more frequently than 25 feet nor less frequently than 50 feet. Breaks may be met through the use of projecting and recessed elements, such as porches, windows, and roof dormers, building extensions or recesses, or other similar architectural treatment.
    - [2] All buildings shall articulate the line between the ground floor and second floor with a pent roof,

cornice, canopy, balcony, arcade, change in building material, or other visual device.

- [3] Walls or portions of walls where windows are not provided shall have architectural treatments designed to break up the bulk of the wall, including at least four of the following treatments: masonry but not flat concrete block, concrete or masonry plinth at the base of the wall; belt courses of a different texture or color; projecting cornice; decorative tile work; trellis containing planting; medallions; opaque or translucent glass; artwork; vertical/horizontal articulation; lighting fixtures; or a similar architectural element not listed above, as approved by Borough Council. Applicants shall list which of the four treatments are being provided on the site record plans.
- (b) Exterior wall materials may include stucco, wood clapboard (including aluminum imitation clapboard siding), stone, or brick of a shape, color and texture as that found within the Historic District. Specifically prohibited shall be T1-11 or other similar plywood siding, exterior insulation and finishing systems (EIFS), and metal buildings.
  - [1] Except on side or rear walls not visible from any public way, all forms of concrete block shall be prohibited.
  - [2] 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.
  - [3] Stucco or artificial materials, except fire clay products such as brick, shall not occupy more than 50% of the building facade unless Borough Council makes a specific finding that more than 50% is appropriate, and similar to architectural features on other comparable buildings in the borough.
  - [4] Rear and side facades shall have colors and materials that are similar to the front facade. Any development with more than one building on the site shall have a common and coherent architectural theme throughout the development.
- (c) Buildings shall provide clear windows interspersed along the building facade. Smoked, reflective, tinted, or black glass in windows is prohibited.
  - [1] Clear window openings shall be vertical, and at least twice as high as the width of those openings.
  - [2] To the greatest extent possible, individual window units in the second floors and above shall be vertically aligned with the location of windows and doors on the ground level, including storefront or display windows.
  - [3] For multifamily residential uses:
    - [a] All floors shall contain an average of 40% to 45% clear windows and doors. This percentage may be increased up to 70% clear windows and doors for the portion of the ground floor that is used for shared amenity space, such as a lobby area servicing the entire building but not for private residential units.
    - [b] If no residential units are located on the ground floor, the building shall comply with the standards for mixed-use and nonresidential buildings.
  - [4] For mixed-use buildings and nonresidential buildings:
    - [a] The ground floor shall contain an average of 65% to 70% clear windows and doors and may incorporate recessed or projecting display window cases, such as bay windows.
    - [b] Second floors and above shall contain a minimum of 50% of the horizontal width of the facade as clear windows along the primary front facade.

- [c] Required window areas must allow views into working areas or lobbies, pedestrian entrances, or merchandise display windows and views shall not be blocked by advertisements or other decals.
  - [d] The maximum sill height above the adjacent sidewalk elevation shall be two feet or lower.
  - [e] Window heads shall be nine to 12 feet above sidewalk level.
  - [f] The top of the display window shall be at least as high as door height.
- [5] All windows on buildings with residential uses on the first floor and all windows on the second floor and above, regardless of use, shall have muntins positioned between two layers of glass.
- (d) 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.
- [1] Pitched roof material may include slate (either natural or man-made), 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.
- [2] Roof fascias, dormers, gables, or similar architectural features shall be employed on pitched roofs to provide a varied roof for increased visual interest. Gables, if provided, shall be functional.
- [3] Flat roofs shall be constructed to accommodate rooftop decks for residential use, either as a shared amenity or provided for individual units, and/or as green roofs to capture stormwater management.
- [4] All rooftop features and amenities, including mechanical equipment, antennas, or decks, shall be screened visually and acoustically. Such screening shall be an integral to the architectural design of the building, such as through the use of parapets.
- (e) Grade level exterior doors that swing onto a public walkway that is less than six feet 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) Standards for parking structures. Building design shall follow design standards found in this section, in terms of building materials and architectural pattern.
- (4) Standards for public walkways:
- (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 found on Main Street.
- (b) Sidewalks shall 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 improved to meet the minimum district standards.
- [1] The unobstructed width of an existing public sidewalk may be reduced to four feet where adjacent to tree pits to accommodate the installation of street trees when shown on the approved development plan.
- [2] 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 chapter may be reduced to six feet. The reduced width must remain completely unobstructed to permit the free passage of pedestrians.
- (c) New sidewalks shall be installed to contribute toward creating a completely linked network of walkways

connecting transit stops, commercial centers, institutional facilities and residential uses including parks and other open space areas.

- (d) Sidewalks shall not be used for exterior storage.
  - (e) Outdoor seating for food and drink establishments or other pedestrian-oriented accessory uses, such as outdoor sales display are permitted, provided the minimum unobstructed walkway is maintained.
- D. Signage. Signs shall be permitted in accordance with the provisions of § **208-88** of this chapter, with the following exceptions:
- (1) Ground signs shall be monument-type only and shall have a maximum height of 10 feet. Ground signs shall not be placed within or blocking the pedestrian sidewalk.
  - (2) Internal illumination shall only be permitted for facade 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, maintained, and trimmed by the developer and/or property owner along all public rights-of-way in compliance with Chapter **174**, Shade Trees, and Chapter **184**, Subdivision and Land Development, of the North Wales Borough Code. If properties already contain healthy and mature trees that comply with the street tree requirements, additional plantings may not be required. All properties must have at least one or more street trees.
  - (2) Street trees shall be planted in Borough-approved tree pits or in planter areas at least four feet long by four feet wide with a minimum soil capacity of at least 1,000 cubic yards. Structural soils or modular underground pavement systems like Silva Cells shall be used to provide additional capacity for tree roots to enhance tree health and manage stormwater.
    - (a) Decorative tree grates shall be placed over planting areas to protect the tree roots and maximize functional sidewalk width.
    - (b) Trees shall be located within the front setback area.
- F. Lighting standards.
- (1) Adequate lighting for pedestrians and vehicles shall be provided in all areas open to the public.
  - (2) Lighting shall be shielded to meet the following requirements:
    - (a) No light shall shine directly from a light source onto the ground, into the windows, or onto improvements of an abutting property, although incidental light may be permitted to fall on abutting property.
    - (b) No light, except street lights, shall shine directly onto public roads.
  - (3) No parking lot lighting standard or building fixture designed to illuminate the ground shall exceed 18 feet in height from grade level, and no pedestrian lighting standard shall exceed 14 feet in height from grade level.
- G. Open space and plaza design standards.
- (1) Areas not used for buildings, parking, pedestrian walkways, or required landscape buffers, including

landscaping required in the front setback area, shall be planted with a vegetated ground cover.

- (2) Applicants are encouraged to provide enhanced open space features such as plazas, "pocket parks," or gateway elements at corner properties where a property fronts on two roadways in order to beautify the district, provide additional pedestrian amenities, and develop properties with acute angles that may otherwise be underutilized for the public good. Coordinating landscaping, seating, pathways, public art, gateway signage, or other treatments shall be included in these open space features, and shall be designed and reviewed as part of the master plan.
- (3) If open space or plaza areas are provided on a property, they shall be designed as focal points within the development and shall make public access as easy and straightforward as possible. Public access shall be guaranteed through a deed restriction or other means acceptable to Borough Council.

**§ 208-45 Design review criteria.**

- A. Applicability. The Borough shall appoint a licensed architect or landscape architect consultant to review all master plans submitted to the Planning Commission and Borough Council for subdivisions and land developments within the Transit Oriented Development District. The consultant shall submit a written recommendation to the applicant, Planning Commission, and Borough Council regarding the manner in which the master plan is compliant or deficient with regard to the design standards of this section.
  - (1) The consultant may also review plans that include the modification of the exterior design features of an existing structure which involves a change in the exterior materials in existence on such structure. "Modification of the exterior design features," as used herein, includes but is not limited to the addition, deletion or modification of surface materials (masonry, wood, brick, stucco), windows, doors, overhangs, porches, porticos, chimneys, outdoor public space, cornices, etc.
  - (2) Design review is not required for nonstructural changes to a building, such as repainting of surfaces or the repair, restoration or reconstruction of exterior design features where such work maintains the outer dimensions and surface relationships of the existing structure. Design review is not required for the replacement of doors, windows or other transparent surfaces that currently exist, provided windows and transparent surfaces are not replaced with nontransparent materials and the surface area of the replacement door, window or other transparent surface does not exceed the dimensions of the existing feature by more than 10%.
- B. Standards and criteria for review. In reviewing a proposed master plan or building modification plan, the consultant shall consider the requirements of § 208-44, Development design standards, and the following general criteria, where applicable:
  - (1) General architectural features, including the character, scale and quality of the design, including building materials and colors, to ensure compatibility with the surrounding community and the existing historical architectural character of North Wales.
  - (2) That the plans indicate proper consideration for the relationship between proposed or existing buildings and buildings which are located or are proposed within the general area and enhance the intent of the Transit Oriented Development District.
  - (3) That the plan for the proposed building or material change indicates a manner in which surrounding properties are protected against noise, vibrations and other factors which may have an adverse effect on the environment and the manner of screening for mechanical equipment, trash, storage and loading areas.
  - (4) That buildings, parking areas, signs, and illumination indicate proper consideration has been given to both the functional aspects of the development, such as pedestrian and vehicular circulation, and the visual effect of the development as a gateway into the borough, and a transit amenity.

- (5) That landscaping considerations, including location, type, size, color, texture and coverage of plant materials, including maintenance and protection, have been considered to ensure visual enhancement of the streetscape and promote sound stormwater management.
- C. Ownership. Any land area proposed for development shall be in one ownership or shall be subject to a joint application filed by every owner of the land area proposed for development, under single direction, using one overall master plan and complying with all requirements of the Transit Oriented Development District.
- D. Application process.
- (1) All master plans shall be submitted in writing to the consultant at the same time or before a subdivision or land development plan is submitted to the Borough for review. The consultant shall review the proposal and submit written comments to the Borough Planning Commission and Borough Council within 30 days of receipt.
  - (2) The master plan shall be submitted in accordance with the standards outlined in Article **IV** of Chapter **184**, Subdivision and Land Development, § **184-33**.
  - (3) Borough Council may require changes in the master plan in order to meet the legislative intent and other standards of the Transit Oriented Development District.
- E. Approval process.
- (1) For all master plan submissions, the Borough Council shall render a written decision on the application within 30 days of receipt of the plan.
  - (2) The Borough Council shall consider comments and recommendations of the reviewing body and the Planning Commission prior to approving or denying the proposed plan.
  - (3) Approval of the proposal shall expire two years after the date of approval by the Borough Council or the signing of the development plan, whichever is later, if the applicant fails to obtain a building permit, use and occupancy permit, or other applicable permit, unless the Borough Council or Borough Code Enforcement Officer has agreed, in writing or on the record, to an extension of time.
- F. Appeals. The appeals process shall be in accordance with Article **XXI** of this chapter.

**Article XI**  
**LI Limited Industrial District**

**§ 208-46 Intent.**

The Limited Industrial District (LI) 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.

**§ 208-47 Permitted uses.**

A building may be erected, altered or used, and a lot may be occupied or used, in whole or in part, for any of the uses indicated in the Appendix A, Use Matrix, and no other, provided that such uses shall comply with the district regulations established in this article, Article IV, Use Regulations (in the event of a conflict between district and use regulations, the more stringent regulation shall be applicable), and all other applicable sections of this Ordinance.

**§ 208-48 Environmental regulations.**

- A. **Smoke.** No smoke shall be emitted from any chimney or other source a visible gray greater than No. 1 on the Ringlemann Smoke Chart as published by the U.S. Bureau of Mines; smoke of a shade not darker than No. 2 on the Ringlemann Chart may be emitted for not more than 4 minutes in any 30 minutes..
- 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.**

<b>Sound Levels</b>		
<b>Octave Band in Cycles per Second</b>	<b>Along Residential District (R-1, R-2, and R-3) Boundaries Maximum Permitted Sound Level in Decibels</b>	<b>At Any Other Point on the Lot Boundary Maximum Permitted Sound Level in Decibels</b>
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.

**§ 208-49 Power facilities.**

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.

**§ 208-50. Dimensional requirements.**

A. Dimensional requirements in the Limited Industrial District shall be as follows:

<b>Limited Industrial District Dimensional Requirements</b>	
<b>Min. lot area</b>	10,000 ft <sup>2</sup>
<b>Min. lot width</b>	100 feet
<b>Min. front setback</b>	25 feet
<b>Min. rear setback</b>	50 feet
<b>Min. side setback</b>	20 feet
<b>Max. building coverage</b>	50%
<b>Max. impervious coverage</b>	80%
<b>Maximum Principal Building Height</b>	40 feet (3 stories max.)

**§ 208-51. Additional requirements for conditional uses.**

- A. Borough Council shall not grant approval of any application for conditional use until compliance with the following criteria are met:
  - (1) A minimum lot area of two (2) acres shall be provided.
  - (2) Landscape buffer required. A landscape screen buffer 15 feet in width shall be provided along all side and rear property lines in order to mitigate the impact of the proposed use on neighboring properties. The landscape buffer shall meet the requirements of Chapter 85, Subdivision and Land Development.

**§ 208-52 Application and review requirements.**

Prior to the approval of any zoning permit, special exception, conditional use, subdivision or land development application in the Limited Industrial District, the Borough Planning Commission shall be given a chance to review the proposal for compliance with the legislative intent and other standards of the LI Limited Industrial District. Such review shall occur in accordance with the following process:

A. Required documentation.

- (1) 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.
- (2) Architectural plans for any proposed building and/or addition.
- (3) 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.
- (4) Engineering and architectural plans for the handling and disposal of sewage and industrial waste.
- (5) Engineering and architectural plans for the handling of traffic, loading, noise, glare, air pollution, water pollution, fire hazard or safety hazard.
- (6) Designation of the fuel proposed to be used or stored upon the property and any necessary architectural and engineering plans for controlling smoke.
- (7) The proposed number of shifts to be worked and the maximum number of employees on each shift.
- (8) Any other data that the Planning Commission or Zoning Hearing Board may require in order to adequately evaluate the proposal.

B. Review Process.

- a. All required documentation shall be submitted in writing to the borough alongside any other necessary applications, whether for use and occupancy, conditional use, or special exception.
- b. The Borough Planning Commission shall review the proposal for compliance with the legislative intent and other standards of the Limited Industrial District and submit written comments to the Zoning Officer and/or Zoning Hearing Board within 30 days of receipt.
- c. The approving body shall consider comments and recommendations of the Planning Commission prior to approving or denying the proposal.

Article XII  
**INO Institutional Overlay District**

**§ 208-53 Intent.**

The existing civic and institutional buildings within the Borough of North Wales are integral to the built environment and are part of the essential fabric of the community by virtue of their architectural prominence and their longevity. In order to keep these important buildings in character with their original intended use, the intent of the Institutional Overlay District is to:

- A. Recognize and promote the preservation of existing civic and institutional buildings by permitting their continued operation, alteration or expansion, and limited change of use to those uses which are most in-line with the original intended use.
- B. Provide suitable areas within the Borough to accommodate community service and institutional uses.
- C. To conditionally allow for educational institutions and residential care facilities on existing institutional properties and within existing institutional buildings, while ensuring the continued compatibility with adjacent uses and minimizing any adverse impacts on the surrounding community.

**§ 208-54 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.

- 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.

**§ 208-55 Permitted uses.**

- A. A building may be erected, altered or used, and a lot may be occupied or used, in whole or in part, for any of the uses indicated in the Appendix A, Use Matrix, and those permitted in the underlying zoning district, provided that such uses shall comply with the district regulations established in this article, Article IV, Use Regulations (in the event of a conflict between district and use regulations, the more stringent regulation shall be applicable), and all other applicable sections of this Ordinance.
- B. Conflict with underlying zoning. Should any use permitted in the overlay also be permitted by the underlying zoning district, compliance with the standards of the underlying district and applicable use regulations per Chapter IV, Use Regulations, shall be adequate to permit such use. Compliance with this Article is not required in such cases.

§ 208-56 **Dimensional requirements.**

	<b>Permitted Uses</b>	<b>Conditional Uses</b>
<b>Min. lot area</b>	25,000 square feet	One acre
<b>Min. lot width</b>	75 feet	150 feet
<b>Min. front setback</b>	Required front setback shall be established by the dimensional requirements of the underlying zoning district.	<i>See § 208-57</i>
<b>Min. side and rear setbacks</b>	30 feet	50 feet
<b>Max. building coverage</b>	25%	30%
<b>Max. impervious coverage</b>	50%	60%
<b>Max. building height</b>	40 feet (3 stories max.)	

§ 208-57 **Conditional use standards.**

Borough Council shall not grant approval of any application for conditional use until compliance with intent and spirit of the Institutional Overlay District is demonstrated by the applicant, and after ensuring compliance with the following standards:

- A. Retention of existing buildings required. The proposed use(s) shall maintain, protect, and preserve the existing principal buildings by retaining the outward appearance of the building to the greatest extent possible.
- B. New buildings. New buildings proposed on the same lot shall not be eligible for the uses permitted only by this overlay and shall comply with all requirements of the underlying zoning district.
  - (1) New buildings shall not block views of the existing, primary building from the public way.
  - (2) The distance between the closest points between any two buildings shall be not less than 25 feet.
- C. Additions. Building additions shall be eligible for the uses permitted by the overlay when the following conditions are met:
  - (1) Additions to existing buildings shall only be permitted to the side and/or rear of the existing building.
    - (a) For corner lots or lots with multiple frontages, the two (2) facades located nearest a public roadway shall be considered the front facades. For any front setback beyond the aforementioned two (2), the required setback shall be established by the dimensional requirements of the underlying zoning district.
  - (2) Additions may increase the footprint of the applicable building by a maximum of 50%.
  - (3) Additions may not increase the length of any front (street-facing) façade beyond 300 feet.
  - (4) Building additions shall be compatible with the existing building by virtue of their appearance, size, scale, and material; however, additions may be visually distinct from the existing building and need not replicate the existing architectural style.
  - (5) Quality building materials, such as brick, stone, concrete, and glass shall be utilized to create visual interest and enhance the quality of additions.
    - (a) The following building materials are prohibited: exterior insulation and finishing systems (EIFS); aluminum or vinyl siding or shutters; white, tan, or painted brick; concrete block; T-111 or other similar plywood siding.

- D. Architectural elevations required. Architectural elevations and sections, renderings, or the like shall be submitted with the application; any conditional use application shall not be deemed complete until the submission of such. Furthermore, such shall include adequate detail to indicate how the proposed buildings, additions, and/or alterations will be compatible with the existing building(s).
- E. Rooftop equipment. Rooftop HVAC systems, elevator equipment, or any other mechanical or utilitarian protuberances shall be screened from view from adjacent buildings and from ground level using similar building materials and in a manner that is consistent with the architectural design of the building.
- F. Landscape buffers required.
  - (1) When abutting a residential use or a residential district (R-1, R-2, or R-3), any shared lot lines shall require the installation of a vegetated screen buffer. The screen buffer shall be a minimum of ten (10) feet in width and shall meet the requirements for screen buffers as regulated by § 184-26F(1).
  - (2) A landscaped buffer along any public roadway frontages may be required when deemed necessary to mitigate impacts on the surrounding community.
- G. Lighting. Outdoor lighting shall not shine on abutting properties, and lighting poles shall not exceed fifteen (15) feet in height.
- H. The applicant shall guarantee the permanent protection of the architectural features and design integrity of the principal building(s) on the lot. This guarantee shall be made by means of a deed restriction, conservation easement, facade easement, or other means acceptable to the Borough Solicitor and Borough Council. At minimum, this shall include:
  - (1) Surface materials shall be maintained or replaced with like/ in- kind materials.
  - (2) Window or door openings shall not be altered, other than for maintenance or replacement with like/ in- kind materials.
  - (3) There shall be no further additions or structural alterations to any part of the building visible from any public sidewalk or right-of-way, except for replacement of existing features, such as porches, patios, etc., with like/ in- kind materials and assemblies.
  - (4) Utilities located on the exterior of existing buildings, such as heat pumps, central air conditioning units, etc., shall not be relocated except to areas that are equally or less visible from any public sidewalk or right-of-way.

### Article XIII

#### **FP Floodplain Conservation District**

**§ 208-58 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, Flood Damage Prevention, of the Borough Code.

### Article XIV

#### **Historic Preservation District**

**§ 208-59 Applicability of Historic Preservation District.**

The Historic Preservation District shall be delineated according to the Historic Preservation District Map, as amended, and shall be deemed an overlay on any zoning district now or hereafter applicable to any lot. All standards and regulations of the Historic Preservation District are delineated in Chapter 130, Historic Preservation District, of the Borough Code.

## Article XV Parking and Loading

### § 208-60 Intent.

- A. In expansion of the declaration of legislative intent found in Article I of this chapter and the statement of community development objectives found in Article I, the intent of this article, among others, is as follows:
- (1) Set reasonable standards and provide reasonable controls to ensure sufficient parking capacity for the uses or potential uses of land in the Borough.
  - (2) Allow flexibility in addressing parking, loading, and access by permitting construction of a reduced number of parking spaces under appropriate conditions.

### § 208-61 General standards for parking areas.

- A. Existing parking areas. 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. Pedestrian access. Safe provisions for pedestrian access to and through a parking lot shall be required.
- C. Size of parking spaces.
- (1) Parking spaces shall be designed according to the standards set forth in Chapter 184, Subdivision and Land Development.
  - (2) All accessible parking spaces shall meet design requirements as set forth by the Americans with Disabilities Act (42 U.S.C. § 12101 et seq., 28 CFR Part 36).
- D. Marking of parking spaces. Nonresidential parking spaces and multifamily parking spaces shall be striped on pavement with white paint or designated with some other form of permanent marking.
- E. Driveways and vehicular access.
- (1) Access. Access to off-street parking and loading areas shall be provided via an existing alley wherever feasible or, where alley access is not provided, the roadway of the lowest classification.
  - (2) Access driveways on Main Street.
    - (a) New or expanded 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, a maximum of one full-movement driveway from Main Street shall be permitted.
  - (3) Maximum number of driveways.
    - (a) Properties shall only be allowed one driveway curb cut per each street frontage, unless an entrance-only or an exit-only driveway is proposed along the same street frontage as a full-movement driveway for properties greater than 50 feet in width.
    - (b) Lots having street frontage on two different roadways shall be permitted up to two (2) full-movement driveways, provided each street frontage is limited to one full-movement curb cut.
  - (4) Access driveway design standards.
    - (a) For any driveway associated with Use B-1: Single-Family Attached Dwelling, Use B-2: Single-Family Detached Dwelling, or Use B-3: Single-Family Semi-Detached Dwelling located in any zoning district, the following standards shall apply:
      - [1] Each driveway apron or curb cut shall be no more than 12 feet in width at the curblines.
      - [2] Driveways shall be located not less than five feet from any side and/or rear lot lines.
        - (a) This provision shall not apply when shared access is provided pursuant to § 208-61(E)(5).
      - [3] Required parking spaces may be stacked in a driveway such that the vehicle nearest the roadway blocks the vehicle(s) behind it.
      - [4] In order to increase stormwater infiltration on residential lots, a ribbon driveway (see definition) may be constructed in place of a standard driveway when the following design standards are met:
        - (a) Each driveway apron or curb cut shall be no more than 12 feet in width at the curblines.
        - (b) The hard-surfaced, parallel strips where vehicle tires meet the surface shall be a minimum

of two (2) feet in width and shall be constructed of a material acceptable to the Borough Engineer.

- (c) The open area between the hard-surfaced, parallel strips shall be no less than four (4) feet in width and shall either be planted with grass or other groundcover, or contain landscape stone, pavers, or a combination thereof; exposed earth or sand is prohibited within the open area.
- (d) The ribbon driveway shall be located entirely on private property. The sidewalk and the depressed curb shall be constructed per the requirements of Chapter 181, Article 1, Curb and Sidewalk Construction and Chapter 184, Subdivision and Land Development.
- (e) The ribbon driveway shall be at a perpendicular angle with the curb and be straight for its entire length. Ribbon driveways are not permitted for curved driveways.

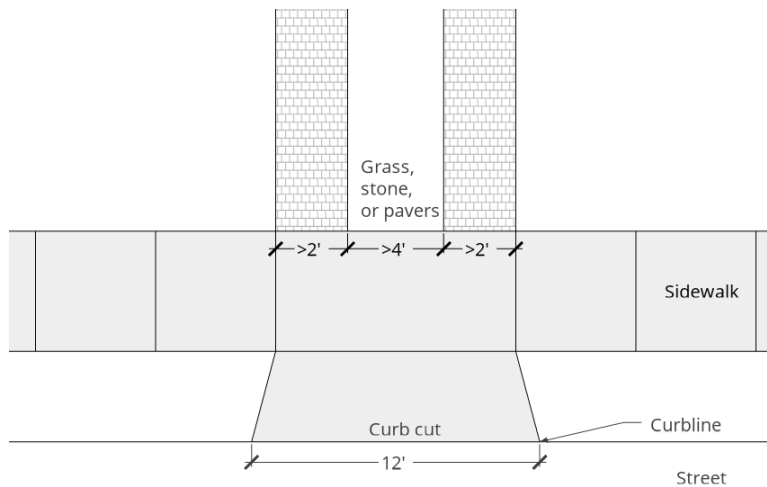


Figure 208-61 Ribbon Driveways

- (b) For any access driveway associated with any use not covered by § 208-61E(4)(a), above, the following standards shall apply:
  - [1] Each driveway apron or curb cut shall be no more than 12 feet in width at the curbline for one-way traffic and 20 to 24 feet in width at the curbline for two-way traffic.
  - [2] Access driveways shall be located not less than three (3) feet from any side and/or rear lot lines.
    - (a) This provision shall not apply when shared access is provided pursuant to § 208-61(E)(5).
  - [3] Access driveways shall not be located between a building's front façade and the roadway.
- (5) Shared access driveways. Shared access between two or more adjacent lots is encouraged and shall be permitted when the following conditions are met:
  - [1] A shared access driveway may be located entirely on one lot or may cross multiple lots.
  - [2] Access easements and maintenance agreements or other suitable legal mechanisms shall be provided, which shall be reviewed and approved by the Borough Engineer and Borough Solicitor.

F. Siting of surface parking areas.

- (1) Surface parking areas and other auto-related areas shall be located to the side and/or rear of a property and shall not be located closer than five (5) feet to a property line.
- (2) Surface parking areas shall be prohibited between a building and the roadway. Parking areas shall not extend beyond the front building façade.
- (3) On a corner lot or on a lot with two street frontages, surface parking shall be located to the side and/or rear of the structure fronting on the street of lower classification.
- (4) The provisions of this section shall not apply to driveways utilized to fulfill the parking requirement for Use B-1: Single-Family Attached Dwelling, Use B-2: Single-Family Detached Dwelling, or Use B-3: Single-Family Semi-Detached Dwelling, as regulated by § 208-61E(4)(a).

G. Landscape buffers required.

- 1) Intent. In order to mitigate the potential impacts of parking areas on the character of the community, provide shade for parked cars, reduce heat islands, manage stormwater runoff and improve air quality, parking lot landscaping shall be required as outlined herein.
- 2) General design requirements.
  - (a) Parking lot landscaping areas shall be protected by curbs, wheel stops or bollards.
  - (b) All tree and shrub species shall be selected from the list of recommended plants in **Appendix 1 of Chapter 184, Subdivision and Land Development**.
  - (c) To the greatest extent feasible, rainwater should be directed to the planting areas with curb cuts or inlets. Parking lot landscaping shall be designed to serve as stormwater basins to capture and infiltrate stormwater through the use of best practices, as outlined in the MCPC publication, "Sustainable Green Parking Lots."
  - (d) In addition to any other requirement of this Chapter or **Chapter 184**, one shade or canopy tree shall be required for every forty (40) feet of perimeter surrounding the parking area, including the length of any access driveway(s). Shade or canopy trees shall be distributed throughout the screen buffer and internal planting islands to ensure well-distributed canopy coverage of the vehicular use areas.
- 3) Parking lots with more than 5 spaces shall require a landscaped screen buffer around the entire perimeter of the parking lot except where buildings, driveways, and walkways are located.
  - (a) The landscaped buffer shall be a minimum of five (5) feet in width and shall meet the requirements for screen buffers as regulated by **§ 184-26F(1)**.
    - [1] Parking lots abutting residential uses in residential districts (R-1, R-2 and R-3) shall also provide a six (6) foot tall fence, wall, or hedge along any shared lot lines with the residential use.
- 4) Parking lots with 10 or more spaces shall require planting islands interior to the parking area.
  - (a) Planting islands shall be a minimum of 9 feet by 18 feet.
  - (b) Planting islands shall require a minimum of 80% ground coverage of low-growing shrubs, grasses and/or groundcover plants.
  - (c) Plants shall be selected or pruned to limit the height of vegetation to two (2) feet at the ends of a planting island at which vehicles turn corners, in order to preserve sight distance. Trees may be planted in these areas, provided that branches are limbed up to preserve sight distance.
  - (d) There shall be no more than ten (10) continuous parking spaces in a row without a planting island.
  - (e) The ends of all parking rows shall be divided from driving lanes by planting islands, with a minimum of one planting island per 10 parking spaces, or fraction thereof.
- 5) Shared access driveways. Shared access driveways between two or more adjacent lots is encouraged and shall be permitted when the following conditions are met:
  - (a) A shared access driveway may be located entirely on one lot or may cross multiple lots.
  - (b) Access easements and maintenance agreements or other suitable legal mechanisms shall be provided, which shall be reviewed and approved by the Borough Engineer and Borough Solicitor.

#### H. Bicycle parking required.

- (1) Applicability.
  - (a) Any change of use shall require the installation of the requisite number of bicycle parking spaces pursuant to Subsection (2), below.
- (2) Number of bicycle parking spaces required.
  - (a) One bicycle parking space shall be provided for every three (3) dwelling units. When less than three (3) dwelling units are located on a lot, no bicycle parking facilities shall be required.
  - (b) One bicycle parking space shall be provided for every 10 vehicle parking spaces required for any nonresidential use. Uses requiring less than ten (10) parking spaces shall not be required to provide bicycle parking facilities.

- (3) Design.
- (a) Bicycle facilities shall be provided either interior and/or exterior to the building and be convenient for use by employees, patrons, residents and/or visitors.
  - (b) Bicycle parking facilities should include a secure device to which the bicycle frame and one (1) wheel of the bicycle can be attached with a cable or locking device. The device should be suitable to keep bicycles erect when they are locked to it.
  - (c) Bicycle parking design and location shall be in conformance with the most recent published standards of the Association of Pedestrian and Bicycle Professionals.

**§ 208-62 Minimum parking requirements by land use.**

- (1) Minimum required parking shall be provided according to table **15.1, Minimum Parking Requirements**.
  - (a) When a minimum parking requirement is noted as “per unit,” this refers to the number of separate dwelling units.
  - (b) When a minimum parking requirement is noted as per a set “SF GFA,” this refers to the square feet (SF) of gross floor area (GFA) of the building(s) associated with the applicable use.
- (2) When the calculation of the minimum required parking spaces results in a fractional number, fractions equal to or over 0.5 shall be rounded up to the nearest whole number and fractions under 0.5 shall be rounded down to the nearest whole number.
- (3) When multiple uses are proposed in a single building or on a single lot, the sum of the parking requirements for each use shall be provided unless said uses are covered under **§ 208-63F, Shared Parking**.

**Table 15.1 Minimum Parking Requirements**

Accessory Uses		Minimum Parking Requirement
A-1	Accessory Dwelling Unit (ADU)	1 space per studio, efficiency, or 1-bedroom unit; 1.5 spaces per two-bedroom unit; 2 spaces per 3+ bedroom unit
A-4	Bed-and-Breakfast	1 space per guest room
A-6	Family Child Care Home	<i>*Provided for in use regulations as two drop off spaces*</i>
B	Residential Uses	Minimum Parking Requirement
B-1	Single-Family Attached Dwelling (Townhouse)	2 spaces per unit
B-2	Single-Family Detached Dwelling	2 spaces per unit
B-3	Single-Family Semi-Detached Dwelling (Twin)	2 spaces per unit
B-4	Two-Family Detached Dwelling (Duplex)	2 spaces per unit
B-5	Mobile Home Park	2 spaces per unit
B-6	Multifamily Development	1 space per studio, efficiency, or 1-bedroom unit; 1.5 spaces per two-bedroom unit; 2 spaces per 3+ bedroom unit
Community Service and Institutional Uses		Minimum Parking Requirement
C-1	Cemetery	<i>Net total of the parking requirement for accessory office, place of worship, etc.</i>
C-2	Club/Lodge	1 space per 5 fixed seats or 1 space per 200 SF GFA, whichever is greater, for the largest place of public assembly
C-3	Daycare Facility	1 space per 10 clients at full capacity, plus 1 per staff/volunteer.

C-4	Educational Institution	1 space per 5 fixed seats or 1 space per 200 SF GFA, whichever is greater, for the largest place of public assembly (e.g., auditorium)
C-5	Emergency Services	1 space per 250 SF GFA
C-6	Hospital	1 space per four patient beds
C-7	Library, Museum, or Community Center	1 per 400 SF GFA
C-8	Place of Worship	1 space per 5 fixed seats or 1 space per 200 SF GFA, whichever is greater, for the largest place of public assembly
C-9	Residential Care Facility	0.5 spaces per bed
	<b>Commercial Uses</b>	<b>Minimum Parking Requirement</b>
D-1	Adult Use	1 space per 200 SF GFA
D-2	Bank	1 space per 200 SF GFA
D-3	Event Facility	1 space per 5 fixed seats or 1 space per 200 SF GFA, whichever is greater, for the largest place of public assembly
D-4	Funeral Home	1 space per 5 fixed seats or 1 space per 200 SF GFA, whichever is greater, for the largest place of public assembly
D-5	Gasoline Service Station	1 space per fuel pump, plus 1 space per 250 SF GFA
D-6	Microbrewery, Microdistillery, or Microwinery	1 space per 200 SF GFA
D-7	Mixed Use	<i>Net total of the parking requirement for each use in the building.</i>
D-8	Overnight Lodging	1 space per guest room
D-9	Recreation Facility	1 space per 200 SF GFA
D-10	Restaurant, Dine-in	1 space per 200 SF GFA
D-11	Restaurant, Take-out	1 space per 200 SF GFA
D-12a	Retail, Specialized	1 spacer per 250 SF GFA
D-12b	Retail Store	1 spacer per 250 SF GFA
D-13	Service/Personal Care Establishment	1 spacer per 250 SF GFA
D-14	Studio	1 space per 400 SF GFA
D-15	Tavern/Bar	1 space per 200 SF GFA
D-16	Theater	1 space per 5 fixed seats or 1 space per 200 SF GFA, whichever is greater
	<b>Office Uses</b>	<b>Minimum Parking Requirement</b>
E-1	Co-working Space	1 space per 250 SF GFA
E-2	Office, Business/Professional	1 space per 250 SF GFA
E-3	Medical Office or Clinic	1 space per 250 SF GFA
	<b>Industrial Uses</b>	<b>Minimum Parking Requirement</b>
F-1	Animal Care	1 space per 500 SF GFA
F-2	Artisan Manufacturing	1 space per 500 SF GFA
F-3	Automobile Sales or Service	3 spaces per service bay, plus 1 space per 250 SF GFA, and 1 space per vehicle for sale.
F-4	Building Supply or Lumber Yard	1 space per 500 SF GFA
F-5	Contractor's Office/Storage	1 space per 500 SF GFA
F-6	Dry Cleaners or Laundromat	1 space per 250 SF GFA
F-7	Junkyard	1 space per 250 SF GFA (enclosed)

<b>F-8</b>	Manufacturing, Processing, and Production	1 spaces per 1000 SF GFA
<b>F-9</b>	Self-Storage Facility	1 space per 5,000 SF GFA
<b>F-10</b>	Warehouse	0.5 spaces per 1000 SF GFA
<b>F-11</b>	Any other use not specifically prohibited, when permitted as a conditional use	1 space per 500 SF GFA

**§ 208-63 Parking reduction options.**

A. Calculation.

- (a) The calculation of the minimum parking requirement shall take into account any applicable reductions as permitted by §§ 208-63B, -C, -D, and -E prior to calculating any shared use parking reduction as provided for by § 208-63F.
- (b) Minimum parking requirements for residential uses shall not be reduced except as provided for by § 208-63E, § 208-63F, or by variance from the Zoning Hearing Board.

B. Utilization of on-street parking. When legally established on-street parking spaces exist along a property’s frontage(s), any parking spaces located entirely within the frontage may be counted towards meeting the minimum nonresidential parking requirement. The number of on-street parking spaces shall be calculated as follows:

- (a) Calculation of parking spaces entirely within the property frontage shall be determined by extending the side property lines outward from the property lines, perpendicular from the curb. Any space that extends beyond the frontage shall be disregarded.
- (b) If parking spaces are not marked, then the applicant shall provide a plan indicating the placement of standard parallel parking spaces along the property’s frontage(s) taking into account areas where parking would not be permissible or feasible.
  - (a) Any portion of the frontage(s) that does not allow for parking, whether by signage, ordinance, or structural barrier (e.g., driveways), shall be noted on the plan and omitted from the placement of parking spaces.
- (c) On-street parking spaces along a property’s frontage shall remain open to public use and shall not be allocated specifically to the subject property or use.

C. Parking reduction for existing nonresidential structures. When an existing nonresidential structure changes in use from one nonresidential use another nonresidential use, the first 1,000 square feet of gross floor area shall be omitted from the calculation of the minimum parking requirement set forth in § 208-62 when the following conditions are met:

- (a) The proposed nonresidential use shall be located entirely within an existing structure or portion thereof, which was wholly constructed prior to the effective date of the Zoning Ordinance.
- (b) If the applicable parking requirement for the new nonresidential is not based on gross floor area, then five (5) parking spaces may be omitted from the minimum parking requirement.

D. Parking reduction for existing nonresidential structures on Main Street and Walnut Street in the CBD. When an existing nonresidential structure changes in use from one nonresidential use another nonresidential use, no new off-street parking shall be required when the following conditions are met:

(a) The proposed nonresidential use shall be located entirely within an existing structure or portion thereof, which was wholly constructed prior to the effective date of the Zoning Ordinance.

(a) If additions are proposed to an existing structure, any increase in square footage shall be required to provide parking in accordance with **§ 208-62, Minimum parking requirements by land use.**

(b) The subject lot is located within the Commercial Business District (CBD).

(c) The structure utilized shall have its primary frontage on Main Street or Walnut Street.

E. Parking reduction in the TOD district by conditional use. Borough shall have the authority to reduce by up to 50% the parking requirement for any use in the TOD district when the following conditions are met:

(a) Parking study required. A parking study prepared by a licensed traffic engineer shall be submitted by the applicant, the cost of which shall be borne by the applicant. The submitted parking study must render an expert opinion that less than the required number of parking spaces is necessary to adequately service the proposed development, and providing credible data to substantiate this opinion. Acceptable data shall include, but is not limited to, data from the Institute of Traffic Engineers and surveys or reports on substantially similar developments.

(a) The occupants of the proposed development shall not utilize on-street parking on public streets, except as provided for by **§ 208-63B.**

F. Shared Parking.

(a) Shared parking reductions are available for multiple uses on:

(a) Single or multiple adjacent sites under single ownership; and

(b) Multiple contiguous sites with a shared use parking agreement for sharing parking facilities.

(b) A shared parking agreement, approved by the Borough Solicitor, shall be filed with the Zoning Officer.

(a) The owner of the shared parking facility shall guarantee availability of the required spaces for the associated use and meet their minimum requirement.

(b) The shared parking facility may utilize shared parking to reduce the total spaces within the facility in accordance with **Table 15.2, Mixed-Use & Shared Parking.**

(c) Shared parking location.

(a) The shared parking facility shall be located within 500 feet, measured from lot line to the nearest lot line of the parking facility, of the associated use.

(b) Shared parking shall be calculated according to **Table 15.2, Mixed-Use & Shared Parking.**

(d) Shared parking shall be calculated using the peak demand calculations listed in **Table 13.2,**

**Mixed-Use & Shared Parking** using the following system:

(a) First, calculate the minimum amount of parking required for each land use as if it were a separate use (including any applicable parking reductions per §§ 208-63, -C, -D, and/or -E).

[1] The Zoning Officer shall determine the appropriate category of use as noted in chart 15.2, **Mixed-Use & Shared Parking**.

(b) To determine the peak parking requirements, multiply the minimum parking required for each proposed land use by the corresponding percentage in the table below for each of the time periods.

(c) Calculate the column total for each time period.

(d) The column (time period) with the highest value shall be the minimum parking requirement.

**Table 15.2. Mixed Use and Shared Parking**

Use	Minimum Parking Requirement (Table 13.1)	Mon - Fri 8:00 a.m. - 6:00 p.m.		Mon - Fri 6:00 p.m. - 12:00 a.m.		Mon - Fri 12:00 a.m. - 8:00 a.m.		Sat - Sun 8:00 a.m. - 6:00 p.m.		Sat - Sun 6:00 p.m. - 12:00 a.m.		Sat - Sun 12:00 a.m. - 8:00 a.m.	
		input	result	input	result	input	result	input	result	input	result	input	result
Residential Uses	input	60%	result	100%	result	100%	result	80%	result	100%	result	100%	result
Overnight Lodging	input	70%	result	100%	result	100%	result	70%	result	100%	result	100%	result
Commercial Uses	(SEE BELOW)												
Office Uses	input	100%	result	20%	result	5%	result	5%	result	5%	result	5%	result
Food/Beverage Service Uses	input	70%	result	100%	result	5%	result	70%	result	100%	result	20%	result
Public Assembly Uses	input	80%	result	80%	result	10%	result	80%	result	100%	result	50%	result
All other uses	input	90%	result	80%	result	5%	result	100%	result	70%	result	5%	result
Educational Use	input	60%	result	100%	result	10%	result	80%	result	50%	result	10%	result
Institutional Use	input	60%	result	100%	result	10%	result	80%	result	100%	result	50%	result
All Other Uses	input	70%	result	100%	result	10%	result	20%	result	5%	result	5%	result
<b>Total Required Spaces</b>	<b>Total Input</b>	<b>Result</b>		<b>Result</b>		<b>Result</b>		<b>Result</b>		<b>Result</b>		<b>Result</b>	

**§ 208-64 Off-street loading.**

Adequate off-street loading and unloading space shall be required in connection with any building, structure, or use which requires the receipt or distribution of materials or merchandise by trucks or similar vehicles. Loading space shall be required and designed pursuant to the following provisions:

**A. Applicability.** Loading spaces shall be required according to the following:

Use(s)*	Gross Floor Area	Loading Spaces Required (total)
Use D-3: Event Facility;	Under 5,000 SF	<i>Optional</i>
Use D-6: Microbrewery, Microdistillery, or Microwinery;	5,000-10,000 SF	1
Use D-10: Restaurant, Dine in;	Over 10,000 SF	2
Use D-11: Restaurant, Take-Out;		
Use D-12a: Retail, Specialized;		
Use D-12b: Retail Store		
Use D-15: Tavern/Bar		
Use F-2: Artisan Manufacturing;	Under 10,000 SF	1
Use F-3: Automobile Sales or Service;	10,000-20,000 SF	2
Use F-4: Building Supply or Lumber Yard;	Over 20,000 SF	1 per 10,000 SF
Use F-5: Contractor's Office/Storage;		
Use F-6: Dry Cleaners or Laundromat;		
Use F-8: Manufacturing, Processing, and Production;		
Use F-10: Warehouse		
*When multiple uses are present within a building, loading spaces shall be provided based on the net total gross floor area.		

- B. Areas provided for the loading and unloading of delivery trucks and other vehicles, and for the servicing of shops by refuse collection, fuels, and other service vehicles, shall be arranged such that they may be occupied without blocking or interfering with the use of vehicle travel lanes, access drive-ways, parking aisles, parking spaces, or pedestrian ways.
- C. Each required loading space shall be designed with appropriate means of vehicular access to an interior drive in a manner which will least interfere with existing or planned traffic movements
- D. A required loading space shall be at least 12 feet in width by at least 35 feet in length, exclusive of aisle and maneuvering space, and shall have a vertical clearance of at least 16 feet.
- E. Loading areas or docks shall be located to the side or rear of the building which it serves.
- F. Loading facilities shall be set back at least 10 feet from any lot line and shall not be constructed in any required buffer area.

- G. Space allocated to a loading space shall not be used to satisfy the space requirements for any parking facilities or portions thereof.
- H. All required loading spaces shall be located on the same lot as the use to be served, and no portion of the vehicle shall project into any traffic lane.
- I. No storage or motor vehicle repair work of any kind, except emergency work, shall be permitted within any required loading space.

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## Article XVI General Provisions

### § 208-65 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.

### § 208-66 Storage of Certain Vehicles and Equipment in Residential Districts (R-1, R-2 and R-3).

- 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. The temporary or seasonal outdoor storage of recreation vehicles such as boats, campers, motor bikes, and the like shall be permitted in a residential district when following regulations are satisfied:
- (1) Recreational vehicles may only be located on a lot where the established primary use is a single-family dwelling.
  - (2) Recreational vehicles may be temporarily or seasonally stored outdoors in residential zoning districts.
  - (3) Recreational vehicles shall not exceed 25 feet in length.
  - (4) Storage of recreational vehicle shall only be permitted on a parking area constructed of macadam, asphalt, concrete, or permeable paving with maximum grade of 5%. Parking on grass is prohibited.
  - (5) Recreational vehicles shall not be located closer than five (5) feet to a property line.
  - (6) Recreational vehicles shall not be located between the front façade of a building and the street and shall not extend beyond the front building façade.
  - (7) Storage of the recreational vehicle shall not diminish the required on-site parking spaces.
  - (8) No more than one recreational vehicle shall be located outdoors on a residential lot.
  - (9) The habitation of a recreation vehicle shall be prohibited.
  - (10) Nothing herein shall prohibit the storage of recreational vehicles within an enclosed building or structure.

### § 208-67 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 24 inches, bay windows not extending through more than one story and not projecting more than five feet and uncovered steps and ramps.

### § 208-68 Visibility at intersections.

In order to maintain clear sight distance at intersections, a clear sight triangle free from obstruction shall be required at all intersections of roadways and all intersections of driveways with roadways.

- A. Sight distances of a clear sight triangle shall be sixty (60) feet in length. Sight distances of a clear sight triangle shall be measured along street centerlines from their point of intersection.

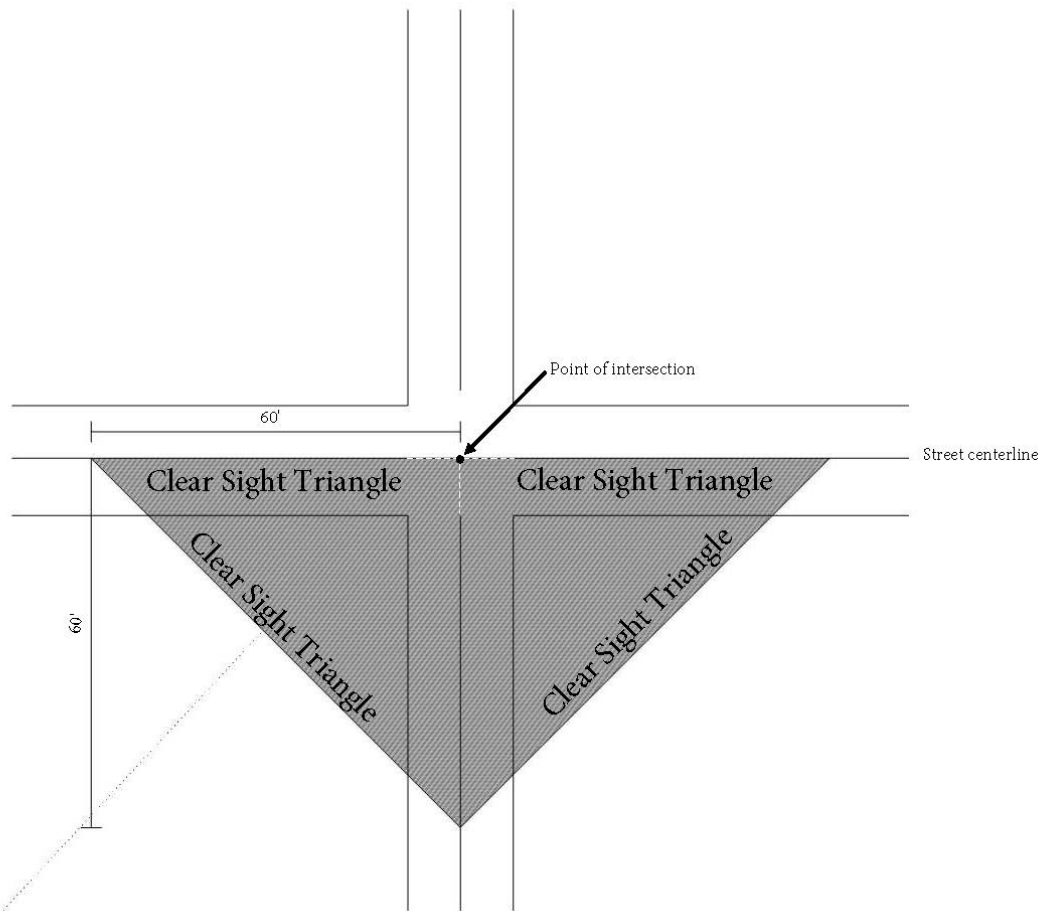


Figure 68.1 Clear Sight Triangle

- B. Within the area of a clear sight triangle, obstructions to visibility shall not be permitted between three (3) feet and seven (7) feet above the grade of the roadway. Within this area no wall, fence, building or structure shall be erected or altered, and no hedge, tree, shrub or other growth shall be maintained; except under the following circumstances:
- (1) Fences or walls up to but not exceeding three (3) feet above the grade of the roadway may be permitted within the clear sight triangle when in compliance with **§ 208-69, Fences and walls**.
  - (2) Hedges, shrubs, or other vegetation up to but not exceeding three (3) feet above the grade of the roadway may be planted and maintained within the clear sight triangle.
  - (3) Shade or street trees may be maintained within a clear sight triangle when it is determined that the size, number, and arrangement does not impede adequate visibility. Street trees shall be limbed up to seven (7) feet above the sidewalk, in accordance with § 174-9, and all other trees within the clear sight triangle shall be limbed up to seven (7) feet above the grade of the roadway.
  - (4) Any other potential obstruction, such as sign post or lamppost, with a width or diameter under one foot may be permitted.
  - (5) Nothing herein shall be construed to permit the private use or occupancy of land within the ultimate right-of-way.

### **§ 208-69 Fences and walls.**

- A. All fences and walls in excess of four feet 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 four feet in height required to stabilize changes in elevations shall be permitted to a height one foot above ground elevation retained.
- B. Fences and walls may be permitted within the required side and rear yard for each lot to a maximum height of seven feet above ground level. On any corner lot, fences shall be allowed on three sides of the property to a maximum height of seven feet, provided that the fence complies with Subsection C below.
- C. A fence or wall may not be erected in or interfere with the clear sight triangle except as provided for by § 208-68, **Visibility at intersections**.
- D. All fences shall be erected with the finished side of the fence facing adjacent properties. The finished side shall be considered the side without the structural supporting members.

### **§ 208-70 Forestry activities.**

- (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.

### **§ 208-71 Public open space and conservation areas.**

It shall be permissible in any zoning district to establish a public open space or conservation area. Such open space or conservation areas shall be dedicated or deed-restricted for open space, forest, stream, or wildlife preservation, or for some other general conservation purpose. Such open space or conservation areas may include a recreational facility or park, so long as it is owned or operated by the Borough or other governmental agency.

### **§ 208-72 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 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 § 208-9.

### **§ 208-73 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 **B(1)** above, to ensure compliance with § **208-73A** when requested by the affected property owner.

#### § 208-74 **Compliance with Chapter 184, Subdivision and Land Development.**

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.

#### § 208-75 **Private ownership and maintenance of common elements.**

Common elements, including but not limited to open space, recreation, sewer, water and stormwater management facilities which will not be publicly owned, shall be subject to a form of ownership established in private agreements acceptable to the Borough Council, upon recommendation of the Borough Solicitor. Such private ownership may include, but is not limited to, corporate, individual, condominium, landlord or

fee-simple homeowners' or landowners' associations and shall be governed by the following:

- A. Access to and use of these common elements may be restricted to the following:
  - (1) Property owners or tenants within the development.
  - (2) Nearby property owners or tenants who wish to join.
- B. Perpetual maintenance shall be guaranteed by trust indenture or similar instrument, which:
  - (1) Shall be recorded with the Recorder of Deeds of Montgomery County simultaneously with the recording of the final plan.
  - (2) Shall restrict the common elements by deed restrictions granting the Borough the right to enforce the restrictions.
  - (3) Shall include provisions for:
    - i. Bonds posted by the developer to cover expenses incurred before formation of a homeowners' association.
    - ii. Adjustment of association fees to account for inflation.
    - iii. A reserve fund to cover capital improvements and/or unforeseen major maintenance requirements.
    - iv. Funds for professional management.
  - (4) Shall authorize the borough to maintain the common elements and assess the private ownership accordingly if private ownership fails to function as required in the private agreements. This shall include, but need not be limited to:
    - i. Failure to clear streets and parking areas of snow.
    - ii. Failure to maintain stormwater control facilities.
    - iii. Failure to correct any hazardous conditions.
    - iv. Failure to perform, abide by and complete any duties, obligations or requirements as set forth in the private agreements and/or the final plan approval of the Borough Council.

#### **§ 208-76. Staging of development.**

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

#### **§ 208-77 Transportation Impact Study.**

- A. Intent. A Transportation Impact Study (TIS) is intended to enable the Borough to assess the transportation impacts of a proposal. Specifically, its purpose is to:
  - (1) Ensure a safe and efficient transportation network for all users, including drivers, pedestrians and bicyclists.
  - (2) Identify any transportation problems that may be created in the existing transportation system as a result of the proposed development.
  - (3) Identify solutions to potential problems and to present mitigation improvements to be incorporated into the proposal.
  - (4) Assist in the protection of air quality and the conservation of energy, and to encourage the use of public transit where available.
- B. Preparation of Study.
  - a. The TIS shall be prepared by a qualified traffic engineer and/or transportation planner in accordance with PennDOT Publication 282, Appendix A, "Policies and Procedures for Transportation Impact Studies," current edition, as amended, with the cost borne by the applicant. The traffic study shall include sufficient information to assess the impact of the proposed development on all

roads within a quarter-mile radius of the subject property. The study must demonstrate that the proposed development will not adversely affect traffic circulation in surrounding areas, or else identify any traffic problems that might be caused or aggravated by the use, and delineate solutions to those problems. Based on the findings of the study, the reviewing body may require on-site improvements, which will alleviate hazardous or congested situations, as a condition for approval.

- i. The anticipated number of trips per day shall be determined through the use of the most recent addition of the Institute of Transportation Engineers' (ITE) Trip Generation Report. The proposed use or development shall be identified using the appropriate ITE land use code as agreed upon by the applicant and the Borough Engineer.

C. **Applicability.** A TIS shall be submitted when explicitly required by this Chapter. Any application that requires a TIS shall not be considered complete until the TIS is submitted to the appropriate review body in accordance with the provisions of this Section.

**§ 208-78 RESERVED**

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Article XVII  
**Wireless Communications Facilities**

§ 208-79 **Wireless communications facilities.**

A. Intent

- (1) To establish uniform standards for the siting, design, permitting, maintenance, and use of wireless telecommunications facilities in the Borough of North Wales.
- (2) To promote the health, safety, and welfare of borough residents and businesses with respect to wireless telecommunications facilities.
- (3) To provide for the managed development of wireless telecommunications facilities in a manner to provide adequate wireless telecommunications services within the borough in accordance with federal and state laws and regulations.
- (4) To establish procedures for the design, siting, construction, installation, maintenance, and removal of wireless telecommunications facilities in the borough, including facilities both inside and outside the public rights-of-way.
- (5) To address new wireless technologies, including, but not limited to, distributed antenna systems, data collection units, cable Wi-Fi, and other wireless telecommunications facilities.
- (6) To encourage the co-location of wireless telecommunications facilities on existing structures rather than the construction of new wireless support structures.
- (7) To protect borough residents from potential adverse impacts of wireless telecommunications facilities and preserve, to the extent permitted under law, the visual character of established communities and the natural beauty of the landscape.

B. Applicability

- (1) New wireless telecommunications facility structures. All new wireless supports and wireless telecommunications facilities in the borough, not in existence on the effective date of this article, shall be subject to these regulations.
- (2) Previously approved wireless telecommunication facilities. Except with regard to additions or substantial modifications, wireless telecommunication facilities in existence prior to the effective date of this article, if previously approved by the borough, shall not be required to meet the requirements of this article.
- (3) Amateur radio station operators or receive-only antennas. This article shall not govern any support structure, or the installation of any antenna array, that is owned and operated by a federally licensed amateur radio station operator or is used exclusively for receive-only and/or noncommercial antennas.

C. Application and review procedure

- (1) Application. All applications for permits filed pursuant to this Section shall be on a form, paper or electronic, provided by the borough. The applicant may designate portions of its application materials that it reasonably believes contain proprietary or confidential information as “proprietary” or “confidential” by clearly marking each page of such materials accordingly.
- (2) Application requirements. Any application submitted pursuant to this Section shall contain the following:
  - (a) The wireless provider’s name, address, telephone number, and e-mail address;
  - (b) The applicant’s name, address, telephone number, and e-mail address, if different than the wireless provider, and its interest in the work;
  - (c) The names, addresses, telephone numbers, and e-mail addresses of all consultants, if any, acting on behalf of the applicant with respect to the filing of the application.
  - (d) Proof of the site owner's consent, if the applicant is not the owner of the site on which

the applicant seeks to locate a commercial telecommunications facility.

- (e) A general description of the proposed work and the purposes and intent of the wireless telecommunications facility. The scope and detail of such description shall be appropriate to the nature and character of the work to be performed, with special emphasis on those matters likely to be affected or impacted by the work proposed.
- (f) An attestation that, to the best of the applicant's knowledge, the information contained in the application is true.

(3) Supporting documentation. The following supporting documentation shall be submitted at the time of initial application submission:

- (a) A site plan, with sufficient detail to show the proposed location of items the applicant seeks to install.
- (b) Drawings pertaining to installation, stamped by a licensed professional engineer, prepared by the manufacturer or applicant.
- (c) The proposed maintenance and inspection schedule.
- (d) A preliminary or a certified statement that the installation of the antennas, including reception and transmission functions, will not interfere with the radio or television service enjoyed by adjacent residential and nonresidential properties or with public safety telecommunications. In the event only a preliminary statement is submitted with the application, a final certified statement on noninterference will be provided and approved by the borough prior to the issuance of a permit. A borough-approved professional engineer shall prepare the statement.
- (e) A safety analysis and certification by a licensed professional engineer that the proposed telecommunications facility will be in compliance with all applicable FAA and FCC laws and regulations.
- (f) Proof of FCC license, including the name, address, and emergency telephone number for the operator of the facility.

(4) Permit fees. The Borough may assess appropriate and reasonable permit fees directly related to the Borough's actual costs in reviewing and processing the application for approval of wireless telecommunications facilities, as well as related inspection, monitoring and related costs; the applicable fee shall be in accordance with a fee schedule adopted by resolution of Borough Council.

- (a) Where applicable, fees shall be in compliance with the Small Wireless Facilities Deployment Act ("Act"), 53 P.S. § 11704.1, et seq.

(5) Review of applications

- (a) Tower-based wireless telecommunications facilities. Within 30 calendar days of the date that an application for a tower-based wireless telecommunications facility is filed with the Borough, the Borough shall notify the applicant if the application has been deemed incomplete and the process outlined in subsection (d), below, shall commence. All applications for tower-based wireless telecommunications facilities shall be acted upon within 150 days of the receipt of a fully completed application for the approval of such tower-based wireless telecommunications facility, and the Borough shall advise the applicant, in writing, of its decision. If additional information was requested by the Borough to complete an application, the time required by the applicant to provide the information shall not be counted toward the 150-day review period.
- (b) Non-tower wireless telecommunications facilities. Within 30 calendar days of the date that an application for a non-tower wireless telecommunications facility is filed with the Borough, the Borough shall notify the applicant if the application has been deemed

incomplete and the process outlined in subsection (d), below, shall commence. Within 90 calendar days of receipt of a complete application, the Borough shall make its final decision on whether to approve the application and shall advise the applicant, in writing, of such decision. If additional information was requested by the Borough to complete an application, the time required by the applicant to provide the information shall not be counted toward the Borough's review period.

(c) Small wireless facility. Within 10 calendar days of the date that an application for a small wireless facility is filed with the Borough, the Borough shall notify the applicant if the application has been deemed incomplete and the process outlined in subsection (d), below, shall commence. Within 60 calendar days of receipt of a complete application for a new small wireless facility or within 30 days of receipt of a complete application collocation of a small wireless facility, the Borough shall make its final decision on whether to approve the application and shall advise the applicant, in writing, of such decision. If additional information was requested by the Borough to complete an application, the time required by the applicant to provide the information shall not be counted toward the Borough's review period.

(d) Incomplete applications. When an application is deemed incomplete by the Borough, the Borough shall provide written notice to the applicant, and shall identify the missing documents or information, and shall cite to the applicable rule or regulation in support. The times set forth above shall restart at zero on the date which the applicant submits all the documents and information identified by the Borough to make the application complete. If the applicant's supplemental submission fails to make the application complete, and the Borough notifies the applicant within 10 days of the supplemental submission and identifies the missing documents or information, the applicable times set forth above shall be tolled until the applicant provides the missing documents and information. The time shall restart on the date when the applicant submits all the documents and information identified by the Borough to render the application complete.

(6) Permit scope and effect. Installation, modification, or collocation for which a permit is granted pursuant to this section shall be completed within one (1) year after the permit issuance date unless the Borough and the applicant agree to extend this period or a delay is caused by the lack of commercial power or communications facilities at the site. Approval of an application authorizes the applicant to:

- (a) Undertake the installation, modification, or collocation; and
- (b) Subject to applicable relocation requirements and the applicant's right to terminate at any time, operate and maintain the wireless telecommunications facilities for a period of not less than ten (10) years.

(7) Consolidated applications option for small wireless facilities.

- (a) An applicant may submit a consolidated application for up to twenty (20) small wireless facilities, if all the small wireless facilities in the consolidated application are substantially the same type.
- (b) If the borough denies the application for one or more small wireless facilities in a consolidated application, the borough may not use the denial as a basis to delay the application process of any other small wireless facility in the same consolidated application.
- (c) A single permit may be issued for siting and collocating multiple small wireless facilities spaced to provide wireless coverage in a contiguous area.

#### D. General requirements for all wireless telecommunications facilities

- (1) Standard of care. Any wireless telecommunications facility and any associated wireless support structure shall be designed, constructed, operated, maintained, repaired, modified, and removed in strict compliance with all current applicable technical, safety, and safety-related codes, including, but not limited to, the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, National Electrical Code, as well as the accepted and responsible workmanlike industry practices of the National Association of Tower Erectors, if applicable. Any wireless telecommunications facility and any associated wireless support structure shall at all times be kept and maintained in good condition, order, and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property in the borough.
- (2) Compliance with local, state, and federal standards. All telecommunications facilities shall meet or exceed all applicable federal, state and local laws, rules, standards or regulations of the FCC and the FAA. If such standards, rules, laws or regulations are changed or amended, at any time in the future, then the owners of such facilities shall bring those facilities into compliance with such revised regulations if such changes or amendments provide for existing communications towers and/or antennas to be brought into compliance.
- (3) Wind. Any wireless support structure shall be designed to withstand the effects of wind according to the standard designed by the American National Standards Institute (ANSI).
- (4) Public safety communications. No wireless telecommunications facility shall interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.
- (5) Radio frequency emissions. No wireless telecommunications facility may, by itself or in conjunction with other wireless telecommunications facilities, generate radio frequency emissions in excess of the standards and regulations of the FCC.
- (6) Lighting. Wireless supports and wireless telecommunications facilities shall not be artificially lighted, except as required by law. If lighting is required, the applicant shall provide a detailed plan for sufficient lighting, demonstrating as unobtrusive and inoffensive an effect as is permissible under state and federal regulations.
- (7) Existing vegetation. The applicant shall ensure that existing vegetation, trees and shrubs located on the site of the proposed facility shall be preserved and/or replaced to the maximum extent p.
- (8) Maintenance. All wireless supports and Wireless telecommunications facilities shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair. Such maintenance shall be performed to ensure the upkeep of the facility in order to promote the safety and security of the Borough's residents and businesses. All modifications and utilized materials shall be nothing less than the best available technology for preventing failures and accidents. All maintenance shall be ordered and repaired by qualified maintenance and construction personnel.

E. Tower-based facilities outside the rights-of-way. The following additional regulations shall apply to tower-based wireless telecommunications facilities located outside the rights-of-way, which shall only be permitted upon issuance of conditional use approval by Borough Council:

(1) Development regulations:

- (a) Prohibited in residential zones. No tower-based wireless telecommunications facility shall be located in a district zoned residential or within 500 feet of a lot in residential use or a residential district boundary. Tower-based wireless telecommunications facilities are permitted only in LI Limited Industrial District, pursuant to Article XI of this Chapter.

- (b) Gap in coverage. An applicant for a tower-based wireless telecommunications facility shall demonstrate that a significant gap in wireless coverage or capacity exists with respect to its network in the applicable area and that the type of wireless telecommunications facility being proposed is the least intrusive means by which to fill that gap. The existence or nonexistence of a gap shall be a factor in the Borough's decision on an application for approval of tower-based wireless telecommunications facilities.
- (c) Sole use on a lot. A tower-based wireless telecommunications facility is permitted as a sole use on a lot, subject to the minimum lot area and yards complying with the requirements for the applicable zoning district.
- (d) Combined with another use. A tower-based wireless telecommunications facility may be permitted on a property with an existing use or on a vacant parcel in combination with another industrial, commercial, institutional or municipal use, subject to the following conditions:
  - [1] The existing use on the property may be any permitted use in the applicable district and need not be affiliated with the communications facility.
  - [2] Minimum lot area. The minimum lot shall comply with the requirements for the applicable district and shall be the area needed to accommodate the tower-based wireless telecommunications facility, the equipment building, security fence, and buffer planting.
  - [3] Minimum setbacks. The tower-based wireless telecommunications facility and accompanying equipment building shall comply with the requirements for the applicable zoning district, provided that no tower-based wireless telecommunications facility shall be located within 500 feet of a lot in residential use or a residential district boundary.
- (e) Notice by applicant. Upon submission of an application for a tower-based wireless telecommunications facility, the applicant shall mail notice to all owners of every property within 500 feet of the proposed facility. The applicant shall provide proof of mailing of the notification to the Borough.
- (f) Co-location. An application for a new tower-based wireless telecommunications facility shall not be approved unless the Borough finds that the wireless telecommunications equipment planned for the proposed tower-based wireless telecommunications facility cannot be accommodated on an existing or approved structure or building. Any application for approval of a tower-based wireless telecommunications facility shall include a comprehensive inventory of all existing towers and other suitable structures within a two-mile radius from the point of the proposed tower, unless the applicant can show to the satisfaction of the Borough that a different distance is more reasonable, and shall demonstrate conclusively why an existing tower or other suitable structure cannot be utilized

(2) Design regulations:

- (a) The wireless telecommunications facility shall employ the most-current stealth technology available in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact. The application of the stealth technology chosen by the wireless telecommunications facility applicant shall be subject to the approval of the Borough.
- (b) Any height extensions to an existing tower-based wireless telecommunications facility shall require prior approval of the Borough. The Borough reserves the right to deny

such requests based upon aesthetic and land use impact, or any other lawful considerations related to the character of the Borough.

(c) Any proposed tower-based wireless telecommunications facility shall be designed structurally, electrically, and in all respects to accommodate both the wireless telecommunications facility applicant's antennas and comparable antennas for future users.

(b) Telecommunications towers shall be limited to monopoles without guys. Lattice towers and any type of guyed tower are prohibited.

(3) Fencing and screening requirements:

(a) A security fence having a minimum height of six feet shall completely surround any tower-based wireless telecommunications facility, or any building housing wireless telecommunications facility equipment.

(b) An evergreen screen that consists of a hedge or a row of evergreen trees shall be located along the perimeter of the security fence.

(c) The wireless telecommunications facility applicant shall submit a landscape plan for review and approval by the Borough Engineer for all proposed screening.

(4) Accessory equipment:

(a) Ground-mounted equipment associated to, or connected with, a tower-based wireless telecommunications facility shall be underground. In the event that an applicant can demonstrate that the equipment cannot be located underground to the satisfaction of the Borough Engineer, then the ground-mounted equipment shall be screened from public view using stealth technologies, as described above.

(b) All utility buildings and accessory structures shall be architecturally designed to blend into the environment in which they are situated and shall meet the minimum setback requirements of the underlying zoning district.

(5) Additional antennas. As a condition of approval for all tower-based wireless telecommunications facilities, the wireless telecommunications facility applicant shall provide the Borough with a written commitment that it will allow other service providers to co-locate antennas on tower-based wireless telecommunications facilities where technically and economically feasible. The owner of a tower-based wireless telecommunications facility shall not install any additional antennas without obtaining the prior written approval of the Borough.

(6) Access road. An access road, turnaround space and parking shall be provided to ensure adequate emergency and service access to a tower-based wireless telecommunications facility. Maximum use of existing roads, whether public or private, shall be made to the extent practicable. Road construction shall at all times minimize ground disturbance and the cutting of vegetation. Road grades shall closely follow natural contours to assure minimal visual disturbance and minimize soil erosion. Where applicable, the wireless telecommunications facility owner shall present documentation to the Borough that the property owner has granted an easement for the proposed facility.

- (7) Financial security. Prior to the issuance of a permit, the owner of a tower-based wireless telecommunications facility outside the right-of-way shall, at its own cost and expense, obtain from a surety licensed to do business in Pennsylvania and maintain a financial security acceptable to the Borough Solicitor, in an amount of \$100,000, to assure the faithful performance of the terms and conditions of this article. The financial security shall provide that the Borough may recover from the principal and surety any and all compensatory damages incurred by the Borough for violations of this article, after reasonable notice and opportunity to cure. The owner shall file the financial security with the Borough.
- (8) Visual or land use impact. The Borough reserves the right to deny an application for the construction or placement of any tower-based wireless telecommunications facility based upon visual and/or land use impact.

F. Tower-based facilities in the rights-of-way. The following additional regulations shall apply to tower-based wireless telecommunications facilities located in the rights-of-way, which shall only be permitted upon issuance of conditional use approval by Borough Council:

(1) Development regulations:

- (a) Restrictions as to placement. Unless designed as a small wireless facility, tower-based wireless telecommunications facilities are only permitted in the LI Limited Industrial District, provided they are not within 500 feet of a lot in a residential use or a residential district boundary. If designed as a small wireless facility, a tower-based wireless telecommunications facility is permitted within a residential zone or within 500 feet of a lot in residential use or a residential district boundary if proposed on a utility pole and located within 100 feet of above-ground utility lines.
- (b) Gap in coverage. An applicant for a tower-based wireless telecommunications facility shall demonstrate that a significant gap in wireless coverage or capacity exists with respect to its network in the applicable area and that the type of wireless telecommunications facility being proposed is the least intrusive means by which to fill that gap. The existence or nonexistence of a gap shall be a factor in the Borough's decision on an application for approval of tower-based wireless telecommunications facilities in the right-of-way.
- (c) Notice by applicant. Upon submission of an application for a tower-based wireless telecommunications facility, the applicant shall mail notice to all owners of every property within 500 feet of the proposed facility. The applicant shall provide proof of mailing of the notification to the Borough.
- (d) Co-location. An application for a new tower-based wireless telecommunications facility in the right-of-way shall not be approved unless the Borough finds that the proposed wireless telecommunications equipment cannot be accommodated on an existing structure, such as a utility pole or traffic light pole. Any application for approval of a tower-based wireless telecommunications facility shall include a comprehensive inventory of all existing towers and other suitable structures within a one-mile radius from the point of the proposed tower, unless the applicant can show to the satisfaction of the Borough that a different distance is more reasonable, and shall demonstrate conclusively why an existing tower or other suitable structure cannot be utilized.
- (e) Time, place and manner. The Borough shall determine the time, place and manner of construction, maintenance, repair and/or removal of all tower-based wireless telecommunications facilities in the right-of-way based on public safety, traffic management,

physical burden on the right-of-way, and related considerations. For public utilities, the time, place and manner requirements shall be consistent with the police powers of the Borough and the requirements of the Public Utility Code.

- (2) Equipment location. Tower-based wireless telecommunications facilities and accessory equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists, or to otherwise inconvenience public use of the right-of-way, as determined by the Borough. In addition:
  - (a) In no case shall ground-mounted equipment, walls, or landscaping be located within 18 inches of the face of the curb.
  - (b) Ground-mounted equipment that cannot be undergrounded shall be screened, to the fullest extent possible, through the use of landscaping or other decorative features to the satisfaction of the Borough.
  - (c) Required electrical meter cabinets shall be screened to blend in with the surrounding area to the satisfaction of the Borough.
  - (d) Any graffiti on the tower or on any accessory equipment shall be removed at the sole expense of the owner within 10 business days of notice of the existence of the graffiti.
  - (e) Any underground vaults related to tower-based wireless telecommunications facilities shall be reviewed and approved by the Borough.
- (3) Design regulations.
  - (a) The wireless telecommunications facility shall employ the most-current stealth technology available in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact. The application of the stealth technology chosen by the wireless telecommunications facility applicant shall be subject to the approval of the Borough.
  - (b) Any height extensions to an existing tower-based wireless telecommunications facility shall require prior approval of the Borough and shall not increase the overall height of the tower-based wireless telecommunications facility to more than 150 feet. The Borough reserves the right to deny such requests based upon aesthetic and land use impact, or any other lawful considerations related to the character of the Borough.
  - (c) Any proposed tower-based wireless telecommunications facility shall be designed structurally, electrically, and in all respects to accommodate both the wireless telecommunications facility applicant's antennas and comparable antennas for future users.
  - (d) Visual or land use impact. The Borough reserves the right to deny the construction or placement of any tower-based wireless telecommunications facility in the right-of-way based upon visual and/or land use impact.
  - (e) Telecommunications towers shall be limited to monopoles without guys. Lattice towers and any type of guyed tower are prohibited.
- (4) Additional antennas. As a condition of approval for all tower-based wireless telecommunications facilities in the right-of-way, the wireless telecommunications facility applicant shall provide the Borough with a written commitment that it will allow other service providers to co-locate antennas on tower-based wireless telecommunications facilities where technically and economically feasible. The owner of a tower-based wireless telecommunications facility shall not install any additional antennas without obtaining the prior written approval of the Borough.

- (5) Damage to Borough property. A wireless provider shall repair, at its sole cost and expense, any damages, including, but not limited to, subsidence, cracking, erosion, collapse, weakening, or loss of lateral support to the Borough's streets, sidewalks, walks, curbs, gutters, trees, parkways, street lights, traffic signals, improvements of any kind or nature, or utility lines and systems, underground utility line and systems, or sewer or water systems and water and sewer lines directly resulting from any activities performed in connection with the installation and/or maintenance of a wireless facility in the right-of-way. The wireless provider shall restore such areas, structures, and systems to substantially the same condition in which they existed prior to the installation or maintenance that necessitated the repairs.
- (6) Relocation or removal of facilities. Within 60 days following written notice from the Borough, or such longer period as the Borough determines is reasonably necessary or such shorter period in the case of an emergency, an owner of tower-based wireless telecommunications facility in the right-of-way shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any wireless telecommunications facility when the Borough, consistent with its police powers and applicable Public Utility Commission regulations, shall determine that such removal, relocation, change or alteration is reasonably necessary under the following circumstances:
  - (a) The construction, repair, maintenance or installation of any Borough or other public improvement in the right-of-way;
  - (b) The operations of the Borough or other governmental entity in the right-of-way;
  - (c) Vacation of a street or road or the release of a utility easement; or
  - (d) An emergency as determined by the Borough.
- (7) Compensation for right-of-way use. In addition to permit fees as described above, every tower-based wireless telecommunications facility in the right-of-way is subject to the Borough's right to fix annually a fair and reasonable compensation to be paid for use and occupancy of the right-of-way. Such compensation for right-of-way use shall be directly related to the Borough's actual right-of-way management costs, including, but not limited to, the costs of the administration and performance of all reviewing, inspecting, permitting, supervising and other right-of-way management activities by the Borough. The owner of each tower-based wireless telecommunications facility shall pay an annual fee to the Borough to compensate the Borough for the Borough's costs incurred in connection with the activities described above. The annual right-of-way management fee for tower-based wireless telecommunications facilities shall be determined by the Borough and authorized by resolution of the Borough Council and shall be based on the Borough's actual right-of-way management costs as applied to such tower-based wireless telecommunications facility. In default of an actual cost study completed by the Borough, the presumptively reasonable fees shall be as established by law.
- (8) Financial security. Prior to the issuance of a permit, the owner of a tower-based wireless telecommunications facility in the right-of-way shall, at its own cost and expense, obtain from a surety licensed to do business in Pennsylvania and maintain financial security acceptable to the Borough Solicitor, in an amount of \$100,000, to assure the faithful performance of the terms and conditions of this article. The financial security shall provide that the Borough may recover from the principal and surety any and all compensatory damages incurred by the Borough for violations of this article, after reasonable notice and opportunity to cure. The owner shall file a copy of the financial security with the Borough.

G. Non-tower wireless telecommunications facilities outside the rights-of-way. The following additional regulations shall apply to non-tower wireless telecommunications facilities located outside the rights-of-way that substantially change the wireless support structure to which they are attached:

- (1) Permitted in the CBD, TOD, and LI zoning districts subject to regulations. Non-tower wireless telecommunications facilities are permitted in all zones subject to the restrictions and conditions prescribed below and subject to the prior written approval of the Borough.
- (2) Development regulations. Non-tower wireless telecommunications facilities shall be co-located on existing structures such as existing buildings or tower-based wireless telecommunications facilities, subject to the following conditions:
  - (a) Such wireless telecommunications facility does not exceed a maximum height of 150 feet.
  - (b) If the wireless telecommunications facility applicant proposes to locate the communications equipment in a separate building, the building shall comply with the dimensional requirements for the applicable zoning district.
  - (c) A six-foot-high security fence shall surround any separate communications equipment building. Vehicular access to the communications equipment building shall not interfere with the parking or vehicular circulations on the site for the principal use.
- (3) Design regulations.
  - (a) Non-tower wireless telecommunications facilities shall employ stealth technology and be treated to match the supporting structure in order to minimize aesthetic impact. The application of the stealth technology chosen by the wireless telecommunications facility applicant shall be subject to the approval of the Borough.
  - (b) Non-tower wireless telecommunications facilities, which are mounted to a building or similar structure, may not exceed a height of 15 feet above the roof or parapet, whichever is higher, unless the wireless telecommunications facility applicant obtains a conditional use permit.
  - (c) All non-tower wireless telecommunications facility applicants shall submit documentation to the Borough justifying the total height of the non-tower structure. Such documentation shall be analyzed in the context of such justification on an individual basis.
  - (d) Antennas, and their respective accompanying support structures, shall be no greater in diameter than any cross-sectional dimension that is reasonably necessary for their proper functioning.
- (4) Removal, replacement, modification.
  - (a) The removal and replacement of non-tower wireless telecommunications facilities and/or accessory equipment for the purpose of upgrading or repairing the wireless telecommunications facility is permitted, so long as such repair or upgrade does not increase the overall size of the wireless telecommunications facility or the number of antennas.
  - (b) Any material modification to a wireless telecommunication facility shall require a prior amendment to the original permit or authorization.
- (5) Inspection. The Borough reserves the right to inspect any wireless telecommunications facility to ensure compliance with the provisions of this article and any other provisions found within the Borough Code or state or federal law. The Borough and/or its agents shall have the authority to enter the property upon which a wireless telecommunications facility is located at any time, upon reasonable notice to the operator, to ensure such compliance.
- (6) Financial security. Prior to the issuance of a permit, the owner of each individual non-tower wireless telecommunications facility shall, at its own cost and expense, obtain from a surety licensed to do business in Pennsylvania and maintain financial security acceptable to the Bor-

ough Solicitor, in all amount of \$25,000, for each individual non-tower wireless telecommunications facility, to assure the faithful performance of the terms and conditions of this article. The financial security shall provide that the Borough may recover from the principal and surety any and all compensatory damages incurred by the Borough for violations of this article, after reasonable notice and opportunity to cure. The owner shall file a copy of the financial security with the Borough.

- H. Non-tower wireless telecommunications facilities in the rights-of-way. The following additional regulations shall apply to all non-tower wireless telecommunications facilities located in the rights-of-way:
- (1) Authorization. Non-tower wireless telecommunications facilities designed as a small wireless facility in the right-of-way shall be permitted in all zoning districts by right when co-located on utility poles.
    - (a) Underground districts. Non-tower wireless telecommunications facilities designed as a small wireless facility shall not be located in a right-of-way in which all utility installations are presently underground.
  - (2) Design requirements:
    - (a) Wireless telecommunications facility installations located above the surface grade in the public right-of-way, including, but not limited to, those on streetlights and joint utility poles, shall consist of equipment components that are no more than six feet in height and that are compatible in scale and proportion to the structures upon which they are mounted. All equipment shall be the smallest and least visibly intrusive equipment feasible.
    - (b) Antennas and all support equipment shall be treated to match the supporting structure. Wireless telecommunications facilities and accompanying equipment shall be painted, or otherwise coated, to be visually compatible with the support structure upon which they are mounted.
    - (c) All accessory equipment shall be contained within a single equipment shroud or cabinet. Such equipment shroud or cabinet shall be of the smallest dimensions technically feasible.
  - (3) Time, place and manner. The Borough shall determine the time, place and manner of construction, maintenance, repair and/or removal of all non-tower wireless telecommunications facilities in the right-of-way based on public safety, traffic management, physical burden on the right-of-way, and related considerations. For public utilities, the time, place and manner requirements shall be consistent with the police powers of the Borough and the requirements of the Public Utility Code.
  - (4) Equipment location. Non-tower wireless telecommunications facilities and accessory equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists, or to otherwise inconvenience public use of the right-of-way, as determined by the Borough. In addition:
    - (a) In no case shall ground-mounted equipment, walls, or landscaping be located within 18 inches of the face of the curb.
    - (b) Ground-mounted equipment shall be located underground. In the event an applicant can demonstrate, to the satisfaction of the Borough Engineer, that ground-mounted equipment

cannot be undergrounded, then all such equipment shall be screened, to the fullest extent possible, through the use of landscaping or other decorative features to the satisfaction of the Borough.

- (c) Required electrical meter cabinets shall be screened to blend in with the surrounding area to the satisfaction of the Borough.
  - (d) Any graffiti on the tower or on any accessory equipment shall be removed at the sole expense of the owner within 10 business days of notice of the existence of the graffiti.
  - (e) Any underground vaults related to non-tower wireless telecommunications facilities shall be reviewed and approved by the Borough.
- (5) Damage to Borough property. A wireless provider shall repair, at its sole cost and expense, any damages, including, but not limited to, subsidence, cracking, erosion, collapse, weakening, or loss of lateral support to the Borough's streets, sidewalks, walks, curbs, gutters, trees, parkways, street lights, traffic signals, improvements of any kind or nature, or utility lines and systems, underground utility line and systems, or sewer or water systems and water and sewer lines directly resulting from any activities performed in connection with the installation and/or maintenance of a wireless facility in the right-of-way. The wireless provider shall restore such areas, structures, and systems to substantially the same condition in which they existed prior to the installation or maintenance that necessitated the repairs.
- (6) Relocation or removal of facilities. Within 60 days following written notice from the Borough, or such longer period as the Borough determines is reasonably necessary, or such shorter period in the case of an emergency, an owner of a wireless telecommunications facility in the right-of-way shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any wireless telecommunications facility when the Borough, consistent with its police powers and applicable Public Utility Commission regulations, shall have determined that such removal, relocation, change or alteration is reasonably necessary under the following circumstances:
- (a) The construction, repair, maintenance or installation of any Borough or other public improvement in the right-of-way;
  - (b) The operations of the Borough or other governmental entity in the right-of-way;
  - (c) Vacation of a street or road or the release of a utility easement; or
  - (d) An emergency as determined by the Borough.
- (7) Compensation for right-of-way use.
- (a) Small wireless facilities. In addition to permit fees described above, the owner of the small wireless facilities shall pay a right-of-way management fee of \$270.00 per small wireless facility by January 30th of every year. Fees shall be in compliance with the Act and can be changed by Resolution of Borough Council.
  - (b) Other non-tower wireless telecommunications facilities. In addition to permit fees as described above, every non-tower wireless telecommunications facility in the right-of-way is subject to the Borough's right to fix annually a fair and reasonable compensation to be paid for use and occupancy of the right-of-way. Such compensation for right-of-way use shall be

directly related to the Borough's actual right-of-way management costs, including, but not limited to, the costs of the administration and performance of all reviewing, inspecting, permitting, supervising and other right-of-way management activities by the Borough. The owner of each non-tower wireless telecommunications facility shall pay an annual fee to the Borough to compensate the Borough for its costs incurred in connection with the activities described above. The annual right-of-way management fee for non-tower wireless telecommunications facilities shall be determined by the Borough and authorized by resolution of Borough Board and shall be based on the Borough's actual right-of-way management costs as applied to such non-tower wireless telecommunications facility. In default of an actual cost study completed by the Borough, the presumptively reasonable fees shall be as established by law.

- (8) Financial security. Prior to the issuance of a permit, the owner of each individual non-tower wireless telecommunications facility shall, at its own cost and expense, obtain from a surety licensed to do business in Pennsylvania and maintain financial security acceptable to the Borough Solicitor, in all amount of \$25,000, for each individual non-tower wireless telecommunications facility, to assure the faithful performance of the terms and conditions of this article. The financial security shall provide that the Borough may recover from the principal and surety any and all compensatory damages incurred by the Borough for violations of this article, after reasonable notice and opportunity to cure. The owner shall file a copy of the financial security with the Borough.

## Article XVIII Signs

### § 208-80 Purpose and 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.

### § 208-81 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 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 this chapter.
- S. Signs that exhibit vulgar words or images of an obscene, sexual, violent, or illegal nature as determined by the Borough.
- T. Any sign that promotes illegal activity.

**§ 208-82 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. Signs that communicate a message that is necessary to promote the public health, safety, and general welfare of residents of the borough or the general public. Such signs include the following:
  - (1) Signs erected or required by government agencies or utilities. Such signs include but are not limited to legal notices, traffic, safety, railroad crossing, utility, and identification signs for public facilities.
  - (2) Address signs. Address signs that indicate the address, number and/or name of occupants of the premises that are necessary for emergency response purposes.

- (3) Security and warning signs. Signs regarding a potential hazard or danger associated with a facility or location.
- B. Personal expression signs. In order to enable a business, institution, or individual to exercise their right to free speech by displaying an opinion, interest, or position, personal expression signs shall be permissible on any property, provided that they are:
- a. Freestanding, wall, or window signs;
  - b. Not illuminated;
  - c. Do not exceed three square feet in sign area per sign face; and
  - d. If freestanding, no more than four feet in height.
- C. Flags. Flags shall be permissible on private property, provided that they meet the following requirements:
- (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 flags per lot in all districts.
  - (4) Size. Maximum flag size is 24 square feet in all districts.
  - (5) Flags in the CBD, OR, TOD, or LI districts 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.
- D. Memorial signs, public monuments, historical or scenic identification signs erected by the Borough.
- E. Signs which are a permanent architectural feature of a building or structure, existing at the time of adoption of this chapter.
- F. Signs interior to a building or lot which are not viewable from a public street or right-of-way.
- G. Temporary signs in accordance with § 208-86, Temporary signs.

§ 208-83 **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 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 and construction. Every sign permitted in this section shall be constructed of durable materials, using noncorrosive 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 multisided. In determining the area of a multisided 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 multisided sign is greater than  $45^\circ$ , 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 eave line, whichever is lower.
  - (3) All marquee signs shall have a maximum height equal to the eave line.
  - (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.

[1] R-1 Residential District, R-2 Residential District, R-3 Residential District, and Office Residential District (OR) . No illumination.

[2] Commercial Business District (CBD) and Transit Oriented Development (TOD) districts. External illumination, internal illumination when in accordance with the provisions of this chapter.

[3] Limited Industrial District (LI). External illumination, internal illumination.

[4] Off-premises. External illumination, internal illumination.

(b) Illumination by sign type.

[1] Temporary signs. No illumination.

[2] 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:

[1] The source of the light must be concealed by translucent covers.

[2] 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:

[1] Neon lighting or other visible light emanating gas tubes may be used only for signs located in the Commercial Business District (CBD), Transit-Oriented Development District (TOD), and Limited Industrial District (LI) and shall not exceed 10% of the sign area for any given sign.

[2] 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.

§ 208-84 **On-premises signs.**

A. Wall signs.

- (1) No portion of a wall sign shall be mounted less than eight feet above the finished grade or extend more than 12 inches from the building wall on which it is affixed. If the wall sign projects less than three 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 § **208-83G**, 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 eave line, whichever is lower.

B. Window signs.

- (1) Incidental window signs displaying pertinent business information such as the business's 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 § **208-83G**, Sign illumination.

C. Projecting signs.

- (1) No portion of a projecting signs shall project more than four feet from the face of the building.
- (2) The outer-most portion of a projecting sign shall project no closer than five feet from a curblineline or shoulder of a public street.
- (3) Illumination. Projecting signs may be illuminated subject to the regulations in § **208-83G**, Sign illumination.
- (4) Sign height.
  - (a) No portion of a projecting sign shall extend vertically higher than the bottom of the second story window sill or the eave line, whichever is lower.
  - (b) The lowest edge of a projecting sign shall be at least eight 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 eave line.
  - (b) The lowest edge of the canopy or awning sign shall be at least eight 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 feet from the face of the building.
- (9) Multitenant buildings. If the awning or canopy sign is mounted on a multitenant 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 feet on each side thereof.
- (3) No marquee shall extend closer to the curb than three feet.
- (4) Illumination. Marquee signs may be illuminated subject to the regulations in § **208-83G**, Sign illumination.
  - (a) Electronic message center signs and digital displays shall be permitted as part of a marquee sign, subject to the regulations in § **208-83G**, Sign illumination.
- (5) Sign height.
  - (a) No portion of a marquee sign shall extend vertically above the eave line.
  - (b) The lowest edge of the marquee sign shall be at least 10 feet above the finished grade.

F. Freestanding signs.

- (1) The lowest edge of any freestanding pole sign shall be either less than four feet or greater than seven 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 § **208-83G**, 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)

The changeable portion of the sign shall not exceed 40% of the total allowable sign face area for any single on-premises freestanding sign.

§ 208-85 **Off-premises signs.**

A. Locations permitted.

(1) Off premises signs are permitted in the following locations:

(a) Limited Industrial District (LI).

(b) Commercial Business District (CBD).

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

B. Sign size. An off-premises advertising sign face shall be no larger than six feet in height by 12 feet in width, and shall not have a sign area greater than 72 square feet.

C. Height and location of sign.

(1) The copy area of any off-premises sign shall not be located 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 (R-1, R-2 and R-3).

(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. Multisided off-premises signs. Signs may be single- or double-sided, in accordance with § **208-83D(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 § 208-83G.
- 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.

**§ 208-86 Temporary signs.**

- A. Temporary signs, as defined in this chapter, 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 noncommercial signs.
- B. Size and number.
  - (1) In the Commercial Business District (CBD), Transit-Oriented Development District (TOD), and Limited Industrial districts District (LI):
    - (a) Large temporary signs. One large temporary sign is permitted per lot .
      - [1] Type. Ground, window, and banner signs.
      - [2] Area. Each large temporary sign shall have a maximum area of 16 square feet.
      - [3] Height.
        - [a] Temporary ground signs shall have a maximum height of eight 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 small temporary signs are permitted per lot.
      - [1] Type. Ground, window, and banner signs.
      - [2] Area. Each small temporary sign shall have a maximum area of four square feet.
      - [3] Height. Small temporary signs shall have a maximum height of six feet.
  - (c) No more than two temporary signs are permitted at the same time on any one property.
  - (2) In the R-1 Residential District, R-2 Residential District, and R-3 Residential District:

(a) Small temporary signs. One small temporary sign is permitted per property.

[1] Type. Ground, window, and banner signs.

[2] Area. Each small temporary sign shall have a maximum area of four square feet.

[3] Height. Small temporary signs shall have a maximum height of three feet.

C. Duration and removal.

(1) Temporary banner signs are allowed to be displayed no more than two 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 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 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.

#### § 208-87 **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 a.m. and shall be removed each day at or before 10:00 p.m. However, all portable signs must be taken in during hours of nonoperation 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 sandwich board sign is permitted per establishment.
- (2) Area. Each sign shall have a maximum area of seven square feet per sign face.
- (3) Height. Signs shall have a maximum height of 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. Manual changeable copy signs are permitted when integrated into a sandwich board sign.
- C. Vehicular signs and mobile billboards. Vehicular signs and mobile billboards are subject to the regulations found in Pennsylvania Vehicle Code.

**§ 208-88 Signs in Residential Districts.**

In addition to the exempt signs described in § 208-81, Signs exempt from permit requirements, the following numbers and types of signs may be erected in the R-1 Residential District, R-2 Residential District, and R-3 Residential District, subject to the conditions specified here and in §§ 208-83 through 208-86.

- A. Any temporary sign as defined and regulated in § 208-86, Temporary signs.
- B. Home occupations.
  - (1) One freestanding sign shall be permitted subject to the following regulations.
    - (a) Area. Each sign shall have a maximum area of six square feet per sign face.
    - (b) Height. Signs shall have a maximum height of seven feet.
  - (2) One wall or projecting sign shall be permitted, up to two square feet in area.
- C. Freestanding signs for residential developments containing more than 10 units shall be permitted subject to the following regulations.
  - (1) Number. One sign per street frontage.
  - (2) Area. Each sign shall have a maximum area of 15 square feet per sign face.
  - (3) Height. Signs shall have a maximum height of 10 feet.
- D. Institutional uses, including schools, churches, municipal buildings, hospitals, clubs or other institutions of a similar nature.
  - (1) Two freestanding sign shall be permitted subject to the following regulations.
    - (a) Area. Each sign shall have a maximum area of 15 square feet per sign face.

- (b) Height. Signs shall have a maximum height of 10 feet.
  - (2) One wall or projecting sign shall be permitted, up to 10 square feet in area.
  - (3) Illumination.
  - (a) Internal or external illumination of institutional signs is permitted subject to the regulations found in § 208-83G, Sign illumination.
  - (b) Message center signs are permitted subject to the regulations found in § 208-83G, 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 (square feet)	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 feet Residential developments: 10 feet Institutional uses: 10 feet

**§ 208-89 Signs in Business District.**

In addition to the exempt signs described in § 208-82, Signs exempt from permit requirements, 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 §§ 208-83 through 208-86.

- A. Any sign permitted in residential districts (R-1, R-2 and R-3), for the appropriate uses.
- B. Portable signs shall be permitted subject to the provisions of § 208-87, Portable signs.
- C. The total area of all permitted sign types for a use shall be limited to two square feet per one 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 shall be permitted subject to the following regulations.
  - (1) Number. One sign per tenant per street frontage, up to a maximum of two 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 square feet per sign face.
- (3) Illumination. The following illumination types shall be permitted subject to the regulations in § **208-83G**, Sign illumination.
  - (a) External illumination from above.
  - (b) Halo illumination or backlit letters.
  - (c) Neon signs.
- E. Window signs 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 § **208-83G**. Sign illumination.
    - (a) Neon signs.
- F. Projecting signs shall be permitted subject to the following regulations.
  - (1) Number. One sign per ground floor establishment, plus one 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 12 square feet per sign face.
  - (3) Illumination. The following illumination types shall be permitted subject to the regulations in § **208-83G**, Sign illumination.
    - (a) External illumination from above.
    - (b) Neon signs.
- G. Canopy or awning signs shall be permitted subject to the regulations established in § **208-84**, On-premises signs.
  - (1) Illumination. The following illumination types shall be permitted subject to the regulations in § **208-83G**, Sign illumination.
    - (a) External illumination from above.
- H. Marquee signs shall be permitted subject to the following regulations.
  - (1) Number. One marquee structure per movie theater, performing arts center, cinema, or other similar use.
  - (2) Area. The total area of signs on a single marquee structure shall not exceed 150 square feet in area.
  - (3) Illumination. The following illumination types shall be permitted subject to the regulations in § **208-83G**, Sign illumination.

- (a) Internal illumination.
- (b) Message center signs.
- I. No freestanding signs are permitted.
- J. Summary Table for Signs in Main Street Districts.

<b>Main Street Districts</b>					
	<b>Wall, Awning/ Canopy, and Marquee</b>	<b>Projecting</b>	<b>Window</b>	<b>Freestanding</b>	
Standards	Maximum number	Based on sign type (See § 208-89)	1 per ground floor establishment, plus 1 per building entrance serving tenants without a ground floor entrance	N/A	Prohibited
	Maximum area	2 square feet per linear feet 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 § 208-89	See § 208-89	15% of total window area (permanent signs); 25% total window area (all signs)	Prohibited

**§ 208-90 Signs in Industrial Districts.**

Except as noted below, the following numbers and types of signs may be erected in the Limited Industrial District (LI) subject to the conditions specified here and in §§ 208-83 through 208-86.

- A. Any sign permitted in residential districts (R-1, R-2 and R-3), for the appropriate uses.
- B. Portable signs shall be permitted subject to the provisions of § **208-87**, Portable signs.
- C. The total area of all permitted sign types for a use shall be limited to 1.5 square feet per one 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 shall be permitted subject to the following regulations.
  - (1) Number. One sign per tenant per street frontage, up to a maximum of two 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 square feet per sign face.
  - (3) Illumination. The following illumination types shall be permitted subject to the regulations in § **208-83G**, Sign illumination.
    - (a) Internal illumination.
    - (b) External illumination from above.
    - (c) Halo-lit or backlit letters.
    - (d) Neon signs.
- E. Window signs 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 § **208-83G**, Sign illumination.
    - (a) Neon signs.
- F. Projecting signs shall be permitted subject to the following regulations.
  - (1) Number. One sign per ground floor establishment, plus one 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 20 square feet per sign face.
  - (3) Illumination. The following illumination types shall be permitted subject to the regulations in § **208-83G**, Sign illumination.
    - (a) External illumination from above.
    - (b) Neon signs.
- G. Canopy or awning signs shall be permitted subject to the regulations established in § **208-83**, On-premises signs.
  - (1) Illumination. The following illumination types shall be permitted subject to the regulations in § **208-**

**83G, Sign illumination.**

(a) External illumination from above.

H. Marquee signs shall be permitted subject to the following regulations.

(1) Number. One marquee structure per movie theater, performing arts center, cinema, or other similar use.

(2) Area. The total area of signs on a single marquee structure shall not exceed 200 square feet in area.

(3) Illumination. The following illumination types shall be permitted subject to the regulations in § **208-83G, Sign illumination.**

(a) Internal illumination.

(b) Message center signs.

(c) Digital displays.

I. Freestanding signs shall be permitted subject to the following regulations.

(1) Number. One sign per street frontage, up to two signs per property held in single and separate ownership.

(2) Area. Each sign shall have a maximum area of 50 square feet plus an additional 10 square feet per tenant up to a maximum of 100 square feet.

(3) Height. Signs shall have a maximum height of 20 feet.

(4) Illumination. Signs may be illuminated subject to the regulations established in § **208-83G, Sign illumination.**

(a) Internal illumination.

(b) Message center signs.

J. Off-premises signs shall be permitted, subject to the regulations detailed in § **208-85, Off-premises signs.**

**§ 208-91 Special regulations for signs in the Historic Preservation District.**

In addition to all other requirements of this article, the requirements of Chapter 130, Historic Preservation District and § 130-11, Signs, 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 article, 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.

**§ 208-92 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 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 365 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 365 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.

**§ 208-93 Permits and 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 § 208-82, Signs exempt from permit requirements.
- 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 application 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.

**§ 208-94 Nonconforming signs.**

- A. Signs legally in existence at the time of the adoption of this chapter, which do not conform to the requirements of this chapter, 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 chapter.
  - (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 nonconforming 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.

**§ 208-95 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.

**§ 208-96 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.

**§ 208-97 Violations and penalties.**

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

§ 208-98 **Severability clause.**

If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word in this article is declared invalid, such invalidity shall not affect the validity or enforceability of the remaining portions of the article.

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Article XIX  
**Nonconforming Uses, Lots, Buildings, and Structures**

**§ 208-99 Intent.**

It is the intent of this section to provide for the continuance of lawful existing uses, lots, buildings and structures which would be prohibited or restricted under the terms of this Zoning Code, as adopted, and to subject such uses, lots, buildings, structures, and signs to reasonable regulations and restrictions for the protection of the public health, safety and welfare.

**§ 208-100 Nonconforming uses.**

- A. Continuance. The lawful use of a structure, building or land existing on the adoption date of this chapter or any amendment thereto may be continued although such use does not conform to the provisions of this chapter.
- B. Unlawful use. If a lawful nonconforming use of land or of a building ceases for any period of time and if a use is made thereof which is unlawful under the terms and conditions of this chapter, the prior nonconforming use may not thereafter be continued, and subsequent use of such land or building shall be in conformity with the provisions of this chapter.
- C. Discontinuance. If a nonconforming use of land or of a building ceases or is discontinued for a continuous period of 365 days or more, subsequent use of such building or land shall be in conformity with the provisions of this chapter.
- D. Change of use.
- (1) A nonconforming use of a building or of land may be changed to a use which is permitted in the zoning district in which the property is located. Once changed to a conforming use, no structure or land shall be permitted to revert to the previous nonconforming condition or use.
  - (2) A nonconforming use may be changed to another nonconforming use when authorized as a special exception by the Zoning Hearing Board and when the following conditions are met:
    - a. The applicant shall demonstrate that the nonconforming use cannot reasonably be changed to a use permitted in the zoning district in which the property is located.
    - b. The proposed use shall be less objectionable in external effects than the existing nonconforming use. The applicant shall provide supporting evidence that demonstrates how the proposed use would be an improvement over existing conditions, including on the following factors:
      - i. Traffic concerns including truck, passenger car, bicycle, and pedestrian traffic.
      - ii. General nuisance.
      - iii. Appearance.
- E. Restoration of a building destroyed. A building, accessory building or accessory structure occupied by a nonconforming use may be reconstructed and the use reestablished when in compliance with **§ 102.A(2)**.
- F. Maintenance. Nothing in this section shall prevent the strengthening or restoration to a safe condition of any walls, floor, foundation, or roof of a building occupied by a nonconforming use which building has been declared unsafe by the Borough Building Code Official.
- G. Extension or expansion. A nonconforming use within a building or on a lot may be expanded by no more than 25% of the gross floor area as it existed in size and scope on the date it first became nonconforming.

### **§ 208-101 Lots nonconforming with dimensional requirements.**

A. A nonconforming lot, due to its lot area or width, existing as of the effective date of this Ordinance or created by an amendment to this Ordinance, may continue but shall be subject to the regulations herein.

- (1) Any existing building or structure located on a nonconforming lot may continue to be used for any use permitted by the district within which it is located so long as all other requirements of this chapter are complied with.
- (2) A nonconforming lot may be developed and used for any use permitted by the district within which it is located so long as all dimensional requirements other than the nonconforming lot area and/or lot width are complied with.

### **§ 208-102 Nonconforming buildings and structures.**

A. Buildings or structures that are nonconforming to the dimensional requirements as set forth in this chapter shall be subject to the following:

- (1) Continuation. An existing dimensionally nonconforming building or structure lawfully constructed on the effective date of this chapter or any amendment thereto may be continued.
- (2) Restoration. A building, accessory building or accessory structure which has been damaged or destroyed by fire, explosion, accident or calamity (as contrasted to demolition by neglect as defined in § 208-9, Definitions) may be reconstructed, provided that:
  - (1) The restored building does not exceed in height, area or volume the building damaged or destroyed;
  - (2) 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; and
  - (3) Reconstruction is commenced within 365 days from the date the building was damaged or destroyed.
- (3) Extension or expansion. Buildings or structures that are nonconforming to the dimensional requirements in this chapter may be expanded or extended subject to the following limitations:
  - (a) The parcel on which extension or expansion occurs shall include only that lot, held in single and separate ownership, on which the building or structure existed at the time it became nonconforming. Expansion onto adjoining lots is prohibited.
  - (b) In cases where a building or structure is nonconforming as to front, side or rear yard setback, an addition may be built on a line with the existing building, as long as it does not create an additional encroachment into a required setback.
  - (c) Except for as provided for in subsection (b), above, extensions or expansions must comply with all dimensional requirements of the district in which the building or structure is located.

Buildings and structures under construction. A building or structure for which a valid building permit has been issued and is actually under construction may be completed as a nonconforming building or structure.

### **§ 208-103 Nonconforming site improvements.**

A. Where nonconforming site improvements other than buildings exist, such nonconformities may continue, and the nonconforming site condition may be altered only as provided below; such site improvements include fences, walls, buffers, off-street parking areas, and similar site improvements.

- (1) No change shall be made in any nonconforming site improvement which increases the nonconformity.
- (2) Where existing off-street parking facilities are nonconforming to the requirements of § 208-60, **General standards for parking areas**, the continued use of such parking facilities is permissible so long as the degree of nonconformity is not expanded. Nothing herein shall be construed to permit noncompliance with § 208-61, **Minimum parking requirements by land use**.

**§ 208-104 Nonconforming signs.**

Refer to § 208-94, Nonconforming signs.

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## Article XX Administration

### § 208-105 Zoning Officer.

- A. The provisions of this chapter shall be administered and enforced by a Zoning Officer with the aid of the Police Department, Borough Solicitor, Borough Engineer, municipal agencies, and consultants.
- B. It shall be the duty of the Zoning Officer and they shall have the power to
- (1) 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.
  - (2) 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.
  - (3) 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.
  - (4) Make written orders requiring compliance with the provisions of this chapter to be served personally or by registered mail.
  - (5) Institute proceedings in courts of proper jurisdiction for the enforcement of provisions of this chapter.
  - (6) Maintain a map showing the current zoning classification of all land.
  - (7) Maintain a map and register showing the registration, identity, location and type of all nonconforming uses.
  - (8) 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. The Zoning Officer shall maintain a record of all Zoning Hearing Board decisions, including but not limited to variances granted and special exceptions approved by the Zoning Hearing Board.

### § 208-106 Permits.

- A. Permits required. A zoning permit shall be required for the construction or alteration of any building or structure, and for any change of use of a lot, building, structure, or premises. 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.
- B. Applications 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.
- C. 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.

D. Revocation of permits. The Zoning Officer shall revoke, withhold or suspend a permit or approval issued under the provisions of this chapter in case of one or more of the following:

- (1) Any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based.
- (2) Upon violation of any condition lawfully imposed by the Zoning Hearing Board upon a special exception use or variance or by Borough Council upon a conditional use.
- (3) Any work being accomplished or use of land or structures in such a way that does not comply with this chapter or an approved site plan or approved permit application.
- (4) For any violation of the Borough Building Code or Subdivision and Land Development Ordinance.
- (5) For any other just cause set forth in this chapter.

E. Expiration of permits. The work authorized by permits shall begin within 180 days of issuance of the permit. Construction of a structure shall be completed within 180 days after the beginning of construction of such structure. Upon written request to the Zoning Officer, this may be extended up to 180 days by the Zoning Officer upon just cause. If an applicant fails to obtain the necessary permits or begin construction within the above time periods, or allows interruptions in substantial construction of longer than 45 days, the Zoning Officer may conclusively presume that the applicant has waived, withdrawn, or abandoned, approvals and permits under this chapter and may consider all such approvals and permits to have become null and void. The permittee must then reapply for a new permit and pay all fees at the current fee schedule at the time of application as required by the Borough.

**§ 208-107 Appeals, special exceptions or variances.**

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

- (1) The name and address of the applicant.
- (2) The name and address of the owner of the real estate to be affected by the proposed exception or variance.
- (3) A brief description and location of the real estate to be affected by such proposed change.
- (4) The present zoning classification of the real estate in question, the improvements thereon and its present use.
- (5) The section of this chapter under which the variance or exception requested may be allowed and reasons for which it should be granted.
- (6) 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 (unless waived by the Zoning Officer) 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.

- (7) A deposit to cover the cost of advertising and notifications, which shall accompany the application in accordance with § **208-106** herein.
- B. 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 **A(6)** above, have been produced to the Zoning Officer.
- C. An appeal from the decision of the Zoning Officer must be filed with the Zoning Officer within 30 days of receipt thereof.

#### § 208-108 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.

#### § 208-109 Conditional use procedures.

##### A. Procedure.

- (1) Where conditional uses are requested, Borough Council shall schedule a public hearing to decide such requests within 60 days from the date of filing the completed application, or as extended by consent of the applicant. The hearing shall be conducted by Borough Council, and all findings shall be made by Borough Council. The decision or, where no decision is called for, the findings shall be made by Council.
- (2) Borough Council shall request a review of the application for conditional use by the Planning Commission prior to the publicly scheduled public hearing to determine whether the standards of this chapter have been met and any recommendations for conditions of approval. Final approval and determination of these conditions shall be made by Borough Council.
- (3) Borough Council shall render a written decision or, when no decision is called for, make written findings on the conditional use application within 45 days after the last hearing before Borough Council. Where the application is contested or denied, each decision shall be accompanied by findings of fact or conclusions based thereon, together with any reasons thereof.
- (4) Standards for conditional use approval. In addition to the requirements of the Pennsylvania Municipalities Planning Code and the use-specific standards set forth in Article IV, Use Regulations, the following standards shall be considered by the Borough Council:
  - (a) The conditional use shall be consistent with the goals, objectives, and recommendations of the Borough's Comprehensive Plan and any of its implementing or supporting plans or policies.
  - (b) The conditional use shall be in compliance with all requirements and additional standards enumerated in the provision which gives the right to seek a conditional use.
  - (c) The conditional use shall comply with the zoning code requirements of the underlying district in which the property is located.
  - (d) The conditional use shall not be detrimental to the character of the community. The scale and design of development shall be architecturally compatible with the existing community.

- (e) The conditional use shall not be detrimental to nor adversely affect other uses of property in the vicinity of the subject property.
  - (f) The conditional use shall not generate excessive noise, noxious odors, air pollution, or lighting that could be a nuisance or safety hazard to the general public. The layout of vehicle and pedestrian facilities shall be safe for all users.
  - (g) The conditional uses shall be served by adequate public facilities, including streets, water, sanitary sewage, fire protection, stormwater control, parks and recreation uses and other public facilities and services.
- (5) Conditions. Borough Council may require adjustments to the proposal as a condition of approval. Examples of conditions may include, but are not limited to:
- (a) Alternate site layouts.
  - (b) Alternate circulation patterns for vehicles, bicyclists, and pedestrians.
  - (c) Increased setbacks, if it will reduce impacts on adjacent property owners or screen view from the public right-of-way.
  - (d) Landscape buffers or fences, if the provision of such will reduce impacts on adjacent property owners or screen view from the public right-of-way.
  - (e) Limitation on the permitted hours-of-operation so as to minimize impacts on the surrounding community.
  - (f) Other changes deemed necessary by Borough Council to meet the goals and objectives of this Chapter.

B. An application for conditional use shall contain the following information:

- (1) The name of the legal owner, equitable owner, tenant and intended developer.
- (2) The deed to the property and, where applicable to the applicant, the agreement of sale or lease authorizing the applicant to seek conditional use approval.
- (3) Existing and proposed buildings and other structures, as shown on a plan prepared under seal by a Pennsylvania-licensed professional surveyor, engineer or architect, as well as facade and elevation views showing the entire exterior of all buildings. Site plans shall show locations of all utilities, heat pumps, compressors, etc. Site plans shall identify and describe proposed surface materials. Elevation views must show all new structures in context with existing buildings on the lot and adjoining properties.
- (4) The name, address of all adjoining property owners and the tax parcel numbers of the adjoining properties.
- (5) A key map showing the location of the proposed development within the Borough and its relationship to major streets and political boundaries.
- (6) Other existing and proposed improvements.
- (7) References to the Code provision(s) permitting the application for conditional use, and all information necessary to demonstrate compliance with the applicable conditional use criteria and standards for approval.

- (8) The appropriate fee for the conditional use application.

## Article XXI Zoning Hearing Board

### § 208-110 **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. When seated pursuant to the Pennsylvania Municipalities Planning Code, an alternate shall be entitled to participate in all proceedings and discussions of the Board.

### § 208-111 **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.
- (1) The Board shall request a review of the application for special exception by the Planning Commission prior to the publicly scheduled public hearing to determine whether the standards of this chapter have been met and any recommendations for conditions of approval. Final approval and determination of these conditions shall be made by the Board. C. Variances.
- (1) The Board shall hear requests for variances where it is alleged that the provisions of this chapter 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 chapter 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 chapter 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 chapter.
- D. Discretionary items enumerated in Article **XIX**, Nonconforming Uses, 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.

§ 208-112 **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.

**§ 208-113 Standards.**

In any instance where the Zoning Hearing Board is required to consider a special exception or variance to this chapter or the Zoning 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 this chapter.
- 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 this chapter 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.

**§ 208-114 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.

**§ 208-115 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.

**§ 208-116 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.

**§ 208-117 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.

**§ 208-118 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 250 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.

**§ 208-119 Expiration of special exceptions and variances.**

Unless otherwise specified by the Zoning Hearing Board, a special exception or variance shall expire if the applicant fails to obtain a permit in connection therewith within 365 days of the date of authorization thereof. In those instances where land development/subdivision approval is a necessary prerequisite prior to obtaining a building permit, the special exception or variance shall expire if the applicant fails to make a diligent effort to obtain such approval within 180 days following the date of approval. Upon receipt of land development approval, the special exception or variance shall expire if a building permit is not obtained within 365 days of the date of the land development approval.

**§ 208-120 Appeals.**

Appeal to court. Any person aggrieved by any decision of the Borough Zoning Hearing Board may, 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.

**§ 208-121 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 this chapter, or parts thereof; or Zoning Map, or parts thereof.

**Article XXII**

**Violations, Penalties and Remedies**

**§ 208-122 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.

**§ 208-123 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.

#### § 208-124 **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 lessee 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.

#### § 208-125 **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.

#### § 208-126 **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 XXIII **Amendments**

#### § 208-127 **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 repeal 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 § 208-9, no change or amendment of this chapter, or the 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, that 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.

**§ 208-128 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 250 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.

**§ 208-129 Application for amendment by citizens.**

Every application for amendment of this chapter 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.

**§ 208-130 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 250 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 § 208-129 herein.

**§ 208-131 Referral to borough planning commission.**

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

**§ 208-132 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.

**§ 208-133 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.

**§ 208-134 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 XXIV  
Repealer**

**§ 208-135 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, that if this chapter is held to be ineffective or invalid by reason of some irregularity in or impediment to its passage, this repealer shall also be ineffective as aforesaid. Then and in that event, the former Zoning Code,

Ordinance No. ~~677~~, would necessarily remain in full force and effect.

**Attachments:**

Attachment 1 - Permitted Use Matrix

Attachment 2 - Zoning Map, 2023

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**Chapter 208, Zoning**  
Attachment 1: Permitted Use Matrix

<b>A</b>	<b>Accessory Uses</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>OR</b>	<b>CBD</b>	<b>TOD</b>	<b>LI</b>	<b>INO</b>
<b>A-1</b>	Accessory Dwelling Unit (ADU)	SE; A	SE; A	SE; A	SE; A				
<b>A-2</b>	Accessory Structures, Residential	A	A	A	A	A	A		
<b>A-3</b>	Accessory Structures, Nonresidential				SE; A	A	A	A	A
<b>A-4</b>	Bed-and-Breakfast	SE; A	SE; A	SE; A	SE; A				
<b>A-5</b>	Drive-through Facilities					SE; A		CU; A	
<b>A-6</b>	Family Child Care Home	SE	SE	SE	SE				
<b>A-7a</b>	Home-Based Business No-Impact	A	A	A	A	A	A	A	A
<b>A-7b</b>	Home-Based Business, Minor	SE; A	SE; A	SE; A	SE; A				
<b>A-8</b>	Outdoor Dining					A	A		
<b>A-9</b>	Outdoor Storage							A	
<b>A-10</b>	Refuse Collection Facilities		A	A	A	A	A	A	A
<b>A-11a</b>	Solar Energy Systems, Roof-Mounted	A	A	A	A	A	A	A	A
<b>A-11b</b>	Solar Energy Systems, Ground-Mounted							A	
<b>A-12</b>	Swimming Pool, Residential	A	A	A	A				
<b>A-13</b>	Non-Tower Wireless Telecommunications Facilities					A	A	A	

<b>B</b>	<b>Residential Uses</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>OR</b>	<b>CBD</b>	<b>TOD</b>	<b>LI</b>	<b>INO</b>
<b>B-1</b>	Single-Family Attached Dwelling (Townhouse)			P					
<b>B-2</b>	Single-Family Detached Dwelling	P	P	P	P				
<b>B-3</b>	Single-Family Semi-Detached Dwelling (Twin)		P	P					
<b>B-4</b>	Two-Family Detached Dwelling (Duplex)		P	P					
<b>B-5</b>	Mobile Home Park							CU	
<b>B-6</b>	Multifamily Residential Development			P			P		

<b>C</b>	<b>Community Service and Institutional Uses</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>OR</b>	<b>CBD</b>	<b>TOD</b>	<b>LI</b>	<b>INO</b>
<b>C-1</b>	Cemetery							CU	
<b>C-2</b>	Club/Lodge					P			
<b>C-3</b>	Daycare Facility					P	P		
<b>C-4</b>	Educational Institution							CU	CU
<b>C-5</b>	Emergency Services					P		P	
<b>C-6</b>	Hospital							CU	
<b>C-7</b>	Library, Museum, or Community Center				SE	P		P	P
<b>C-8</b>	Place of Worship				P	P	P		P
<b>C-9</b>	Residential Care Facility							CU	CU

<b>KEY</b>
<b>A = Permitted as an accessory use</b>
<b>CU = Permitted as a conditional use</b>
<b>P = Permitted by zoning permit</b>
<b>SE = Permitted by special exception</b>

D	Commercial Uses	R-1	R-2	R-3	OR	CBD	TOD	LI	INO
D-1	Adult Use							P	
D-2	Bank					P	P		
D-3	Event Facility					P	P	P	
D-4	Funeral Home				SE	P		P	
D-5	Gasoline Service Station							CU	
D-6	Microbrewery, Microdistillery, or Microwinery					P	P		
D-7	Mixed Use			SE	SE	P	P		
D-8	Overnight Lodging						P		
D-9	Recreation Facility					P		P	
D-10	Restaurant, Dine-in					P	P		
D-11	Restaurant, Take-out					P	P		
D-12a	Retail, Specialized					P	P		
D-12b	Retail Store					P	P	P	
D-13	Service/Personal Care Establishment					P	P		
D-14	Studio				SE	P	P	P	
D-15	Tavern/Bar					P			
D-16	Theater					P	P		

E	Office Uses	R-1	R-2	R-3	OR	CBD	TOD	LI	INO
E-1	Co-working Space					P	P	P	
E-2	Office, Business/Professional				SE	P	P	P	
E-3	Medical Office or Clinic					SE	P	P	

F	Industrial Uses	R-1	R-2	R-3	OR	CBD	TOD	LI	INO
F-1	Animal Care					SE		P	
F-2	Artisan Manufacturing					SE	P	P	
F-3	Automobile Sales or Service							P	
F-4	Building Supply or Home Improvement							P	
F-5	Contractor's Office/Storage							P	
F-6	Dry Cleaners or Laundromat					SE		P	
F-7	Junkyard							CU	
F-8	Manufacturing, Processing, and Production							P	
F-9	Self-Storage Facility							CU	
F-10	Tower-Based Telecommunications Facilities							CU	
F-11	Warehouse							P	
F-12	Any other use not specifically prohibited, when permitted as a conditional use							CU	

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