

TITLE FOUR - Zoning

- Chap. 1240. General Provisions and Definitions.
- Chap. 1242. Administration, Enforcement and Penalty.
- Chap. 1244. Districts Generally; Zoning Map.
- Chap. 1246. RA Residential Districts.
- Chap. 1248. RB Residential Districts.
- Chap. 1250. RC Residential Districts.
- Chap. 1252. AR Apartment Residential Districts.
- Chap. 1254. AL Alternate Residential Districts.
- Chap. 1256. Town Center (TC) Zoning District.
- Chap. 1258. IN-A Institutional Districts
- Chap. 1259. IN-B Institutional Zoning District
- Chap. 1260. PA Parks Districts.
- Chap. 1261. IN-C Institutional Commercial District.
- Chap. 1262. Design Guidelines. (Repealed)
- Chap. 1264. Supplemental Regulations.
- Chap. 1266. Signs.
- Chap. 1268. Parking Requirements.
- Chap. 1270. Floodway Controls. (Repealed)
- Chap. 1272. Nonconforming Use Regulations.
- Chap. 1274. Wireless Communications Facilities.

Chapter 1240 General Provisions and Definitions

- 1240.01 Short title.
- 1240.02 Statement of community development objectives.
- 1240.03 Scope and interpretation.
- 1240.04 Separability.
- 1240.05 Definitions.

CROSS REFERENCES

General provisions and definitions - see Penna. Mun. Plan. Code, Art. I

Zoning - see Penna. Mun. Plan. Code, Art. VI

Exemptions - see Penna. Mun. Plan. Code Sec. 619

Administration, enforcement and penalty - see P. & Z. Ch. 1242

Sign definitions - see P. & Z. 1266.01

Floodway control definitions - see P. & Z. 1270.02

Subdivision Regulations definitions - see P. & Z. 1282.02

1240.01 SHORT TITLE.

This Title Four - Zoning shall be known and may be cited as the "Borough of Swarthmore Zoning Code of 1976," or just "the Zoning Code."

(Ord. 774. Passed 8-23-76.)

1240.02 STATEMENT OF COMMUNITY DEVELOPMENT OBJECTIVES.

This Zoning Code, its amendments and supplements, embody a comprehensive plan designed to promote and facilitate the coordinated and practical community development of the Borough in a manner consistent with law and the public interest in achieving and retaining the following general goals:

(a) The Land. To preserve the open space that the Borough now has and remain essentially a nonindustrial, residential, "green college town," with limited commercial areas. The land use provisions hereof are long-range guidelines to insure optimum and compatible land use in the Borough.

(1) Residential. To maintain and improve established housing and establish principles for a range of residential use suited to the Borough's population mix and democratic traditions and to provide for strict control of the subdivision of existing lots to avoid crowding and injury to adjoining and nearby developed properties;

(2) Commercial. To encourage the most economically sound land use of the business district so that it may serve the multiple purposes of neighborhood shops, services, offices and apartments, with easy access and convenient parking;

(b) The People. To have the population consist of a stimulating mix of peoples from all economic, social and educational backgrounds, and of all ages, races and creeds; and

(c) The Life. To promote and protect the comfort, safety, convenience and amenities in the community and its social, cultural and aesthetic values and to improve governmental processes.

(Ord. 774. Passed 8-23-76.)

1240.03 SCOPE AND INTERPRETATION.

(a) The use of all land and every building or portion of a building erected, altered, added to or relocated, and every use within a building or use accessory thereto in the Borough, shall be in conformity with the provisions of this Zoning Code. Any existing building or land not in conformity with the regulations herein prescribed shall be regarded as nonconforming but may be continued, extended or changed subject to the special regulations herein provided for nonconforming buildings or uses.

(b) The provisions of this Zoning Code shall be held to be the minimum requirements for the promotion of the health, safety and general welfare of the residents of the Borough. Whenever these requirements are at variance with any other lawfully adopted rule, regulation, ordinance, deed restriction or covenant that particularly refers to area and bulk regulations and that imposes higher standards, the most restrictive requirement shall govern.

(Ord. 774. Passed 8-23-76.)

1240.04 SEPARABILITY.

Should any court of competent jurisdiction decide that:

(a) Any section or provision of this Zoning Code is unconstitutional or invalid, such a decision shall not affect the validity of the Zoning Code as a whole or any part thereof other than the part so decided to be unconstitutional or invalid; or

(b) The application of any provision of this Zoning Code to any premises is unconstitutional or invalid, such a decision shall be limited to the person, property or situation immediately concerned and shall not affect the applicability of the provision to other persons, properties or situations.

(Ord. 774. Passed 8-23-76.)

1240.05 DEFINITIONS.

As used in this Zoning Code, unless otherwise expressly stated:

(1) "Abutting owner" means the owner of record of a parcel of land which is contiguous at any point to the parcel in question or is separated from a contiguous point by a right of way, alley or easement.

(Ord. 922. Passed 11-10-97.)

(2) "Accessory building" shall mean a subordinate building located on the same lot as the principal building, the use of which is incidental and accessory to that of the principal building.

(Ord. 979. Passed 5-9-05; Ord. 989. Passed 5-9-05.)

(3) "Accessory building, conforming" shall mean any accessory building that meets the required setbacks for accessory buildings in the zoning district in which it is located.

(Ord. 1001. Passed 5-8-06.)

(4) "Accessory building, non-conforming" shall mean an accessory building that is noncompliant with the required setbacks for accessory buildings in the zoning district in which it is located.

(Ord. 1001. Passed 5-8-06.)

(5) "Accessory use" means a use subordinate to the principal use of land or of a building on the same lot and customarily incidental thereto. (See Section 1264.09)

(6) "Act" means the Pennsylvania Municipalities Planning Code (MPC) of July 31, 1968, 53 P.S. 10101 et seq. (Act 247), as amended.

(7) "All weather surface" means a surface composed of gravel, stone, macadam or other approved pervious material, with a sufficient depth to permit vehicular traffic in extremely inclement weather.

(8) "Alteration" means any change in the supporting members of a building or structure such as bearing walls, columns, beams or girders, joists or rafters, or enclosing walls.

(Ord. 774. Passed 8-23-76.)

(9) "Amateur (ham) radio operator" means a person licensed by the Federal Communications Commission (FCC) under Part 97 of the Federal Telecommunications Act.

(10) "Antenna" means a device, including a panel, microwave dish and single pole known as a "whip," which is used to collect and/or transmit wireless communications or radio signals. For purposes of this chapter, a device commonly known as a satellite dish is not an antenna, nor is a device commonly known as a television antenna or television aerial.

(11) "Antenna support structure" means any pole, telescoping mast, tower, tripod, lattice construction steel structure, or any other structure that supports an antenna or has an antenna attached to it, but not including a structure, such as a building, telephone pole or water tower, whose primary purpose is other than to support an antenna.

(12) "Antenna support structure height" means the vertical distance measured from the base of an antenna support structure at grade to the highest point of the structure, including any antenna or antennas affixed thereto. If the antenna support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna support structure height.

(Ord. 919. Passed 7-14-97.)

(13) "Apartment" means any room or suite of two or more rooms that is or are occupied as a home for one or more persons and arranged or equipped for cooking meals.

() "Articulation" shall mean the visible expression of architectural or landscape elements through form, structure or materials that break up the scale of buildings and spaces to achieve human scale.

(Ord. 1056. Passed 11-12-13.)

(14) "Athletic recreational use" means a recreational use of a building or premise such as a public or private playground, a tennis court, a swimming pool or a gymnasium, where the same is not operated for profit or for commercial purposes.

() "Base" shall mean the ground floor of a building which is distinct from the upper floors.

(Ord. 1056. Passed 11-12-13.)

(15) "Bed and Breakfast" is an incidental use within a dwelling that provides overnight accommodation and may provide a single morning meal and afternoon tea for a limited number of transient guests for compensation.

(Ord. 968. Passed 1-13-03.)

(16) "Berm" means an earth mound covered by an all-season ground cover.

(17) "Block" means the length of both sides of a street between intersecting streets characterized by a distinct set of house numbers. Each block shall have odd and/or even numbers between 1 and 99, 100 to 199, 200 to 299, 300 to 399, 400 to 499, 500 to 599, 600 to 699, 700 to 799, 800 to 899, 900 to 999, or 1000 to 1099.

(Ord. 968. Passed 1-13-03.)

() "Body" shall mean one or more architecturally similar stories that are distinct from the base.

(Ord. 1056. Passed 11-12-13.)

(18) "Build-to line" means a line extending through the lot which is generally parallel to the front property line and marks the location from which the vertical plane of the front building elevation must be erected; the build-to line is intended to create an even building façade line along a street.

(Ord. 990. Passed 6-13-05.)

(19) "Building" means any structure with a roof intended for shelter or enclosure of persons or property.

(20) "Attached building" means a building that has two party walls in common with adjoining buildings. (See Drawing No. 1)

(21) "Detached building" means a building that has no party walls. (See Drawing No. 1)

(22) "Semidetached building" means a building that has only one party wall in common with an adjoining building. (See Drawing No. 1)

(23) "Building setback line" means an established line within a property defining the minimum required distance between any building to be erected and an adjacent right-of-way or street line.

(Ord. 1035. Passed 5-10-10.)

() "Cap" shall mean the roof of a building, including a cornice or parapet, where the body of a building ends.

(Ord. 1056. Passed 11-12-13.)

(24) "Carport" shall mean a roofed structure providing space for the parking of motor vehicles and enclosed on not more than three sides.

(Ord. 979. Passed 5-9-05; Ord. 989. Passed 5-9-05.)

(25) "Cartway" means the width of the paved portion of a road or street from the edge of paving to the edge of paving, or from curb face to curb face.

(26) "Certificate of occupancy" means the certificate issued by the Zoning Officer that permits the use of a building in accordance with approved plans and specifications and the provisions of this Zoning Code.

(Ord. 774. Passed 8-23-76.)

(27) "Child care" means:

(a) The basic supervision, protection and guidance of a child under sixteen years of age; and

(b) A regular occupation or calling, trade or business engaged in by a person for a living or for compensation.

(Ord. 870. Passed 5-13-91.)

(28) "Coffee shop" means a coffee shop or café where sales of coffee and tea and other non-alcoholic beverages constitute the major portion of sales, regardless of whether such beverages are consumed on or off premises. A drive-through window for service is not permitted.

(Ord. 990. Passed 6-13-05.)

(29) "Commercial development" is a development within the IN-C Overlay District that may include, in any combination, an inn, restaurant, college bookstore with café/coffee house or other retail space.

(Ord. 990. Passed 6-13-05.)

(30) "Conditional use" means a use which may not be appropriate to a particular zoning district as a whole, but which may be suitable in certain localities within the district when specific conditions prescribed for such cases within this Zoning Code are present. Conditional uses are allowed or denied by Council after recommendation by the Planning Commission. (See Section 1264.11)

(Ord. 774. Passed 8-23-76.)

(31) "Congregate housing for the elderly" means a structure containing two or more dwelling units and rooming units limited in occupancy and occupied by persons sixty-two years old and older, their spouses or surviving spouses, except for rooms or units occupied by resident staff personal, providing indoor, conveniently located, shared food preparation service and major dining areas, and common recreation, social and service facilities for the exclusive use of all residents.

(Ord. 925. Passed 6-8-98.)

(32) "Conversion" means the change of an existing single-family detached dwelling into a lawful two-family detached dwelling, on the same lot, and without sub division or the introduction of a new owner. Such change, as authorized by Section 1264.08, is conditioned upon Council, at the request of the owner-occupant and upon receipt of the recommendation of the Planning Commission, issuing a conversion permit where authorized as a conditional use in the district where the property is located. Where the area and bulk regulations and the other applicable provisions of this Zoning Code permit, such conversion may be accomplished by appropriate internal alteration, or by external enlargement, upon issuance of the necessary building permit and upon issuance of a certificate of occupancy before the new family takes possession.

(33) "Corner lot" means one bounded on at least two sides by streets whose lines, when extended, form an interior angle of 135 degrees or less.

(Ord. 774. Passed 8-23-76.)

(34) "Day-care center" means a building or apartment in which child care is provided for seven or more children and where the areas intended for child care do not constitute part of a family residence.

(Ord. 870. Passed 5-13-91.)

() "Demolition" shall mean the razing or destruction, whether entirely or in significant part, of the exterior of a building, structure or site. Demolition includes the removal of a building or structure from its site or the removal, stripping, concealing or destruction of the facade or any significant exterior architectural features which are integral to the historic character of the resource, for whatever purpose, including new construction, reconstruction or significant renovation.

(Ord. 1056. Passed 11-12-13.)

(35) "Designated site" means a tract or parcel of land identified by Borough ordinance or resolution as being designated for the location of wireless communications facilities.

(Ord. 919. Passed 7-14-97.)

(36) "Dwelling" means a building or portion of a building used for human habitation by a family.

(37) "Single-family dwelling" means a building designed and occupied exclusively as a residence for one family on one lot.

(38) "Two-family detached dwelling" means a building designed or converted and occupied as a residence for two families on one

lot, each occupying a separate dwelling unit, and having no party wall in common with an adjoining building. (See Drawing No. 1)

(39) "Multifamily dwelling" means a building designed and occupied as a residence for more than two families on one lot.

(40) "Dwelling unit" means a room, or rooms connected together, containing independent cooking and sleeping facilities, designed and occupied as a residence for one family.

(41) "Efficiency dwelling unit" means a dwelling unit with common sleeping and living areas and independent cooking facilities.

(Ord. 774. Passed 8-23-76.)

(42) "Facade" means the longest structural wall closest to and parallel to the street, excluding architectural features such as porches and bays.

(Ord. 926. Passed 6-8-98.)

(43) "Family" means:

(a) A single person occupying a dwelling unit;

(b) Two or more persons related by blood or marriage occupying a dwelling unit, plus not more than two boarders, two roomers or two lodgers; or

(c) Not more than three unrelated persons occupying a dwelling unit, living together.

(Ord. 774. Passed 8-23-76.)

(44) "Family day-care home facility" means a residential building or apartment in which care is provided, at any one time, for no more than two children under the age of one year, three children under the age of two years and four children under the age of three years, for a total of four, five or six children with one care giver. This does not include homes where care givers care solely for the children who live there.

(Ord. 870. Passed 5-13-91.)

(45) "Fence" means any permanent structure more than eighteen inches in height and more than forty-two inches in length, constructed of wood, brick, metal, stone or other materials, including earthen berms, but not including planted living materials. Structures commonly known as walls, except retaining walls, are specifically included in this definition.

(Ord. 927. Passed 6-8-98.)

(46) "Floor area" means the sum of the gross usable area of the several floors of a building measured from the outside face of the exterior walls or from the center lines of walls separating two buildings.

(47) "Floor area ratio" means the total allowable floor area for a given lot, divided by the net area of that lot. For example, a building containing 15,000 square feet of floor area on a given lot of 10,000 square feet of net lot area has a floor area ratio of 1.5.

(48) "Private garage" means a building that is subordinate to a main building, either attached to it or separate, and used only for storage purposes.

(49) "Gasoline service station" means a building and accompanying structures in which the sale of motor fuels constitutes twenty-five percent or more of gross income.

(Ord. 774. Passed 8-23-76.)

() "Ground floor" shall mean the floor of a building that is at or nearest to the level of the ground around the building, other than a cellar or a basement.

(Ord. 1056. Passed 11-12-13.)

(50) "Group home day-care facility" means a building or apartment in which child care is provided, at any one time, for no more than four children under the age of one year, six children under the age of two years and eight children under the age of three years, for a total of no more than eleven children, by at least two care givers.

(Ord. 870. Passed 5-13-91.)

() "Hardscape" means the part of a lot consisting of hard materials, including but not limited to buildings, structures, patios,

driveways, retaining walls, gravel areas, pavers, and walkways. (Ord. 1072. Passed 12-21-15.)

(51) "Height of building" means a building's vertical measurement from the mean level of the ground abutting the building to a point midway between the highest and lowest points of the highest roof.

() "Historic value" shall mean any structure that is:

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

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

C. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by an approved program of the Commonwealth of Pennsylvania; or

D. Historic resources identified in the most updated version of the Borough of Swarthmore "Historic Resources Survey" (originally compiled in 2001).

(Ord. 1056. Passed 11-12-13.)

(52) "Home-based business" means a business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential property and which involves no more than two customer, client and/or patient vehicular visits per hour, and/or ten vehicular visits per day, and no 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 all of the following requirements:

A. The business activity shall be compatible with the residential use of the property and with surrounding residential uses;

B. The business shall employ no more than two employees other than family members residing in the dwelling. If there is more than one business activity, then all business activities must not, in the aggregate, employ more than two employees other than immediate family members residing in the dwelling;

C. There shall be no display of retail goods and no stockpiling or inventory of a substantial nature;

D. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights, except that a home-based business may be identified by a non-internally lighted sign not exceeding six inches by eighteen inches, stating only the name and general nature of the business. A permit for such sign shall be of limited duration and shall expire after one year;

E. The business activity may not use any equipment, materials or processes which create noise, vibration, glare, fumes, odors or electrical or electronic interference, including but not limited to interference with radio or television reception, which is detectable in the neighborhood;

F. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood;

G. Except as allowed in the Borough's regulations concerning accessory structures, the business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area in the dwelling unit. If there is more than one business activity, then all business activities must not, in the aggregate, occupy more than 25% of the habitable floor area of the dwelling unit;

H. Employee, customer, client, or patient visits and pickup, delivery and removal functions cannot occur earlier than 7 a.m. or later than 10 p.m.;

I. No space may be rented out or otherwise allocated for use by anyone other than the owner or tenant of the premises and their employees.

(Ord. 973. Passed 12-8-03.)

(53) "Industry, heavy" means a use engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in the storage of, or manufacturing processes using, flammable or explosive materials, or the storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.

(54) "Industry, light" means a use engaged in the manufacture, predominately from previously prepared materials, of finished products or parts, including the processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such

products, but excluding basic industrial processing. "Heavy industry" is specifically excluded from this definition.

(Ord. 925. Passed 6-8-98.)

(55) "Inn" means a commercial facility primarily intended to offer transient lodging accommodations on a daily rate to the general public and which may provide additional services or amenities, such as a restaurant, meeting rooms, recreational facilities, office and retail space.

(Ord. 990. Passed 6-13-05.)

(56) "Interior storage" means the storage of vehicles or materials within an enclosure of opaque material that can be secured against entry.

(Ord. 774. Passed 8-23-76.)

(57) "Land site" means a tract or parcel of land that contains a wireless communications facility, which may include other uses associated with and ancillary to wireless communications transmission.

(Ord. 919. Passed 7-14-97.)

(58) "Long-term care facility" means an institution or a distinct part of an institution that is licensed or approved to provide health care under medical supervision for twenty-four or more consecutive hours to two or more patients. A long-term care facility may be either a skilled nursing facility, where patients receive a minimum number of hours of nursing care daily, or an intermediate care facility, where patients receive less than the specified number of hours of nursing care daily. Long-term care facilities can provide, in addition to maintenance care, restorative services. Hospices are also examples of long-term care facilities.

(Ord. 925. Passed 6-8-98.)

(59) "Lot" means a parcel of land separately described by metes and bounds, recorded in the office of the Recorder of Deeds of Delaware County by deed description or by an approved subdivision plan.

(60) "Net lot area" means the area of land included within the title lines of a lot except that area set aside as a right of way for a street.

(61) "Lot coverage" means the area of land covered by buildings, including garages, carports, permanently covered and/or sided porches and decks and uncovered decks or porches more than an average height of two feet above grade as a ratio to the net lot area. This ratio is the complement to the open space ratio, as defined in the Swarthmore Borough Comprehensive Plan.

(Ord. 774. Passed 8-23-76.)

() "Low-slope roof" shall mean a category of roof that generally includes weatherproof membrane types of roof systems installed on slopes at or less than 3:12 (14 degrees).

(Ord. 1056. Passed 11-12-13.)

(62) "Major arterial street" means Baltimore Pike.

(Ord. 927. Passed 6-8-98.)

(63) "Mobile home" means a transportable, single-family dwelling intended for permanent occupancy, contained in one unit, or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly instructions, and constructed so that it may be used without a permanent foundation.

(64) "Mobile home lot" means a parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.

(65) "Mobile home park" means a parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes.

(Ord. 925. Passed 6-8-98.)

(66) "Modification" means any change in a building that involves an addition or deletion of building materials.

(67) "New construction" means the placement of any structure on an unimproved lot or an addition to an existing structure that

increases lot coverage by two percent or more.

(68) "Nonconforming structure" means a structure or part of a structure that does not comply with the applicable use provisions in this Zoning Code or in amendments previously or hereafter enacted, which structure lawfully existed prior to the enactment of such Zoning Code or amendments.

(69) "Nonconforming use" means a use, whether of land or of a structure, that does not comply with the applicable use provisions in this Zoning Code or amendments previously or hereafter enacted, which use was lawfully in existence prior to the enactment of such Zoning Code or amendments.

(Ord. 774. Passed 8-23-76.)

(70) "Nursery school" means a building or apartment in which child care is provided for children who have not reached the age qualifying them for kindergarten or first grade and which constitutes a school within the meaning of 24 P.S. 6702, the Private Academic Schools Act.

(Ord. 870. Passed 5-13-91.)

(71) "Off-site billboard" means a surface whereon advertising matter is set in view conspicuously and which advertising does not apply to the premises where it is displayed or posted.

(Ord. 925. Passed 6-8-98.)

() "Office, General" shall mean a building or portion of a building where administrative or clerical services are conducted and where duties not involving the in-person sale of services directly to the public are performed.

(Ord. 1056. Passed 11-12-13.)

() "Office, Professional" shall mean a building or portion of a building where a member of a recognized profession sells services to the general public. Professional offices include doctor, lawyer, engineer, architecture, and accountant offices.

(Ord. 1056. Passed 11-12-13.)

(72) "Owner" or "occupant" means a person residing within a residence to which he has legal title.

() "Parapet" shall mean the extension of the main walls of a building above the roof level.

(Ord. 1056. Passed 11-12-13.)

(73) "Parking space" means an area with an all-weather surface at least nine feet by eighteen feet for the storage of one automobile, accessible from a public way.

(74) "Party wall" means a wall on a lot line designed for joint service between two buildings on separate lots.

() "Perimeter transition area" means:

(a) In the IN-A Zoning District, the perimeter transition area shall mean any area within the IN-A District that is within 200 feet of a public right-of-way or the boundary of any non-IN-A district other than an IN-C District, as measured from the edge of the zoning district, tract boundary or right-of-way line.

(b) In the IN-B Zoning District, the perimeter transitional area shall mean any area within the IN-B District that is within 200 feet of the boundary of the district, as measured from the edge of the zoning district, tract boundary or right-of-way line, except that the perimeter transition area may be reduced to 100 feet on any side where the IN-B District directly abuts a non-residential zoning district. (Ord. 1072. Passed 12-21-15.)

(75) "Pervious coverage" means the area of land within a lot occupied by trees, lawn, mulch or other materials that permit rainwater to permeate into the subsurface.

(76) "Porch" means a roofed open area, which may be screened, attached to or part of and with direct access to or from a building. (Ord. 1035. Passed 5-10-10.)

(76) "Principal building" shall mean a building in which the primary use of the lot on which the building is located is conducted.

(Ord. 979. Passed 5-9-05; Ord. 989. Passed 5-9-05.)

(77) "Rear building line" shall mean the longest structural wall of a building farthest from and parallel to any street.

(Ord. 979. Passed 5-9-05; Ord. 989. Passed 5-9-05.)

(78) "Restaurant" is an establishment other than a fast food restaurant where food and drink are prepared and primarily intended to be served and consumed by sit-down customers on the premises.

(Ord. 990. Passed 6-13-05.)

(79) "Restaurant, fast food" is any restaurant where the design or method of operation involves the serving of the food or beverage which is not normally delivered to the customer's table by an employee of the restaurant. This includes all establishments where over thirty percent of the business involves the sale of food or beverages taken out and consumed in places other than the interior of the restaurant or where any food or drink is served or dispensed by means of a drive-through window. A coffee shop shall only be deemed to be a fast food restaurant where food or drink is served or dispensed by means of a drive-through window.

(Ord. 990. Passed 6-13-05.)

(80) "Retail space" means establishments engaged in selling goods or merchandise to the general public for personal or household use and consumption and rendering services incidental to the sale of such goods, but not to include fast food restaurants.

(Ord. 990. Passed 6-13-05.)

(81) "Satellite dish" means a device, typically circular and concave, used to receive television signals.

(Ord. 919. Passed 7-14-97.)

(82) "Service-oriented office" means office space limited to personal services.

(83) "Shed" shall mean an accessory building used primarily for storage of materials.

(Ord. 979. Passed 5-9-05; Ord. 989. Passed 5-9-05.)

(84) "Sign" means a board, poster or placard displayed to advertise or convey information. (See Section 1262.04, Chapter 1266 and Section 1272.04)

(85) "Special exception" means permission for a use granted by the Zoning Hearing Board in accordance with the provisions of Chapter 1264 of this Zoning Code only in specified circumstances and only upon compliance with specified conditions.

(Ord. 998. Passed 12-12-05.)

() "Storefront façade" shall mean the ground floor frontage that corresponds to a separate interior usable space.

(Ord. 1056. Passed 11-12-13.)

(86) "Story" means that portion of a building located between the surface of any floor and the floor next above it.

(87) "Street" means a street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other way used or intended to be used by vehicular traffic or pedestrians, whether public or private.

(88) "Street line" means the line defining the legal right of way of a street.

(Ord. 774. Passed 8-23-76.)

(89) "Streets of high traffic density" means Fairview Avenue, Michigan Avenue, Swarthmore Avenue, Chester Road, Yale Avenue and Cedar Lane from Baltimore Pike to Swarthmore Avenue.

(Ord. 927. Passed 6-8-98.)

(90) "Structure" means any man-made stationary object located on a parcel of land.

() "Substantial improvement" shall mean any extension, repair, reconstruction, or other improvement of a property, the cost of which equals or exceeds fifty percent of the fair market value of a property either before the improvement is started or, if the property has been damaged and is being restored, before the damage occurred.

(Ord. 1056. Passed 11-12-13.)

(91) "Transient unit" means a furnished rental dwelling unit which is occupied continuously by the same tenant for a period of less than sixty days.

(92) "Unopened street" means a street that exists on the official Borough Map, the land having been dedicated to the Borough and defined by right-of-way limits, but that has not been utilized for vehicular circulation.

(93) "Usable common open space" means an area exposed to sunlight and natural ventilation for use by one or more residences in multifamily districts.

(94) "Usable floor area" means the area of a room or rooms used or intended to be used for service to the public and/or net floor area of a building used to promote or administer business and trade, excluding storage and service areas.

(Ord. 990. Passed 6-13-05.)

(95) "Use" means any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained or occupied.

(Ord. 774. Passed 8-23-76.)

(96) "Vacant lot" means a tract or piece of land having no principal building erected thereon, which lot was designed or laid out for use as a future building site prior to enactment of this subsection (Ordinance 786, passed November 14, 1977) and was described by reference to a recorded plan or by metes and bounds in a recorded deed.

(Ord. 786. Passed 11-14-77.)

(97) "Wall to opening ratio" is the amount of open space in a wall, expressed as a ratio between the total amount of solid wall space to the number of window and door openings in that wall. For instance, a façade with twice as much solid wall space as windows and doors would have a wall to opening ratio of 2 to 1.

(Ord. 990. Passed 6-13-05.)

(98) "Window wall" means a wall containing a window to a major living space, including a kitchen.

(99) "Wireless communications equipment building" means a building or cabinet in which electronic receiving, relay, and/or transmitting equipment for a wireless communications facility is housed.

(100) "Wireless communications facility" means the antenna or antennas, antenna support structure, wireless communications equipment building and/or other structures and equipment involved in receiving or transmitting wireless communications or radio signals.

(Ord. 919. Passed 7-14-97.)

(101) "Yard" means that portion of a lot which is unoccupied and open to the sky.

(102) "Front yard" means the required open space between a structure and the street right-of-way line that extends the full width of the lot.

(See Drawing No. 2)

(103) "Side yard" means the required open space between a structure and the interior side property line that extends between the front and rear yards. (See Drawing No. 2)

(104) "Rear yard" means the required open space between a structure and the rear property line that extends the full width of the lot.

(See Drawing No. 2)

(105) "Zoning Code" means Ordinance 774, passed August 23, 1976, as amended, codified as Title Four of Part Twelve - the Planning and Zoning Code.

(106) "Zoning permit" means the standardized written license issued by the Zoning Officer authorizing any use, subdivision or development of land.

(Ord. 774. Passed 8-23-76.)

DRAWING NO. 1

[Click here to view drawing.]

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Chapter 1242
Administration, Enforcement and Penalty

- 1242.01 Administration and enforcement generally
- 1242.02 Duties of the Zoning Officer; Council decisions; deposit required.
- 1242.04 Certificates of occupancy.
- 1242.05 Applications for permits and certificates of occupancy.
- 1242.06 Revocation of permits and certificates.
- 1242.07 Zoning Hearing Board.
- 1242.075 Applications to the Zoning Hearing Board.
- 1242.08 Violations.
- 1242.09 Fees.
- 1242.095 Applications for conditional uses.
- 1242.10 Equitable remedies.
- 1242.11 Requirements for applications requesting changes to zoning map or amendments to zoning code.
- 1242.99 Penalty.

CROSS REFERENCES

Zoning - see Penna. Mun. Plan. Code, Art. VI

Enactment of Zoning Ordinance amendments - see Penna. Mun. Plan. Code Secs. 609 et seq.

Enforcement, penalties and remedies - see Penna. Mun. Plan. Code Secs. 616, 617

Zoning Hearing Board - see Penna. Mun. Plan. Code, Art. IX

Variances and special exceptions - see Penna. Mun. Plan. Code Secs. 912, 913

Appeals - see Penna. Mun. Plan. Code, Art. X

Challenge to validity of Zoning Ordinance or amendment - see Penna. Mun. Plan. Code Secs. 1003 et seq.

Permits for grading, fill or construction - see P. & Z. 1270.08

1242.01 ADMINISTRATION AND ENFORCEMENT GENERALLY.

The provisions of this Zoning Code and the applicable provisions of the Pennsylvania Municipalities Planning Code, which Code, as supplemented, is incorporated herein by reference, shall be administered and enforced by the Zoning Officer. No permit or certificate of any kind shall be issued by the Zoning Officer for any purpose except in compliance with the provisions of this Zoning Code and the terms and conditions of any permit, decision or authorization duly issued by Council, the Zoning Hearing Board, the Planning Commission or another authorized agency of the Borough.

(Ord. 774. Passed 8-23-76.)

1242.02 DUTIES OF THE ZONING OFFICER; COUNCIL DECISIONS; DEPOSIT REQUIRED.

(a) The Zoning Officer shall:

(1) Record and file for public record all applications for permits and accompanying documents;

(2) Inspect and register all nonconforming uses, buildings and lots and keep a file of such as a public record;

(3) Issue certificates of occupancy when a building has been completed in accordance with the provisions of Borough ordinances;

(4) Present to Council, the Zoning Hearing Board and other Borough agencies any requested information obtainable by him to assist them in reaching decisions; and

(5) Keep current the Zoning Map and any amendments to this Zoning Code.

(Ord. 774. Passed 8-23-76.)

(b) Until additional technical and clerical help is available to the Borough, the Borough Manager, in his or her capacity as acting Zoning Officer, is relieved of duties to inspect, register and maintain a file of nonconforming uses, as set forth in division (a) hereof.

(c) In cases where information is requested about specific property, as where a sale or lease is involved or the existence of nonconformity is claimed, the Borough Manager or other appropriate officer or consultant will make the necessary inspection and examine the applicant's proofs, if any, and as soon as possible thereafter, the Council will make its decision and afford a hearing to any party aggrieved by such decision.

(d) The owner, mortgagee or other party concerned shall, as a prerequisite to such action by Council, deposit such sum as may be necessary to indemnify and save harmless the Borough against costs or other loss incurred or to be incurred in ordering such investigation.

(Res. Unno. Passed 7-11-77.)

1242.03 ZONING PERMITS.

A zoning permit is required prior to beginning any erection, construction, addition, alteration, modification, extension or conversion of any building or structure; prior to the use or change of use of a building, structure or land; and prior to any change, expansion or reconstruction of a nonconforming use. (See Section 1272.02(c), (d) and (e))

(Ord. 774. Passed 8-23-76.)

1242.04 CERTIFICATES OF OCCUPANCY.

A certificate of occupancy is required prior to the use or occupancy of any building constructed or altered after the effective date of this Zoning Code.

(Ord. 774. Passed 8-23-76.)

1242.05 APPLICATIONS FOR PERMITS AND CERTIFICATES OF OCCUPANCY.

Applications for zoning permits and certificates of occupancy required under the provisions of this Zoning Code shall be made on forms obtainable at the Borough Hall. Applications shall be sworn to and shall contain all information necessary to enable the Zoning Officer to ascertain whether the building, the land and the proposed use thereof conform to the provisions of this Zoning Code. Nothing in this Zoning Code shall excuse the owner or occupant from applying for and obtaining a building permit or other permit, a license or a certificate of occupancy required under the provisions of the Building and Housing Code or under the provisions of any other ordinance of the Borough.

(Ord. 774. Passed 8-23-76.)

1242.06 REVOCATION OF PERMITS AND CERTIFICATES.

Any permit, certificate or other authorization issued by Council, the Zoning Officer, the Zoning Hearing Board or another agency of the Borough in connection with a matter regulated by this Zoning Code may be revoked at any time for cause. Where affirmative action is called for on the part of the recipient of such permit, certificate or other authorization, the permit, certificate or other authorization shall automatically expire and cease to have any validity unless such recipient commences work or such affirmative

action within one year from the date of such authorization and proceeds to the completion thereof within a reasonable time.

(Ord. 774. Passed 8-23-76.)

1242.07 ZONING HEARING BOARD.

There is hereby established a Zoning Hearing Board with membership, organization, powers and duties as set forth in the Pennsylvania Municipalities Planning Code. A copy of such Code is available, upon request, at the Borough Hall.

(Ord. 774. Passed 8-23-76.)

1242.075 APPLICATIONS TO THE ZONING HEARING BOARD.

(a) All notices, hearings, decisions and orders concerning applications to the Zoning Hearing Board shall be made or shall occur in conformity with the provisions of this Planning and Zoning Code and the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended. Time requirements shall be as specified in the Municipalities Planning Code.

(b) The applicant shall be responsible for notifying all abutting property owners of the application to the Zoning Hearing Board and the date of the public hearing at which the application will be heard. Proof of proper notification, on a form supplied to the Borough, shall be required as a precondition before any decision is made on the application. Such form must be turned into the Borough Administrative Office at least ten working days prior to the public hearing.

(Ord. 922. Passed 11-10-97.)

1242.08 VIOLATIONS.

Failure to secure a permit required by this Zoning Code or any other ordinance of the Borough or to obtain proper authorization from Council, the Zoning Hearing Board, the Planning Commission or another authorized agency in connection with a matter regulated by this Zoning Code, prior to beginning any construction, erection, addition, alteration, modification, extension or conversion of any building or structure, prior to any use or change of use of a building, structure or land, or prior to any change, expansion or reconstruction of a nonconforming use, shall constitute a violation of this Zoning Code.

(Ord. 774. Passed 8-23-76.)

1242.09 FEES.

Council shall establish a schedule of fees and a collection procedure for zoning permits, certificates and authorizations required by this Zoning Code and by other applicable laws and for the fees and costs incurred by the Borough in administering such permits, certificates and authorizations. Such schedule shall be posted in the office of the Zoning Officer. All such fees and charges must be paid in full or secured by proper deposit before any permit is issued, notice published, hearing scheduled or other action taken hereunder.

(Ord. 774. Passed 8-23-76.)

1242.095 APPLICATIONS FOR CONDITIONAL USES.

(a) All notices, hearings, decisions and orders concerning conditional use applications shall be made or shall occur in conformity with the provisions of the Planning and Zoning Code and the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended. Time requirements shall be as specified in the Municipalities Planning Code.

(b) The Planning Commission shall perform a review and provide counsel to the Borough Council concerning the granting of approval or the disapproval of the proposed conditional use. A written report must be submitted to Council before final action is taken on the proposal.

(c) The Planning Commission and Council shall be responsible for providing notification to the applicant prior to any review of the application by the Planning Commission or any public hearing by Council at which testimony will be heard and/or action taken on the approval or disapproval so that the applicant may be present to present testimony.

(d) Subsequent to the receipt of a notice of review or public hearing, the applicant shall be responsible for notifying all abutting property owners of the conditional use application and the dates of the review or public hearing at which the application will be discussed. Proof of proper notification, on a form supplied by the Borough, shall be required as a precondition before any formal

action may be taken on the application. Such form must be turned in to the Borough Administrative Office at least ten working days before the first scheduled meeting on the application.

(e) The Borough shall provide written notice of any review or public hearing at which the application will be discussed, to be conspicuously posted on the affected tract of land at least one week prior to the review or hearing.

(f) In the event of conditional use approval, should the applicant fail to obtain all the necessary final plan approvals and building or related permits within twelve months of notification or, having obtained the necessary approvals and permits, fails to commence work thereunder within six additional months, it shall be conclusively presumed that the applicant has waived, withdrawn or abandoned the application, and all provisions, conditional uses and permits granted shall be deemed automatically rescinded by Council. If Council finds that a good reason exists for the failure to comply with the time periods specified herein, an extension may be granted.

(g) A grant of approval by Council for a conditional use shall in no way release the applicant from the obligation to comply with applicable provisions of this Planning and Zoning Code or any other applicable Borough, State and Federal regulations.

(h) Council may establish a reasonable fee for a conditional use application, to be included in the schedule of charges and fees passed annually by resolution of Council.

(Ord. 922. Passed 11-10-97.)

1242.10 EQUITABLE REMEDIES.

If any building or structure is constructed or altered or if any land is used in violation of this Zoning Code, in addition to other remedies provided by law, the Borough may take appropriate action to prevent the occupancy of such building or structure or to prevent the use of such land.

(Ord. 774. Passed 8-23-76.)

1242.11 REQUIREMENTS FOR APPLICATIONS REQUESTING CHANGES TO ZONING MAP OR AMENDMENTS TO ZONING CODE

Processing and notification requirements shall be as follows:

(a) All notices, hearings, decisions and orders concerning applications requesting either: a change to the zoning of one or more land parcels resulting in a change in the official Zoning Map, or a curative amendment to the Zoning Code shall be made or shall occur in conformance with the provisions of the Planning and Zoning Code and the Pennsylvania Municipalities Planning Code, Act 247, as amended. Applications must be submitted according to the schedule specified by resolution of Borough Council. Time requirements for review shall be as specified in the Municipalities Planning Code, Act 247, as amended.

(b) The request for change in zoning or curative amendment will be granted or denied by Borough Council subject to public notice and hearing and subject to the provisions of the Municipalities Planning Code.

(c) The Planning Commission shall perform a review and provide counsel to the Borough Council concerning the granting of approval or disapproval of the proposed change in zoning or curative amendment. A written report must be submitted to Borough Council before final action is taken on the proposal.

(d) The Planning Commission and Borough Council shall be responsible for providing notification to the applicant prior to any review of the application by the Planning Commission or any public hearing by Borough Council at which testimony will be heard and/or action taken on approval or disapproval so that the applicant may be present to present testimony.

(e) Subsequent to the receipt of notice of review or public hearing, the applicant shall be responsible for notifying all abutting property owners and, if applicable, owners of property proposed to be rezoned, of the proposed change in zoning or curative amendment and the dates of the review or public hearing at which the application will be discussed. Proof of proper notification, on a form supplied by the Borough, shall be required as precondition before any formal action on the application. Such form must be turned in to the Borough Administrative Office at least ten working days before the first scheduled meeting on the application.

(f) The Borough shall provide written notice of any review or public hearing at which the application will be discussed to be conspicuously posted on the affected tract of land at least one week prior to the review or hearing.

(g) Borough Council may establish a reasonable fee for any application for a change or curative amendment to the Zoning Code, to be included in the schedule of charges and fees passed annually by resolution of Borough Council.

(Ord. 959. Passed 3-12-01.)

1242.99 PENALTY.

(a) Whoever violates or fails to comply with any of the provisions of this Zoning Code, for which no penalty is otherwise provided, shall be fined not more than five hundred dollars (\$500.00) and, in default of the payment thereof, shall be imprisoned not more than thirty days. Such penalty or imprisonment may be imposed upon any person in addition to, or in lieu of, any other remedy herein contained or provided by law, and whenever such person has been notified by the Borough Secretary or other Borough authority, or by the service of a summons in a prosecution, or in any other way, that he is committing such violation, a separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues after such notification, punishable by a like fine or penalty.

(Ord. 774. Passed 8-23-76.)

(b) Whoever violates or fails to comply with any of the provisions of Section 1264.14 shall be subject to a fine of twenty-five dollars (\$25.00) for each day a violation occurs or continues. In addition, if any operator of a day-care facility or nursery school fails to remedy a violation within the time specified by the Zoning Officer, such violation shall constitute a public nuisance, and the Borough is hereby empowered to seek appropriate relief from a court of competent jurisdiction to prohibit the operation of the day-care facility or nursery school until such public nuisance has been abated.

(Ord. 870. Passed 5-13-91.)

Chapter 1244 Districts Generally; Zoning Map

1244.01 Classes of districts.

1244.02 Zoning Map.

CROSS REFERENCES

Official Map- see Penna. Mun. Plan. Code, Art. IV

Zoning - see Penna. Mun. Plan. Code, Art. VI

Planned Residential Development - see Penna. Mun. Plan. Code, Art. VII

Wards and boundaries - see AD-AI. Ch. 206

Maps and plans of the Planning Commission -- see P. & Z. 1220.06

Maps and surveys re floodway control - see P. & Z. 1270.03

1244.01 CLASSES OF DISTRICTS.

For the purpose of this Zoning Code, the Borough is hereby divided into districts which shall be designated as follows:

RA Residential District

RB Residential District

RC Residential District

AR Apartment Residential District

AL Alternate Residential District

TC Town Center District

PA Parks District

IN Institutional District.

(Ord. 774. Passed 8-23-76; Ord. 990. Passed 6-13-05; Ord. 1056. Passed 11-12-13.)

1244.02 ZONING MAP.

The areas within the Borough assigned to each zoning district and the location of the boundaries of the districts established by this Zoning Code are shown upon the Zoning Map, dated August 23, 1976, which, together with all explanatory matter thereon, is hereby declared to be a part of this Zoning Code and shall be kept on file with the Borough Secretary. If and when changes are made in boundaries or other matters included on the Map, such changes on the Map shall be made promptly after the amendment has been approved by Council.

(Ord. 774. Passed 8-23-76.)

Chapter 1246 RA Residential Districts

1246.01 Purpose.

1246.02 Permitted uses.

1246.03 Area and bulk regulations.

CROSS REFERENCES

General provisions and definitions - see P. & Z. Ch. 1240

Administration, enforcement and penalty - see P. & Z. Ch. 1242

Established - see P. & Z. 1244.01

Design guidelines - see P. & Z. Ch. 1262

Supplemental regulations - see P. & Z. Ch. 1264

Signs - see P. & Z. Ch. 1266

Parking requirements - see P. & Z. Ch. 1268

Floodway controls - see P. & Z. Ch. 1270

Nonconforming uses - see P. & Z. Ch. 1272

1246.01 PURPOSE.

The purpose of this chapter is to permit the development of vacant lots and the rebuilding or improvement of structures without altering the existing residential quality of the immediate neighborhood, with preservation of natural features and open space.

(Ord. 774. Passed 8-23-76.)

1246.02 PERMITTED USES.

In an RA Residential District, a building may be erected, altered or used, and a lot or premises may be used, for the following purposes and no other:

(a) General Uses.

- (1) A single-family detached dwelling; and
- (2) A two-family detached dwelling.

(b) Accessory Buildings and Uses.

- (1) A private swimming pool;
- (2) Customary residential accessory buildings, the use of which may include:
 - A. Storage of personal property;
 - B. Non-commercial activities engaged in solely by residents of the principal building; and
 - C. Any other accessory uses permitted by this Code.

(3) Home-based business, conducted either in the principal residence or a conforming accessory building. In no instance, however, shall a bed and breakfast or family home day-care facility be allowed to operate within an accessory building.

(c) Special Exceptions. (See Section 1264.11)

(1) Conversion from a single-family detached dwelling to a two-family detached dwelling;

(2) A family day-care home facility, provided that such use is conducted in a single-family detached or semidetached dwelling; (See Section 1264.14)

(3) A wireless communications facility with antenna(s); (See Chapter 1274)

(4) Bed and Breakfast establishments. (See Section 1264.15)

(5) Home-based business conducted in a non-conforming accessory building. In no instance shall a bed and breakfast or family day-care home facility be allowed to operate within an accessory building.

(Ord. 774. Passed 8-23-76; Ord. 870. Passed 5-13-91; Ord. 889. Passed 4-12-93; Ord. 919. Passed 7-14-97; Ord. 968. Passed 1-13-03; Ord. 973. Passed 12-8-03; Ord. 979. Passed 5-9-05; Ord. 989. Passed 5-9-05; Ord. 998. Passed 12-12-05; Ord. 1001. Passed 5-8-06.)

1246.03 AREA AND BULK REGULATIONS. (See Drawing No. 3)

(a) The minimum lot area shall be 20, 000 square feet.

(b) The minimum lot area per dwelling unit shall be 20, 000 square feet.

(c) The minimum lot width shall be 100 feet.

(d) The maximum lot coverage shall be twelve percent.

(e) The minimum building setback shall be thirty feet.

(f) The maximum building height for the principal building shall be thirty-five feet.

(g) The minimum rear yard for the principal building shall be thirty-five feet.

(h) The minimum side yard for the principal building shall be fifteen feet.

(i) The minimum pervious coverage shall be sixty percent.

(Ord. 774. Passed 8-23-76; Ord. 979. Passed 5-9-05; Ord. 989. Passed 5-9-05.)

(j) For every garage in a Residential District, whether or not the garage is attached to or detached from the dwelling, the entirety of the garage must be set back at least three feet from the street-facing facade of the dwelling.

(Ord. 913. Passed 10-14-96.)

(k) (1) No accessory building is permitted within a front yard.

(2) No accessory building shall exceed twenty-five feet in building height.

(3) Except as permitted by subsections (4) and (5) below, accessory buildings shall be located a minimum of ten feet from any side and/or rear property line.

(4) Up to one shed, with a footprint size not exceeding 100 square feet and a building height not exceeding eleven feet, may be placed as close as but no closer than three feet from a side and/or rear property line by right, provided that any such shed can be

situated entirely to the rear of an imaginary line that represents an extension of any adjacent principal building's rear building line. A shed permitted hereunder is excluded from the maximum lot coverage calculations for purposes of complying with such maximum lot coverage requirement, unless the property owner has previously applied for and received a special exception to construct a garage pursuant to subsection (5) below, or applies for a special exception to construct a garage pursuant to subsection (5) below, in which case the area of the shed shall be included in the calculation of maximum lot coverage.

(5) A garage may be placed as close as but no closer than three feet from a side and/or rear property line by special exception if such garage complies with the following criteria and standards and the general standards for a special exception set forth at Section 1264.17 of this zoning ordinance:

- A. The garage shall have a building area not to exceed 300 square feet;
- B. The width of the garage (being the side facing the street) shall not exceed fifteen feet;
- C. The height of the garage shall not exceed thirteen feet;
- D. The side wall height of the garage (to the top plate of the wall) shall not exceed nine feet;
- E. The building materials shall be of consistent quality on all sides;
- F. The entire garage shall be situated to the rear of an imaginary line that represents an extension of the principal building's rear building line; and

G. The garage allowed under this exception (and any shed permitted under subsection (4) above) shall be included in the calculation of the maximum lot coverage requirement and shall be in compliance with such maximum lot coverage requirement.

(Ord. 979. Passed 5-9-05; Ord. 989. Passed 5-9-05; Ord. 1034. Passed 4-12-10.)

DRAWING NO. 3

[Click here to view drawing.]

Chapter 1248 RB Residential Districts

1248.01 Purpose.

1248.02 Permitted uses.

1248.03 Area and bulk regulations.

CROSS REFERENCES

General provisions and definitions - see P. & Z. Ch. 1240

Administration, enforcement and penalty - see P. & Z. Ch. 1242

Established - see P. & Z. 1244.01

Design guidelines - see P. & Z. Ch. 1262

Supplemental regulations - see P. & Z. Ch. 1264

Signs - see P. & Z. Ch. 1266

Parking requirements - see P. & Z. Ch. 1268

Floodway controls - see P. & Z. Ch. 1270

Nonconforming uses - see P. & Z. Ch. 1272

1248.01 PURPOSE.

The purpose of this chapter is to permit the development of vacant lots and the rebuilding or improvement of structures without altering the existing residential quality of the immediate neighborhood, with preservation of natural features and open space.

(Ord. 774. Passed 8-23-76.)

1248.02 PERMITTED USES.

In an RB Residential District, a building may be erected, altered or used, and a lot or premises may be used, for the following purposes and no other:

(a) General Uses.

- (1) A single-family detached dwelling;
- (2) A two-family detached dwelling;
- (3) A single-family semidetached dwelling; and
- (4) A two-family semidetached dwelling.

(b) Accessory Buildings and Uses.

- (1) A private swimming pool;
- (2) Customary residential accessory buildings, the use of which may include:
 - A. Storage of personal property;
 - B. Non-commercial activities engaged in solely by residents of the principal building; and
 - C. Any other accessory uses permitted by this Code.

(3) Home-based business, conducted either in the principal residence or a conforming accessory building. In no instance, however, shall a bed and breakfast or family home day-care facility be allowed to operate within an accessory building.

(c) Special Exceptions. (See Section 1264.17)

- (1) Conversion from a single-family detached dwelling to a two-family detached dwelling; (See Section 1264.08)
- (2) A family day-care home facility, provided that such use is conducted in a single-family detached or semidetached dwelling; and (See Section 1264.14)
- (3) A wireless communications facility with antenna(s); (See Chapter 1274)
- (4) Bed and Breakfast establishments; (See Section 1264.15)
- (5) Home-based business conducted in a non-conforming accessory building. In no instance shall a bed and breakfast or family day-care home facility be allowed to operate within an accessory building.

(Ord. 774. Passed 8-23-76; Ord. 870. Passed 5-13-91; Ord. 889. Passed 4-12-93; Ord. 919. Passed 7-14-97; Ord. 968. Passed 1-13-03; Ord. 973. Passed 12-8-03; Ord. 979. Passed 5-9-05; Ord. 989. Passed 5-9-05; Ord. 998. Passed 12-12-05; Ord. 1001. Passed 5-8-06.)

1248.03 AREA AND BULK REGULATIONS. (See Drawings Nos. 4 and 5)

- (a) The minimum lot area shall be 14,000 square feet.
- (b) The minimum lot area per dwelling unit shall be 14,000 square feet.
- (c) The minimum lot width with a detached building shall be eighty feet.
- (d) The minimum lot width with a semidetached building shall be seventy feet.
- (e) The maximum lot coverage shall be eighteen percent.
- (f) The minimum building setback shall be twenty-five feet.

(g) The minimum rear yard for the principal building shall be thirty-five feet.

(Ord. 979. Passed 5-9-05; Ord. 989. Passed 5-9-05.)

(h) The minimum side yard for the principal building with a detached building shall be fifteen feet.

(Ord. 979. Passed 5-9-05; Ord. 989. Passed 5-9-05.)

(i) The minimum side yard for the principal building with a semidetached building shall be twenty-five feet.

(Ord. 979. Passed 5-9-05; Ord. 989. Passed 5-9-05.)

(j) The minimum pervious cover with a detached building shall be sixty percent.

(k) The minimum pervious cover with a semidetached building shall be sixty percent.

(l) The maximum building height for the principal building shall be thirty-five feet.

(Ord. 774. Passed 8-23-76; Ord. 943. Passed 11-8-99; Ord. 979. Passed 5-9-05; Ord. 989. Passed 5-9-05.)

(m) For every garage in a Residential District, whether or not the garage is attached to or detached from the dwelling, the entirety of the garage must be set back at least three feet from the street-facing facade of the dwelling.

(Ord. 913. Passed 10-14-96.)

(n) (1) No accessory building is permitted within a front yard.

(2) No accessory building shall exceed twenty-five feet in building height.

(3) Except as permitted by subsections (4) and (5) below, accessory buildings shall be located a minimum of ten feet from any side and/or rear property line.

(4) Up to one shed, with a footprint size not exceeding 100 square feet and a building height not exceeding eleven feet, may be placed as close as but no closer than three feet from a side and/or rear property line by right, provided that any such shed can be situated entirely to the rear of an imaginary line that represents an extension of any adjacent principal building's rear building line. A shed permitted hereunder is excluded from the maximum lot coverage calculations for purposes of complying with such maximum lot coverage requirement, unless the property owner has previously applied for and received a special exception to construct a garage pursuant to subsection (5) below, or applies for a special exception to construct a garage pursuant to subsection (5) below, in which case the area of the shed shall be included in the calculation of maximum lot coverage.

(5) A garage may be placed as close as but no closer than three feet from a side and/or rear property line by special exception if such garage complies with the following criteria and standards and the general standards for a special exception set forth at Section 1264.17 of this zoning ordinance:

A. The garage shall have a building area not to exceed 300 square feet;

B. The width of the garage (being the side facing the street) shall not exceed fifteen feet;

C. The height of the garage shall not exceed thirteen feet;

D. The side wall height of the garage (to the top plate of the wall) shall not exceed nine feet;

E. The building materials shall be of consistent quality on all sides;

F. The entire garage shall be situated to the rear of an imaginary line that represents an extension of the principal building's rear building line; and

G. The garage allowed under this exception (and any shed permitted under subsection (4) above) shall be included in the calculation of the maximum lot coverage requirement and shall be in compliance with such maximum lot coverage requirement.

(Ord. 979. Passed 5-9-05; Ord. 989. Passed 5-9-05; Ord. 1034. Passed 4-12-10.)

DRAWING NO. 4

[Click here to view drawing.]

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**Chapter 1250
RC Residential Districts**

1250.01 Purpose.

1250.02 Permitted uses.

1250.03 Area and bulk regulations.

CROSS REFERENCES

General provisions and definitions - see P. & Z. Ch. 1240

Administration, enforcement and penalty - see P. & Z. Ch. 1242

Established - see P. & Z. 1244.01

Design guidelines - see P. & Z. Ch. 1262

Supplemental regulations - see P. & Z. Ch. 1264

Signs - see P. & Z. Ch. 1266

Parking requirements - see P. & Z. Ch. 1268

Floodway controls - see P. & Z. Ch. 1270

Nonconforming uses - see P. & Z. Ch. 1272

Wireless communications facilities - see P. & Z. Ch. 1274

1250.01 PURPOSE.

The purpose of this chapter is to permit the development of vacant lots and the rebuilding or improvement of structures without altering the existing residential quality of the immediate neighborhood, with preservation of natural features and open space.

(Ord. 774. Passed 8-23-76.)

1250.02 PERMITTED USES.

In an RC Residential District, a building may be erected, altered or used, and a lot or premises may be used, for the following purposes and no other:

(a) General Uses.

- (1) A single-family detached dwelling;
- (2) A two-family detached dwelling;
- (3) A single-family semidetached dwelling; and
- (4) A two-family semidetached dwelling.

(b) Accessory Buildings and Uses.

- (1) A private swimming pool;
- (2) Customary residential accessory buildings, the use of which may include:
 - A. Storage of personal property;

B. Non-commercial activities engaged in solely by residents of the principal building; and

C. Any other accessory uses permitted by this Code.

(3) Home-based business, conducted either in the principal residence or a conforming accessory building. In no instance, however, shall a bed and breakfast or family home day-care facility be allowed to operate within an accessory building.

(c) Special Exceptions. (See Section 1264.17)

(1) Conversion from a single-family detached dwelling to a two-family detached dwelling; (See Section 1264.08)

(2) A family day-care home facility, provided that such use is conducted in a single-family detached or semidetached dwelling; (See Section 1264.14)

(3) A wireless communications facility with antenna(s); (See Chapter 1274)

(4) Bed and Breakfast establishments; and (See Section 1264.15)

(5) Home-based business conducted in a non-conforming accessory building. In no instance shall a bed and breakfast or family day-care home facility be allowed to operate within an accessory building.

(Ord. 774. Passed 8-23-76; Ord. 870. Passed 5-13-91; Ord. 889. Passed 4-12-93; Ord. 919. Passed 7-14-97; Ord. 968. Passed 1-13-03; Ord. 973. Passed 12-8-03; Ord. 979. Passed 5-9-05; Ord. 989. Passed 5-9-05; Ord. 998. Passed 12-12-05; Ord. 1001. Passed 5-8-06.)

1250.03 AREA AND BULK REGULATIONS. (See Drawing Nos. 6 and 7)

(a) The minimum lot area with a detached building shall be 8,000 square feet.

(b) The minimum lot area per dwelling unit shall be 8,000 square feet.

(c) The minimum lot width with a detached building shall be sixty-five feet.

(d) The minimum lot width with a semidetached building shall be fifty-five feet.

(e) The maximum lot coverage shall be twenty percent.

(f) The minimum building setback shall be twenty feet.

(g) The minimum rear yard for the principal building shall be thirty feet.

(Ord. 979. Passed 5-9-05; Ord. 989. Passed 5-9-05.)

(h) The minimum side yard for the principal building with a detached building shall be fifteen feet but may be reduced to ten feet if the adjacent property permits a minimum of twenty-five feet between buildings.

(Ord. 979. Passed 5-9-05; Ord. 989. Passed 5-9-05.)

(i) The minimum side yard for the principal building with a semidetached building shall be twenty feet.

(Ord. 979. Passed 5-9-05; Ord. 989. Passed 5-9-05.)

(j) The minimum pervious coverage with a detached building shall be sixty percent.

(k) The minimum pervious coverage with a semidetached building shall be fiftyfive percent.

(l) The maximum building height for the principal building shall be thirty-five feet.

(Ord. 774. Passed 8-23-76; Ord. 979. Passed 5-9-05; Ord. 989. Passed 5-9-05.)

(m) For every garage in a Residential District, whether or not the garage is attached to or detached from the dwelling, the entirety of the garage must be set back at least three feet from the street-facing facade of the dwelling.

(Ord. 913. Passed 10-14-96.)

(n) (1) No accessory building is permitted within a front yard.

(2) No accessory building shall exceed twenty-five feet in building height.

(3) Except as permitted by subsections (4) and (5) below, accessory buildings shall be located a minimum of ten feet from any side and/or rear property line.

(4) Up to one shed, with a footprint size not exceeding 100 square feet and a building height not exceeding eleven feet, may be placed as close as but no closer than three feet from a side and/or rear property line by right, provided that any such shed can be situated entirely to the rear of an imaginary line that represents an extension of any adjacent principal building's rear building line. A shed permitted hereunder is excluded from the maximum lot coverage calculations for purposes of complying with such maximum lot coverage requirement, unless the property owner has previously applied for and received a special exception to construct a garage pursuant to subsection (5) below, or applies for a special exception to construct a garage pursuant to subsection (5) below, in which case the area of the shed shall be included in the calculation of maximum lot coverage.

(5) A garage may be placed as close as but no closer than three feet from a side and/or rear property line by special exception if such garage complies with the following criteria and standards and the general standards for a special exception set forth at Section 1264.17 of this zoning ordinance:

A. The garage shall have a building area not to exceed 300 square feet;

B. The width of the garage (being the side facing the street) shall not exceed fifteen feet;

C. The height of the garage shall not exceed thirteen feet;

D. The side wall height of the garage (to the top plate of the wall) shall not exceed nine feet;

E. The building materials shall be of consistent quality on all sides;

F. The entire garage shall be situated to the rear of an imaginary line that represents an extension of the principal building's rear building line; and

G. The garage allowed under this exception (and any shed permitted under subsection (4) above) shall be included in the calculation of the maximum lot coverage requirement and shall be in compliance with such maximum lot coverage requirement.

(Ord. 979. Passed 5-9-05; Ord. 989. Passed 5-9-05; Ord. 1034. Passed 4-12-10.)

DRAWING NO. 6

[Click here to view drawing.]

DRAWING NO. 7

[Click here to view drawing.]

Chapter 1252 AR Apartment Residential Districts

1252.01 Purpose.

1252.02 Permitted uses.

1252.03 Area and bulk regulations.

CROSS REFERENCES

General provisions and definitions - see P. & Z. Ch. 1240

Administration, enforcement and penalty - see P. & Z. Ch. 1242

Established - see P. & Z. 1244.01

Design guidelines - see P. & Z. Ch. 1262

Supplemental regulations - see P. & Z. Ch. 1264

Signs - see P. & Z. Ch. 1266

Parking requirements - see P. & Z. Ch. 1268

Floodway controls - see P. & Z. Ch. 1270

Nonconforming uses - see P. & Z. Ch. 1272

Wireless communications facilities - see P. & Z. Chap. 1274

1252.01 PURPOSE.

The purpose of this chapter is to classify the existing multiple dwelling complexes within the Borough and to govern replacement or reconstruction of these complexes.

(Ord. 774. Passed 8-23-76.)

1252.02 PERMITTED USES.

In an AR Apartment Residential District, a building may be erected, altered or used for any of the following purposes and no other:

(a) General Uses.

- (1) All permitted uses in the RC District;
- (2) Multifamily dwellings that are three stories or less in height; and
- (3) A single-family attached dwelling.

(b) Accessory Buildings and Uses.

- (1) A private swimming pool;
- (2) Customary residential accessory buildings, including but not limited to sheds, garages and carports; and
- (3) Home-based businesses.

(c) Special Exceptions. (See Section 1264.17)

- (1) Transient units;
- (2) Multifamily dwellings over three stories in height;
- (3) A restaurant;
- (4) Service oriented offices;
- (5) A family day-care home facility, provided that such use is conducted in a single-family detached or semidetached dwelling; (See Section 1264.14)
- (6) Religious and educational uses;
- (7) A wireless communications facility with antenna(s); (See Chapter 1274)
- (8) Bed and Breakfast establishments. (See Section 1264.15)

(Ord. 774. Passed 8-23-76; Ord. 870. Passed 5-13-91; Ord. 889. Passed 4-12-93; Ord. 919. Passed 7-14-97; Ord. 968. Passed 1-13-03; Ord. 973. Passed 12-8-03; Ord. 979. Passed 5-9-05; Ord. 989. Passed 5-9-05; Ord. 998. Passed 12-12-05.)

1252.03 AREA AND BULK REGULATIONS. (See Drawing No. 8)

- (a) The minimum lot area shall be 20,000 square feet.
- (b) The Minimum lot area per dwelling unit for a three or more bedroom dwelling unit shall be 2,200 square feet; for a two

bedroom dwelling unit, 2, 000 square feet; for a one bedroom dwelling unit, 1, 800 square feet; and for an efficiency dwelling unit, 1, 600 square feet.

- (c) The minimum lot width shall be 130 feet.
- (d) The maximum lot coverage shall be thirty-five percent.
- (e) The minimum building setback shall be twenty feet.
- (f) The minimum rear yard for the principal building shall be thirty-five feet.

(Ord. 979. Passed 5-9-05; Ord. 989. Passed 5-9-05.)

- (g) The minimum side yard for the principal building shall be twenty-five feet.

(Ord. 979. Passed 5-9-05; Ord. 989. Passed 5-9-05.)

(h) The maximum height for the principal building shall be three stories or thirty-five feet, or, as a special exception, five stories or fifty-five feet.

(Ord. 979. Passed 5-9-05; Ord. 989. Passed 5-9-05; Ord. 998. Passed 12-12-05.)

- (i) The maximum floor area ratio shall be 1.5.
- (k) Area and bulk regulations for the RC District shall apply for detached and semidetached dwellings.
- (j) The minimum pervious coverage shall be thirty percent.
- (l) Area and bulk regulations for this District shall also include:

(1) No single dimension of a building mass shall exceed 200 feet.

(2) The minimum distance between buildings shall be twenty feet, except when measured from window wall to window wall, in which case the minimum distance shall be thirty feet.

(3) There shall be a minimum of 300 square feet of usable common open space per dwelling unit.

(4) No more than six single-family attached units shall be placed in one row.

(5) A building offset of a minimum of four feet shall be required for every forty feet of building length.

(m) When determining the maximum allowable height, floor area ratio and coverage, if two of these design parameters are at their maximums and the maximum allowable for the third cannot be attained, the maximum allowable for the third will not be permitted.

(Ord. 774. Passed 8-23-76.)

(n) For every garage in a Residential District, whether or not the garage is attached to or detached from the dwelling, the entirety of the garage must be set back at least three feet from the street-facing facade of the dwelling.

(Ord. 913. Passed 10-14-96.)

- (o) (1) No accessory building is permitted within a front yard.

(2) No accessory building shall exceed twenty-five feet in building height.

(3) Accessory buildings shall be located, with one limited exception as described in (4) below, a minimum of ten feet from any side and/or rear property line.

(4) Up to one shed, with a footprint size not exceeding sixty-four square feet and a building height not exceeding eight feet, may be placed as close as but no closer than four feet from a side and/or rear property line. Such exception is allowed only if the entire shed can be situated to the rear of an imaginary line that represents an extension of any adjacent principal building's rear building line.

(5) A shed allowed under exception (4) above is excluded from lot coverage calculations for purposes of complying with the Borough Zoning Code.

(Ord. 979. Passed 5-9-05; Ord. 989. Passed 5-9-05.)

[Click here to view drawing.]

Chapter 1254
AL Alternate Residential Districts

1254.01 Purpose.

1254.02 Permitted uses.

1254.03 Area and bulk regulations.

CROSS REFERENCES

General provisions and definitions - see P. & Z. Ch. 1240

Administration, enforcement and penalty - see P. & Z. Ch. 1242

Established - see P. & Z. 1244.01

Design guidelines - see P. & Z. Ch. 1262

Supplemental regulations - see P. & Z. Ch. 1264

Signs -see P. & Z. Ch. 1266

Parking requirements - see P. & Z. Ch. 1268

Floodway controls - see P. & Z. Ch. 1270

Nonconforming uses - see P. & Z. Ch. 1272

Wireless communications facilities - see P. & Z. Ch. 1274

1254.01 PURPOSE.

The purpose of this chapter is to permit the development of attached residential buildings at higher densities, in order to provide another housing alternative within the Borough.

(Ord. 774. Passed 8-23-76.)

1254.02 PERMITTED USES.

In an AL Alternate Residential District, a building may be erected, altered or used, and a lot or premises may be used, for the following purposes and no other:

(a) General Uses.

- (1) A single-family detached dwelling;
- (2) A two-family detached dwelling;
- (3) A one-family semidetached dwelling;
- (4) A two-family semidetached dwelling;
- (5) A single-family attached dwelling; and
- (6) A multifamily dwelling.

(b) Accessory Buildings and Uses.

- (1) A private swimming pool;

(2) Customary residential accessory buildings, including but not limited to sheds, garages and carports; and

(3) Home-based businesses.

(c) Special Exceptions. (See Section 1264.17)

(1) Conversion from a single-family detached dwelling to a two-family detached dwelling; (See Section 1264.08)

(2) A family day-care home facility, provided that such use is conducted in a single-family detached or semidetached dwelling; (See Section 1264.14)

(3) Wireless communications facility with antenna(s); (See Chapter 1274)

(4) Congregate housing for the elderly;

(5) Long-term care facility;

(6) Mobile homes and mobile home parks;

(7) Bed and Breakfast establishments. (See Section 1264.15)

(Ord. 774. Passed 8-23-76; Ord. 870. Passed 5-13-91; Ord. 919. Passed 7-14-97; Ord. 925. Passed 6-8-98; Ord. 968. Passed 1-13-03; Ord 973. Passed 12-8-03; Ord. 979. Passed 5-9-05; Ord. 989. Passed 5-9-05; Ord. 998. Passed 12-12-05.)

1254.03 AREA AND BULK REGULATIONS. (See Drawing No. 9)

(a) The minimum lot area shall be 14,000 square feet.

(b) The minimum lot area per dwelling unit for a three or more bedroom dwelling unit shall be 2,200 square feet; for a two bedroom dwelling unit, 2,000 square feet; for a one bedroom dwelling unit, 1,800 square feet; and for an efficiency dwelling unit, 1,600 square feet.

(c) The minimum lot width shall be 100 feet.

(d) The maximum lot coverage shall be thirty-five percent.

(e) The minimum building setback shall be thirty feet.

(f) The minimum side yard for the principal building shall be fifteen feet.

(Ord. 979. Passed 5-9-05; Ord. 989. Passed 5-9-05.)

(g) The minimum rear yard for the principal building shall be thirty feet.

(Ord. 979. Passed 5-9-05; Ord. 989. Passed 5-9-05.)

(h) The maximum building height for the principal building shall be three stories or thirty-five feet.

(Ord. 979. Passed 5-9-05; Ord. 989. Passed 5-9-05.)

(i) The minimum pervious coverage shall be forty percent.

(j) Not more than six single-family attached units may be placed in one row.

(k) A building offset of a minimum of four feet shall be required for every forty feet of building length.

(l) The minimum distance between buildings shall be fifteen feet, except when measured from window wall to window wall, in which case the distance shall be thirty feet.

(m) There shall be a minimum of 300 square feet of usable common open space per dwelling unit.

(Ord. 774. Passed 8-23-76.)

(n) For every garage in a Residential District, whether or not the garage is attached to or detached from the dwelling, the entirety of the garage must be set back at least three feet from the street-facing facade of the dwelling.

(Ord. 913. Passed 10-14-96.)

(o) (1) No accessory building is permitted within a front yard.

(2) No accessory building shall exceed twenty-five feet in building height.

(3) Accessory buildings shall be located, with one limited exception as described in (4) below, a minimum of ten feet from any side and/or rear property line.

(4) Up to one shed, with a footprint size not exceeding sixty-four square feet and a building height not exceeding eight feet, may be placed as close as but no closer than four feet from a side and/or rear property line. Such exception is allowed only if the entire shed can be situated to the rear of an imaginary line that represents an extension of any adjacent principal building's rear building line.

(5) A shed allowed under exception (4) above is excluded from lot coverage calculations for purposes of complying with the Borough Zoning Code.

(Ord. 979. Passed 5-9-05; Ord. 989. Passed 5-9-05.)

DRAWING NO. 9

[Click here to view drawing.]

Chapter 1256 Town Center (TC) Zoning District

1256.01 Purpose.

1256.02 Permitted uses.

1256.03 Dimensional standards.

1256.04 Design standards.

1256.05 Other requirements.

1256.06 Demolition.

1256.07 Review procedure.

CROSS REFERENCES

Use of sidewalks in business districts - see S. U. & P. S. 1020.04

General provisions and definitions - see P. & Z. Ch. 1240

Administration, enforcement and penalty - see P. & Z. Ch. 1242

Established - see P. & Z. 1244.01

Design guidelines - see P. & Z. Ch. 1262

Supplemental regulations - see P. & Z. Ch. 1264

Signs - see P. & Z. Ch. 1266

Parking requirements - see P. & Z. Ch. 1268

Floodway controls - see P. & Z. Ch. 1270

Nonconforming uses - see P. & Z. Ch. 1272

Wireless communications facilities - see P. & Z. Ch. 1274

1256.01 PURPOSE.

The intent of the Town Center (TC) Zoning District is to:

- (a) Encourage economic viability through the establishment of flexible standards that maintain Swarthmore's unique identity.
- (b) Encourage the retention of the Town Center streetscape by preserving the existing buildings of historic significance to the greatest extent possible.
- (c) Promote the reuse of existing structures, and the construction of new structures in a manner that maintains the visual character and architectural scale of the Town Center.
- (d) Ensure that new buildings, additions, and renovations are sympathetic with and enhance the surrounding streetscape.
- (e) Encourage a walkable community by promoting pedestrian orientation of streets and buildings and providing a safe and convenient interconnected sidewalk network and access to an intermodal mass transit network.
- (f) Retain and enhance the diverse array of retail, residential, commercial and civic uses in the Town Center.
- (g) Provide for adequate parking in a manner that does not interfere with pedestrian traffic or the rhythm of the existing streetscape.

(Ord. 1056. Passed 11-12-13.)

1256.02 PERMITTED USES.

(a) In the Town Center (TC) Zoning District, the following uses are permitted by right:

- (1) Retail store, meaning an establishment engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods, including tradespersons who provide services relating to tangible goods sold or repaired on the premises.
- (2) Establishments primarily engaged in rendering services on a fee or contract basis to businesses or individuals, and whose uses require ground floor visibility to serve patrons on an unannounced or drop-in basis, that conduct a substantial part of their business face-to-face on the premises with their customers, and that maintain retail storefronts comparable to traditional retail sales operations, including display of goods and services for sale.
- (3) Establishment serving food or beverages to the general public, such as a restaurant, café, retail bakery, confectionary or ice cream shop.
- (4) Financial institution, such as a bank or savings and loan association.
- (5) Art galleries and artist studios.
- (6) School or studio for the arts and related fields, including music, dance, fine arts, fitness, and similar establishments.
- (7) Educational or philanthropic uses, except those specifically listed as special exception.
- (8) Religious institutions and their ancillary uses.
- (9) Private clubs or fraternal organizations.
- (10) Farmers' market.
- (11) Government administration uses, including post office, community center, and libraries.
- (12) Hotel, inn or bed and breakfast establishment.
- (13) Professional offices located in structures meeting the following conditions at the time of enactment of this chapter:
 - A. The storefront façade does not exceed thirteen feet in width.
 - B. The ground floor leasable space does not exceed 600 square feet.
 - C. The window area does not exceed twenty-five square feet.

(14) For buildings existing as of the enactment date of this chapter, the following uses, provided that they do not occur adjacent to the sidewalk and on the ground floor of buildings unless the front of the building is set back ten feet or more from the front property line:

- A. General Offices.
- B. Professional Offices.
- C. Dwelling, multi-family dwelling/apartment/residential condominium.

(15) Mixed-use development involving any of the above permitted uses.

(b) Accessory Uses.

- (1) Indoor storage provided that it is limited to the stock and related supplies of a permitted use and adjacent to the permitted use.
- (2) Off-street parking, as further regulated by this chapter.

(c) Special Exceptions.

- (1) Wireless communication facility with antennas.
- (2) Off-premises billboards.
- (3) A family day-care home facility, group home day-care facility, day-care center or nursery school.
- (4) Congregate housing for the elderly.
- (5) Long-term care facility.
- (6) Mobile homes and mobile home parks.
- (7) Light industrial.
- (8) Transit facilities, including railroad stations.
- (9) Any other use required by law to be permitted and not specifically permitted in any other zoning district and the exclusion of which would be unlawful.

(d) Conditional Uses.

(1) Demolition of any building (see Section 1256.06).

(2) The use of architectural standards and designs that differ from those set forth below in Section 1256.03, 1256.04, and 1256.05 if the applicant demonstrates to the satisfaction of the Borough Council that such standards and designs are in furtherance of the legislative intent of this chapter and of this subsection.

(Ord. 1056. Passed 11-12-13.)

1256.03 DIMENSIONAL STANDARDS.

The following dimensional standards shall apply within the Town Center (TC) Zoning District:

(a) Building Placement.

(1) Setback from the street.

A. Build-to line. A building shall have a minimum front yard setback of zero feet and a maximum setback of five feet from the front property line. A setback may be increased to twenty feet from the front property line for the purposes of a courtyard, plaza, square, recessed entrance, or an outdoor dining area adjacent to the public street. Parking lots, driveways, loading zones, and auto-related areas may not be located at or in front of the build-to line, except that a hotel or inn may have a drop-off area in front of its primary entrance.

(2) At corner locations, a building shall be built to the property line of both streets to anchor the street corner.

(3) Side yard setback.

A. Any building may be built to the side yard property line.

B. For buildings that are not built to the side yard property line, the distance between buildings must be a minimum of three feet. If agreed to by adjoining property owners, the required distance may be satisfied with one and a half (1.5) foot setbacks on each property.

(4) Setback from rear lot line.

A. There is no minimum rear yard requirement.

(b) Maximum Impervious Coverage: 100 percent.

(c) Floor Area Ratio (FAR).

(1) The floor area used in calculating the FAR shall include enclosed accessory structures, porches enclosed on three or more sides, shafts used for mechanical, electrical and plumbing equipment, bay windows, and habitable attic floor area. An attic shall be considered habitable if it has: 1) a code-compliant stairway as a means of access; and 2) is lawfully designed and/or used for living or sleeping. The floor area used in calculating the FAR excludes chimneys, decks and patios, unenclosed porches, exterior steps and ramps, and uninhabitable attic floor area.

(2) The maximum FAR is 2.5.

(3) If the new building is mixed use, combining residential with non-residential uses, and at least fifty percent of the required parking is below grade or provided in an enclosed garage not visible from any street on which the façade fronts, the maximum FAR is 4.0.

(d) Building Height. Notwithstanding any other definitions in the Borough Zoning Code, the height of a building with a low slope roof shall be defined as the vertical distance from grade at the front of the building to the top of the roof parapet. The height for a building with any other type of roof shall be determined as set forth in the definition of "height" in this zoning ordinance. For buildings where the grade along the front of the building slopes, the vertical distance shall be measured from the highest elevation along the front of the building.

(1) Buildings shall be at least two stories in height at the principal front façade with a minimum height of twenty-six feet.

(2) The maximum building height for a principal building shall be thirty-five feet. The height can be increased to the lesser of five stories or sixty-five feet, if there is a ten-foot setback (on average) of the principal front façade above thirty-five feet.

(Ord. 1056. Passed 11-12-13.)

1256.04 DESIGN STANDARDS.

(a) Goals of Design Standards. The overall goal of these design standards is to maintain and build upon the positive qualities of the Borough's Town Center while maintaining and enhancing the Borough's traditional community character and pedestrian-oriented development. The principles guiding the administration of these standards are as follows:

(1) Buildings should complement the pattern of the existing landmark structures and have a building fabric and relate to their site and surroundings, noting in particular that the existing streetscape is characterized by continuous street walls and multiple storefronts.

(2) Buildings should respond at street level to a pedestrian scale and encourage visual access and active uses at the ground floor.

(3) Emphasis should be provided at prominent locations to buildings:

A. With prominent façades that terminate view corridors;

B. Whose corners are at gateway locations; or

C. That either surround or are surrounded by open space.

(4) New and existing development should have a complementary character.

(5) Texture and variety should be provided through façade articulation and composition.

(6) Architectural expression should be provided in windows, doors, walls, and roofs.

(7) Pedestrian pathways should be provided that are safe and attractive and that accommodate a high volume of pedestrian

traffic.

(8) Street trees and shade trees should be employed to enhance development.

(b) Façade Articulation. Façade articulation is a series of small setbacks and projections in the overall street wall. Articulation breaks the scale of the building into an aggregate of smaller forms, introduces rhythm, and relates to the human scale, without detracting from the overall sense of a consistent street wall. All new, renovated or expanded buildings shall comply with the following standards:

(1) The main façade of buildings shall be designed to emphasize entryways, windows, corners, and vertical elements of the building façade, as well as other special features.

(2) The massing of all buildings shall be deemphasized through the use of projecting and recessed elements, such as porches, windows, and roof dormers to reduce overall bulk and volume, enhance visual quality and contribute to human-scale development.

(c) Façade Composition. Façade composition is the arrangement of materials and details to distinguish the components of a building, particularly its base and top. All new, renovated or expanded buildings shall comply with the following standards:

(1) All new building facades shall be built to the scale of other buildings on the street.

(2) The design shall distinguish and emphasize the building's base and top, and reinforce the scale of the street for the pedestrian.

(3) All buildings shall articulate the line between the ground and upper floors with a cornice, canopy, balcony, arcade or other visual device.

(d) Ground Floor Façade. The ground floor is the primary zone of interaction for pedestrians on the street and includes the elements of doorways, access points and window transparency. All new, renovated or expanded buildings shall comply with the following standards:

(1) The primary pedestrian entrance shall be placed along the build-to line of the dominant street and not the rear or side of the building. Additional pedestrian access points may be located along other façades.

(2) When buildings are located on street corners, primary entrances shall be located on the corner with an appropriate building articulation, such as a chamfered corner, turret, canopy, or other similar building feature. If such design is not feasible, the building shall be most prominent on the primary street.

(3) Lobbies and retail spaces shall be clearly connected to the outdoor environment and visible from the street.

(4) All primary building entrances shall be accentuated. Entrances permitted include recessed, protruding, canopy, portico, or overhang.

(5) Ground floor windows shall be at street level and allow pedestrians to see the activity inside the building.

(e) Architectural Elements. The architectural design of buildings should complement the scale and proportion of surrounding buildings, celebrate innovative design, and be varied in context. Windows at the ground floor are important in activating the building and encouraging pedestrian traffic. All new, substantially improved or expanded buildings shall comply with the following standards:

(1) Windows and doors: primary front façade.

A. The ground floor of the primary front façade shall contain between sixty-five percent clear windows and doors and be complementary in design to existing properties in the Town Center District.

B. Bronze glass, highly reflective glass, tinted or black and smoked glass is prohibited.

C. Windows above the ground floor on the primary front façade of new or expanded buildings shall be clear and occur in a wall-to-window ratio of .75:1 to 1.25:1 along the horizontal width of the façade to result in a pattern of solid wall buildings with punched windows.

D. The maximum sill height of sidewalk-facing ground floor windows shall be two feet above the height of the finished ground floor.

E. Ground floor window heads shall be nine feet to twelve feet above the height of the finished ground floor.

F. The top of the display window shall be at least as high as the door height.

G. Individual windows in upper stories of the primary front façade(s) shall be vertically aligned with the location of windows and doors on the ground floor to the extent possible.

(2) Windows and doors: secondary façades. Any building wall with less than twenty-five percent of clear windows shall be articulated by two or more of the following methods:

- A. Details in masonry courses;
- B. Blank window openings trimmed with frames, sills and lintels;
- C. Recessed or projecting window cases.

(3) Exterior walls.

A. Construction materials shall be in keeping with the surrounding pattern of construction. Acceptable materials shall be as set forth by resolution of Borough Council, which may be changed as needed from time to time.

B. Awnings shall complement the distinct character of each storefront.

(4) Roofs.

A. The tops of buildings must express the roofline and have either pitched roofs with overhanging eaves or low-slope roofs with articulated parapets and cornices. Fascias, dormers and gables or similar architectural features shall be employed to provide visual interest.

B. Pitched roofs shall have a minimum slope of 4:12.

C. Roof materials shall be in keeping with the surrounding pattern of construction. Acceptable materials shall be set forth by resolution of Borough Council, which may be changed as needed from time to time.

(Ord. 1056. Passed 11-12-13.)

1256.05 OTHER REQUIREMENTS.

(a) Pedestrian Accessibility.

- (1) Sidewalks are required along all street frontages.
- (2) For any street frontage where there is not currently a sidewalk, the new sidewalk shall have a minimum width of eight feet.
- (3) Sidewalks shall conform to the overall design pattern of existing sidewalks in the Town Center.

(b) Streetscape and Green Area Standards. The pre-development streetscape along the property shall be restored or recreated. This shall include the replacement of existing street trees, plantings, planters, street amenities, including furniture, sidewalks, paver strips and curbs. If there is no existing streetscape along a frontage, the streetscape shall relate to the streetscape along the other frontages of the property, including the installation of street trees, plantings, planters, street amenities, including furniture, sidewalks, paver strips and curbs.

(c) All wall-mounted mechanical, electrical, communication, and service equipment, including satellite dishes and vent pipes shall not be located on the street facing façade of a building if another location option is available on the property, and shall in all cases be screened from public view.

(d) All rooftop mechanical equipment and other appurtenances, including antennas, shall be screened visually and acoustically. Such screening shall be integrated into the architectural design of the building.

(e) Driveways and Parking.

(1) The creation of new sidewalk curb cuts for motor vehicles shall be avoided whenever an alternate point of access is available. Shared access agreements are encouraged. New sidewalk curb cuts and vehicle access ways are prohibited for any individual property with less than eighty feet of street frontage. When permitted, vehicle access ways shall be limited to one per property, to accommodate single vehicle entry and exit widths only. Garage doors are prohibited along all street frontages.

(2) Except as noted in paragraphs (e)(3) and (4) below, parking shall be as required in the Borough of Swarthmore Zoning Code, Subdivision and Land Development Code, and any other applicable code.

(3) Prior non-conformity with parking requirements may continue even if the permitted use changes.

(4) Prior non-conformity with parking requirements may continue in a replacement structure provided that the replacement structure is constructed within the same building footprint of the original structure, does not exceed the height of the original structure, and is built with the same configuration of residential and commercial space as the original structure. For example, if the original structure consisted of one floor of commercial space and two floors of apartment residences, the replacement structure must be constructed for the same use.

(f) Refuse Areas.

(1) All properties are required to provide space for refuse receptacles (trash and recycling) on the site.

(2) The storage of refuse shall be provided inside of the building or within an outdoor enclosed area enclosed by either walls or opaque fencing unless such refuse area is at the rear of the property and acceptably shielded from view by other methods and such enclosure would prevent the shared use of the site with on-site parking. Any refuse storage area outside of the building and screened by a fence or enclosure shall be designed to be architecturally compatible with the building.

(3) For multi-occupant buildings, refuse receptacle storage shall be consolidated into a single area.

(g) Drive-Through Windows Prohibited. A drive-through window may not be installed or constructed in the Town Center (TC) Zoning District.

(Ord. 1056. Passed 11-12-13.)

1256.06 DEMOLITION.

No structure located within the Town Center (TC) Zoning District shall be demolished unless and until a demolition permit shall have been approved by Borough Council in accordance with conditional use application procedures outlined in Section 1264.11, this chapter and the building code in effect from time to time in the Borough. Any application for demolition shall be subject to the following regulations.

(a) In order for a building of historic value, as defined in the Borough of Swarthmore Zoning Code, to be demolished, one of the following two conditions must be demonstrated:

(1) The building is structurally unsound and cannot be stabilized in an economically feasible manner as determined by a Professional Engineer; or

(2) Demolition of the building will not have a substantial negative effect on the character of the Town Center.

(b) The Pennsylvania Historical and Museum Commission (PHMC) shall be notified of the intended demolition of a building of historic value at least thirty days prior to request for demolition. The applicant must provide documentation of notification to the PHMC.

(c) Zoning Permit.

(1) No permit for demolition shall be approved until the applicant has received a zoning permit for a new building that demonstrates compliance with all codes of the Borough of Swarthmore. The applicant must also provide documentation to the Borough of the financial capability to begin construction of the new building within sixty days of completion of the demolitions and provide a timeline for construction.

(2) Notwithstanding the above, it shall not be necessary to obtain a zoning permit prior to demolition for a new building where demolition is necessitated by casualty (such as by fire or natural disaster) that was not caused by the owner of the property or when the demolition is required due to enforcement of Borough regulations, including but not limited to the Pennsylvania Uniform Construction Code (UCC) and any adopted version of the International Property Maintenance Code.

(d) In all cases where more than sixty days elapse between completion of demolition and start of construction of a new building, the property owner shall be required to clear all debris from the property and provide for landscape materials and grass seeding or grass sodding to provide full grass coverage of the lot. The owner shall be responsible for proper maintenance of all landscape materials until such time that new building construction begins.

(Ord. 1056. Passed 11-12-13.)

1256.07 REVIEW PROCEDURE.

Any applicant who seeks to change the use of a building, construct a building, construct an addition to an existing building, alter a façade, or erect a fence or wall within the Town Center (TC) Zoning District shall submit an application for a zoning permit on a form provided by the Borough. Permits for demolition must follow the conditional use application procedures outlined in Section 1264.11.

(a) The application shall be submitted to the Zoning Officer. The Zoning Officer shall review the application for completeness.

(b) The application shall include sufficient information in the form of architectural elevations and sketches of buildings in order to determine to what extent the applicant complies with the requirements of this chapter.

(c) If the Zoning Officer determines that the proposed use, construction or alteration complies with the requirements of the Zoning Ordinance, the Zoning Officer shall approve and issue a zoning permit to the applicant. If the Zoning Officer determines that a proposed use, construction or alteration does not comply with this Zoning Ordinance, the Zoning Officer shall reject the application for a zoning permit. In the event that the Zoning Officer determines that a proposed use, construction or alteration complies with all of the requirements of Sections 1246.02 (Permitted Uses), 1246.03 (Dimensional Standards), 1246.05 (Other Requirements), but that it does not comply with the requirements of Section 1246.04 (Design Standards), then the Zoning Officer may elect to either (i) reject the application or (ii) refer the application to the Planning Commission.

(d) The Planning Commission shall review any such application which is referred to it by the Zoning Officer pursuant to subsection (c) above within sixty days of receipt of the application. The purpose of the review is to advise the Zoning Officer as to whether the application complies with the intent of the Zoning Ordinance. The Planning Commission shall either recommend approval or recommend alternatives to the applicant.

(e) As part of the review, the Planning Commission shall consider the historic value of the building.

(f) The Planning Commission shall issue its written review of the application within thirty days of completing its review. If the Planning Commission does not recommend approval of the application, the applicant may resubmit the application, with revisions, and the Planning Commission shall conduct a new review. The Planning Commission shall issue its written review of the revised application and recommendation for approval or rejection within thirty days following completing its review of the revised application. The Zoning Officer shall then approve or reject the revised application no later than seven days following the expiration of the Planning Commission's thirty day period for reviewing the revised application.

(Ord. 1056. Passed 11-12-13.)

Chapter 1257

Business Improvement District

1257.01 Purpose.

1257.02 Definition.

1257.03 Boundaries.

1257.04 Improvement and respective costs.

1257.05 Method of assessment.

1257.06 Financing.

1257.07 Payment of assessments and municipal costs.

1257.08 Disposition of payments.

1257.09 Gifts, grants or contributions.

1257.10 Repairs.

1257.01 PURPOSE.

The purpose of this chapter is to designate a business improvement district, establish an improvement project, incur indebtedness to acquire and finance improvements in such districts, to assess and collect special assessments from certain benefitted properties in such district, and to specify responsibility for repair and maintenance of sidewalks included within such district.

(Ord. 951. Passed 5-8-00.)

1257.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply, unless the context clearly indicates or requires a different meaning: "Foot" means a measure of land width, being one foot along the front lot line of a property.

(Ord. 951. Passed 5-8-00.)

1257.03 BOUNDARIES.

(a) The Borough of Swarthmore Business Improvement District shall be bounded as follows: Park Avenue on the south side from Old Chester Road east to and including Parcel 6-058; Park Avenue on the north side from Myers Avenue east to and including Parcel 6-038; Old Chester Road on the east side from Park Avenue south to Rutgers Avenue; Rutgers Avenue on the north side from Old Chester Road east to and including Parcel 6-077-01; Dartmouth Avenue on the north side from Park Avenue to and including Parcel 6-009; Dartmouth Avenue on the south side from Park Avenue to and including Parcel 6-26; Lafayette Avenue on the north side from Dartmouth Avenue to and including Parcel 6-26; Myers Avenue on the south side from Park Avenue east for a distance of 220 feet.

(b) Properties within the Business Improvement District shall include properties abutting on the side of any public street forming a boundary of such district, as well as all properties within the boundaries of the district.

(Ord. 951. Passed 5-8-00.)

1257.04 IMPROVEMENTS AND RESPECTIVE COSTS.

Specific improvements to be undertaken within the limits of the Business Improvement District and costs respective to the improvements are included in Attachment A attached to Ordinance 951.

Total estimated cost: \$900,000.00.

Paid from grants, other: \$600,000.00.

Amount to be assessed: \$300,000.00 plus financing for 20 years at an amount to be determined upon closing of loan application with the selected bonding authority but not to exceed 6% compounded annually.

(Ord. 951. Passed 5-8-00.)

1257.05 METHOD OF ASSESSMENT.

The Borough hereby levies, assesses and charges the cost of improvements within the Business Improvement District against the properties benefitted, improved or accommodated by multiplying the sum of \$300,000.00 by the ratio of the front feet of each benefitted property to the total front feet of all benefitted properties located within the Business Improvement District. Assessments for each property are shown in Attachment B attached to Ordinance 951.

(Ord. 951. Passed 5-8-00.)

1257.06 FINANCING.

The costs of the Business Improvement District shall be financed by the issuance of notes by the Borough or other acceptance of indebtedness by the Borough, and the proper Borough officials are directed to take such action and do such things as necessary to issue such notes as might be required for such purpose pursuant to and in accordance with the applicable provisions of the Local Government Unit Debt Act. It is expressly intended that any debt incurred by the Borough may be paid by use of general borough funds, receipt of grants or gifts, and assessments as described in Section 1257.07.

(Ord. 951. Passed 5-8-00.)

1257.07 PAYMENT OF ASSESSMENTS AND D MUNICIPAL CLAIMS.

(a) (1)The payment for the assessments made pursuant to Section 1257.05 shall be due and payable within 60 days of notice of the assessment, unless application for installment payments as hereinafter provided is made. No assessment shall be levied or made payable prior to the date that Borough Council executes an agreement of contract to perform the work referenced in Section 1257.04.

If any owner of property against which an assessment has been made and who has not applied for installment payments refuses or neglects to pay such assessment within 60 days after service of the notice of assessment has been made in the manner provided by law and within the time permitted by law, the Borough Solicitor shall file a municipal claim or lien therefor, together with interest at the rate of 6% compounded annually from date of completion of the work.

(2) The Treasurer of the Borough shall certify to the Solicitor all unpaid assessments and the Solicitor shall file municipal claims or liens therefor in the proper office of Delaware County, as provided by law, against the property or properties with respect to which such assessment or assessments have been charged. The Solicitor thereupon shall proceed to collect all such assessments under general laws relating to collection of municipal claims, including, if so directed by the Borough, the filing of suit or suits in assumpsit. In no event shall any municipal claim be filed later than the last day permitted by law for such filing. Certificates of the Borough Engineer or the consulting engineers filed with the Borough pursuant to law shall be conclusive with respect to the times of completion as therein set forth.

(b) Any owner or owners of property against which an assessment has been made shall have the privilege, upon written request, in form specified by the Borough filed with the Borough within 30 days after notice of assessment has been given to the property owner and payment of the costs of preparation and filing of the required lien form, to make payments of such assessment in 20 equal annual installments. The first installment thereof shall be due and payable within 60 days of the date the assessment is levied pursuant to division (a) of this section and each subsequent installment shall be due the same date each calendar year thereafter, together with interest on the balance due at the rate of interest charged to the Borough by its financing agent, but in no event to exceed 6% compounded annually. However, the granting of such privilege of paying any assessment in installments shall not prevent the Borough from or relieve the Borough of the duty of filing a municipal claim or lien for every assessment not paid in full within 60 days of service of notice of assessment for such district improvements.

(c) Notwithstanding the filing of such claims, all assessments which are made payable in installments shall constitute liens and encumbrances upon the respective benefitted properties at the beginning of each calendar year in an amount equal to the sum of the annual installment becoming payable in such year, with interest and penalties, if any, thereon, and the total of all installments, with interest and penalties thereon, which became due during prior years and which remain due and unpaid at the beginning of the current year.

(d) In the event any installment payment of principal or interest payable under the installment basis is not paid when due, and such installment payment remains unpaid 60 days after it first became due, the Treasurer shall, when such default has occurred, notify the Solicitor of such fact promptly, and the Solicitor shall proceed to collect the same under the general laws relating to collection of municipal claims, including, if so directed by the Borough, the filing of suit or suits in assumpsit only as to the overdue installment with interest and penalties. However if any installment or portion thereof remains due and unpaid for one year after it has become due and payable, then the entire assessment with accrued interest and penalties shall become due and become a lien from the date of the installment.

(e) No action taken to enforce a claim for any installment or installments shall affect the status of any subsequent installment of the same assessment, each of which shall continue to become a lien upon the property annually pursuant to division (d) of this section.

(f) Any owner of property against whom an assessment has been made may pay the same in full, at any time, with accrued interest and costs thereon, and such payment shall discharge the lien of assessment or installments then constituting a lien, and also release the claim to any later installments.

(Ord. 951. Passed 5-8-00.)

1257.08 DISPOSITION OF PAYMENTS.

(a) All payments collected or received for payment of assessments and interest pursuant to Section 1257.07 shall be paid into a separate account and shall be used solely for the payment of interest and principal of the notes issued to finance the Business Improvement District.

(b) It shall be the duty of the Treasurer to keep the moneys received by him or her under this chapter separate and apart from all other moneys of the Borough, and no part thereof shall be used for or be apportioned for any purpose other than the payment of the improvements within the Business Improvement District as provided in this chapter.

(Ord. 951. Passed 5-8-00.)

1257.09 GIFTS, GRANTS OR CONTRIBUTIONS.

The appropriate Borough officials are hereby authorized to accept and receive gifts, grants or contributions from any individual,

associations, corporations or local, State or Federal government agency, which may be used in the development and improvement of the Business Improvement District or for the retirement of any debt incurred for the original construction of the Business Improvement District.

(Ord. 951. Passed 5-8-00.)

1257.10 REPAIRS.

All repairs to the sidewalks within the boundaries of the Business Improvement District established herein shall be the duty and responsibility of the property owner abutting said sidewalk, as provided in Chapter 1024 of these Codified Ordinances. So that such repairs conform to the design and other specifications of the sidewalks constructed pursuant to this chapter, the Borough shall adopt regulations and specifications for such repairs, as provided in Section 1024.02 of these Codified Ordinances.

(Ord. 951. Passed 5-8-00.)

DRAWING NO. 10

[Click here to view drawing.]

Chapter 1258 IN-A Institutional Districts

1258.01 Purpose.

1258.02 Permitted uses.

1258.03 Area and bulk regulations.

1258.04 Regulations within the perimeter transition area.

CROSS REFERENCES

General provisions and definitions - see P. & Z. Ch. 1240

Administration, enforcement and penalty - see P. & Z. Ch. 1242

Established - see P. & Z. 1244.01

Design guidelines - see P. & Z. Ch. 1262

Supplemental regulations - see P. & Z. Ch. 1264

Signs - see P. & Z. Ch. 1266

Parking requirements - see P. & Z. Ch. 1268

Floodway controls - see P. & Z. Ch. 1270

Nonconforming uses - see P. & Z. Ch. 1272

Wireless communications facilities - see P. & Z. Ch. 1274

1258.01 PURPOSE.

The purpose of this district is to encourage the development of institutional uses in accordance with approved standards and the Comprehensive Plan and to ensure the compatibility of institutional uses with surrounding land uses.

(Ord. 1072. Passed 12-21-15.)

1258.02 PERMITTED USES.

In an IN-A Institutional District, the following uses are permitted:

(a) General Uses.

- (1) College buildings for classrooms, laboratories, administrative, cultural, or related uses; dormitories; dining facilities.
- (2) Elementary and secondary school buildings.
- (3) Church, synagogue, rectory, parish house or similar religious institution.
- (4) Community center.
- (5) Playing fields, picnic areas, arboretums, nature trails, non-commercial garden plots, and similar passive outdoor recreation areas.

(b) Accessory Uses.

- (1) Surface parking lots and multi-level parking lots.
- (2) Buildings to house mechanical systems and maintenance activities.
- (3) Athletic facilities that include structures such as, but not limited to, the following:
 - A. An associated building greater than 200 square feet in area and ten feet in height.
 - B. Site lighting with freestanding poles.
 - C. Spectator bleachers that have solid risers or that exceed thirty inches in height.
 - D. Officiant announcing or viewing structures that exceed eight feet in height and three feet in width and depth.

(c) Special Exceptions.

- (1) A day-care center or nursery school.
- (2) A wireless communications facility with antenna(s).
- (3) Congregate housing for the elderly.
- (4) Long-term care facility.

(d) Conditional Uses.

- (1) Any development within the perimeter transition area.
- (2) Buildings over thirty-five feet in height.

(Ord. 1072. Passed 12-21-15.)

1258.03 AREA AND BULK REGULATIONS.

(a) The height of building shall be limited to thirty-five feet, except as a conditional use, in which case height may be increased to seventy-five feet.

(b) Any construction within 200 feet of an adjacent Residential District shall be subject to the area and bulk regulations of that District. If the new construction is within 200 feet of more than one Residential District, the regulations of the more stringent district shall apply, with the exception that the minimum side yard setback for any building adjacent to a building in an adjoining Residential District shall be thirty-five feet.

(c) Building area coverage in the perimeter transition area shall be calculated as the aggregate coverage of all buildings within each individual segment of the perimeter transition area. An individual segment of the perimeter transition area is defined as that part of the perimeter transition area that is bounded at each end by the nearest intersecting public right-of-way and/or the property line of an adjoining property under separate ownership or in a zoning district other than an Institutional District.

(Ord. 1072. Passed 12-21-15.)

1258.04 REGULATIONS WITHIN THE PERIMETER TRANSITION AREA.

In order to ensure that development located at the boundaries of the IN-A Zoning District is compatible with and enhances adjacent land uses and streetscapes, the following regulations shall apply.

(a) Conditional use approval shall be required.

(b) No accessory uses shall be permitted, with the following exception: a surface parking lot may be permitted behind a building, provided that parked cars are not visible from an adjacent public right-of-way or an adjacent Residential District. Such visible shielding may be provided by the building itself or other permanent structure.

(c) The public street-facing façade of buildings shall not exceed 200 feet in length and shall be designed to emphasize entryways, windows, corners, and vertical elements of the building façade, as well as other special features. At a minimum, there shall be one visually prominent pedestrian-oriented entrance on each street-facing façade that is located within 150 feet of a public right-of-way and, in the case of a single building with two street-facing façades, if one façade is fifty percent shorter or less than the other façade and less than fifty feet in length, the shorter street-facing façade is not required to have such an entrance. Additional pedestrian access points may be located along other façades.

(d) Texture and variety should be provided through façade articulation and composition.

(e) The massing of all buildings shall be deemphasized through the use of architectural elements that reduce overall bulk and volume, enhance visual quality and contribute to human-scale development.

(f) Windows:

(1) The proportion of walls to openings on walls visible from the public right-of-way should be a maximum of four to one.

(2) Bronze glass, highly reflective glass, tinted or black and smoked glass is prohibited on windows visible from the public right-of-way and adjoining residential districts.

(3) The maximum sill height of ground floor windows facing a public right-of-way shall be four feet above the height of the finished ground floor.

(g) All wall-mounted mechanical, electrical, communication, and service equipment, including satellite dishes and vent pipes shall not be located on the street facing façade of a building if another location option is available on the property, and shall in all cases be screened from public view. All rooftop mechanical equipment and other appurtenances, including antennas, shall be screened visually and acoustically. Such screening shall be integrated into the architectural design of the building.

(h) The creation of new sidewalk curb cuts for motor vehicles shall be avoided whenever an adequate alternate point of access is available. Shared access agreements are encouraged. Garage doors are prohibited along all public right-of-way frontages.

(i) Safe pedestrian circulation throughout the site shall be required, including separation of pedestrian and vehicular circulation to the greatest extent possible. The layout of the streets and intersections shall give priority to pedestrians. Sidewalks shall be required on all public rights-of-way that are within 500 feet of any proposed new building entrance, regardless of whether or not sidewalks already exist on the opposite side of the public right-of-way, or at adjacent properties.

(j) The storage of refuse shall be provided inside of the building or within an outdoor enclosed area enclosed by either walls or opaque fencing unless such refuse area is not visible from the public right-of-way or adjacent Residential District and is acceptably shielded from view by other methods and such enclosure would prevent the shared use of the site with on-site parking. Any refuse storage area outside of the building and screened by a fence or enclosure shall be designed to be architecturally compatible with the building.

(k) All utilities are to be below grade.

(Ord. 1072. Passed 12-21-15.)

CHAPTER 1259 IN-B Institutional Zoning District

1259.02 Permitted uses.

1259.03 Area and bulk regulations.

1259.04 Regulations within the perimeter transition area.

1259.01 PURPOSE.

The purpose of this district is to encourage the development of institutional uses in accordance with approved standards and the Comprehensive Plan, to ensure the compatibility of institutional uses with surrounding land uses, and to recognize the quasi-public open space that exists with the IN-B District.

(Ord. 1072. Passed 12-21-15.)

1259.02 PERMITTED USES.

In an IN-B Institutional District, the following uses are permitted:

(a) General Uses.

- (1) College buildings for classrooms, administrative, or cultural uses and dormitories.
- (2) Non-residential elementary and secondary school buildings.
- (3) Church, synagogue, rectory, parish house or similar religious institution.
- (4) Playing fields, picnic areas, arboretums, nature trails, non-commercial garden plots, and similar passive outdoor recreation areas.

(b) Accessory Uses.

- (1) Surface level parking lots.
- (2) Buildings to house mechanical systems and maintenance activities.
- (3) Athletic facilities that include structures, such as, but not limited to, the following:
 - A. An associated building greater than 200 square feet in area and ten feet in height.
 - B. Site lighting with freestanding poles.
 - C. Spectator bleachers that have solid risers or that exceed thirty inches in height.
 - D. Officiant announcing or viewing structures that exceed eight feet in height and three feet in width and depth.

(c) Special Exceptions.

- (1) A day-care center or nursery school.

(d) Conditional Uses.

- (1) Any development within the perimeter transition area.

(Ord. 1072. Passed 12-21-15.)

1259.03 AREA AND BULK REGULATIONS.

- (a) The minimum lot size shall be seven acres.
- (b) The maximum building area coverage shall be twelve percent.
- (c) Any individual building shall be a minimum of twenty feet and a maximum of thirty- five feet in height.
- (d) All individual buildings shall be separated by a minimum of thirty feet.
- (e) The minimum side yard setback for any building adjacent to a building in an adjoining Residential District shall be thirty-five

feet.

(f) No single building footprint may exceed 10,000 square feet.

(g) Hardscape shall not exceed twice the square footage of the footprint of all buildings and structures.

(Ord. 1072. Passed 12-21-15.)

1259.04 REGULATIONS WITHIN THE PERIMETER TRANSITION AREA.

In order to ensure that development located at the boundaries of the IN-B Zoning District is compatible with and enhances adjacent land uses and streetscapes, the following regulations shall apply.

(a) Conditional use approval shall be required.

(b) No accessory uses shall be permitted, with the following exception: a surface parking lot may be permitted behind a building, provided that parked cars are not visible from an adjacent public right-of-way or an adjacent Residential District. Such visible shielding may be provided by the building itself or other permanent structure.

(c) The public street-facing façade of buildings shall not exceed 200 feet in length and shall be designed to emphasize entryways, windows, corners, and vertical elements of the building façade, as well as other special features. At a minimum, there shall be one visually prominent pedestrian-oriented entrance on each street-facing façade that is located within 150 feet of a public right-of-way and, in the case of a single building with two street-facing façades, if one façade is fifty percent shorter or less than the other façade and less than fifty feet in length, the shorter street-facing façade is not required to have such an entrance. Additional pedestrian access points may be located along other façades.

(d) Texture and variety should be provided through façade articulation and composition.

(e) The massing of all buildings shall be deemphasized through the use of architectural elements that reduce overall bulk and volume, enhance visual quality and contribute to human-scale development.

(f) Windows:

(1) The proportion of walls to openings on walls visible from the street should be a maximum of four to one.

(2) Bronze glass, highly reflective glass, tinted or black and smoked glass is prohibited on windows visible from the public right-of-way and adjoining Residential Districts.

(3) The maximum sill height of sidewalk-facing ground floor windows shall be four feet above the height of the finished ground floor.

(g) All wall-mounted mechanical, electrical, communication, and service equipment, including satellite dishes and vent pipes shall not be located on the street facing façade of a building if another location option is available on the property, and shall in all cases be screened from public view. All rooftop mechanical equipment and other appurtenances, including antennas, shall be screened visually and acoustically. Such screening shall be integrated into the architectural design of the building.

(h) The creation of new sidewalk curb cuts for motor vehicles shall be avoided whenever an adequate alternate point of access is available. Shared access agreements are encouraged. When permitted, vehicle access ways shall be limited to one entry and one exit per each of the lot's frontage on a public right-of-way. Each entry access and each exit access shall be no wider than necessary to accommodate single vehicle widths, to include access for emergency vehicles. Garage doors are prohibited along all street frontages.

(i) Safe pedestrian circulation throughout the site shall be required, including separation of pedestrian and vehicular circulation to the greatest extent possible. The layout of the streets and intersections shall give priority to pedestrians. Sidewalks shall be required on all public rights-of-way that are within 500 feet of any proposed new building entrance, regardless of whether or not sidewalks already exist on the opposite side of the public right-of-way, or at adjacent properties.

(j) The storage of refuse shall be provided inside of the building or within an outdoor enclosed area enclosed by either walls or opaque fencing unless such refuse area is not visible from the street right-of-way or adjacent Residential District and acceptably shielded from view by other methods and such enclosure would prevent the shared use of the site with on-site parking. Any refuse storage area outside of the building and screened by a fence or enclosure shall be designed to be architecturally compatible with the building.

(k) All utilities are to be below grade.

Chapter 1260
PA Parks Districts

1260.01 Purpose.

1260.02 Permitted uses.

1260.03 Area and bulk regulations.

CROSS REFERENCES

General provisions and definitions - see P. & Z. Ch. 1240

Administration, enforcement and penalty - see P. & Z. Ch. 1242

Established - see P. & Z. 1244.01

Design guidelines - see P. & Z. Ch. 1262

Supplemental regulations - see P. & Z. Ch. 1264

Signs - see P. & Z. Ch. 1266

Parking requirements - see P. & Z. Ch. 1268

Floodway controls - see P. & Z. Ch. 1270

Nonconforming uses - see P. & Z. Ch. 1272

Wireless communications facilities - see P. & Z. Ch. 1274

1260.01 PURPOSE.

The purpose of this chapter is to preserve the public open space in the Borough and to regulate the development of this space for the benefit of all the residents without injury to neighboring residents.

(Ord. 774. Passed 8-23-76.)

1260.02 PERMITTED USES.

In a PA Parks District, the following uses are permitted:

(a) General Uses.

- (1) Picnic areas, arboretums and animal sanctuaries;
- (2) Outdoor educational facilities (no structures), such as nature trails and natural amphitheaters;
- (3) Passive outdoor recreation; and
- (4) Playgrounds.

(b) Special Exceptions. (See Section 1264.17)

- (1) Outdoor skating rinks;
- (2) Swimming pools (noncommercial);
- (3) Playfields;
- (4) Tennis courts; and

(5) A wireless communications facility with antenna(s). (See Chapter 1274)

(Ord. 774. Passed 8-23-76; Ord. 919. Passed 7-14-97; Ord. 998. Passed 12-12-05.)

1260.03 AREA AND BULK REGULATIONS.

Special exceptions requiring construction shall have a 50-foot setback from any property line contiguous with a residential district.

(Ord. 774. Passed 8-23-76; Ord. 998. Passed 12-12-05.)

CHAPTER 1261 IN-C Institutional Commercial District

- 1261.01 Introduction and purpose.
- 1261.02 Location of the Overlay Zoning District.
- 1261.03 Operation of Overlay Zoning District.
- 1261.04 Conditional uses.
- 1261.05 Scope of regulations.
- 1261.06 Capacity, area and bulk regulations.
- 1261.07 Parking and circulation
- 1261.08 General regulations.

CROSS REFERENCES

General provisions and definitions - see P. & Z. Ch. 1240

Administration, enforcement and penalty - see P. & Z. Ch. 1242

Established - see P. & Z. 1244.01

Supplemental regulations - see P. & Z. Ch. 1264

Signs - see P. & Z. Ch. 1266

Parking requirements - see P. & Z. Ch. 1268

Nonconforming uses - see P. & Z. Ch. 1272

Wireless communications facilities - see P. & Z. Ch. 1274

Floodplain management - see B. & H. Ch. 1457

1261.01 INTRODUCTION AND PURPOSE.

(a) Borough Council has adopted the Swarthmore Town Center Revitalization Strategy.

(b) It is the intention of Borough Council to implement the revitalization strategy. The Borough believes that certain additional commercial development adjacent to the existing TC Town Center District is a highly desirable component of that plan. Therefore, a new district, to be called IN-C Institutional Commercial District (hereinafter referred to as the "Overlay District") is hereby created as a portion of the existing IN Institutional District. The intent is to preserve the IN Institutional District zoning in this district while specifically permitting commercial development consistent with the Borough's revitalization plan.

(c) It is the intention of Borough Council that any commercial development in the Overlay District should extend and enhance the character of the existing townscape design concepts within the adjacent TC Town Center District. The design of the various structures, including their materials and proportions and the vertical and horizontal subdivision of their masses shall be a continuation of and compatible with the existing townscape along South Chester Road between Rutgers and Park Avenues.

(d) It is further the intention of Borough Council to permit commercial development only to the extent that such development and related site improvements, including pedestrian and traffic circulation, parking, hard and soft landscaping, lighting and heights of all the structures, are a continuation of and compatible with the existing townscape and serve as a link between the town center and the college.

(e) It is further the intention of Borough Council that any commercial development be able to accommodate future possible enlargement and enhancement of existing pedestrian access between the north and south parts of the College campus and between the campus and the Swarthmore Town Center.

(f) It is further the intention of Borough Council that any commercial development: 1) provide adequate parking for the users of the commercial facilities; 2) provide for the replacement of all public parking which might be displaced because of any commercial development; and 3) share available public parking in the Town Center by making reasonable use of underutilized public metered parking, while not imposing any additional burden on residential streets in the Borough.

(Ord. 990. Passed 6-13-05; Ord. 1049. Passed 5-14-12; Ord. 1056. Passed 11-12-13.)

1261.02 LOCATION OF THE OVERLAY ZONING DISTRICT.

The locations and boundaries of the Overlay District are as shown on the map attached hereto as Exhibit A, and hereby made a part of this chapter and the official Zoning Map. Where interpretation is needed concerning the exact location of the boundaries as shown on the official Zoning Map, the Zoning Officer shall make an initial interpretation in conjunction with the Borough Engineer. Should a dispute arise concerning the interpretation, the Zoning Hearing Board shall, on appeal to it, make the necessary interpretation.

(Ord. 990. Passed 6-13-05; Ord. 1049. Passed 5-14-12.)

1261.03 OPERATION OF OVERLAY ZONING DISTRICT.

(a) The provisions of the Overlay District shall add additional uses by conditional use not otherwise permitted in the underlying IN Institutional District.

(b) Any commercial development proposed under the provisions of the Overlay District must conform with all of the provisions set forth herein.

(Ord. 990. Passed 6-13-05.)

1261.04 CONDITIONAL USES.

(a) The following commercial uses are permitted as conditional uses in the Overlay District, provided that the applicant shall comply with capacity, area, bulk, parking and other requirements of this chapter and all applicable requirements of Chapter 1264 of the Planning and Zoning Code:

(1) Inn;

(2) Restaurant; and

(3) Retail space, including but not limited to a college bookstore open to the general public selling books and related products and including a coffee shop.

(b) As an accessory to any of the above, parking, either surface or in a parking structure, shall be developed in accordance with Section 1261.07.

(c) The uses identified in the Overlay District may be developed separately or together, and may be accommodated in one or more buildings.

(Ord. 990. Passed 6-13-05; Ord. 1049. Passed 5-14-12.)

1261.05 SCOPE OF REGULATIONS.

The regulations of the Overlay District do not apply to uses allowed under the underlying IN Institutional District zoning regulations. They apply only to the commercial development permitted as conditional uses in the Overlay District.

(Ord. 990. Passed 6-13-05.)

1261.06 CAPACITY, AREA AND BULK REGULATIONS.

(a) Capacity.

(1) Maximum occupancy and floor area:

A. Inn: Capacity shall not exceed fifty rooms.

B. Restaurant:

1. Seating capacity for dining shall not exceed 100.

2. Outdoor dining, not to exceed thirty, is permitted and is in addition to the maximum capacity of 100 allowable restaurant seating capacity, for a total possible seating of 130.

C. Meeting rooms: Usable floor area shall not exceed 5,000 square feet and the usable floor area of any single meeting room shall not exceed 3,000 square feet..

D. Retail space, including a café/coffee house: Usable floor area shall not exceed 8,000 square feet.

(2) Area and bulk regulations:

A. Setbacks:

1. Front yard setback for South Chester Road: The building façade along South Chester Road shall be located at the "build-to line" shown as Line 1 on Exhibit A, except that architectural features including but not limited to porches, bays, building projections and building recesses provided for architectural interest may be located on either side of the build-to line so long as they are located within ten feet of the build-to line.

2. Front yard setback, all other roads: No minimum front yard requirements.

3. Side yards: No minimum side yard requirements.

4. Rear yard: No minimum rear yard requirements.

B. Façade:

1. The minimum length of the façade of the buildings along South Chester Road shall be 150 feet. This façade may be accommodated in a single structure or multiple structures but must be viewed as a continuous surface.

2. Building façades along South Chester Road must have a proportion of wall to opening ranging from 2 to 1 to 1 to 1.

3. Dark tinted or reflective glass in windows is prohibited.

4. The exterior materials of new buildings should be similar in appearance to those of existing buildings on South Chester Road between Park Avenue and Rutgers Avenue. New materials not found on other buildings on the block may be judged acceptable if the new building conforms with existing buildings in other ways, such as height, form, scale and proportion of wall to openings.

C. Height:

1. The maximum height of that portion of any building or structure along South Chester Road between the "build-to" line and Line 2 on Exhibit A shall be within fifteen percent of the height of the existing buildings on South Chester Road between Park Avenue and Rutgers Avenue. A building may be erected with a height of up to fifty-five feet provided the applicant can demonstrate that the building will be compatible with existing buildings on South Chester Road between Park Avenue and Rutgers Avenue. In no case shall the building height be less than twenty-five feet.

2. The maximum height of that portion of any building or structure area located west of Line 2 on Exhibit A shall be five stories or fifty-five feet, whichever is less.

D. Floor Area Ratio (FAR): No limitation.

E. Lot coverage: No limitation.

F. Impervious area: Maximum impervious surface: eighty percent.

G. At least one major pedestrian entrance to the commercial development must be oriented towards the adjacent TC Town

(Ord. 990. Passed 6-13-05; Ord. 1049. Passed 5-14-12; Ord. 1056. Passed 11-12-13.)

1261.07 PARKING AND CIRCULATION.

(a) Parking.

(1) Parking is required to accommodate the parking needs of the conditional uses identified in Section 1261.04(a). The developer shall provide a detailed analysis and parking plan prepared by a professional engineer licensed in the Commonwealth of Pennsylvania that demonstrates to the satisfaction of the Borough Council that the proposed parking plan is sufficient for the intended uses. The analysis shall take into account that different uses may have peak parking demands at different times and that there may be opportunities for some conditional uses to share parking. Such parking plan shall provide for at least eight-tenths of a parking space for each guest room contained in any commercial development, plus a sufficient number of parking spaces to accommodate parking needs for any meeting rooms and restaurant or retail space contained within any commercial development, along with the preparer's analysis as to the sufficiency of the proposed parking plan.

(2) No parking is permitted east of Line 2 in Exhibit A in the Overlay District. Temporary parking and loading or unloading for purposes of inn registration or checkout, not to exceed fifteen minutes, is permitted.

(3) Any displaced public parking will be replaced on site or at any off site location approved by Borough Council.

(4) Parking provided to support the conditional uses identified in Section 1261.04(a) may be located in the Overlay District, in the IN District within 100 feet of the Overlay District and, to the extent permitted by Borough Council, elsewhere in the IN District or in available on-street parking.

(b) Vehicular Circulation. A vehicular circulation plan and traffic study prepared by a professional engineer licensed in the Commonwealth of Pennsylvania shall be provided that demonstrates to the satisfaction of the Borough Council:

(1) Means for safe vehicular access and that also addresses adjacent residential streets with a scope approved by the Borough Engineer.

(2) How traffic will pass through the site.

(3) Where and how service vehicles will access buildings.

(c) Pedestrian Circulation. A pedestrian circulation plan prepared by a professional engineer licensed in the Commonwealth of Pennsylvania shall be provided that demonstrates to the satisfaction of the Borough Council:

(1) In general, compliance with the objective of encouraging pedestrian access to the zone to be concentrated in the northeastern corner near the train station.

(2) Integration of new development with existing and proposed pedestrian circulation patterns of the town and the Swarthmore College campus.

(3) Safe pedestrian circulation throughout the zoning parcel, including separation of pedestrian and vehicular circulation to the greatest extent possible. The layout of the streets and intersections in the area extending from parking to the inn, restaurant, other retail space and train station and connections to the Swarthmore Town Center shall give priority to pedestrians.

(Ord. 990. Passed 6-13-05; Ord. 1049. Passed 5-14-12.)

1261.08 GENERAL REGULATIONS.

(a) Signage. Signage shall be consistent with regulations governing the TC Town Center District.

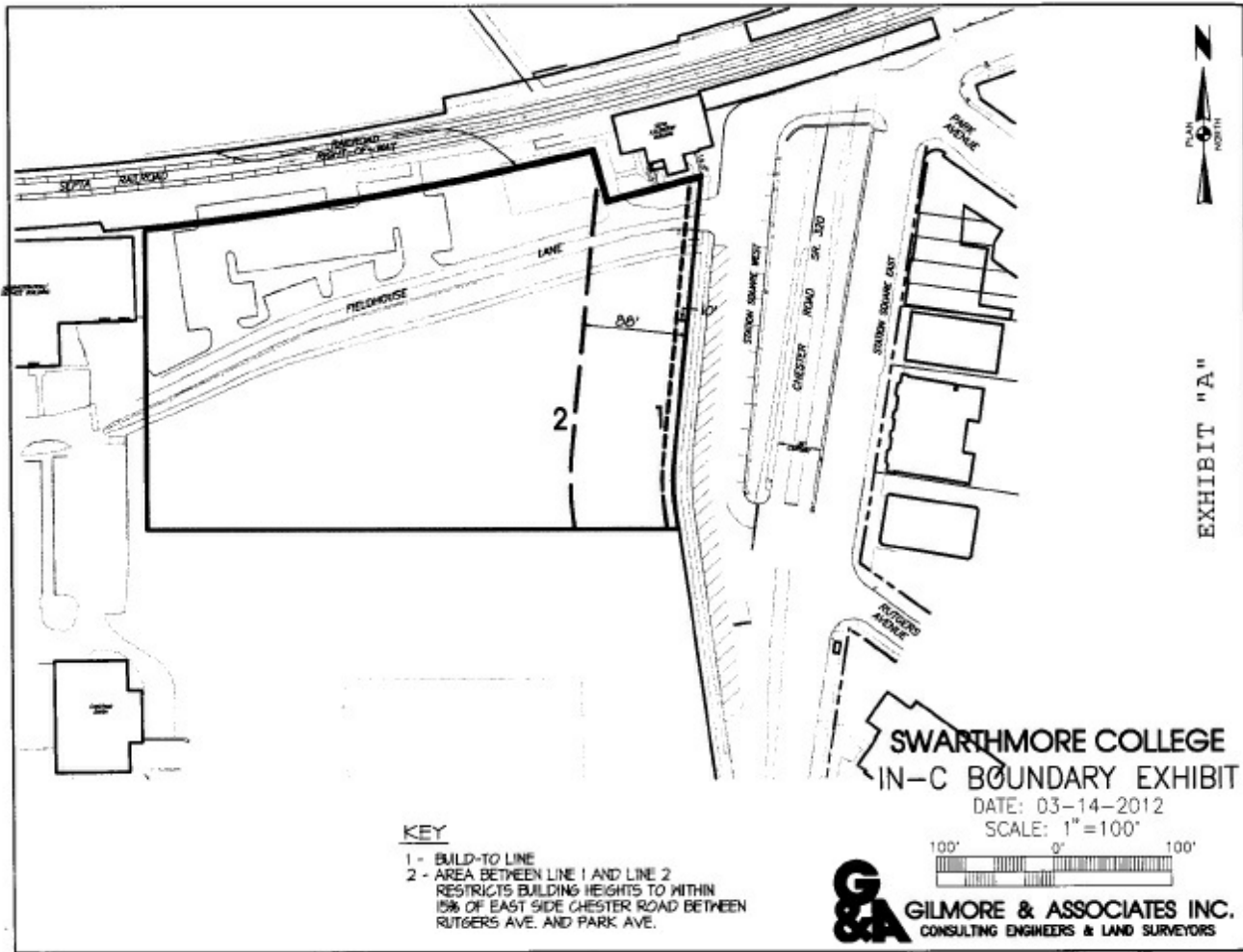
(b) Utilities and Service Functions.

(1) All utilities are to be below grade.

(2) All functions such as receiving and shipping docks, maintenance and service access and parking, and dumpsters and similar waste containers must be concealed from view from South Chester Road.

(c) Site Lighting. Site lighting shall be consistent with existing Borough ordinances.

Drawing No. 11



[View the PDF version here]

**Chapter 1262
Design Guidelines**

EDITOR'S NOTE: This chapter was repealed by Ordinance 934, passed March 8, 1999.

**Chapter 1264
Supplemental Regulations**

- 1264.01 Corner lots.
- 1264.02 Multisided lots.
- 1264.03 Projections into required yards.
- 1264.04 Obstructions to vision.
- 1264.05 Fences.

- 1264.06 Screening.
- 1264.07 Lighting.
- 1264.08 Conversion from single-family detached to two-family detached use.
- 1264.09 Residential accessory uses. (Repealed)
- 1264.10 Reserved.
- 1264.11 Conditional uses.
- 1264.12 Density of buildings.
- 1264.13 Vacant lots.
- 1264.14 Day-care facilities and nursery schools.
- 1264.15 Bed and Breakfast Establishments.
- 1264.16 Standards for expansion of nonconforming uses as special exceptions.
- 1264.17 Special exceptions.

CROSS REFERENCES

- Amusements prohibited - see B. R. & T. 816.01
- Gas stations - see B. R. & T. Ch. 832
- Obstructions and commercial uses generally; encroachments - see S. U. & P. S. 1020.02
- Trees and shrubbery; clear sight triangles - see S. U. & P. S. 1020.03
- General provisions and definitions - see P. & Z. Ch. 1240
- Administration, enforcement and penalty - see P. & Z. Ch. 1242
- Districts generally; Zoning Map - see P. & Z. Ch. 1244
- Signs - see P. & Z. Ch. 1266
- Parking requirements - see P. & Z. Ch. 1268
- Floodway controls - see P. & Z. Ch. 1270
- Nonconforming uses - see P. & Z. Ch. 1272
- Wireless communications facilities - see P. & Z. Ch. 1274

1264.01 CORNER LOTS.

(a) On all corner lots the yards facing on the street lines shall be considered front yards and shall require the minimum building setbacks for the district.

(b) The owner may specify which of the remaining yards shall be classified as rear and side. If only one yard remains, it shall be considered a rear yard.

(Ord. 774. Passed 8-23-76.)

1264.02 MULTISIDED LOTS.

On lots which are defined by more than four property lines, the rear yard shall be considered as that yard between the structure and the longest property line which does not intersect the street line.

(Ord. 774. Passed 8-23-76.)

1264.03 PROJECTIONS INTO REQUIRED YARDS.

(a) Except as otherwise permitted by this section, no projection from a building shall extend into any required yard. Notwithstanding the foregoing, cantilevers, overhanging eaves, gutters and cornices, shall be permitted to project into required yards a distance of no more than three feet. Unenclosed staircases, steps and wheelchair ramps which provide access to the first floor of a building shall be permitted to project into required yards and shall not be deemed to be projections subject to the limitations of this subsection (a).

(b) Projections which include interior living areas shall be considered as part of the building coverage and shall be excluded from required yards.

(c) In the RA, RB and RC Residential Districts, where the principal structure has a conforming front yard setback, a front porch may project into such conforming front yard setback by special exception where the front porch complies with the following criteria and standards and the general standards for a special exception set forth at Section 1264.17 of this zoning ordinance:

(1) The front porch shall be a single story structure projecting from the front of the principal building;

(2) The front porch may have a roof and/or railings and/or a sitting wall (which railings and/or sitting wall shall be no higher than thirty-six inches but shall not be enclosed by glass, screens or otherwise);

(3) The front porch shall extend no further from the front building line of the principal structure than ten feet and shall extend into the front yard setback no further than five feet;

(4) The front porch shall be architecturally consistent with the principal structure; and

(5) The front porch shall comply with any other applicable bulk and area requirements of the applicable zoning district, including without limitation, side yard setback, pervious coverage and maximum lot coverage requirements.

(Ord. 774. Passed 8-23-76; Ord. 1035. Passed 5-10-10.)

1264.04 OBSTRUCTIONS TO VISION.

(a) On any lot, no wall, fence, sign or other structure shall be erected and no hedge, shrub, tree, except for street trees, or other growth over twenty-four inches in height above the curb level shall be planted or maintained which may cause danger to traffic on a street by obstructing the vision of drivers and/or pedestrians.

(b) The triangle of unobstructed vision required at each corner shall be formed by a diagonal straight line drawn from two points on the curb lines each thirty feet from the point of intersection of the extended curb lines. (See Drawing No. 11.)

(Ord. 774. Passed 8-23-76.)

[Click here to view Drawing No. 11]

1264.05 FENCES.

(a) Purpose. The purpose of this section is to protect the health, safety and welfare of all Borough residents and visitors and to maintain the character of the community. This section is intended to address residents' legitimate needs to provide safety and privacy where conditions warrant, while, to the extent possible, retaining Swarthmore's traditional sense of openness and community cohesion.

(b) Applicability.

(1) The requirements of this section apply to fencing as defined below. Retaining walls are regulated by the Borough Building and Housing Code, and are not regulated by this section.

(2) All fences not permitted or otherwise regulated herein are prohibited.

(c) Definitions. As used in this section:

(1) "Boundary fence" means a permanent barrier that is more than eighteen inches in height and more than three feet six inches in length lying parallel to the property line for the purpose of enclosing or separating a parcel of ownership, including earthen berms but not planted living material. Walls, except retaining walls, are included in this definition.

(2) "Building line" means an imaginary line running along the front or rear façade of a principal building on a lot and extending on either side of the principal building the full width of the lot.

(3) "Deer fence" means a fence intended to prevent deer from entering an area that is constructed of dark, heavy-weight open mesh plastic material ranging from 1.5 inches x 1.5 inches and 2 inches x 2.5 inches that allows a clear view through the fence. Posts may be constructed of wood, metal, or fiberglass.

(4) "Major arterial street" means Baltimore Pike.

(5) "Open and solid fences" means a fence shall be considered "open" if every segment of the fence (e.g. a section between posts) is composed of at least fifty percent open spaces and no more than fifty percent solid materials. All other fences are considered "solid" fences.

(6) "Privacy or utility fence" means a permanent barrier located within a lot which separates, encloses or blocks from view a portion of a lot.

(7) "Retaining wall" means a wall for sustaining a bank of earth liable to erosion that does not exceed the height of earth intended to be supported.

(8) "Streets of high traffic density" means Fairview Avenue, Michigan Avenue, Swarthmore Avenue, Chester Road, Yale Avenue, and Cedar Lane from Baltimore Pike to Swarthmore Avenue.

(d) General Design Standards.

(1) As a general design principle, owners are encouraged to consider the design, style and materials of the principal structure on the property when choosing the style and type of fence they intend to erect. Acceptable materials are brick, wood, stone, concrete (except concrete block that has not been coated) and metal (except non-coated chain link) or other material that provides a reasonable duplication of such materials.

(2) All fences shall be maintained in good repair and safe condition. No fence with barbed wire, spikes, exposed nails or other sharp objects shall be permitted. No fence with any type of electrical current is permitted, provided, however, that a buried pet electronic confinement system shall be permitted.

(3) All fences shall be erected with the finished side facing the adjacent property or street. For a wood or metal fence, this shall mean that the finished side shall be considered the side without the structural supporting members. For fences made of any other material, the finishes must be equal on both sides. The tops of decorative post caps and finials may exceed the maximum permitted height for the fence by up to six inches.

(4) Fences shall be maintained and installed so that they are straight and do not sag, lean in any direction, or extend over the property line outward from the lot into a right-of-way or other pedestrian-accessed area on which the fence or wall is located. Gates or other points of entry in fences and walls shall not swing outward across the property line.

(5) Fences shall be erected only at the natural grade of the property and shall not be erected on berms or artificial mounds. No fence shall impede the natural flow of water in any watercourse, ditch or swale.

(6) No fence shall constitute an obstruction to vision as described in the Borough Zoning Code and/or Building and Housing Code or the Commonwealth of Pennsylvania Motor Vehicle Code.

(7) Except as permitted below in A. and B., no fence of any kind is permitted within fifty feet of the centerline of any street.

A. Properties with yards that are adjacent to a major arterial street shall be permitted fences that are eight feet in height in the yard that abuts such major arterial street. Such fences may be "solid" fences as defined in this section.

B. As a special exception, properties with front yards that are adjacent to streets of high traffic density shall be permitted fences that are three feet six inches in the front yard abutting the street of high traffic density.

C. Fences allowed under this paragraph (7) shall be subject to the following additional regulations:

1. All fences shall be set back a minimum of four feet from the right-of-way line of the abutting street, but at least four feet from the edge of the sidewalk closest to the dwelling. This four foot strip is intended as a planting area.

2. During the next fall or spring immediately following the installation of the fence, vegetation shall be planted so that, when the plantings mature, at least one-half of the full length of the fence will be screened from view from the street. Such plantings shall thereafter be maintained.

3. Such fences shall not in any way create an obstruction to vision as specified in paragraph (d)(6) hereof.

(e) Location and Height Restrictions for Boundary Fences.

(1) A. A boundary fence must be located within five feet of a side or rear property line, except that a fence intended to enclose a yard may be extended at a right angle from the property line providing that the fence extension is located at or behind the rear building line of the principal building.

B. By special exception, a fence intended to enclose a yard may be extended from the boundary fence at a right angle, or similar, from the property line and may be located in front of the rear building line if the following conditions are met:

1. The extended segment of the fence is no more than four feet high and is a minimum of fifty percent open.

2. The extended segment of the fence is located at or behind the rear corner of a structural wall of the principal building on a lot. A structural wall is one that supports a significant roof mass of the building.

3. The extended segment of the fence is located a minimum of twenty-five feet in back of the street-facing facade of the principal building.

4. Not later than the fall or spring immediately following the installation of the fence, vegetation shall be planted so that, when the plantings mature, at least one-half of the full length of the extended segment of the fence will be screened from view from the street.

(2) The maximum height of any boundary fence, except those limited under paragraph (d)(7) hereof, shall be six feet.

(3) Any boundary fence greater than four feet in height must be an "open" fence. Any fence four feet in height or less may be a "solid" fence.

(4) Notwithstanding the requirements of paragraphs (d)(7) and (e)(2) above, the owner of a residential property whose side and/or rear yard abuts a commercial or institutional use property, a commercial HVAC unit or permanent dumpster location, or railroad right-of-way, or a multi-family dwelling with more than four units, may erect a "solid" boundary fence to screen such use having a maximum height of eight feet, with its finished side facing the owner's residential property.

(f) Location and Height Restrictions for Other Fences.

(1) A privacy or utility fence of up to six feet in height of either solid or open design is permitted subject to the following:

A. The fence cannot be located in front of the front building line.

B. The fence meets the rear and side yard setback requirements for primary structures in the applicable zoning district in which the fence is located.

(2) A deer fence is permitted subject to the following:

A. The fence is located at least ten feet from the side and rear property lines and is not greater than eight feet in height.

B. The fence is located behind the rear building line.

(3) A fence of no greater than three feet six inches in height is permitted anywhere on the property so long as it maintains the required distance of fifty feet from the centerline of any adjoining street.

(g) Permits Required for All Fences.

(1) A building permit must be applied for, approved, received, and posted on the property prior to the start of any work other than work required in connection with performing a survey. The fee for the permit shall be included in the annual Borough of Swarthmore Permit and Fee Resolution.

(2) Before the installation of a boundary fence, the landowner, or the applicant with the landowner's permission, shall submit a copy of a certified survey, or photographic proof of boundary markers either installed by a surveyor or approved in writing by the adjoining property owner, as well as a detailed plan showing the location of the fence on the property, the type of the fence, the height from the natural grade, all openings and other related information with the building permit. The Borough may field inspect the property prior to issuing or rejecting a permit application to determine the existing condition of a fence, the placement of boundary markers or other related conditions.

(3) Prior to the installation of any boundary fence, a string line inspection will be made by the Code Inspector or other designated Borough official.

(4) At no time may a person or persons installing a boundary fence encroach onto the adjacent property without the written approval of the adjacent property owner, a copy to be submitted to the Borough office and attached to the permit.

(5) Before a boundary fence is installed, removed, altered or replaced, the property owner shall give written notice and a copy of the proposed plan to adjoining property owners. A copy of the written notice shall be given at least five working days prior to the start of work, and a copy of such notice shall be attached to the permit application when submitted to the Borough.

(h) Non-Conforming Fences. Any lawful non-conforming fence that is damaged, destroyed or removed, either in part or in whole, may be reconstructed provided that all necessary permits for construction shall be applied for within one year of date of such damage, destruction, or removal and the reconstruction shall be completed within two years of the date of such damage, destruction or removal, and provided that the replacement fence is:

(1) The same height or lower than the fence that was removed, but in no case greater than six feet;

(2) Constructed of the same material as the fence that was removed, unless that material is no longer allowed under the provisions of paragraph (d)(1) hereof, in which case the replacement fence shall be made of the materials allowed under the provisions of paragraph (d)(1) hereof;

(3) The same style as the fence that was removed;

(4) In the same location as the fence that was removed, except as noted in paragraph (h)(5) below;

(5) Installed in compliance with paragraph (d)(3) hereof; and

(6) Installed in compliance with the permit procedures outlined in subsection (g) hereof.

(Ord. 927. Passed 6-8-98; Ord. 998. Passed 12-12-05; Ord. 1043. Passed 5-9-11; Ord. 1063. Passed 11-10-14.)

1264.06 SCREENING.

In order to provide a transition from Business and Multiple Dwelling to low density Residential Districts and to create visual barriers for parking, loading and storage areas, the following regulations shall apply:

(a) A maintained planted all-season visual barrier of landscape screen and/or earth mounds shall be provided in the TC, AR and AL Districts when the property is contiguous to RA, RB and RC Districts. This visual barrier shall be composed of plants, trees and berms arranged to form both a high level and low level screen within a strip of land with a minimum width of twenty feet.

(b) Existing Business District uses shall not be required to comply with the screening requirements except in the case of new construction.

(c) All storage areas shall be screened from view from any public right of way and any contiguous residential property.

(d) All parking and loading areas shall be screened from pedestrian walkways and contiguous residential property.

(Ord. 774. Passed 8-23-76; Ord. 1056. Passed 11-12-13.)

1264.07 LIGHTING.

In order to provide safe parking areas and pedestrian ways, the following regulation shall apply in the AL, AR and TC Districts:

Exterior lighting shall be a minimum of .75 footcandles at any point on private walkways and in off-street parking areas and shall be shielded from traffic on any public right of way and from any Residential District.

(Ord. 774. Passed 8-23-76; Ord. 1056. Passed 11-12-13.)

1264.08 CONVERSION FROM SINGLE-FAMILY DETACHED TO TWO-FAMILY DETACHED USE.

Conversion of a dwelling from a single-family detached to a two-family detached use shall be permitted as a special exception in those zoning districts that permit such conversion, subject to the following requirements in addition to those requirements contained in this chapter that pertain to all special exceptions (See Drawing No. 1):

(a) Application for conversion may be filed only by owner-occupants of one of the dwelling units.

(b) The lot area per dwelling unit shall not be reduced below the required lot area per dwelling unit in the district in which the lot is

located.

(c) One of the dwelling units shall have not less than 1,600 square feet of floor area. The second dwelling unit shall have not less than 600 square feet of floor area.

(d) Adequate provision shall be made for a separate entrance, separate utility service and avoidance of overloading of plumbing and sewer facilities. Plans for such conversion shall be subject to the recommendations of the Planning Commission.

(e) The proposed two-family use must not violate the building codes or any other ordinance of the Borough or create a condition deemed to be inimical to the health, safety, morals or welfare of the community.

(Ord. 774. Passed 8-23-76; Ord. 998. Passed 12-12-05.)

1264.09 RESIDENTIAL ACCESSORY USES.(REPEALED)

(EDITOR'S NOTE: Section 1264.09 was repealed in its entirety by Ord. 979, passed May 9, 2005 and Ord. 989, passed May 9, 2005.)

1264.10 RESERVED.

(EDITOR'S NOTE: Section 1264.10 was repealed in its entirety by Ord. 973, passed December 8, 2003.)

1264.11 CONDITIONAL USES.

Uses specified as conditional within each district shall be permitted only after review by the Planning Commission and approval by Council at a public meeting. The approval shall be based on the following standards:

- (a) The conditional use is consistent with the Borough Comprehensive Plan and the spirit, purpose, intent and provisions of this Zoning Code.
- (b) The property is suitable for the conditional use and such use may be regulated by appropriate conditions and safeguards.
- (c) The conditional use serves the best interests of the Borough and community and does not injure the health, safety and general welfare of the public.
- (d) The conditional use does not cause inefficiencies in the maintenance of public services such as sewers, water, police and fire protection, transportation and public schools.
- (e) The conditional use is not incompatible with the surrounding area in character and type of development and does not injure property values in the neighborhood.
- (f) The conditional use does not cause overcrowding of the land and congestion of the circulation systems.
- (g) No activity shall be conducted that would cause odors, unreasonable noise, smoke, vibrations, pollution or electromagnetic interference beyond the property line.

(Ord. 774. Passed 8-23-76; Ord. 925. Passed 6-8-98.)

1264.12 DENSITY OF BUILDINGS.

In RA, RB and RC Districts there shall be but one principal building, conforming to the provisions of this Zoning Code. The provisions with respect to accessory and conditional uses shall not be affected by this regulation.

(Ord. 774. Passed 8-23-76.)

1264.13 VACANT LOTS.

A vacant lot (defined in Section 1240.05(56A)) shall be available as a building site without proceedings under Chapter 1222 for the purpose of formal separation from any other tract to which it may be connected by present use, common ownership or otherwise. Such lot may be so utilized notwithstanding the fact that it lacks the width, depth or area prescribed for lots in, the district in which it is situated, provided any future structure erected thereon complies with all other ordinances of this Borough, and will have the setback, side and rear yards prescribed by this Zoning Code.

1264.14 DAY-CARE FACILITIES AND NURSERY SCHOOLS.

Day care facilities and nursery schools shall be permitted by special exception, subject to the following requirements in addition to those requirements contained in this chapter that pertain to all special exceptions.

(a) General Regulations.

- (1) All day-care facilities and nursery schools must allow for the safe pickup and drop-off of children.
- (2) No more than two bed and breakfast establishments may be located within a single block except that any bed and breakfast establishment, inn, or hotel in the TC Town Center District shall not be counted in that number.
- (3) All day-care facilities for children up to and including third grade shall provide on-site, ground-level play areas of at least seventy-five square feet per registered child using the play area at any one time.
- (4) Above-ground and in-ground swimming pools, as well as filled, portable wading pools, must be made inaccessible to children when children are not swimming or wading.
- (5) The minimum distance between family day-care home facilities shall be 500 feet, to be measured at the shortest distance between lot lines of the proposed properties to accommodate such facilities.
- (6) If heavy street traffic or unsafe areas, such as open drainage ditches, creeks, wells or holes, are in or near the outdoor play space, there shall be fencing or natural barriers to restrict children from these areas.
- (7) The hours of operation for all day-care facilities and nursery schools in a residential area shall be limited to the hours between 7:00 a.m. and 7:00 p.m. on weekdays. The hours of operation for all day-care facilities and nursery schools in nonresidential zones shall be limited to the hours between 6:00 a.m. and 7:00 p.m. on weekdays.

(b) Fire Inspection. All day-care facilities and nursery schools shall submit to and pass yearly fire inspections by the Zoning Officer or his or her delegate. The written criteria for such fire inspections shall be publicly available at the Borough Hall.

(Ord. 968. Passed 1-13-03; Ord. 998. Passed 12-12-05; Ord. 1056. Passed 11-12-13.)

1264.15 BED AND BREAKFAST ESTABLISHMENTS.

Bed and breakfast establishments shall be permitted by special exception, subject to the following requirements in addition to those requirements contained in this chapter that pertain to all special exceptions.

(a) General Regulations.

- (1) The bed and breakfast property shall be the principal residence of the owner of the business. The owner or any immediate family member shall be in residence during operation of the establishment.
- (2) No more than two bed and breakfast establishments may be located within a single block except that any bed and breakfast establishment, inn, or hotel in the BA Business Apartment District shall not be counted in that number.
- (3) One parking space shall be provided for each guestroom of the bed and breakfast in addition to that which is required by code. Additional parking shall not be created that would result in any vehicles being parked on the property between the front facade of the dwelling and the street. Street parking may be included in the determination of available parking spaces. Applicant shall show that parking is available that is not burdensome to the neighborhood.
- (4) Sleeping accommodations for guests shall be located only within the dwelling and shall be limited to four bedrooms. No more than two adults may occupy one guestroom. The number of guestrooms shall be specified at the time of the conditional use application.
- (5) Food or beverage for compensation may be provided only to guests of the bed and breakfast establishment and shall be limited to breakfast and afternoon tea. There shall be no separate kitchen or cooking facilities for any guestroom.
- (6) Sales of other commodities including but not limited to such items as commemorative trinkets, tee shirts, mugs, and the like are permitted only to guests of the establishment. Such sales are not permitted to the general public.
- (7) Use of amenities by the guests of the bed and breakfast establishment such as swimming pool or tennis courts shall be limited to the hours between 9:00 a.m. and 9:00 p.m.

- (8) The length of stay per guest shall be limited to seven days per 30-day period.
- (9) No exterior alterations or additions that change the residential character of the dwelling or site shall be permitted.
- (10) Signage shall be consistent with the Borough's regulations for the zoning district in which the bed and breakfast is located.
- (11) Exterior lighting shall comply with Borough regulations.
- (12) All materials on the property directly related to the bed and breakfast shall be stored within fully enclosed buildings.
- (13) No motor vehicle with a sign advertising the bed and breakfast establishment shall be parked on the premises outside a garage except for temporary loading and unloading.
- (14) The proprietor must obtain any required Use and Occupancy Certificate issued by the Pennsylvania Department of Labor and Industry prior to approval of the conditional use application.
- (15) An accurate, up-to-date guest register must be maintained and available for review by any authorized Borough official. The register must contain the guests' name, home address and telephone number, passport number (for non-U.S. residents only), car registration information, and dates in attendance at the bed and breakfast establishment.

(b) License to Operate a Bed and Breakfast.

- (1) A license to operate a bed and breakfast shall be issued upon approval of the application for special exception.
- (2) The license shall be valid for two (2) years and may be renewed by the same owner without the necessity of a new conditional use application, provided that the Zoning Officer and/or Code Enforcement Officer has inspected the facility and found it to be in compliance with the provisions of this chapter, any conditions imposed by the Zoning Hearing Board in the approval of the special exception application, and the inspection criteria used for the Certificate of Use and Occupancy issued by the Pennsylvania Department of Labor and Industry.
- (3) The fee for license renewal shall be set by Borough Council and included on the annual fee resolution.
- (4) The license for operation of the bed and breakfast establishment is not transferable and shall expire upon a change in ownership, occupancy, or use of the premises.

(Ord. 968. Passed 1-13-03; Ord. 998. Passed 12-12-05.)

1264.16 STANDARDS FOR EXPANSION OF NONCONFORMING USES AS SPECIAL EXCEPTIONS.

In all zoning districts, the physical expansion of nonconforming uses is permitted as a special exception, subject to the following regulations:

- (a) The expansion must be necessary to meet reasonable business or operational needs;
- (b) The expansion conforms to all the regulations, other than those pertaining to use, of the district in which the use is located;
- (c) The expansion does not injure the health, safety, or public welfare, taking into account such factors as traffic, noise, dust, smoke, odors, fire hazards, illumination, pollution, and electromagnetic interference beyond the property line;
- (d) The expansion does not cause inefficiencies in the maintenance of public services such as sewers, water, police and fire protection, transportation, and public schools;
- (e) The expansion does not cause overcrowding of the land; and
- (f) The expansion does not injure property values in the neighborhood.

(Ord. 998. Passed 12-12-05.)

1264.17 SPECIAL EXCEPTIONS.

- (a) Uses specified as special exceptions within each zoning district shall be permitted only by approval of the Zoning Hearing Board, as provided in the Municipalities Planning Code. A special exception may be granted only after the Board finds that the request complies with all applicable standards and criteria specified elsewhere in the Borough Zoning Code relating to special exceptions and in addition finds that the request complies with the following standards.

- (1) The use shall be consistent with the Borough Comprehensive Plan and the spirit, purpose, intent, and provisions of this Zoning Code.
 - (2) The property shall be suitable for the use and such use may be regulated by appropriate conditions and safeguards.
 - (3) The use shall serve the best interests of the Borough and community and shall not injure the health, safety, and general welfare of the public.
 - (4) The proposed special exception shall be properly serviced by all existing public service systems. The peak traffic generated by the subject of the approval must be accommodated in a safe and efficient manner, or improvements must be made in order to effect the same. Similar responsibility must be assumed with respect to other public service systems, including but not limited to police protection, fire protection, utilities, parks and recreation.
 - (5) The proposed special exception or other subject of consideration for approval shall be in and of itself properly designed with regard to internal circulation, parking, buffering and all other elements of proper design.
 - (6) The use shall not be incompatible with the surrounding area in character and type of development and shall not injure property values in the neighborhood.
 - (7) The use shall not cause overcrowding of the land and congestion of the circulation systems.
 - (8) The use shall not cause odors, unreasonable noise, smoke, vibrations, pollution, or electromagnetic interference beyond the property line.
- (b) The Board shall impose such conditions as are necessary to ensure compliance with the purpose and intent of this Zoning Code and of the Borough Comprehensive Plan, which conditions may include plantings and buffers, harmonious design of buildings and the elimination of noxious, offensive or hazardous elements.

(Ord. 998. Passed 12-12-05.)

Chapter 1266

Signs

EDITOR'S NOTE: Chapter 1266, previously a codification of Ordinance 774, passed August 23, 1976, and Ordinance 860, passed October 10, 1989, was re-enacted in its entirety by Ordinance 886, passed February 8, 1993.

- 1266.01 Purpose.
- 1266.02 Definitions.
- 1266.03 General requirements.
- 1266.04 Signs in Residential Districts.
- 1266.05 Signs in AR Apartment Residential Districts.
- 1266.06 Signs in TC Town Center District and IN-C Institutional Commercial District.
- 1266.07 Signs in IN Institutional and PA Parks Districts.
- 1266.08 Signs for nonconforming uses.
- 1266.09 Temporary signs; declaration of nuisance.
- 1266.10 Enforcement by Borough Manager; right of entry; notification of violations.

CROSS REFERENCES

Interference with traffic signals - see TRAF. 420.03

Parking signs - see TRAF. 440.07, 442.16

Signs in gas stations - see B.R. & T. 832.07

Signs, banners and canopies as street and sidewalk obstructions - see S.U & P.S. 1020.05

Sign review - see P. & Z. 1262.04

Nonconforming signs - see P. & Z. 1272.04

Signs for wireless communications facilities - see P. & Z. 1274.04(r)

1266.01 PURPOSE.

The purpose of this chapter is to establish minimum standards for all signs in the Borough; to allow businesses the ability to effectively promote themselves while preventing sign clutter and to protect and enhance the visual character of the Borough.

(Ord. 1068. Passed 5-11-15.)

1266.02 DEFINITIONS.

As used in this chapter:

(a) "Background area of a sign" means the entire area of a sign upon which copy can be placed. In computing the area of a sign background, only that face or faces that can be seen from any one direction at one time shall be counted.

(b) "Copy area of a sign" is the area contained within the smallest geometric figure that would encompass all bodies of text and graphics or the aggregate of the smallest geometric figures that encompass bodies of text and graphics on a sign (see drawing).

(c) "Electronic sign" means any sign, video display, projected image or similar device or portions thereof with text, images or graphics generated by electronic components. Electronic signs include, but are not limited to, signs that use light emitting diodes (LED), plasma displays, fiber optics or other technology that results in bright text, images and graphics. Neon signs shall be considered electronic signs.

(d) "Free-standing sign" means a sign that is erected free and clear of a building.

(e) "Illuminated sign" means a sign in which a source of light is used in order to make a sign visible but does not include electronic signs. The term "illuminated sign" shall include internally and externally lighted signs.

(f) "Mural" means a singular work of art painted or otherwise directly applied on a building, structure, fence, or other object within public view. The work may not contain text, graphics, or symbols that specifically advertise or promote a business, product, or service; nor may it promote a specific political candidate or party. Murals are not considered signs and are not regulated by this chapter.

(g) "Off-site billboard" means a surface whereon advertising matter is set in view conspicuously and which advertising does not apply to the premises where it is displayed or posted.

(h) "Portable sign" means any sign designed to be transported from one place to another.

(i) "Projecting sign" means a sign that projects more than eight inches from a building and which uses a building wall as its main source of support.

(j) "Roof sign" means a sign erected upon or above a roof or parapet wall of a building and which is wholly or partially supported by such building.

(k) "Sign" means any name, nameplate, billboard, poster panel, display, illustration, structure or any other type of attention-attracting device used for visual communication that is affixed, painted or represented directly upon a building or other surface, including free-standing posts or stanchions, for the purpose of bringing the subject matter of such sign to the attention of the public, or for identifying a business or structure.

(l) "Size" means the background area of a sign or the copy area of a sign, whichever is the greater.

(m) "Street address" means number and street only.

(n) "Temporary sign" means any sign displayed in connection with an event for a period not exceeding thirty-two days. Temporary signs may include banner signs, stake signs, cardboard window signs or painted windows. Any other sign is considered a permanent sign.

(o) "Wall sign" or "fascia sign" means a sign that is in any manner affixed to any exterior wall of a building or structure or to an

awning.

(p) "Window sign" means a permanent sign affixed to the surface of the glass or visible through a window or door on a permanent basis within three feet of the glass and intended for viewing or oriented to be seen from the exterior of such building. An opaque window sign shall mean a sign that is not transparent or translucent and that obscures sight into the building.

(Ord. 1068. Passed 5-11-15.)

1266.03 GENERAL REQUIREMENTS.

Unless otherwise provided in this chapter, the following requirements apply to all signs in the Borough:

(a) All signs, except temporary signs, shall be required to have a permit indicating compliance with this chapter. No sign, except temporary signs, shall be erected, altered or extended until such permit has been issued. Applicant must submit a shop drawing of any proposed sign showing a scaled layout of all text and graphics in the context of the building and/or window(s) where the sign(s) will be placed.

(b) Except as allowed in Section 1266.06(c)(2), a sign may include only the following information:

(1) The principal name of the business, proprietor or owner.

(2) A description of the principal goods, services, products or uses offered in trade, which description shall not exceed four words and the street address.

(3) A graphic logo or trademark symbol by which the business, proprietor or owner is identified.

(c) Sign placement should utilize the architectural details of a building, complement the visual continuity of adjacent building facades and relate directly to the entrance.

(d) No roof sign shall be permitted.

(e) Any sign that includes the word "open" can be displayed only when the business is open to customers.

(f) No sign, except those placed by an authorized governmental agency, shall be placed on a public right-of-way.

(g) No sign shall interfere with traffic, be confused with or obstruct the view or effectiveness of any official traffic sign, traffic signal or traffic marking or obstruct the sight distance of motorists or pedestrians.

(h) This chapter shall not apply to traffic control signs and directional signs, parking place designations and information signs located on off-street parking lots. Informational signs, such as "entrance," "exit," "no parking," "visitor's parking," "no trespassing," "keep off the grass" and the like on the same lot as the use to which the sign relates or the prohibition of the use to which the sign relates, are not regulated by this chapter provided that each said sign does not exceed two square feet in copy area. Multiple informational signs at any location must be uniform in appearance. In the RA, RB, and RC districts, such signs may not be located in the front yard setback, except for signs identifying the street address of the house or resident's name.

(i) No portable signs are allowed, except easel signs, which may be allowed by permit.

(j) No sign shall use flashing, blinking, twinkling, animated or moving light or any technology that presents an illusion of movement. A constant level of light shall be maintained except for purposes of dimming at night.

(k) No sign shall be attached to a tree or utility pole.

(l) Wind or forced air actuated signs are prohibited.

(m) Fabric banners advertising events sponsored by public or nonprofit organizations within the Borough may be displayed in any district, except Residential Districts, for a maximum of one month or the duration of the event, whichever is greater.

(n) Permanent signs with removable letters are not allowed.

(o) All signs must be legible, well painted, in good repair, properly maintained and sturdy enough to permit persons working on the signs to do so safely.

(p) A sign identifying the business on the back wall of a building in a delivery area is allowed, provided that the sign area does not exceed ten square feet and that the sign is not illuminated

(q) External lights may be used to illuminate signs. Such lighting shall be installed such that the source of light and wiring is not visible, and all visible effects of lighting are indirect and minimize light spilled into the night sky. Such lights may not shine onto adjoining property or in the eyes of motorists or pedestrians.

(r) Internally lit signs are prohibited.

(s) Free-standing signs are permitted only in the TC Town Center District, IN-C Institutional Commercial District, IN Institutional District, AR Apartment Residential and PA Park District and only where the front yard is at least ten feet in depth and where the sign does not interfere with pedestrian or vehicular movement. The copy area of each side of such signs shall not exceed sixteen square feet in size or one square foot in size for every two linear feet of property frontage, whichever is less, and the total background area of the sign may not be more than twenty-four square feet in size or twice the square footage of the copy area, whichever is greater. The supporting structure of a free-standing sign that is clearly separate from the sign itself (e.g. stone base or posts) is not included in the allowable size limits for such signs. The maximum height for any free-standing sign shall be six feet from the ground or sidewalk to the top of the sign and shall be set back a minimum of four feet from the adjacent sidewalk.

(t) Electronic signs are permitted only in the TC Town Center District and IN-C Institutional Commercial District, with the following restrictions:

(1) Electronic signs will be allowed only as window signs and will count towards allowable area for an opaque window sign.

(2) One electronic sign is permitted per window and may be a maximum of four square feet in size measured by the smallest geometric figure that would encompass the entire sign.

(3) The sign display must remain static for a minimum of five seconds and require "instantaneous" change of display; e.g., no fading or scrolling in/out of the message.

(4) Electronic signs shall be positioned so as to avoid glare or reflection into any adjacent property, street, or alley.

(5) Display images and/or themes must directly relate to the business and the services and products it provides.

(6) Display is required to go dark if there is a malfunction.

(u) "For sale" or "for rent" signs, containing not over five square feet, may be erected or displayed only upon the premises referred to in such signs. Not more than one such sign shall be erected upon the premises at any given time, provided, however, that premises located on corner lots may have one such sign on each street frontage and the premises shall, in fact, be for sale or for rent. The duration of continuous display of such sign shall be limited to 150 days, at the end of which period the sign shall be removed and not again displayed or replaced unless the Borough Manager, after an investigation and a finding that the owner has, in good faith, endeavored to sell or rent his or her premises at a fair, reasonable and market price or rental, grants an extension of time. The foregoing restriction shall not be affected by the substitution of a real estate broker's sign in place of the owner's or by the substitution of a different broker's sign, for whatever reason. "Sold" signs are allowed for a maximum of seven days. No "rented" signs are allowed.

(v) Signs relating to the performance of work on the premises by contractors and designers may be erected and maintained during the period such persons are performing work on the premises. If such work requires the granting of a permit, the signs may be erected upon receipt of the permit. Signs must be removed promptly upon completion of the work. Size and quantity restrictions for such signs may apply to certain districts, as set forth in this chapter.

(w) Existing signs, not in conformance with this chapter and that have been previously permitted, shall be brought into conformance when there is a change of tenant, use or owner, or when the sign is replaced or is substantially repaired or altered.

(x) Signs no longer in use must be removed by the owner. In making a determination as to abandonment, the enforcing official may consider, among other factors, the absence of a current occupational license, the current use or vacancy of the premises and the relocation of a business.

(y) All signs not specifically allowed are prohibited.

(Ord. 1068. Passed 5-11-15.)

1266.04 SIGNS IN RESIDENTIAL DISTRICTS.

(a) No advertising sign, placard, directional sign or poster shall be erected or displayed in any Residential District, except that:

(1) One sign identifying any allowable home-based business, family day-care home facility or bed and breakfast establishment is

permitted. Such sign shall not exceed .75 square feet in copy area and three square feet in background area and shall state only the name and type of business.

(2) Signs of contractors and designers may be erected and maintained during the period such persons are performing work on the premises on which such signs are erected, provided that the size of the sign does not exceed six square feet and that the signs are removed promptly upon completion of the work.

(3) Signs announcing that furnishings or other equipment have been or will be placed upon the premises are prohibited.

(4) Signs erected by an owner or builder in connection with the active development of a premises may be erected upon the application and granting of a permit, provided that the size of any such sign is not in excess of twelve square feet and that not more than one such sign is placed upon any individual lot or premises being developed. No directional sign, arrow or other advertising announcement shall be posted or erected other than as provided in this section.

(5) Directional signs in connection with an open house for an active real estate listing may be placed only within forty-eight hours of the actual event and must be removed by the end of the day of the event.

(b) No advertising display on vehicles shall be permitted unless the tradesperson is servicing the property at which the vehicle is parked.

(Ord. 1068. Passed 5-11-15.)

1266.05 SIGNS IN AR APARTMENT RESIDENTIAL DISTRICTS.

(a) Signs in AR Apartment Residential Districts shall be the same as in Residential Districts, except that multifamily dwellings may have an identification sign including only the name and address of the dwelling, such sign being no greater than twelve square feet in copy area on each street the dwelling faces.

(b) One sign identifying any allowable accessory or conditional use, except a wireless communications facility, is permitted. Such sign shall not exceed six square feet in copy area and shall state only the name and type of business.

(Ord. 1068. Passed 5-11-15.)

1266.06 SIGNS IN TC TOWN CENTER DISTRICT AND IN-C INSTITUTIONAL COMMERCIAL DISTRICT.

(a) Wall or fascia signs shall be permitted subject to the following:

(1) The aggregate amount of wall or fascia signage, including signage on awnings, shall not exceed one square foot in copy area for every one linear foot of property frontage per street. Multiple signs on a single facade of more than fifty linear feet are permitted, subject to the following:

A. No single sign shall exceed thirty-six square feet in copy area.

B. In no case shall the aggregate amount of signage exceed 200 square feet in copy area.

(2) Where a shop, store or service establishment has exposure to two or more streets, wall or fascia signage may be erected on all facades, provided that all signs conform to the provisions of this chapter.

(3) Wall or fascia signs affixed to the exterior wall of a building or structure shall not project more than eight inches from the face of the building.

(4) Wall or fascia signs affixed to the exterior wall of a building or structure shall be placed not more than sixteen feet or less than four feet above the sidewalk. No wall or fascia sign shall project above any cornice, parapet wall, roofline, decorative roof feature, or awning, nor may a wall or fascia sign be located above the lintel of the highest window on the ground floor facade.

(5) Signage placed on an awning may only be located on the valance. No portion of any awning shall be higher than the windowsill level of the lowest story, exclusive of the ground story and mezzanine, and in no case shall such awning exceed a height of sixteen feet or the roofline of the building to which it is attached, whichever is lower.

(b) Projecting signs are permitted subject to the following:

(1) The aggregate area of projecting signs shall be one square foot for each five linear feet of building facade to which it is

attached, with each individual sign not to exceed fifteen square feet in size.

(2) Projecting signs shall not project more than four feet from the face of the building or one-half the width of the adjacent sidewalk, whichever is greater.

(3) Projecting signs shall be placed so that they will not be hazardous to pedestrian or vehicular travel.

(4) The base of all projecting signs shall not be less than eight feet above the ground and no sign shall be located higher than the lintel of any second story window or a maximum height of fifteen feet above grade, whichever is less.

(c) Window signs are permitted subject to the following:

(1) The background size of a permanent opaque window sign shall not occupy more than twenty percent of the total area of the window area in which the sign is displayed (see drawing). Permanent opaque window signs count toward the allowable amount of wall or fascia signage permitted in this chapter.

(2) Text or graphics that are applied as individual entities to a window that do not have the effect of obscuring sight into the building may cover up to ten percent of the total area of the window area in which the sign is displayed (see drawing). Such text or graphic shall not count against any other allowable signage. Text or letters announcing hours of operation, contact information (address, telephone, e-mail address, web site) and decals indicating membership in a business group or identifying credit cards accepted at the establishment shall not be included in the count, provided that the size of numerals and letter size for the address shall not exceed six inches in height and the numerals and letter size for the phone number, contact information, and other identifying information shall not exceed two inches in height.

(d) Fabric banners are permitted for advertising. The maximum size shall be three feet by twelve feet, and such banners shall not obstruct pedestrian movement. Such banners shall be removed if torn or discolored. The duration of use shall be limited to a total of three months each year with a maximum duration of continuous use of thirty days.

(e) No temporary sign, except as expressly allowed in this chapter, shall be permitted.

(f) Billboards shall be permitted by special exception according to the following regulations:

(1) No billboard shall exceed seventy-six square feet in size.

(2) The maximum height for a billboard shall be thirty-five feet from the ground or sidewalk to the top of the sign.

(3) Each billboard allowed under this section shall be located not less than 500 feet (measured by radial spacing) from any other billboard allowed pursuant to this section and not less than 100 feet from any adjoining residential zoning district.

(4) External lighting of billboards shall be prohibited between the hours of 1:00 a.m. and 5:00 a.m., Eastern Standard Time.

(g) Restaurants may also have a menu board besides the other signs provided herein. When a menu board is affixed to a window, it shall be limited to an area of three square feet. If a menu display case is affixed to the building wall, it shall be limited to an overall area of four square feet.

(Ord. 1068. Passed 5-11-15.)

1266.07 SIGNS IN IN INSTITUTIONAL AND PA PARKS DISTRICTS.

Permanent signs may be erected by schools, colleges and religious or other charitable institutions to identify and/or direct the way to the property held by them, provided that no such sign, except permitted free-standing signs, shall exceed twelve square feet in copy area. Signs not fronting Borough streets and signs that are within the interior of a lot, generally not visible from adjoining properties or public streets and rights-of-way are exempt from the provisions of this section.

(Ord. 1068. Passed 5-11-15.)

1266.08 SIGNS FOR NONCONFORMING USES.

Signs at nonconforming uses shall conform to the sign requirements of the district within which they occur, except that such uses are also allowed one identification sign not exceeding twelve square feet on each street that such a use faces. Lawfully existing signs for nonconforming uses at the time of adoption of this chapter shall be treated in the same manner as nonconforming uses.

(Ord. 1068. Passed 5-11-15.)

1266.09 TEMPORARY SIGNS; DECLARATION OF NUISANCE.

- (a) Temporary signs announcing a political, public, educational, charitable, civic, religious or similar campaign or event shall be permitted without the necessity of obtaining a permit.
- (b) No temporary sign shall exceed six square feet.
- (c) Temporary signs relating to an event shall not be erected more than thirty days prior to the commencement of the event to which such signs apply and shall be removed within forty-eight hours following the conclusion of the event.
- (d) Free-standing temporary signs shall not be erected closer than ten feet to the curb line.
- (e) Any violation by any person of the provisions of this section is hereby declared to be a public nuisance and any and all temporary signs found to be in violation of the provisions of this section shall be removed immediately by the appropriate Borough officials.
- (f) Temporary window signs may be displayed in addition to all other signs and should occupy no more than an additional fifteen percent of the total area of the window in which they are displayed.

(Ord. 1068. Passed 5-11-15.)

1266.10 ENFORCEMENT BY BOROUGH MANAGER; RIGHT OF ENTRY; NOTIFICATION OF VIOLATIONS.

The Borough Manager or his or her designated agent shall be the enforcing official. The enforcing official is authorized and directed to lawfully enter all locations at reasonable times to determine whether a sign complies with the provisions of this chapter. If a violation exists, the enforcing official shall send written notice to the occupant and owner, as shown on the most recent tax roll and to the holder of the certificate of occupancy if different from both the occupant and owner. Service of the notice shall be deemed completed if mailed to the owner at the address appearing on the most recent tax roll. If this chapter is not complied with within a reasonable time specified in the notice, the enforcing official is authorized to remove the sign at the owner's expense.

(Ord. 1068. Passed 5-11-15.)

Chapter 1268 Parking Requirements

1268.01 Standards.

1268.02 Off-street parking requirements in TC Town Center District.

1268.03 Off-street parking requirements in Residential Districts.

1268.04 Supplemental parking regulations.

CROSS REFERENCES

Parking generally - see TRAP. Ch. 440

Parking meters - see TRAF. Ch. 442

General provisions and definitions - see P. & Z. Ch. 1240

Administration, enforcement and penalty - see P. & Z. Ch. 1242

Districts generally; Zoning Map - see P. & Z. Ch. 1244

1268.01 STANDARDS.

- (a) Off-street parking spaces shall have safe access from streets or alleys and may be within a structure or in the open.
- (b) Each space shall be a minimum of nine feet by eighteen feet in size.

- (c) Parking spaces shall have an all-weather paved surface and shall be adequately marked.

(Ord. 774. Passed 8-23-76.)

1268.02 OFF-STREET PARKING REQUIREMENTS IN TC TOWN CENTER DISTRICT.

Off-street parking shall be required in any new construction or change of use in TC Town Center District as follows:

- (a) Multiple dwelling - .75 space per dwelling unit;
- (b) Store and shop - one space per 400 square feet of usable floor area;
- (c) Service establishments - one space per 600 square feet of usable floor area;
- (d) Offices - one space per 200 square feet of usable floor area;
- (e) Banks and financial institutions - one space per 300 square feet of usable floor area;
- (f) Municipal uses - one space per 300 square feet of usable floor area; and
- (g) Where mixed uses are within the same complex, a multiuse factor of .7 may be applied to reduce the total parking requirements.

(Ord. 774. Passed 8-23-76; Ord. 1056. Passed 11-12-13.)

1268.03 OFF-STREET PARKING REQUIREMENTS IN RESIDENTIAL DISTRICTS.

Off-street parking shall be required in Residential Districts, as follows:

- (a) A single-family dwelling - two spaces;
- (b) A two-family detached dwelling - three spaces;
- (c) A two-family semidetached dwelling - three spaces;
- (d) A multifamily dwelling - 1.25 spaces per dwelling unit.

(Ord. 774. Passed 8-23-76.)

1268.04 SUPPLEMENTAL PARKING REGULATIONS.

- (a) In residential zoning districts all parking spaces shall be on the same lot as the principal building except when permitted elsewhere by Council after review by the Planning Commission.
- (b) A reduction in the number of off-street parking spaces may be authorized by Council after review by the Commission where the applicant can justify the reduction and still provide adequate parking facilities.
- (c) The parking requirements applicable to a nonconforming use or structure within any zoning district shall be those applicable to that use or structure in its customary zoning district.

(Ord. 774. Passed 8-23-76; Ord. 998. Passed 12-12-05; Ord. 1072. Passed 12-21-15.)

Chapter 1270 Floodway Controls

EDITOR'S NOTE: Chapter 1270 was repealed by Ordinance 890, passed July 12, 1993. See Chapter 1457 of the Building and Housing Code.

Chapter 1272 Nonconforming Use Regulations

- 1272.01 Purpose.
- 1272.02 Continuation and modification.
- 1272.03 Registration.
- 1272.04 Nonconforming signs.
- 1272.05 Religious and educational uses.

CROSS REFERENCES

Nonconforming gas station uses and structures - see B.R. & T. 832.04

General provisions and definitions - see P. & Z. Ch. 1240

Administration, enforcement and penalty - see P. & Z. Ch. 1242

Districts generally; Zoning Map - see P. & Z. Ch. 1244

Nonconforming fences - see P. & Z. 1264.05(e)

Signs for nonconforming uses - see P. & Z. 1266.08

1272.01 PURPOSE.

The provisions of this Zoning Code are intended to guide the future use of land in the Borough; existing uses which do not conform to such provisions shall be classified as nonconforming uses. The purpose of this chapter is to regulate such uses to restrict further investment in them and to provide a means whereby such uses can be controlled within the Borough.

(Ord. 774. Passed 8-23-76.)

1272.02 CONTINUATION AND MODIFICATION.

(a) Continuation. Except as otherwise provided in this chapter, any use, building or structure lawfully existing at the time of enactment of this Zoning Code (Ordinance 774, passed August 23, 1976) may be continued, although it is not in conformity with the provisions of this Zoning Code.

(b) Discontinuance. If a nonconforming use of land or of a building or structure ceases or is discontinued for a period of one year or more the nonconforming use shall be deemed to be abandoned, any subsequent use of such land, building, or structure shall be in conformity with the provisions of this Zoning Code. The vacating of buildings or structures, the nonuse of land, buildings or structures or the non-operative status of such land, buildings or structures shall be deemed an intent to abandon such use.

(c) Expansion of Nonconforming Uses. Lawful business, commercial, or religious nonconforming uses may be enlarged or expanded by special exception, subject to all of the standards set forth in Section 1264.16 of this Zoning Code. Where such physical expansion or enlargement of the nonconforming use would violate the dimensional or other physical requirements of the zoning district in which the use is located, such expansion or enlargement shall not be permitted except by variance to be granted only where the Zoning Hearing Board finds that the enlargement is necessary for the viability of such nonconforming use and that all other standards necessary for the granting of a variance have been met. Physical expansion or enlargement may not extend onto land acquired after the use became nonconforming or onto a lot not utilized for the nonconforming use at the time the use became nonconforming.

(d) Expansion of Nonconforming Structures. Where a use is conforming but the building or other structure in which the use is housed is nonconforming as to height, setback, lot coverage, area or bulk regulations, minimum lot area, or other dimensional or physical requirements, such building or structure may not be expanded or enlarged in respect to those nonconformities. Such nonconforming building or structure may be modified, added to, or enlarged, as long as the modifications, additions, or enlargements conform to all the regulations of the district in which the use is located.

(e) Relocation of Nonconforming Structures. No nonconforming building or structure shall be moved, in whole or in part, to another location on the lot or to another lot, unless every portion of the building or structure to be moved will conform to the regulations of the district in which it is to be located.

(f) Reconstruction of Nonconforming Structures.

(1) Any lawful nonconforming principal structure on a lot that has been involuntarily damaged or destroyed by casualty to the extent of not more than 50% of its fair market value may be reconstructed in the same location. All necessary permits for the reconstruction shall be applied for within one year of the date of such damage, and the reconstruction shall be completed within two years of the date of such damage and shall not exceed the height, area, or volume of the damaged structure, except to the extent permitted by subsection (d) hereof. Any lawful nonconforming principal structure that is damaged or destroyed voluntarily or due to neglect or dilapidation to the extent of more than 50% of its fair market value may only be reconstructed in compliance with the zoning requirements of the district in which such structure is located.

(2) Any lawful non-conforming accessory building that is damaged, destroyed or removed, either in part or in whole may be reconstructed provided that all necessary permits for the reconstruction shall be applied for within one year of the date of such damage, destruction or removal, and the reconstruction shall be completed within two years of the date of such damage, destruction or removal and the replacement accessory building shall be located on the same footprint as the damaged, destroyed or removed accessory building and shall not exceed the height or area of the accessory building that was damaged, destroyed or removed.

(g) Nonconforming Parking Conditions. No lawful business, commercial, or religious nonconforming uses may be enlarged or expanded in such a manner that the enlargement or expansion would result in greater nonconformance as to the number or size of parking spaces required for such use under this Zoning Code.

(h) Change. An existing nonconforming use may not be changed to another nonconforming use of a different character. Whenever a nonconforming use is changed to a conforming use, such conforming use shall not thereafter be changed to a nonconforming use.

(Ord. 774. Passed 8-23-76; Ord. 998. Passed 12-12-05; Ord. 1027. Passed - -.)

1272.03 REGISTRATION.

The Zoning Officer shall identify and register all nonconforming uses and nonconforming structures in existence on the effective date of this Zoning Code.

(Ord. 774. Passed 8-23-76.)

1272.04 NONCONFORMING SIGNS. (See Chapter 1266)

Any sign or advertising device lawfully existing on the effective date of this Zoning Code (Ordinance 774, passed August 23, 1976) that does not conform to the regulations of the district in which it is located shall be considered a nonconforming sign and may be used in its existing location provided it is maintained in good condition and repair at all times. Nonconforming signs once removed may be replaced only with conforming signs.

(Ord. 774. Passed 8-23-76.)

1272.05 RELIGIOUS AND EDUCATIONAL USES.

Those religious, educational and athletic recreational uses in the RA, RB and RC Residential Districts existing on the effective date of Ordinance 889, passed April 12, 1993, are hereby declared to be nonconforming uses.

(Ord. 889. Passed 4-12-93.)

Chapter 1274 Wireless Communications Facilities

1274.01 Purposes.

1274.02 Definitions.

1274.03 Use regulations.

1274.04 Standards for wireless communications facilities.

1274.05 Siting of satellite dishes.

CROSS REFERENCES

Cable television - see B.R. & T. Ch. 824

General provisions and definitions - see P. & Z. Ch. 1240

Administration, enforcement and penalty - see P. & Z. Ch. 1242

Supplemental regulations - see P. & Z. Ch. 1264

Nonconforming use regulations - see P. & Z. Ch. 1272

1274.01 PURPOSES.

The purpose of this chapter and the standards established herein is to govern the use, construction, and siting of wireless communications facilities so as to:

- (a) Accommodate the need for wireless communications facilities while regulating their location and number in the Borough and to ensure compliance with all applicable governmental regulations.
- (b) Protect the integrity of historically significant resources within the Borough.
- (c) Minimize any adverse visual effects of wireless communications facilities antennas, and antenna support structures through proper design, siting, and screening.
- (d) Ensure the structural integrity of the antenna support structure through compliance with applicable industry and/or governmental standards and regulations.
- (e) Encourage the joint use of any antenna support structure to reduce the number of such structures needed in the future.
- (f) Promote the health, safety and welfare of the residents of the Borough.

Criteria to be considered are whether the decision will promote the harmonious and orderly development of the zoning district involved; promote compatibility with the character and type of development existing in the area; benefit neighboring properties by preventing negative impact on the visual character of the community; preserve woodlands, trees, and mature vegetation at the site to the greatest extent possible; and promote and be in conformity with sound engineering and land development design and construction principles, practices, and techniques.

(Ord. 919. Passed 7-14-97; Ord. 998. Passed 12-12-05.)

1274.02 DEFINITIONS.

As used in this chapter:

- (a) "Amateur radio operator" means a person licensed by the Federal Communications Commission (FCC) under Part 97 of the Federal Telecommunications Act.
- (b) "Antenna" means a device, including a panel, microwave dish and single pole known as a "whip," which is used to collect and/or transmit wireless communications or radio signals. For purposes of this chapter, a device commonly known as a satellite dish is not an antenna, nor is a device commonly known as a television antenna or television aerial.
- (c) "Antenna support structure" means any pole, telescoping mast, tower, tripod, lattice construction steel structure or any other structure that supports an antenna or has an antenna attached to it, but not including a structure, such as a building, telephone pole or water tower, whose primary purpose is other than to support an antenna.
- (d) "Antenna support structure height" means the vertical distance measured from the base of an antenna support structure at grade to the highest point of the structure, including any antenna or antennas affixed thereto. If the antenna support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna support structure height.
- (e) "Designated site" means a tract or parcel of land identified by Borough ordinance or resolution as being designated for the location of wireless communications facilities.
- (f) "Land site" means a tract or parcel of land that contains a wireless communications facility, which may include other uses associated with and ancillary to wireless communications transmission.

(g) "Satellite dish" means a device, typically circular and concave, used to receive television signals.

(h) "Wireless communications equipment building" means a building or cabinet in which electronic receiving, relay and/or transmitting equipment for a wireless communications facility is housed.

(i) "Wireless communications facility" means the antenna or antennas, antenna support structure, wireless communications equipment building, and/or other structures and equipment involved in receiving or transmitting wireless communications or radio signals.

(Ord. 919. Passed 7-14-97.)

1274.03 USE REGULATIONS.

(a) A wireless communication facility with an antenna or antennas is permitted by special exception in any zoning district, if the facility and any equipment accessory to the facility is completely enclosed inside a steeple, dome, bell tower or other existing building feature, provided that the wireless communication facility is not the primary use on the property. A wireless communication facility with an antenna or antennas is permitted by special exception as a primary use in the IN-A Institutional District and the PA Parks District. A wireless communication facility with an antenna or antennas is permitted by special exception as an accessory use in the AR Apartment Residential District, provided that such wireless communication facility with an antenna or antennas is placed upon an existing structure. Any special exception authorized hereunder shall only be granted if the applicant shall otherwise comply with this chapter and the area and bulk regulations of the zoning district wherein the wireless communications facility is to be located, to the extent that such regulations are not inconsistent with this chapter and the applicant shall also comply with all applicable requirements of Chapter 1264 of this Zoning Code. Except to the extent permitted by special exception where completely enclosed inside a steeple, dome, bell tower or other existing building feature, a wireless communication facility with an antenna or antennas is not permitted in the RA Residential District, the RB Residential District, the RC Residential District, the TC Town Center District, the AL Alternate Residential District, the IN-B Institutional or the IN-C Commercial District.

(b) All other uses ancillary to the antenna or antennas and the wireless communications facility, including, but not limited to, a business office, mobile telephone switching office, maintenance depot, and vehicle storage area, are prohibited from the land site, unless otherwise permitted in the zoning district in which the land site is located.

(c) Satellite dishes and amateur radio antennas attached to existing buildings are a permitted use in all zoning districts.

(Ord. 919. Passed 7-14-97; Ord. 998. Passed 12-12-05; Ord. 1002. Passed 6-12-06; Ord. 1056. Passed 11-12-13; Ord. 1072. Passed 12-21-15.)

1274.04 STANDARDS FOR WIRELESS COMMUNICATIONS FACILITIES.

All applicants seeking to construct, erect, relocate or alter a wireless communications facility shall comply with the following:

(a) Site Plan. The applicant shall provide a full site plan, showing all existing and proposed structures and improvements, including, but not limited to, the antenna or antennas, antenna support structure, building, fencing, landscaping, and means of ingress and egress. The plan shall comply with all applicable requirements of a site plan as stated in the Borough's subdivision ordinance, Chapter 1286 of this Planning and Zoning Code.

(b) National Register of Historic Places Act. The applicant shall demonstrate that it has complied with all requirements of a Section 106 review pursuant to the National Register of Historic Places Act (P.L. 89-665, 80 Stat. 915, 16 U.S.C. 470 et seq., as amended). The applicant shall inform the Borough when the Section 106 review process is initiated, so that the Borough may elect to participate. If the Borough so requests, the applicant shall make available any and all documents or other materials that were part of the Section 106 review.

(c) Siting. If the applicant proposes to locate a wireless communications facility in a location other than a designated site, the applicant shall demonstrate that a designated site cannot be utilized for proper functioning in the applicant's system.

(d) Co-location. If the applicant (excluding amateur radio operators) proposes to build an antenna support structure (as opposed to mounting the antenna or antennas on an existing structure), the applicant shall demonstrate that it has contacted the owners of suitable structures within a one-mile radius of the location of the proposed antenna support structure for permission to install the antenna or antennas on those structures, and that such permission has been denied by all such owners. The Borough Council may deny an application to construct a new antenna support structure if the applicant has not made a good-faith effort to mount the antenna or antennas on an existing structure.

(e) Amateur Radio Operators. If the applicant is an amateur radio operator, the applicant shall demonstrate that any existing antenna on the applicant's premises cannot be utilized for the proper functioning of the applicant's system. If the applicant seeks to erect a free-standing antenna, the applicant shall demonstrate that attaching an antenna to an existing structure, such as the applicant's dwelling, would be unsuitable for the proper functioning of the applicant's system.

(f) Design. In order to reduce the number of antenna support structures needed in the Borough in the future, the applicant shall demonstrate that the proposed antenna support structure is designed to accommodate other communications users, including, but not limited to, commercial wireless communications companies and emergency communications users.

(g) Antenna Height. The applicant shall demonstrate that the antenna or antennas and antenna support structure must be located where proposed and at the height proposed and constructed in the manner proposed in order to satisfy its obligations under its federal license for telephone communications. The applicant shall also demonstrate that the antenna is no higher than the minimum height required to function in accordance with the applicant's license. Notwithstanding anything contained in this Zoning Code to the contrary:

(i) building-mounted wireless communications facilities shall be no higher than fifteen feet above the structure upon which they are located and (ii) no wireless communication facility height in excess of 100 feet shall be permitted.

(h) Setbacks From Base of Antenna Support Structure. In order to insure that wireless communication facilities are not placed in a manner that will adversely affect the character of the neighborhoods within which they are placed, and in order to minimize conflicts between the wireless communication facilities and surrounding uses, the minimum distances between the base of any antenna support structure, not placed on an existing structure and not located on a designated site, or any guy wire anchors and any property line, residential district boundary line or right-of-way line shall be as follows:

(1) If the antenna support structure, including the antenna, does not exceed the maximum height permitted for buildings in the district, except the PA Parks District, the setback shall be the same as for a building in the district.

(2) If the antenna support structure, including the antenna, exceeds the maximum height permitted for buildings in the district, or is in the PA Parks District, the setback shall be 100% of the height of the antenna support structure, including the antenna.

(3) If the antenna support structure is located adjacent to a residential district, the setback from the boundary of the residential district shall be 200% of the height of the antenna support structure, including the antenna.

(i) Licensing and Applicable Regulations. The applicant must demonstrate that it is licensed by the Federal Communications Commission (FCC) and provide the Borough Manager with copies of all FCC applications, approvals, licenses, and site inspection records. All such information shall be accompanied by a certification signed by the applicant or an officer of a corporate applicant stating that, after due inquiry, the information being supplied is true and correct to the best of his or her knowledge, information, and belief. The applicant shall also provide the Borough Manager with copies of all the applicable Federal laws and regulations with which it is required to comply and a schedule of estimated FCC inspections.

(j) Building Permits. The applicant shall obtain building permits as required by applicable Borough ordinances and shall comply with all applicable requirements for inspections and certifications. Permits will be required for any antenna support structure and for any other construction meeting the definition of a structure in this Zoning Code.

(k) Safety of Antenna Support Structure. The applicant shall demonstrate that the proposed antenna or antennas and antenna support structure are designed and constructed in accordance with all applicable national building standards for such facilities and structures, including, but not limited to, the standards developed by the Electronics Industry Association, Institute of Electrical and Electronics Engineers, Telecommunications Industry Association, American National Standards Institute, and Electrical Industry Association.

The applicant shall demonstrate that the proposed wireless communications facility is designed in such a manner that no part of the facility will attract or deflect lightning onto adjacent properties.

When an antenna is to be located on an existing structure and the general public has access to that structure, the applicant shall provide engineering details to show that appropriate steps have been taken to prevent microwave binding to wiring, pipes, or other metals. For purposes of this chapter, "microwave binding" shall refer to the coupling or joining of microwave energy to electrical circuits, including, but not limited to, power lines and telephone wires, during which process the transference of energy from one to another occurs.

(l) Soil Report. A soil report complying with the standards of Geotechnical Investigations, ANSI/EIA-222-E, as amended, shall be submitted to the Borough Engineer to document and verify that the design specifications of the foundations for the antenna support structure, and anchors for the guy wires, if used, are in conformity with applicable standards. Amateur radio operators are exempt from this requirement.

(m) Inspection by Engineer. The applicant (excluding amateur radio operators) shall provide to the Borough a report from a structural engineer registered in Pennsylvania attesting that the proposed antenna support structure meets the structural standards offered by either the Electronic Industries Association or the Telecommunications Industry Association. The application also shall provide a report from a structural engineer registered in Pennsylvania attesting that the construction of the foundation and erection of the antenna support structure are proper and in accordance with the applicant's proposal and applicable engineering standards, and, for any applicant proposing a wireless communications facility to be mounted on a building or other structure, a report from a structural engineer registered in Pennsylvania attesting that the proposed installation will not exceed the structural capacity of the building or other structure, considering wind and other loads associated with the antenna location.

(n) Visual Appearance.

(1) Antenna support structures shall be painted or otherwise treated to remain free of rust, and the wireless communications facility shall be kept in good repair. All wireless communications equipment, buildings, and other accessory facilities shall be aesthetically and architecturally compatible with the surrounding environment to the extent possible.

(2) To the extent any building-mounted antenna is located on a flat-roofed building, such antenna shall be set back from the edge of the building on which it is located by at least ten feet.

(o) Fencing. A security fence shall be required around the antenna support structure and other equipment, unless the antenna is mounted on an existing structure. The security fence shall be a maximum of eight feet high. No barbed wire or razor wire fencing is permitted.

(p) Landscaping. The antenna support structure shall be landscaped to screen as much of it as possible. Zoning Hearing Board may in its discretion permit or require any combination of topography, walls, decorative fences, or other features instead of landscaping if, in the opinion of the Zoning Hearing Board, such alternative features achieve the same degree of screening as the required landscaping, as defined below:

(1) An evergreen screen shall be required on the outside (the side opposite the side facing the antenna support structure) of any security fence, surrounding the antenna support structure and totally screening its base and any security fence. The evergreen screen shall be a minimum height of six feet at planting, and shall grow to a minimum of fifteen feet at maturity.

(2) Existing vegetation on and around the land site shall be preserved to the greatest extent possible.

(q) Maintenance. The applicant shall describe anticipated maintenance needs, including frequency of service, personnel needs, equipment needs, and the traffic and noise impact of such maintenance.

(r) Signs. No sign or other structure shall be mounted on the wireless communications facility, except as may be required by the FCC, FAA, or other governmental agency.

(s) Lighting. Antenna support structures shall meet all Federal Aviation Administration (FAA) regulations. No antenna support structure may be artificially lighted except when required by the FAA or other governmental authority. When lighting is required by the FAA or other governmental authority, it shall be oriented inward so as not to project onto surrounding properties. The applicant shall promptly report any outage or malfunction of FAA-mandated lighting to the appropriate governmental authorities and to the Borough Manager.

(t) Interference. In the event the wireless communications facility causes interference with the radio or television reception of any Borough resident for a period of three continuous days, the resident shall notify the owner or the Borough Manager of such interference and the owner, at the owner's sole expense, shall thereafter ensure that any interference problems shall be corrected promptly. Amateur radio operators are exempt from the requirements of this subsection because of the obligations imposed on them by Part 97, Subsection 307 C of the Federal Telecommunications Act.

(u) Proof of Inspection. The owner of an antenna support structure shall submit to the Borough Engineer proof of the annual inspection of the antenna support structure and antenna or antennas by an independent professional engineer as required by the ANSI/EIA/TLA-222-E Code. Based upon the results of such inspection, the Borough may require the removal or repair of the wireless communications facility. In the event this annual inspection is not performed in a timely manner, the owner shall be subject to civil enforcement proceedings in accordance with Section 617.2 of the Pennsylvania Municipalities Planning Code and applicable Borough ordinances.

(v) Annual Report. In January of each year, and any time during the calendar year in which there is a change in any of the following, the owner of any wireless communications facility, excluding amateur radio operators, shall provide the Borough Manager with the following information:

(1) The names and addresses of the owner of the wireless communications facility and any organization or organizations utilizing the wireless communications facility and the telephone numbers of the appropriate contact person or persons in case of an emergency.

(2) The name, address, and telephone number of the owner of the property on which the wireless communications facility is located.

(3) The location of the wireless communications facility by geographic coordinates, including the latitude and longitude.

(4) The output frequency of the transmitter.

(5) The type of modulation, digital format, and class of service.

(6) Antenna gain.

(7) The effective radiated power of the antenna or antennas.

(8) The number of transmitters, channels, and antennas.

(9) A copy of the owner's or operator's FCC authorization. This shall be provided during the calendar year if there is a change of ownership or operator.

(10) Antenna height.

(11) Power input to the antenna.

(12) Distance to the nearest base station. "Base station" is defined as the low-powered radio transmitting and receiving center of each cellular geographic serving area.

(13) A certification signed by the owner or an officer of a corporate owner that the wireless communications facility complies with this chapter and with all applicable governmental regulations, including, but not limited to, output and emission limits established by the FCC.

(w) Abandonment. If the use of the wireless communications facility is abandoned, or if the wireless communications facility is not in use for a period of six months or longer, the owner shall remove the wireless communications facility from the land site within six months of such abandonment or discontinuance of use. All costs of removal shall be borne by the owner of the wireless communications facility. In the event this removal is not performed in a timely manner, the owner shall be subject to civil enforcement proceedings in accordance with Section 617.2 of the Pennsylvania Municipalities Planning Code and applicable Borough ordinances.

(x) Location on Certain Residential Buildings Prohibited. Building mounted wireless communications facilities shall not be located on any single family dwelling or two-unit multifamily dwelling.

(y) Equipment Buildings. Any wireless communications equipment building shall comply with the required yards and height requirements of the applicable Zoning District for an accessory structure, provided, however, that any wireless communications equipment building located in the PA Parks District shall comply with the yard and height requirements of the IN Institutional District.

(z) Bond for Removal Costs. The owner or operator of any wireless communications facility is required to notify the Borough immediately upon cessation and abandonment of the operation. Wireless communications facilities that are no longer licensed and active facilities shall be removed at the owner's expense with sixty days of the last date that the facility was licensed by the FCC. At the time of issuance of the permit for construction of the wireless communications facility, a bond or escrow account shall be posted with the Borough in an amount certified by the applicant's engineer and confirmed by the Borough engineer to be sufficient to cover the costs of removing such wireless communications facility and disposing of all of its components, together with a financial security agreement authorizing the Borough to use the funds to remove the facility if the facility is abandoned, and further authorizing the Borough to place a lien on the premises in the event the escrow or bond is insufficient to cover the costs of removal and disposal. The financial security agreement shall be executed by both the applicant and the landowner. At the time of filing of the annual report required in subsection (v), above, any new owner of the land or of the facility, as well as an organization utilizing the facility, shall reaffirm the validity of the financial security agreement and/or execute a new financial security agreement as may be required by the Borough Solicitor. If the Borough Zoning Officer shall find that an abandoned wireless communications facility has not been removed within sixty days of the cessation of use, said officer shall give written notice to the owner of the building or premises on which such facility is located. Removal of the facility shall be effected within fifteen days after receipt of the notice. If such facility is not removed after the conclusion of such fifteen day period, the Zoning Officer is hereby authorized to cause the antenna to be removed forthwith at the expense of the owner of the building or premises on which such antenna is located. If the escrow or bond is insufficient to cover the entire cost of removal and disposal, the Borough may place a lien upon the premises which may be collected in accordance with the rules for collection of municipal liens.

(Ord. 919. Passed 7-14-97; Ord. 998. Passed 12-12-05; Ord. 1002. Passed 6-12-06.)

1274.05 SITING OF SATELLITE DISHES.

(a) Unless the property owner can demonstrate that a satellite dish does not function adequately in its location, satellite dishes shall be placed in the rear of the property.

(b) If installed at grade level or on a supporting pad or platform, satellite dishes shall be completely screened from view from outside the property by evergreen vegetation or other landscaping to the height of the dish.

(Ord. 919. Passed 7-14-97.)