

**BOROUGH OF SOUDERTON
ZONING ORDINANCE**

Montgomery County, Pennsylvania

**BOROUGH OF SOUDERTON
ZONING ORDINANCE**

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**BOROUGH OF SOUDERTON
ZONING ORDINANCE**

ORDINANCE NO. 405 of 1972
(As Amended by Ordinance N. 432, 509, 514, 542, 547, 570 and 571)

In pursuance of authority conferred by the Pennsylvania Municipalities Planning Code, Act of P.L. 805, No. 247 (Reenacted and amended December 21, 1988, P.L. _____, No. 170), the Borough Council of the Borough of Souderton hereby enacts and ordains this ordinance.

ARTICLE I LEGISLATIVE AND SCOPE

Section 100. Short Title and Effective Date.

This ordinance shall be known and may be cited as the “Borough of Souderton Zoning Ordinance of 1972, as amended” and the map as the “Zoning Map, as revised.” This ordinance shall become effective upon enactment and advertisement as required by law.

Section 101. Purpose.

This ordinance is enacted for the purpose of promoting, protecting and facilitating the public health, safety, morals, general welfare, coordinated and practical community development in accordance with a comprehensive plan, proper density of population, the provision of adequate light and air, vehicle parking and loading space, transportation, water sewerage, public ground and other public requirements. It is designed to facilitate the prevention of the overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers. It is in accordance with an overall program and takes into consideration the character of the municipality, its various parts and the suitability of the various parts for particular uses and structures.

Section 102. Interpretation.

In interpreting and applying the provisions of this ordinance, they shall be held to be the minimum requirements for the promotion of the health, safety, morals and the general welfare of the borough. The comprehensive plan in accordance with which this ordinance is enacted and which is reflected in the provisions of this ordinance has been formulated to implement the purpose set forth in Section 101 hereinabove, in the respects therein stated and more particularly with a view toward the following objectives:

- A. Guiding and encouraging the future development of the borough in accordance with comprehensive planning of land use and population density that represents the most beneficial and convenient relationships among the residential, commercial, industrial and recreational areas within the borough, having regard to their suitability for the various uses appropriate to each of them and their potentially for such uses, as indicated by topography and soil conditions, existing man-made conditions, and trends in population, in the direction, and manner of the use of land, in building development, and in economic activity, considering such conditions and trends both within the borough and with respect to the relation of the borough to surrounding areas;
- B. Protecting the character and the social and economic stability of each of such areas and encouraging their orderly and beneficial growth;
- C. Protecting and conserving the value of land and buildings throughout the borough appropriate to the various zoning district established herein;
- D. Bringing about through proper timing the gradual conformity of land use to the comprehensive plan aforesaid, and minimizing conflicts among the uses of land and buildings;
- E. Aiding in bringing about the most beneficial relation between land use and the circulation of traffic throughout the borough, having particular regard to traffic to and from main arteries of travel, and to avoidance of congestion in streets and the provision of safe and convenient access appropriate to the various land uses; and
- F. Aiding in providing a guide for public policy and action in the efficient provision of public facilities and services, in the provision of safe and proper sanitary sewerage disposal, and for private enterprise in building development, investment, and other economic activity relating to land use; insofar as such

objects are consistent with the purpose set forth in Section 101 and with the aforesaid minimum requirements therefor. The provisions of this ordinance shall be interpreted, administered, and applied in such manner as will facilitate attainment of the said objectives.

Section 103. Conflict.

It is not intended by this ordinance to repeal, abrogate, annul or interfere with any existing ordinance or enactment, or with any rule, regulation or permit adopted or issued thereunder, except insofar as the same may be inconsistent or in conflict with any of the provisions of this ordinance, provided that where this ordinance imposes greater restrictions upon the use of buildings or land, or upon the height and bulk of buildings, or prescribes larger open spaces than are required by the provision of such ordinance, enactment, rule, regulation or permit, then the provision of this ordinance shall control.

Section 104. Validity.

Should any section or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the ordinance as a whole or of any part thereof. It is not intended by this ordinance to interfere with any building code heretofore or hereafter adopted or any rules or regulations of the Board of Health.

Section 105. Repealer.

All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

ARTICLE II DEFINITIONS

Section 200. Definitions.

Unless otherwise expressly stated, the following words and phrases shall be construed throughout this ordinance to have the meaning indicated in this article. The present tense include the future; the singular number includes the plural, and the plural the singular; the masculine gender includes the feminine and neuter; the word “used” includes the words “designed, arranged, or intended to be use”; the word “person” includes any individual, partnership, firm, association, corporation or organization; the word “occupied” includes the words “designed or intended to be occupied;” and the word “shall” is always mandatory. The word “borough” means the Borough of Souderton, Montgomery County, Pennsylvania; the term “borough council” means the Borough Council of the Borough of Souderton; the term “zoning hearing board” means the Zoning Hearing Board of the Borough of Souderton.

ADULT DAY CARE FACILITY. Any premises operated for profit or not for profit in which older adult daily living services, as defined herein, are simultaneously provided for four or more adults who are not relatives of the operator. The following types of adult day care facilities are regulated by this chapter:

1. Adult Day Care Home – Any adult day care facility in which services are provided to between 4 and 8 adults, and where the day care areas are being used as a family residence.
2. Adult Day Care Center – Any adult day care facility in which services are provided to 8 or more adults, and where the day care areas are not being used as a family residence.

AGE QUALIFIED HOUSING. A development consisting of residential living units for permanent occupancy by persons who are 55 years of age or older, and for married couples with one spouse or both spouses being 55 years of age or older. Such developments may also provide facilities and services for the use of the residents such as, but not limited to a clubhouse, community room, auditorium and recreation facilities.

APARTMENT. A dwelling unit in a building containing three or more units having some common services or facilities, or both, and/or served by a common entrance hall. May also be defined as a dwelling unit in a combined-use building containing two or more uses.

APARTMENT HOUSE. A building containing three or more dwelling units having common services or facilities, or both, and/or served by a common entrance hall.

BED AND BREAKFAST HOUSE. A home occupation that provides up to 20 rooms (limited to 2 persons or 1 family per unit/room) for occasional paying guests on an overnight basis for periods not to exceed 14 days with breakfast being available on the premises at no additional cost. A bed and breakfast home is allowable only in a building originally constructed as a single-family detached dwelling.

BED AND BREAKFAST INN. A tourist home that provides 1 to 6 rooms (limited to 2 persons or 1 family per unit/room) for paying guests on an overnight basis periods not to exceed 14 days with breakfast being available on the premises at no additional cost.

BOUTIQUE HOTEL. A small hotel not less than 10 and not more than 50 rooms, typically offering enhanced level of services and marketed at a premium price to a select clientele.

BUILD-TO-LINE. 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; intended to create an even building façade line along a street. The build-to-line is established on the record plan.

BUILDING. Any structure having enclosing walls and roof, permanently located on the land.

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

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

BUILDING AREA. The relation of the total ground floor area of all buildings on a lot to the total area of the lot on which they are located.

BUILDING SETBACK LINE. A line within the lot, whether or not designated on a plan, between which line and the right-of-way line of the street on which the lot abuts, a building may not be erected.

CARTWAY. The portion of a street intended for vehicular use.

CHAMFERED ROOF. A roof with a beveled edge, especially to a beam.

CHILD DAY CARE FACILITY. The following types of child day care facilities are regulated by this chapter:

1. Day Care Center – A facility in which care is provided for 7 or more children at any one time, where the child care areas are not being used as a family residence.
2. Family Day Care Home – Any premises other than the child's own home, in which child day care is provided at any one time to 4, 5 or 6 children who are not relatives of the caregiver, and where the child care areas are being used as a family residence.
3. Group Day Care Home – A facility in which care is provided for more than 7 but less than 12 children at any one time, where the child care areas are being used as a family residence.

COMBINED USE STRUCTURES. Structures that combine a mix of commercial, office and residential uses.

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

COMPREHENSIVE PLAN. The official public document of current adoption consisting of maps, charts and textual matter, that constitutes a policy guide to decisions about the physical and social development of the borough. The comprehensive plan includes a statement of objectives, a plan for land use, a plan for movement of people and goods, a plan for community facilities and utilities, plus a map or statement indicating the relationship of the municipality and its proposed development to adjacent municipalities and areas.

CORNICE. The projection at the top of a wall or the top course or molding of a wall when it serves as a crowning member.

CUL-DE-SAC. A street with access at one end and terminated at the other by a paved vehicular turnaround.

DAY SPA. A business in which massage and body or facial treatments are performed by professional, licensed therapists. Private treatment rooms are provided for each client receiving a personal service. Full

service hair salons, make-up consultations and application, and manicure and pedicure services may be provided as additional services.

DENSITY. The number of dwelling units per developable acre.

DEVELOPABLE ACRE. All land within the lot lines except that located with existing rights-of-way of public roads and overhead utility lines, floodplains and land continuously covered with water.

DRIVE-THROUGH WINDOW. A window in a building or structure, whose primary purpose is to sell and/or distribute goods and services to customers while in their motor vehicles.

DWELLING. A house, an apartment, or other group of rooms, or a single room when it is occupied or intended for occupancy as separate living quarters, that is, when the occupants do not live and eat with other persons in the structure and there is either (1) direct access from the outside or through a common hall or (2) a kitchen or cooking equipment for the exclusive use of the occupants of the unit.

DWELLING, MULTIFAMILY. A building, not a row house dwelling designed for an occupied exclusively as a residence for no less than three or more six families living independently of one another, with or without provision of meal service for its tenants and guests and with or without a central dining room therefore, but without meal service for the general public, and without habitable rooms in the basement other than janitor's living quarters.

DWELLING, ROWHOUSE OR TOWNHOUSE. One of the structurally-connected series of three or more buildings, arranged in a row having only one unit from ground to roof and have at least two independent outside yards and not more than two walls in common with another dwelling unit. Also known as attached single-family dwelling.

DWELLING, SINGLE-FAMILY DETACHED. A building designed for an occupied exclusively as a residence for only one family and having no party wall in common with an adjacent building. Where a private garage is structurally attached to such building, it shall be considered as a part thereof.

DWELLING, SINGLE-FAMILY SEMI-DETACHED. A building designed for and occupied exclusively as a residence for only one family and having a party wall in common with an adjacent building; a single-family twin dwelling. Where a private garage is structurally attached to such building, it shall be considered as a part thereof.

DWELLING, TWO-FAMILY DETACHED. A building designed for and occupied exclusively as a residence for two families living independently of each other with one family living wholly or partly over the other and have no party wall in common with an adjacent building; a detached duplex dwelling. Where a private garage is structurally attached to such building, it shall be considered as a part thereof.

ELDERLY HOUSING, LIFE CARE HOUSING. Dwelling units limited to owners or tenants who shall be no less than 62 years of age.

EXISTING BUILDING. Any building existing as of the date of the adoption of this ordinance.

FAÇADE. The exterior walls of a building facing a frontage line.

FARMERS MARKET. Temporary or occasional outdoor retail sales of farm produce from vehicles or temporary stands.

FAMILY:

1. Any number of persons related by blood, marriage or adoption, up to 5 unrelated persons, living and cooking together as a single, nonprofit and non-transient housekeeping unit, including any number of foster children under the care of the same; or
2. When authorized by special exception, no more than 5 unrelated individuals, living together as a single, nonprofit and non-transient housekeeping unit (where at least 3 of the individuals require special care or supervision).

FENESTRATION. The arrangement of windows and other exterior openings on a building.

FLOOR AREA RATIO (FAR). Means the sum of the area of all floors of buildings or structures, exclusive of parking garages, compared to the total gross area of the site.

GARAGE, PRIVATE. A building accessory to a dwelling for the storage of not more than three motor vehicles, one of which may be a commercial vehicle.

GARAGE, PUBLIC. A building, other than a private or storage garage, one or more stories in height, used solely for the commercial storage, service or repair of motor vehicles.

GARAGE, STORAGE. A building, not a private or public garage, one-story in height, used solely for the storage of motor vehicles, but not for the service or repair thereof nor for the sale of fuel, accessories or supplies.

GARDEN APARTMENT. An apartment house or group of apartment houses which constitutes a single operating and proprietary unit, and may include storage garages restricted for use of apartment tenants. It shall not exceed 45 feet in height or five stories exclusive of basement.

GASOLINE FILLING STATION. Any area of land, including structures thereon, or any building or part thereof, that is used for the sale of gasoline or other motor vehicle fuel or accessories, and which may or may not include facilities for lubricating, washing or otherwise servicing motor vehicles, but which shall not include painting or body and fender repairs.

GROUP HOME. A residential facility used as living quarters by any number of unrelated persons requiring special care, and their attendance adult supervisors, specifically designed to create a residential setting for the mentally and physically handicapped (as a permitted use), or for other similar uses (as a special exception). The individuals may be either transient or permanent residents. Any number of handicapped persons, as defined in Title VIII of the Civil Rights Act of 1968, as amended by the "Fair Housing Amendments Act of 1988" have a right to occupy a dwelling unit in the same manner and to the same extent as any family unit.

HEIGHT OF BUILDING. The overall height of a building measured from the average ground surrounding the building to: (1) the top of the roof for flat roofs, (2) the deck lines for mansard roofs, and (3) the average height between eaves and ridge for gable, hip and gambrel roofs.

HIGH-RISE APARTMENTS. A dwelling unit in a building which is 5 or more stories in height, containing 10 or more units have some common services or facilities or both and/or served by a common entrance hall.

HOME OCCUPATION. A lawful occupation conducted in a dwelling in which the practitioner resides and subject further to Article XIV Accessory Uses and all regulations in connection therewith.

HOTEL. A building used for the purpose of furnishing for compensation more or less temporary lodging to the public, with or without meals, and having lodging accommodations for 10 or more persons.

HOTEL, EXTENDED STAY. A building intended to provide transient lodging accommodations to the general public, targeted to the business or leisure traveler who is planning to stay for a period longer than a typical hotel stay. To constitute an extended stay hotel, each hotel room or suite must: be furnished; contain kitchen facilities to include a range, cooktop, microwave or conventional oven, refrigerator and sink; and provide on-premises staff or on-call services to guests 24 hours per day. Extended stay hotel rooms and suites shall not be used as permanent dwellings.

JUNKYARD. A lot, land or structure, or part thereof, used primarily for the collection, storage and sale of waste paper, rags, scrap metal or discarded material; or for the collection, dismantling, storage and salvaging of machinery or vehicles not in running condition, and for the sale of parts thereof.

LAND DEVELOPMENT:

1. The improved of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving a group of two or more existing or prospective occupants by means of, or for the purpose of streets, common area leaseholds, condominiums, building groups of other features; a subdivision of land.
2. A division of land into lots for the purpose of conveying such lots singly or in groups to any person, partnership or corporation for the purpose of the erection of buildings by such persons, partnership or corporation.

LOADING SPACE. A space, accessible from a street or way, in a building or on a lot for the temporary use of vehicles while loading or unloading merchandise or materials.

LOT. A parcel of land which is occupied or is to be occupied by one principal building or other structure or use, together with any accessory buildings or other structures or uses customarily incidental to such principal building or other structure or use, and such open spaces as are arranged or designed to be used in connection with such principal building or other structure or use, such open spaces and the area and dimensions of such lot being not less than the minimum required by this ordinance.

LOT, AREA. The area contained within the property lines of any lot, excluding any area within any street right-of-way, but including the area of any easement.

LOT AREA PER FAMILY. The quotient obtained by dividing the lot area by the total number of families housed or to be housed thereon.

LOT, CORNER. A lot at the junction of and abutting on two or more intersecting streets, or at the point of abrupt change in direction of a single street and the interior angle of which is not greater than 135 degrees.

LOT, INTERIOR. Any lot other than a corner lot.

LOT LINE. A property boundary line of any lot held in single or joint ownership, except in the case of any lot abutting a street, the lot line for such portion of the lot as abuts the street shall be deemed to be the same as the ultimate right-of-way, and shall not be the centerline of the street, or any other line within the street line even though such may be the property boundary line.

LOT LINE, FRONT. The lot line abutting a street and coinciding with the right-of-way, and in the case of a corner lot, whichever street-abutting lot line is elected by the owner or person applying for the building permit.

LOT LINE, REAR. A lot line opposite and most distant from the front lot line. If the rear lot line is less than 10 feet in length, or if the lot forms a point at the rear, the rear lot line shall be deemed to be a line 10 feet in length within the lot, parallel to and at the maximum distance from the front lot line.

LOT LINE, SIDE. Any lot line not a front or rear lot line.

MASSAGE PARLOR. A business wherein therapeutic massage is practiced by a certified massage therapist.

MASSING. The three-dimensional shape of a building's height, width and depth.

MOBILE HOME. A single-family detached dwelling intended for permanent occupancy, which may not meet local building codes but does meet the standards set by the United States Department of Housing and Urban Development and other appropriate federal agencies and is certified by them, contained in one unit or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used with or without a permanent foundation, including any roofed addition such as extra rooms, covered patios, porches, etc.

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

MOBILE HOME PARK. A parcel of land under single ownership which has been planned and improved in compliance with the requirements of the R-2 Residential district for the placement of mobile homes, consisting of two or more mobile home lots.

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

NON-CONFORMING. A building, or other structure, sign, use or lot, which by reasons of design, size or use, does not conform with the requirements of the district, or districts, in which it is located.

OFFICIAL MAP. The official map of current adoption showing the exact location of the lines of existing and proposed public streets including the ultimate width of the corridor for such streets, watercourses and public grounds for the whole of the municipality of the Borough of Souderton provided that proposed streets, watercourses, or public grounds shall not, in and of itself, constitute a taking or acceptance of any land by the Borough of Souderton.

PARAPET. The portion of a wall which extends above the roofline.

PARKING LOT. Any tract of land which is used for the storage of motor vehicles and contains parking space rental to or used by the general public or reserved for a group of individuals.

PARKING SPACE. A reasonably level space, constructed of concrete or bituminous material, available for the parking of one motor vehicle and having dimension of not less than 10 feet by 18 feet exclusive of passageways, driveway or other means of circulation or access.

PERFORMANCE STANDARDS. Measures and standards by which the suitability of a proposed use can be measured by the extent of its external effect.

PERSONAL SERVICE SHOP. A business which provides a service oriented primarily to personal needs, and not primarily involving retail sales of goods or professional advisory services. Included are: tailor, barber, beauty salon, shoe repair, dressmaker or dry cleaner (provided no cleaning operations are performed on the premises).

PIERCING STUDIO. A business where body piercing is performed.

PLANNING COMMISSION. Planning Commission of the Borough of Souderton.

PLAN.

1. Improvement Construction – A plan prepared by a registered engineer or surveyor showing the construction details of streets, drains, sewers, bridges, culverts and other improvements as required by these regulations showing the horizontal details, profile and typical cross-section to be constructed or installed.
2. Land Development – A tentative, preliminary or final plan including written and graphic material showing the provision for development of a subject tract when plans of subdivision would not be applicable.
3. Preliminary – A plan prepared for discussion with the Planning Commission and governing body by a registered engineer or surveyor showing the proposed street and lot layout, the deed restrictions, easements, etc. of the entire land owned being subdivided.
4. Record – A plan prepared for recording by a registered engineer or surveyor, showing the ultimate width of streets, the lot lines, easements and any other relevant information pertaining to the subdivision.
5. Tentative – A rough draft showing proposed streets and lots related to topography, to be used as the basis for informal discussion between the representatives of the Planning Commission and subdivider, developer or builder.

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

PORTICO. A covered walk or porch that is supported by columns or pillars; also known as colonnade.

PROFESSIONAL OFFICE. A building in which services are performed by a member of a profession, including but not limited to an accountant, architect, author, community planner, dentist, engineer, insurance agent, landscape architect, lawyer, minister, notary, optometrist, physician or realtor.

RESIDENTIAL CLUB. A building housing a club or similar organization providing sleeping accommodations for more than 10 members thereof, and whose chief activity or service shall not be performed for profit.

RESTAURANT. A building in which food is prepared and served to the public for consumption, where waiters or waitresses take orders and serve food to people at tables, booth or counters.

ROOMING HOUSE. A building consisting of a single dwelling unit and not more than five rooms or suites, where lodging is provide with or without meals to tenants for periods generally longer than 30 days, for compensation.

SATELLITE DISH ANTENNA. A device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow-dish, cone, horn or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially- and/or orbitally-based uses. This definition is meant to include but not be limited to what are commonly referred to as satellite earth station and microwave antennas.

SIGN. A structure, building wall, indoor surface visible to the outside, or outdoor surface, or any device used for visual communication, which directs attention to an object, product, place, activity, person, organization, or business.

SINGLE AND SEPARATE OWNERSHIP. The ownership of property by any person, which ownership is separate and distinct from that of any adjoining property.

SPECIAL EXCEPTION. Permission, approval or authorization granted by the Zoning Hearing Board in situations where provision therefor is made by the terms of this ordinance.

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

STREET. A strip of land including the entire right-of-way, publicly- or privately-owned, serving primarily as means of vehicular and pedestrian travel, furnishing access to abutting properties which may also be used to provide space for sewers, public utilities, shade trees and sidewalks.

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

STRUCTURAL ALTERATION. Any change in or addition to the supporting or structural members of a building or other structure, such as the bearing walls, partitions, columns, beams or girders, or any change which could convert an existing building or other structure into a different structure or adapt it to a different use, or which in the case of a non-conforming building or other structure would prolong the life of such building or other structure.

STRUCTURAL UNIT. One or more buildings enclosed by continuous exterior walls and a continuous roof.

STRUCTURE. Any form or arrangement of building materials involving the necessity of provide proper support, bracing, tying, anchoring, or other protection against the forces of the elements.

SUBDIVISION. The division or re-division of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, transfer or ownership or building or lot development.

TATTOO PARLOR. A business where tattooing is practiced.

TAVERN. An establishment which serves alcoholic beverages for on-premises consumption and which is licensed by the Pennsylvania Liquor Control Board.

TELEPHONE CENTRAL OFFICE. A building and its equipment used for the transmission and exchange of telephone or radio telephone messages between subscribers and other business of a telephone company, provided that in the residential districts, a telephone central office shall not include public business facilities, storage of materials, trucks, or repair facilities, or housing of repair crews.

TOURIST HOME. A dwelling in which sleeping accommodations for less than 10 persons are provided or offered primarily for automobile travelers for compensation.

TOWER, COMMUNICATIONS. A structure, including an antenna, whether freestanding or attached to a building or other structure in any fashion, used for transmitting or receiving radio, television,

TRAILER (House, Travel or Recreational Vehicles). Any vehicle designed, intended, arranged or used as a temporary place for living, eating, sleeping or business, equipped for use as a conveyance on streets or highways, the dimensions of which are within the maximum size limits for use without a special permit by

the Pennsylvania Motor Vehicle Code; for the purpose of this chapter, not a dwelling unit, mobile home or modular home.

ULTIMATE RIGHT-OF-WAY. The future or planned width of a highway in the public domain as shown on the official ultimate right-of-way map on file at the office of the borough secretary.

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

USED CAR LOT. Any land, used or occupied, for the purpose of buying and selling secondhand motor vehicles and storing said motor vehicles prior to sale.

VARIANCE. Permission, approval or authorization granted by the Zoning Hearing Board in accordance with Article XVI, Section 1605.D herein, constituting a modification of, or deviation from, the exact provisions of this ordinance as applied to a specific piece of property.

WALK-UP WINDOW. A window opening in the façade of a commercial building used for the sale of food and/or beverages. Such a window shall be designed for the exclusive use of pedestrians, and shall be located to provide a safe waiting area, and to not disrupt or impede pedestrian movement on a sidewalk used by the public.

WALKWAY, PUBLIC. Any space designed or maintained solely for pedestrian use, without regard to ownership.

YARD. An open, unoccupied space on the same lot with a building or other structure or use, open and unobstructed from the ground to the sky, except for public utility lines or facilities.

YARD, FRONT. A yard extending the full width of the lot along the front lot line and extending in depth from the front lot line to the nearest point of any structure on the lot.

YARD, REAR. A yard extending the full width of the lot along the rear lot line and extending in depth from the rear lot line to the nearest point of any structure on the lot.

YARD, SIDE. A yard extending the full depth of the lot along a side lot line and extending in width from such side lot line to the nearest point of any structure on the lot.

ZONING MAP. The map setting forth the boundaries of the zoning districts of the municipality, which map shall be part of this ordinance.

[Amended: Ord. 638, 7/7/03; Ord. 668, 6/4/07; Ord. 671, 6/4/07; Ord. 673, 6/4/07; Ord. 683, 9/8/09; Ord. 692, 6/7/10]

ARTICLE III
CLASSIFICATION OF DISTRICTS

Section 300. Classes of Districts.

For the purpose of this ordinance, the Borough of Souderton is divided and designated into seven zoning district classifications as follows:

- | | |
|---------------------------------|---|
| R-1 – Residential Districts | C-1 – Commercial – Central Business Districts |
| R-2 – Residential Districts | C-2 – Commercial – Limited Districts |
| R-3 – Residential Districts | LI – Limited Industrial Districts |
| GA – Garden Apartment Districts | |

The locations and boundaries of such districts shall be as shown upon the map attached to and hereby made a part of this ordinance, which shall be designated, the “Zoning Map.” The said map, and all the notations, references and other data shown thereon, shall be as much a part of this ordinance as if fully described herein.

Section 301. District Boundaries.

The boundaries between districts are, unless otherwise indicated, either the centerlines of streets, lanes, watercourses, rights-of-way of power lines, railroads, and other public utilities, or such lines extended, or lines parallel thereto. Where the boundaries of a single district are indicated as including directly opposite sides of a street, lane, lake or watercourse, or right-of-way of a power line, railroad or other public utility, for any portion of its length, the district so indicated shall be construed to apply to the entire bed of such street, lane, lake or watercourse, or right-of-way of a power line, railroad or other public utility, lying within such portion of its length. Where uncertainty exists as to the location of any said boundaries as show on the zoning map, the following rules shall apply:

- A. Where a district boundary is indicated as approximately following the centerline of a street, lane, lake or watercourse, or right-of-way of a power line, railroad or other public utility, such centerline shall be construed to be such boundary.
- B. Where a district boundary is indicated as approximately following a lot or other property line, such lot or property line shall be construed to be such boundary.
- C. Where a district boundary divides a lot or runs through undivided property, the location of such boundary, unless otherwise specified by figures on the zoning map, shall be determined by the use of the scale appearing on said map.
- D. Where figures are shown on the zoning map between a street and a district boundary, they shall indicate that the district boundary runs parallel to the street line at a distance therefrom equivalent to the number of feet so indicated, unless otherwise specified. Where scaled distances do not agree with such figures, the figures shall control.

Section 302. Federal and State Owned Property.

Whenever federal or state owned property is included in one or more zoning districts, it shall be subject to the provisions of this ordinance only insofar as permitted by the Constitution and laws of the United States of America and of the Commonwealth of Pennsylvania.

ARTICLE IV
R-1 – RESIDENTIAL DISTRICTS

Section 400. Applicability of Regulations.

In R-1 – Residential Districts the following regulations shall apply.

Section 401. Use Regulations.

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

- A. Single-family detached dwelling.
- B. Signs, subject to the provisions of Article IX.
- C. Any of the following purposes when authorized as a special exception and further subject to the regulations set forth in Section 404:
 - 1. Educational, religious, philanthropic use, excluding correctional or penal institution;
 - 2. Hospital, convalescent home, sanitarium;
 - 3. Municipal use, excluding dump;
 - 4. Community center, non-commercial park, athletic field, or recreational use.
- D. Accessory use on the same lot with and customarily incidental to any of the foregoing permitted uses; excluding, however, those accessory uses set forth in Section 1408.A and Section 1408.B.3.

Section 402. Height Regulations.

The maximum height of buildings and other structures erected or enlarged in this district shall be:

- A. For any dwelling, 25 feet, not exceeding 2½ stories;
- B. For any building accessory to any dwelling use, 18 feet, not exceed 1½ stories;
- C. For any other non-dwelling building or other structure, 35 feet, except that such height may be increased to a maximum of 65 feet provided that for every foot of height in excess of 35 feet there shall be added to each yard requirement one corresponding foot of width or depth.

Section 403. Area, Width and Yard Regulations.

- A. Minimum Lot Area and Width. A lot area of not less than 10,000 square feet and a lot width of not less than 70 feet at the street line shall be provided for every building or other structure erected or used for any use permitted in this district.
- B. Front, Rear and Side Yards.
 - 1. There shall be a front yard, the depth of which shall be at least 25 feet provided, however, that if a building line already exists by reason of existing buildings within 100 feet, the front yard requirement shall be met if it conforms to such established line, and, provided that in the case of a corner lot, a setback shall be required from the front street line on which the lot abuts as is hereinabove set forth and a setback (or side yard requirement) of 25 feet from the line on the side street on which the lot abuts.

2. There shall be two side yards, one on each side of the main building and accessory buildings. Neither side yard shall be less than 10 feet wide.
3. There shall be a rear yard, open except for accessory buildings, the depth of which shall be at least 25 feet. Accessory building shall not be erected within 10 feet of the rear lot line.

C. Building Area. Not more than 33-1/3 percent of the area of any lot shall be occupied by buildings.

Section 404. Additional Regulations for Uses Permitted by Special Exception (Section 401.C).

A. The following additional meanings shall apply:

1. Religious uses shall mean churches, chapels or other places of worship and their adjunct residential dwellings.
2. Educational uses shall include public or private not-for-profit schools, colleges, universities, theological schools including their administrative offices, dormitories and adjunct play and recreational facilities associated therewith.
3. Philanthropic uses shall include only the headquarters or offices of nonprofit organizations.
4. Convalescent home and sanitarium shall include personal care communities, continuing care communities, and life care communities: nursing homes for the housing and care of the elderly.

B. For all authorized buildings and uses, the following regulations shall apply:

1. Area and Width. A lot area of no less than 2 acres and with of no less than 200 feet measured along the street frontage.
2. Lot Coverage. The total area covered by buildings, parking lots, walkways and vehicular access ways shall not exceed 60 percent of the total lot area. The remaining area shall be used for and maintained as previous open space area for non-vehicular purposes only.
3. Height. The maximum height of any building shall be 35 feet, except as provided in Section 402.C. A steeple or church tower may be extended to a maximum height of 100 feet above the ground elevation.
4. Yard Requirements:
 - a. Front – The minimum depth of a front yard shall be 100 feet measured from the proposed right-of-way line (but never less than the existing right-of-way) of the street on which the building fronts. In the case of a corner lot, a front yard, the depth of which shall be at least 100 feet, shall be required on each street on which the lot abuts.
 - b. Side – For each building there shall be two side yards of not less than 50 feet each.
 - c. Rear – There shall be established for each building a rear yard of at least 75 feet in depth.
 - d. Abutting a Residential District – Whenever the lot line abuts a residential district, the setback shall be a minimum of 100 feet from the property line.
 - e. Space Between Buildings – The minimum distance between buildings shall be 50 feet; provided, however, that the spacing between a principal and accessory building may be reduced to 35 feet.

[Amended: Ord. 672, 6/4/07, 404.C; Ord. 673, 6/4/07, 404.B.5 & 404.C]

ARTICLE V
R-2 – RESIDENTIAL DISTRICTS

Section 500. Applicability of Regulations.

In R-2 – Residential Districts, the following regulations shall apply.

Section 501. Use Regulations.

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

- A. A use permitted in the R-1 Residential Districts;
- B. Single-family semi-detached dwelling;
- C. Two-family detached dwelling;
- D. Two-family semi-detached dwelling;
- E. Storage garage when authorized as a special exception;
- F. Accessory use on the same lot with and customarily incidental to any of the foregoing permitted uses, provided, however, that accessory uses as defined in Section 14.4.B.3 shall be permitted only when authorized as a special exception.

Section 502. Height Regulations.

The maximum height of buildings and other structures erected or enlarged in this district shall be as prescribed in Section 402 of Article IV herein.

Section 503. Area, Width, Yard and Building Coverage Regulations.

- A. Minimum Lot Area and Width. A minimum lot area per family and a minimum lot width at the street line shall be provided for every building erected, altered or used for any dwelling use permitted in this district in accordance with the following:

Type of Dwelling	Minimum Lot Area per Family (square feet)	Minimum Lot Width (feet)
Single-Family Detached	8,000	50
Single-Family Semi-Detached	4,800	35
Two-Family Detached	4,800	60
Two-Family Semi-Detached	4,000	50

- B. Front, Rear and Side Yards.

- 1. There shall be a front yard, the depth of which shall be at least 25 feet, provided, however, that if a building line already exists by reason of existing buildings within 100 feet, the front yard requirement shall be met if it conforms to such established line, and provided that in the case of a corner lot, a setback shall be required from the front street line on which the lot abuts as is

hereinabove set forth and a setback (or side yard requirement) of 25 feet from the line on the side street on which the lot abuts.

2. On each interior lot side yard shall be provided in accordance with the following:

Type of Dwelling	Minimum Number of Yards	Minimum Agg. Width (feet)	Minimum of Any One (feet)
Single-Family Detached	2	20	10
Single-Family Semi-Detached	1	15	15
Two-Family Detached	2	20	10
Two-Family Semi-Detached	1	15	15

3. Rear Yard. There shall be a rear yard on each lot the depth of which shall be not less than 25 feet, except that an accessory use structure may be erected within the rear yard not closer to the rear lot line than 10 feet.

- C. Building Area. No more than 33-1/3 percent of the area of any lot shall be occupied by buildings.

ARTICLE VI
R-3 – RESIDENTIAL DISTRICTS

Section 600. Applicability of Regulations.

In R-3 – Residential Districts, the following regulations shall apply.

Section 601. Use Regulations.

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

- A. A use permitted in the R-1 and R-2 Residential Districts.
- B. Garden apartments as a special exception provided the regulations of Article VII are met.
- C. Multifamily, provided the following regulations are met:
 - 1. **Minimum Lot Area and Width.** A minimum lot area of 3,000 square feet per family and a minimum lot width of 80 feet at the street line shall be provided for each multifamily dwelling.
 - 2. **Minimum Side Yards.** Each multifamily use shall have a minimum of two side yards, each side yard to be not less than 15 feet in width.
- D. Rowhouse (townhouse), not to exceed six dwellings attached in any configuration; provided the following regulations are met:
 - 1. **Minimum Lot Area and Width.** A minimum lot area of 2,400 square feet per family and a minimum lot width of 20 feet at the street line shall be provided for each rowhouse dwelling.
 - 2. **Minimum side yards at the end of each row shall have a minimum width of 15 feet.**
- E. Mobile home parks when situate on a tract of not less than 5 acres and having frontage of not less than 200 feet, the following standards shall also apply:
 - 1. **Minimum lot area per family:** 6,000 square feet.
 - 2. **Minimum mobile home lot width:** 50 feet.
 - 3. **Maximum density:** 5 units per acre.

Section 602. Height Regulations.

The maximum height of buildings and other structures erected or enlarged in this district shall be as prescribed in Section 402 of Article IV and Section 502 of Article V.

Section 603. Area, Width, Yard and Building Coverage Regulations.

- A. Minimum Lot Area and Width. A minimum lot area per family and a minimum lot width at the street line shall be provided for every building erected, altered or used for any dwelling, except single-family detached, permitted in this district as prescribed in Section 503 of Article V. Single-family detached units shall have a minimum lot area of 6,000 square feet and a minimum lot width of 50 feet.
- B. Front, Rear and Side Yards. Specifications for front, rear and side yards of building and other structures erected or enlarged in this district shall be prescribed in Section 503.B of Article V.
- C. Building Areas. The maximum building area of any lot occupied by buildings shall be as prescribed in Section 503.C of Article V.

ARTICLE VII
GA – GARDEN APARTMENT DISTRICTS

Section 700. Applicability of Regulations.

In GA – Garden Apartment Districts, the following regulations shall apply.

Section 701. Use Regulations.

A building may be erected, altered or used, and a lot used or occupied for garden apartments, accessory uses customarily incidental to the above use, including swimming pools, playgrounds, parks, tot lots, and in addition, off-street automobile parking and off-street delivery collection facilities; and also any use permitted in the R-3 Residential District in accordance with the standards and regulations of the R-3 District which shall apply to such use.

Section 702. Height Regulations.

- A. No building shall exceed five stories exclusive of basement but in no event shall exceed a height of 45 feet.
- B. The minimum yard requirements shall be increased by one foot horizontal distance from each corresponding one foot in height measured in excess of 20 feet.
- C. The minimum width of an outer court shall be 40 feet provided that if the walls of the court exceed 35 feet in height, the width of the court shall be increased by 2 feet for each foot, or portion thereof, by which the walls exceed 35 feet.

Section 703. Area, Yard and Building Coverage Regulations.

- A. Lot Area and Density. A lot area of not less than 60,000 square feet shall be provided for each and every building hereafter erected, altered or used as a garden apartment. The maximum density shall not exceed:

Studio or One Bedroom Units	7.5 dwelling units/acre
Two Bedroom and Larger Units	12.5 dwelling units/acre

A mix of the above designations shall be provided with a prorated density. The den must be counted as a bedroom if it contains an entry door or if it contains more than 120 square feet.

- B. Yard Requirements.

- 1. Front Yard. There shall be a front yard on each street on which a lot abuts which shall be not less than 40 feet in depth measured from the ultimate right-of-way as determined by the Borough Planning Commission.
- 2. Side Yard. There shall be two side yards, neither of which shall be less than 25 feet in width.
- 3. Rear Yard. There shall be a rear yard which shall not be less than 50 feet in depth.

C. Building Coverage. The building coverage on any lot shall not be in excess of the following:

Number of Stories	% of Lot Area
2	35
3	25
4	20
5	15

Section 704. Interior Development Requirements.

- A. The distance, at the closest point, between any two buildings within a garden apartment development shall not be less than the height of the taller building, but in no event less than 25 feet.
- B. Apartment buildings shall be located a minimum of 15 feet from the edge of paved internal roads or parking areas.
- C. The maximum length of any apartment building, including angles, shall not exceed 160 feet.

Section 705. Development Regulations. (*Repealed*)

Section 706. Submission of Plans.

- A. The proposed apartment development shall be constructed in accordance with an overall plan and shall be designed as a single or common operating and maintenance unit.
- B. Four copies of all plans shall be submitted to the Borough Zoning Officer who shall first determine whether or not they conform with all applicable ordinances, regulations and resolutions of the borough. These plans shall then be forwarded to the Borough Planning Commission for their consideration. The recommendations of the Zoning Office and Planning Commission together with the plans shall then be transmitted to Borough Council who shall have the power of final approval or disapproval.
- C. An architect's drawing showing the external appearance of the proposed building or buildings, with a certificate thereon, by the owner that the building will be constructed as to appearance in conformity with said drawings, shall be submitted with the plan.

[Amended: Ord. 672, 6/4/07, 705; Ord. 673, 6/4/07, 706.D]

ARTICLE VIII
C-1 – COMMERCIAL – CENTRAL BUSINESS DISTRICTS

Section 800. Applicability of Regulations.

In C-1 Commercial-Central Business Districts, the following regulations shall apply.

Section 801. Use Regulations.

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

- A. A use permitted in the R-3 Residential District, provided, however, that any building erected or any of the uses, or any building used, or any lot used or occupied for any use permitted in an R-3 District, shall conform to the regulations provided for such buildings;
- B. Retail establishment for the sale of dry goods, variety and general merchandise, clothing, food, drugs, furnishings, or other household supplies, sale and repair of jewelry, watches, clocks, optical goods, or musical, professional or scientific instruments;
- C. Club, fraternity house, lodge, hotel, rooming house, tourist home;
- D. Business or professional office, studio, bank, savings and loan association, financial institution, municipal use excluding dump, telephone central office, public utility office, radio or television transmitting station and towers, passenger station for public transportation;
- E. Restaurant, tearoom, café, taproom, retail bakery, confectionery or ice cream shop, or other place serving food or beverages;
- F. Personal service shop, including tailor, barber, beauty salon, shoe repair, dressmaking, or similar shop;
- G. Sales agency for new automobiles, service or repair shop adjacent to or in connection therewith, but excluding the dismantling of automobiles;
- H. Newspaper publishing and job printing;
- I. Carpentry, cabinet making, furniture repair and upholstery shop, blacksmithing, tinsmithing, roofing, heating, plumbing or electrical repair shop, paperhanging and painting;
- J. Hand or automatic laundry;
- K. Undertaking establishments;
- L. The following uses when authorized as a special exception:
 - 1. Animal hospital;
 - 2. Motel;
 - 3. Used car lot other than as accessory use in conjunction with sales agency for new automobiles;
 - 4. Wholesale establishments in connection with permitted retail establishments, warehousing of merchandise for retail sale within the district;

5. Gasoline filling station, storage or public garage, automobile repair shop;
6. Place of indoor amusement or recreation;
7. Hi-rise apartment building or combination commercial-apartment building, provided the regulations of Section 807 are met;
8. Any use of the same general character as any of the uses hereinbefore specifically permitted without requirement of a special exception.

M. Signs, subject to the provisions of Article XI;

N. Accessory use on the same lot with and customarily incidental to any of the foregoing permitted uses.

Section 802. Combined Use Structures.

Structures, either new or altered, which combine commercial and residential use, shall cover no more than 70 percent of the lot area. When dwelling units are to be built in conjunction with new commercial structures or where existing structures are altered or used include dwelling units, an exterior space, such as a balcony, patio, porch or yard must be provided for each dwelling unit. Each exterior private space shall have a minimum area of 48 square feet, and must be directly accessible to the dwelling unit and designed for a maximum of privacy and light and air.

Section 803. Height Restrictions.

The maximum height of all structures shall be 40 feet or three stories.

Section 804. Area Requirements.

In the case of a commercial building for business purposes along, 70 percent of the lot area may be used with overhead of any kind. Any portion of the lot may be built upon provided all other requirements can be met, in addition to special requirements affecting commercial properties abutting residential districts as provided in Article VIII, Section 806.

Section 805. Loading Area.

Each commercial use must have adequate exterior space for unloading and loading vehicles and a service entrance directly accessible to a public street, alley or service drive. The 30 percent lot area remaining may be used as a service court and may be either a side yard to a rear yard.

Section 806. Buffer Requirements. (*Repealed*)

Section 807. High Rise Apartments.

The following regulations shall apply for high rise apartments:

- A. Permitted Uses. A building or related group of buildings may be erected and a lot used for the following purposes:
 1. Apartment house or group of apartment houses which constitute a single operating or proprietary unit, including condominium ownership when in accordance with the Pennsylvania Unit Property Act of 1963.
 2. Commercial and professional office use provided that no trade or business shall be permitted which is noxious, hazardous or detrimental to the proper use of the property for apartment purposes. The total floor area of any commercial and office uses in any one building shall not exceed 10 percent of the total floor area of that building.

3. Convenience facilities, such as drugstores, grocery stores, barber shops or beauty shops may be included but any area used thus shall be subtracted from the allowable state for professional uses in Section 807.A.2, and the same sign and advertisement restrictions shall apply.
- B. Height Restriction. A high rise apartment building may be increased to a maximum height of 65 feet when authorized by a special exception provided that for every foot of height in excess of 35 feet, there shall be added one corresponding foot of depth or width to each yard requirement.
- C. Lot Area and Density. There shall be a minimum of 1,800 square foot of lot area for every dwelling unit, office or commercial establishment erected or altered. Any apartment less than 45 feet in height shall be designated a garden apartment and shall be regulated by lot area and density as provided in Section 703.A.
- D. Building Area Restriction. No more than 30 percent of the required lot area shall be occupied by a building or buildings, in the case of a building or buildings six stories or less. For each additional story in height, the lot coverage shall be reduced by 2 percent.
- E. Required Yards and Setbacks. There shall be a front yard on each lot which shall be not less than 13 feet in depth from the established curb line, and there shall be a minimum setback from all side and rear property lines of 25 feet. Building exceeding 35 feet in height shall add one foot of setback from front, side and rear property lines for each additional one foot of height. In the case of a building abutting a residential district, there shall be a setback of 150 feet from each residential district.
- F. Length of Buildings. The maximum uninterrupted horizontal length of any façade of a structure shall be 100 feet. For the purposes of this length restriction, an offset of 15 feet in depth will be considered an interruption.
- G. Service Areas. Areas for loading and unloading of delivery trucks or other vehicles and for the servicing of refuse collection, fuel and other service shall be provided. They shall be adequate in size and so arranged that they may be used without blockage or interference with the use of access ways or automobile parking facilities. They shall be adequately screened from neighboring properties and other uses on the same property, such as recreational areas.
- H. Access Drives. Provision shall be made for safe and efficient ingress and egress to and from public streets serving the apartment without undue congestion to or interference with normal traffic flow.
- I. Access to Public or Semi-Public Areas. Any use permitted which may serve the public as well as tenants shall have direct access to that use area so that non-tenants do not interfere with routine apartment house functions. Any such use permitted shall be located below the second floor or have adequate elevator service to that specific use area.
- J. Buffer and Landscape Requirements. The apartment area shall have a permanent landscaped planting strip of at least 20 feet in width along all side and rear property lines.
1. The buffer strip may be broken from driveways not more than once every 120 feet of length.
 2. The buffer strip shall be planted and maintained as a green area with grass, ground covers, and a minimum of 20 percent of the area planted a minimum of 40 feet on center.

[Repealed: Ord. 671, 6/4/07, 807.A.4; Ord. 672, 6/4/04, 807.J; Ord. 673, 6/4/07, 807.L]

ARTICLE IX
C-2 – LIMITED COMMERCIAL/RESIDENTIAL DISTRICTS

Section 900. Legislative Intent.

The Limited Commercial/Residential District adjacent to Main Street and Board Street are historically residential areas that have become appropriate locations for limited, small-scale nonresidential uses as Route 113 has developed. The intent of the C-2 Limited Commercial/Residential District is to:

- A. Encourage the retention and reuse of existing buildings with historical value within the district, to maintain and enhance the character and streetscape of the borough.
- B. Encourage adaptive reuse of existing properties to bring them into conformity with permitted uses and the goals and objectives of the borough's prevailing economic development plans and initiatives.
- C. Allow a mix of residential, limited commercial and office uses in existing buildings in a manner which supports the economic development of the borough.
- D. Limit the impact of nonresidential uses and new development on existing residences by requiring a residential character, limiting the scale of buildings, controlling the location of parking areas and requiring buffer landscaping.
- E. Encourage shared parking arrangements and connections between parking areas on adjoining lots to minimize curb cuts and provide efficient and accessible parking.

Section 901. Uses.

- A. Class One – Uses Permitted By Right. The following uses are permitted in existing and proposed buildings:
 - 1. Single-family detached dwelling.
 - 2. Single-family semi-detached dwelling (twin).
 - 3. Two-family detached dwelling (duplex).
 - 4. Two-family semi-detached dwelling (triplex, quadruplex).
 - 5. Single-family attached dwelling (row house, townhouse), not to exceed six dwelling units attached in any configuration.
 - 6. Multifamily conversions of single-family detached dwellings, not to exceed six dwelling units per building, provided that all applicable building and development code requirements can be met. A minimum of 3,000 square feet of lot area must be provided for each dwelling unit on the lot.
 - 7. Accessory use on the same lot with and customarily incidental to any of the foregoing permitted uses, as set forth in Section 1408.
- B. Class Two – Uses Permitted By Right. The following uses are permitted, provided that they are conducted in an existing building. Existing buildings may be expanded or altered to accommodate the following uses, proved that new construction meets all applicable requirements.
 - 1. Apartments, on the second floor and above, in combined-use buildings containing one or more nonresidential permitted uses, not to exceed six dwelling units in any building.
 - 2. Small scale retail establishment for the sale of dry goods, variety and general merchandise, clothing, sporting goods, food, drugs, household supplies, beverages, hardware, furnishings,

antiques, baked goods, greeting cards, plants and flowers, and the sale and/or repair of jewelry, watches, clocks, optical goods, electronics, musical, professional or scientific instruments.

3. Business office, such as real estate sales, travel agency, insurance sales, advertising, or retail copying and printing services. Administrative office for philanthropic organizations are also permitted.
 4. Professional office, such as those for the practice of medicine or other health services, or for law, engineering, architecture or accounting.
 5. Personal service shop, such as barber, beauty salon, day spa, pet groomer, shoe repair, tailor, dressmaker, laundry or dry cleaner (provided that no cleaning operations are performed on the premises).
 6. Establishment serving food or beverages to the general public, such as a restaurant, café, retail bakery, deli, grill, confectionery or ice cream shop, including walk-up windows.
 7. Financial institution, such as a bank or savings and loan association, but excluding drive-through facilities.
 8. Studio for dance, music, fitness, art or photography.
 9. Gallery.
 10. Bed and breakfast inn and bed and breakfast house.
 11. Boutique hotel.
 12. Extended stay hotel.
 13. Government administration uses, post office, community center, public library, offices for public utilities, excluding penal and correctional facilities.
 14. Public park, plaza, square, courtyard, urban garden, and public recreation areas.
 15. Accessory use on the same lot with and customarily incidental to any of the foregoing permitted uses, as set forth in Section 1408.
- C. Class Three – Conditional Uses. The following uses are permitted on a lot as conditional uses, when conducted in either an existing or a proposed building; provided that the lot has frontage on Main Street, Broad Street, Chestnut Street or Reliance Road. Existing buildings may be expanded or altered and new buildings may be proposed to accommodate such uses, provided that new construction meets all applicable requirements.
1. All uses permitted in 901.B, above, when proposed to be located in a building not existing at the time of the passing of this Article.
 2. Tavern, bar or nightclub, provided that hours of operation and other conditions on use are agreed upon within input from the public through the borough's conditional use process.
 3. Theater or club provided entertainment such as plays, movies and live music, provided that hours of operation and other conditions on use are agreed upon with input from the public through the borough's conditional use process, and provided that the use is conducted within a building existing at the time of the passing of this Article.
 4. Event facility available for use or rental for conferences, parties, weddings, and other events, provided that hours of operation and other conditions on use are agreed upon with input from the public through the borough's conditional use process, and provided that the use is conducted within a building existing at the time of the passing of this article.
 5. Indoor recreation facility such as bowling alley, skating rink or gymnasium, used for group or individual indoor sports, provided that hours of operation and other conditions on use are agreed upon with input from the public through the borough's conditional use process.

6. Undertaking establishment and funeral home.
 7. Outdoor dining as an accessory to an establishment serving food.
 8. School, day care center and other public or private educational institution.
 9. Use determined by Borough Council to be of a similar nature to the uses permitted by right in Section 901.A.
- D. Prohibited Uses. In addition to any use not expressly permitted above, the following uses shall not be permitted in this district under any circumstances.
1. Automobile and other motorized vehicle sales and service, including repair establishments, vehicle body repair, vehicle painting, and car wash facilities. Automobile parts and tires sales stores shall also be prohibited.
 2. Gasoline service station and filling station.
 3. Self-service storage facilities (mini-warehouse).
 4. Animal kennels and animal day care facilities.
 5. Adult uses.
 6. Drive-through facilities.
 7. Criminal and drug treatment centers, group homes, and transitional housing such as shelters.
 8. Uses determined to be of a similar nature to the prohibited uses listed in this section.

Section 902. Dimensional Requirements.

Proposed development within this district shall meet the following dimensional requirements:

- A. Single-family detached, two-family detached (duplex) and multifamily conversions:
1. Minimum lot area: 6,000 square feet; 3,000 square feet per dwelling unit for multifamily conversions.
 2. Minimum lot width: 50 feet at the building setback line.
 3. Maximum building coverage: 45 percent of the net lot area.
 4. Maximum impervious coverage: 55 percent of the net lot area.
 5. Front yard setback: minimum 10 feet.
 6. Side yard setbacks: minimum 6 feet each side; minimum 20 feet aggregate both sides; and minimum 10 feet each side for multifamily conversions.
 7. Rear yard setback: minimum 20 feet.
 8. Maximum building height: 35 feet and 3 stories.
- B. Single-family semi-detached (twin) and two-family semi-detached (triplex, quadruplex):
1. Minimum lot area: 4,000 square feet.
 2. Minimum lot width: 35 feet at the building setback line.
 3. Maximum building coverage: 45 percent of the net lot area.
 4. Maximum impervious coverage: 55 percent of the net lot area.
 5. Front yard setback: minimum 10 feet.

6. Side yard setbacks: minimum 15 feet on the side of a unit not sharing a party wall with an adjacent unit.
 7. Rear yard setback: minimum 20 feet.
 8. Maximum building height: 35 feet and 3 stories.
- C. Single-family attached (row house, townhouse):
1. Minimum lot area: 2,400 square feet.
 2. Minimum lot width: 20 feet at the building setback line.
 3. Maximum building coverage: 60 percent of the net lot area.
 4. Maximum impervious coverage: 80 percent of the net lot area.
 5. Front yard setback: minimum 10 feet.
 6. Side yard setbacks: minimum 15 feet on the side of a unit not sharing a party wall with an adjacent unit.
 7. Rear yard setback: minimum 20 feet.
 8. Maximum building height: 35 feet and 3 stories.
- D. Class Two nonresidential and combined-use:
1. Minimum lot area: 4,000 square feet.
 2. Minimum lot width: 25 feet at the building setback line.
 3. Maximum building coverage: 75 percent of the net lot area.
 4. Maximum impervious coverage: 90 percent of the net lot area.
 5. Front yard setback: no minimum. Maximum setback at least 50 percent of the front façade of the primary building shall be set back no more than 20 feet from the edge of the sidewalk, in order to maintain a continuous built edge consistent with the existing streetscape of the borough
 6. Side yard setbacks: minimum 6 feet each side; minimum 20 feet aggregate both sides.
 7. Rear yard setback: minimum 20 feet.
 8. Minimum landscaped buffer: 15 feet at all property lines abutting residential properties.
 9. Maximum building height: 35 feet and 3 stories.
 10. Maximum building footprint: 3,000 square feet.
- E. Class Three conditional nonresidential and combined-use:
1. Minimum lot area: 20,000 square feet.
 2. Minimum lot width: 50 feet at the building setback line.
 3. Maximum building coverage: 75 percent of the net lot area.
 4. Maximum impervious coverage: 90 percent of the net lot area.
 5. Front yard setback: no minimum. Maximum setback at least 50 percent of the front façade of the primary building shall be set back no more than 20 feet from the edge of the sidewalk, in order to maintain a continuous built edge consistent with the existing streetscape of the borough
 6. Side yard setbacks: minimum 15 feet each side; minimum 30 feet aggregate both sides.
 7. Rear yard setback: minimum 40 feet.

8. Minimum landscaped buffer: 30 feet at all property lines abutting residential properties (except where separated by a street or alley).
9. Maximum building height: 35 feet and 3 stories.
10. Maximum building footprint: 6,000 square feet.

Section 903. Design Standards.

The following design standards shall apply to all proposed development within the district, in order to meet the objectives of this ordinance.

A. Building Expansion and Alteration Standards for all Class One, Two and Three Uses.

1. Existing principal buildings may be expanded, provided that the proposed development meets all applicable requirements and dimensional standards.
2. Building additions and expansions are encouraged to be located to the side or rear of an existing principal building, in order to better maintain the historic streetscape and character of the district. If a building must be expanded in the front, for example, in order to create a viable space for commercial use, then the design shall adhere to the guidelines in Section 903, herein.
3. Front facades of buildings shall retain their original character. If a front façade has already been altered prior to the passing of this Article, the applicant shall demonstrate that the proposed alteration will restore the front façade to its original character or otherwise improve its appearance.
4. Front porches may be enclosed, provided that large glass areas are used to retain the appearance of the porch. At least 50 percent of all facades of an enclosed porch must contain clear glass window and door openings.
5. The first floor of the front façade of any building must maintain at least 40 percent clear glass window and door openings.
6. If the primary door of a principal building is located in the front façade, it must remain in the front façade.
7. Building expansion shall be consistent with the existing building's bulk, scale, style, character, proportions, materials, window and door openings, detailing, and rooflines, or it shall be demonstrably consistent with other original or historic structures within the district.
8. Building materials used to modify or upgrade the windows, doors, facades and/or roof shall be consistent with the existing architectural character of the district.
9. Documentation for Comparison. As part of an application for a building permit within the district, the applicant shall provide photographs of original details of the existing building being added onto, and/or original details of other existing buildings built before 1950 within the district, sufficient for comparison with the proposed building addition or alteration, in order to demonstrate consistency with existing development as required above. Scaled drawings depicting all facades of the proposed addition or alteration shall also be provided.

B. Design Standards for New Principal Buildings. All new principal buildings shall comply with the standards of this section.

1. The architectural characteristics of all proposed new buildings shall reflect the historical multistory residential characteristics of existing buildings in the district, including bulk, scale, style, character, proportions, materials, window and door openings, detailing, porches and rooflines.
2. Minimum height shall be one and one-half stories. Half stories shall be articulated with dormers and gable-end window openings.

3. Roofs are encouraged to be pitched and to include dormers or other variations. Flat and low-pitched roofs shall have a parapet wall or a decorative cornice that compliments the style of the building.
4. Buildings with footprints greater than 4,000 square feet shall include variations in the façade and rooflines, to give the appearance of multiple smaller buildings attached together.
5. New residential buildings are required to have a front porch or covered stoop.
6. Building entrances for everyday use shall be visible and accessible from a network of street sidewalks, sidewalks into parking areas, and walkways or courtyards between buildings. Main entrances shall be emphasized by appropriate building articulation that includes an area covered by a roof, such as a porch. If parking is located to the rear of the lot, the building shall include an entrance on both the front and the rear facades. Corner properties may have just one entrance oriented toward the corner.
7. Building materials shall be consistent with architectural heritage of the borough. At least 50 percent of each façade shall be clad with brick, stone, clapboards, shingles or shakes.
8. Side and rear building facades shall be constructed of materials similar to and compatible with the character, color scheme and architectural features of the buildings' front façade.
9. Documentation for Comparison. As part of an application for a building permit within the district, the applicant shall provide photographs of original details of existing buildings built before 1950 within the district, sufficient for comparison with the proposed building, in order to demonstrate consistency with existing development as required above. Scaled drawings depicting all facades of the proposed building shall also be provided.
10. All new principal buildings are required to follow the procedures for a conditional use application. Borough Council is authorized to grant zoning approval when it is satisfied that the proposed new principal building conforms sufficiently to the documented characteristics of existing principal buildings within the district and to all other applicable requirements.

Section 904. General Regulations.

- A. Exterior Lighting. All exterior lighting shall be designed to prevent glare onto adjacent properties. Lighting should be sufficient for safety, security and identification without allowing light to trespass onto adjacent properties.
- B. Refuse Areas. The storage of refuse shall be provided inside the building(s) or within an outdoor area fully enclosed by either walls or opaque fencing with a self-closing/self-latching gate. Any refuse area outside of the building shall be designed to be architecturally compatible with the building(s) or with exterior fencing on the property, shall not be located in the front of the building, and shall be entirely screened by a fence or enclosure at least 6 feet high.
- C. Mechanical/HVAC Screening. All exterior mechanical and utility equipment located on the wall, roof and/or on the ground shall be concealed by a screen when visible from the public realm or from residential areas. All roof-mounted mechanical and utility equipment shall be screened on all sides (360°) by incorporating screening into the roof structure, utilizing materials compatible with the supporting building. The borough can require additional screening or sound attenuation if necessary.
- D. Parking Location. Parking shall be provided to the rear of lots. Parking shall not be permitted within the front yard or between the front façade of any building and the street. Pedestrian walkways shall be provided between parking areas and building entrances.

- E. Parking Screening. Nonresidential parking areas shall be screened at property lines adjacent to residential uses with a solid, opaque fence 6 feet in height. Fences shall be the same on both sides (“good neighbor” fencing) or shall be oriented so that the posts and other structure members face the parking area. A minimum 6-foot planting area shall be provide between the parking area and the fence, and vines, upright shrubs and other plantings shall be provided on the parking lot side. Alternatively, an applicant may present a plan to build a brick or stone wall or raised planting bed (minimum 30” in height), topped with a solid fence and planted with vegetation sufficient to provided total screening to the adjacent residential neighbors. If parking areas are visible from any street or alley frontage, then plantings, fencing or a combination of the two, shall be provided to maintain the street edge and buffer views of parked cars.
- F. Landscaping. All nonresidential developments are required to include a planting area between the building and the sidewalk. Landscaped areas must include plantings at least 2 feet in height, which may include shrubs or trees. Flowering plants are encouraged. If a building is less than 4 feet from the sidewalk edge, then the applicant may extend the paved area in front of the building to meet the sidewalk as an alternative to a landscape strip, provided that plant materials are installed in raised planters, window boxes, hanging baskets or similar containers. At least one planting container shall be included for every 12 linear feet of front façade. Locations of required planting areas and planting containers shall be shown generally on the land development plan.

[Replaced: Ord. 692, 6/7/1, entire article]

ARTICLE X
LI – LIMITED INDUSTRIAL DISTRICTS

Section 1000. Applicability of Regulations.

In LI Limited Industrial Districts, the following regulations shall apply.

Section 1001. Use Regulations.

A building may be erected, altered or used and a lot may be used or occupied for any lawful industrial purposes as well as any commercial use permitted in the C-1 and C-2 Districts provided such commercial use and building shall conform to the regulations provided in the C-1 and C-2 Districts, except that the following uses shall not be permitted:

- Abattoirs, poultry killing establishment
- Acetylene gas manufacture
- Acid manufacture
- Ammonia, bleaching power or chlorine manufacture
- Arsenal
- Asphalt manufacture or refining
- Automobile junk or wrecking yard, scrap yard, recycling or reclamation facility
- Candle manufacture
- Celluloid manufacture
- Coke ovens
- Creosote treatment or manufacture
- Disinfectants manufacture
- Distillation of bones, coal or wood
- Dyestuff manufacture
- Emery cloth and sandpaper manufacture
- Extermination and insect poison manufacture
- Fat rendering
- Fertilizer manufacture
- Fireworks or explosive manufacture or storage
- Fish smoking or curing
- Glue, size or gelatin manufacture
- Lamp black manufacture
- Oil cloth or linoleum manufacture
- Oiled or rubber goods manufacture
- Ore reduction
- Paint, oil, shellac, turpentine or varnish manufacture
- Petroleum refining or storage
- Plating works
- Potash works
- Power forge (riveting, hammering, punching, chipping, drawing, rolling or tumbling of iron, steel, brass or copper, except as necessary incident of manufacture of which these processes for a minor part, and which are carried on without objectionable noise outside the plant)
- Printing ink manufacture
- Pyroxylin manufacture
- Rubber, caoutchouc or gutta percha manufacture or treatment
- Salt works
- Sauerkraut manufacture
- Shoe blacking manufacture

Soda and compound manufacture
 Stock yards
 Stove polish manufacture
 Sulfuric, nitric or hydrochloric acid manufacture
 Tallow, grease or lard manufacture or refining
 Tanning, curing or storage of leather, rawhides or skins
 Tar distillation or manufacture
 Tar roofing or waterproofing manufacture
 Vinegar manufacture
 Wool pulling or scouring
 Yeast plant

Any use which may be so noxious or offensive by reason of the emission of odor, dust, fumes, smoke, gas, vibration or noise, as to constitute a nuisance

Section 1002. Smoke Control.

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

Section 1003. Control of Dust and Dirt, Fly Ash, and Fumes, Vapors and Gases.

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

- A. No emission of liquid or solid particles from any chimney or otherwise shall exceed 0.3 grains per cubic foot of the covering gas at any point.
- B. For measurement of the amount of particles in gases resulting from combustion, standard correction shall be applied to a stack temperature of 500 degrees Fahrenheit and 50 percent excess air.

Section 1004. Control of Noise.

At no point on the boundary of a residential or business district shall the sound pressure level of any operation exceed the described levels in the designated octave bands shown below for the districts indicated.

SOUND LEVELS

	Along Residential District Boundaries	At Any Other Point on the Lot Boundary
Octave Band in Cycle per Second	Maximum Permitted Sound Level in Decibels	Maximum Permitted Sound Level in Decibels
0 to 75	72	79
75 to 150	67	74
150 to 300	59	66
300 to 600	62	59
600 to 1200	46	53
1200 to 2400	40	47
2400 to 4800	34	41
Above 4800	32	39

Section 1005. Control of Odors.

There shall be no emission of odorous gases or other odorous matter in such quantities as to be offensive at lot boundary line. Any process which may involve the creation or emission of any odors shall be provided with a secondary safeguard system so that control will be maintained if the primary safeguard systems shall fail. There is hereby established a guide in determining such quantities of offensive odors Table III (Odor Threshold) in Chapter 5, "Air Pollution Abatement manual," copyright 1951 by Manufacturing Chemists Association, Inc., Washington DC.

Section 1006. Control of Glare or Heat.

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

Section 1007. Control of Vibration.

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

Section 1008. Outdoor Storage and Waste Disposal.

- A. No flammable or explosive liquids, solids or gases shall be stored in bulk above ground; provided, however, that tanks or drums of fuel directly connecting with energy devices, heating devices or appliances located on the same lot as the tanks or drums of fuel are excluded from this provision.
- B. All outdoor storage facilities for fuel, raw materials and products and all fuel; and all raw materials and products stored outdoors shall be enclosed by a fence adequate to conceal the facilities from any adjacent properties.
- C. No materials or waste shall be deposited upon a lot in such form or manner that may be transferred off the lot by natural causes or forces.
- D. All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible or otherwise be attractive to rodents or insects shall be stored outdoor only in closed containers.

Section 1009. Electric, Diesel, or Gas or Other Power.

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

Section 1010. Height Regulations.

The maximum height of any building or structure erected or enlarged in this district shall be 35 feet except that the height of any such other building or other structure may be increased to a maximum of 65 feet or such increase height as may be authorized as a special exception for such structures as water towers, chimneys, stacks, radio antennae and transmission towers provided that for every foot of height in excess of 35 feet there shall be added to each yard requirements one additional foot.

Section 1011. Yard and Coverage Regulations.

- A. Front Yard. The required minimum front yard shall be not less than 13 feet in depth from the ultimate right-of-way line.

B. Side Yards:

1. All interior lots shall have two side yards each having a width of not less than 10 feet.
2. On each corner lot there shall be abutting the street a side yard having a width of not less than 13 feet from the ultimate right-of-way line and an opposite yard having a width of not less than 15 feet.

C. Rear Yard. There shall be a rear yard on each lot the depth of which shall not be less than 20 feet.

D. Building Area. Not more than 50 percent of the area of any lot shall be occupied by buildings.

Section 1012. Exceptions for Side and Rear Yards.

In no case shall any building or structure be erected closer than 200 feet to any residential district or existing residential development nor any parking area closer than 100 feet to any residential district or existing residential development.

[Amended: Ord. 571, 8/3/1992, Sect. 1011; Ord. 673, 6/4/07, 1012 (pertaining to buffers only)]

ARTICLE XI SIGNS

Section 1100. Applicability of Regulations.

The following regulations apply to all signs erected or altered after the effective date of this Article.

Section 1101. Intent.

It is the intent of this Article to regulate all signs within the Borough of Souderton to endure that they are appropriate for their respective uses and in keeping with the appearance of the affected property and surrounding environment and to protect the public health, safety, morals and general welfare. Illustrations, which present typical examples of signs, are provided for in this section to document the intent of the ordinance. In addition, the intent of this Article is to:

- A. Encourage good sign design in the context of the overall image and visual environment of the borough.
- B. Enhance the appearance of the business community taking into account the nature of the use and thus stimulate as well as protect the economic vitality of the borough.
- C. Provide for signage which is adequate but not excessive and which displays a message through use of pictures, symbols and logos for rapid comprehension by the public.
- D. Prohibit the erection of signs in such numbers, sizes, designs, and locations as may create a hazard to pedestrian and motorists.
- E. Avoid excessive competition for large or multiple signs, so that permitted signs provide adequate identification and direction while minimizing clutter, unsightliness and confusion.
- F. Allow for the coordination of signs to reflect the character of the architecture, landscape and visual themes that the borough is supporting.
- G. Promote signs which are designed utilizing clear, crisp lettering and bold, uncomplicated symbols, which identify a business or activity efficiently and also enhance the area where they are located as well as the general appearance of the street.
- H. Prevent sign overload and excessively large signs, which create a visually chaotic and competitive situation within the business community.

Section 1102. Conformance Required.

Any sign hereafter erected or maintained shall conform to the provisions of this Article and any other ordinance or regulation of the Borough of Souderton relating thereto.

Section 1103. Definitions.

As used in this Article, the following terms have the meanings indicated, unless otherwise expressly stated:

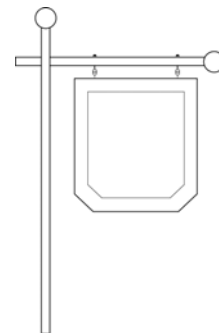
- A. Sign. A structure, building wall, indoor surface visible to the outside, or outdoor surface, or any device used for visual communication, which directs attention to an object, product, place, activity, person, organization, or business.

B. Sign Types and Illumination.

1. **ADVERTISING SIGN** – An off-premise sign that advertises or otherwise directs attention to a commodity, business, industry, home occupation, activity, or event which is sold, offered or conducted elsewhere than on the lot upon which the sign is located, e.g. billboard.
2. **ANIMATED SIGN** – A sign with action or motion, flashing or color changes requiring electrical energy, but not including window-displayed computer monitors or wind-actuated elements such as flags, banners or novelty items, e.g. reader board.
3. **AWNING SIGN** – A sign painted on, printed on or attached flat against, the surface of an awning.

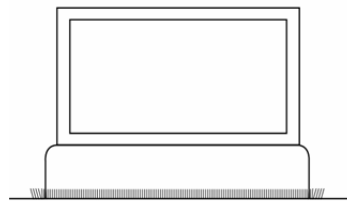


4. **BEACON LIGHTING** – Any source of electric light, whether portable or fixed, the primary purpose of which is to cast a concentrated beam of light generally skyward as a means of attracting attention to its location rather than illuminate any particular sign, structure, or other object.
5. **BILLBOARD** – See **ADVERTISING SIGN**
6. **BUSINESS SIGN** – An on-premise sign that advertises or otherwise directs attention to a business, commodity, service, industry, or other activity which is sold, offered, or conducted, other than incidentally, on the premises upon which the sign is located, or to which it is affixed.
7. **DIRECTIONAL SIGN** – A sign conveying instructions regarding pedestrian and/or vehicular movement with respect to the premises on which it is located, such as the entrance and exit of a parking area.
8. **DIRECTORY SIGN** – A sign on which the names and location of the occupants or the use of a building is given, including office building and religious directories.
9. **FESTOON LIGHTING** – An external means of illumination comprised of a group of strung bulbs.
10. **FREESTANDING SIGN** – A self-supporting sign resting on, or supported by means of poles, posts, or standards.



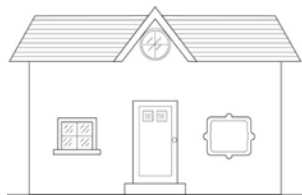
Freestanding Sign

11. **IDENTIFICATION SIGN** – A sign whose copy is limited to the name of a building, institution, or person and/or to the activity or occupation being identified.
12. **ILLUMINATED SIGN** – Any sign that is lighted by internal or external lighting.
13. **INCIDENTAL SIGN** – A directional sign of a public service nature such as signs identifying a place of worship, parking areas, telephones, restrooms, loading docks, or similar services which contains no advertising.
14. **MARQUEE SIGN** – Any sign attached to a marquee for the purposes of identifying a theater or movie house.
15. **MONUMENT SIGN** – A sign attached to a brick, stone, or masonry wall or structure that forms a supporting base for the sign display.



Monument

16. **MURAL** – Artwork applied to the wall of a building, which covers all or most of the wall and depicts a scene or event of natural, social, cultural or historic significance.
17. **NON-ILLUMINATED SIGN** – Any sign that is not lighted.
18. **NONCONFORMING SIGN** – Any sign which has a valid permit, was erected prior to the effective date of this chapter or any subsequent amendment hereto, and which does not otherwise conform to the provisions of this part.
19. **OFF-PREMISE SIGN** – A sign structure advertising an establishment, merchandise, service or entertainment, which is sold, produced, manufactured or furnished at a place other than on the property on which said sign is located; a sign which advertises or otherwise directs attention to an activity not on the same lot where the sign is located, e.g. billboards, outdoor advertising, subdivision directional sign, and real estate sign.
20. **ON-PREMISE SIGN** – A sign that advertises or otherwise directs attention to an activity on the same lot where the sign is located.
21. **PARALLEL WALL SIGN** – A sign mounted parallel to a wall or other vertical building surface that does not extend beyond the edge of any wall, roofline, or other surface to which it is mounted, and does not project more than 12 inches from the surface to which it is mounted.

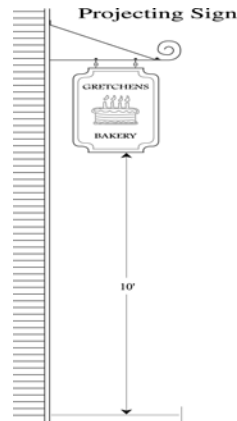


Parallel Wall Sign



Part of Cornice

22. **PERSONAL EXPRESSION SIGN** – A sign which displays an individual’s political, religious or personal belief.
23. **PORTABLE SIGN** – Any sign, including vehicular signs, not permanently attached to the ground or building.
24. **PROJECTING WALL SIGN** – Any sign mounted to a wall or other vertical surface other than a parallel sign, that does not project more than 4 feet from the surface to which it is mounted, nor project above the wall, roofline or surface to which it is mounted, nor in any way interfere with normal pedestrian or vehicular traffic. A minimum height clearance of 10 feet is required.



25. **REVOLVING SIGN** – Any sign that revolves.
26. **ROOF SIGN** – A sign erected upon or above a roof or parapet wall of a building, and which is wholly or partly supported by that building.
27. **SNIPE SIGN** – A permanent or temporary sign or poster affixed to a tree, fence, utility pole, or upon rocks or natural features.
28. **TEMPORARY SIGN** – A sign which advertises community or civic projects, construction projects, real estate for sale or lease, a commercial grand opening, or other special events on a temporary basis. The following types of signs shall be considered temporary signs:
 - a. **Banner Sign.** A temporary sign intended to be hung either with or without frames, possessing characters, letters, illustrations or ornamentations applied to paper, plastic, or fabric of any kind. National flags, flags of political subdivisions, and symbolic or decorative flags of any institution, neighborhood, residential use or business shall not be considered banners for the purpose of this ordinance.
 - b. **Artisan Sign.** Any sign giving the name or names of principal contractors, subcontractors, architects, and lending institutions responsible for construction, landscaping or other improvements on the site where the sign is placed.
 - c. **Development Sign.** An on-premise sign on a building or lot, which announces the nature, purpose, or name of the prospective building/enterprise.
 - d. **Political Sign.** A temporary sign used in connection with a local, county, state, or national election or referendum.
 - e. **Portable Sign.** Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A- or T-frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the

normal day-to-day operations of the business. Portable signs shall not be illuminated unless a conditional use is granted by the Borough Council.



- f. Real Estate Sign. A temporary sign which advertises the sale, lease, or rent of the property on which the sign is placed.
 - g. Special Event Sign. On-premise window sign, banner, or commemorative flag which advertise a grand opening or other special event.
 - h. Street Banner Sign. Any banner sign, which is stretched across and hung over a public right-of-way.
 - i. Subdivision Sign. An on-premise or off-premise directional sign advertising to the public the name of the subdivision project and the type of project to be built.
 - j. Nonresidential Business Sign. An on-premise sign that advertises or otherwise directs attention to a business, commodity, service, industry, or other activity which is sold, offered, or conducted, other than incidentally, on the premises upon which the sign is located, or to which it is affixed.
29. TIME AND TEMPERATURE SIGN – A display containing illuminated numerals flashing alternatively to show the time and temperature.
30. TRAILER SIGN – Any sign, which is erected upon a structure having wheels or rollers facilitating movement from one location to another.
31. VEHICULAR SIGN – Any vehicle and/or trailer to which a sign is affixed in such a manner that the carrying of the sign is no longer incidental to the vehicle's purpose but becomes the primary purpose of the vehicle.
32. WINDOW SIGN – A sign mounted or painted on a window, or inside a structure, such that it is intended to be seen through a window from the outside.



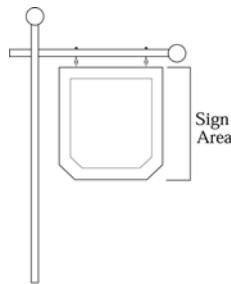
Window Sign

Section 1104. Design Standards.

A. Sign Area.

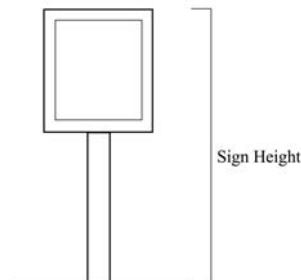
- 1. The area of a sign shall mean the area of all lettering, wording, accompanying designs, logos, and symbols, together with the background on which they are displayed, whether open or enclosed.

The area of a sign shall not include any supporting framework, bracing, or trim which is incidental to the display, provided that it does not contain any lettering, wording, or symbols.



2. Where the sign consists of individual letters, designs or symbols attached to a building, awning, wall, or window, the area shall be that of the smallest rectangle which encompasses all of the letters, designs, and symbols.
3. Signs may be multi-sided. In determining the area of a double-sided sign, only one side shall be considered, provided that both faces are identical in size. When the interior angle formed by the faces of a multi-sided sign is greater than 45 degrees, then all sides of such sign shall be considered in calculating the sign area.

B. Height of a Sign. The distance from the highest portion of the sign to the mean grade at the base of the sign. In the case of a sign located on an isolated mound, height shall be measured to the original grade.



C. Sign Structure. Sign structures shall be in keeping with the architectural style of the building that it is related to. A sign structure is defined as the supporting structure erected and used to support a sign such as brackets, posts, monument bases, etc.

D. Location of Signs.

1. No sign shall be placed in such a position as to endanger traffic on a street by obscuring view or by interfering with official street signs or signals, by virtue of position or color.
2. No projecting sign shall extend into the cartway of the right-of-way, or be less than 10 feet above a pedestrian way.
3. No wall sign shall project more than 12 inches beyond the building.
4. No freestanding sign may occupy an area designated for parking, loading, walkways, driveways, fire lane, easement, cartway of the right-of-way or other areas required to be unobstructed.
5. Signs, not including historical markers and banners approved by the borough, shall not be affixed to a utility pole or structure, lighting standard, parking meter, park bench, tree, shrub, rock, or natural object except plaques of a maximum of one square foot.

- E. Materials. Sign materials should be consistent with and complement the original construction materials and architectural style of the building façade on which they are to be displayed. All signs, excluding awning and window signs, shall be constructed only of wood, metal, stone or other appropriate material with painted, engraved or raised messages. Plastic sign inserts shall be permitted for internally lit signs.
- F. Illumination of Signs. Signs may be illuminated, unless otherwise specified herein, consistent with the following standards:
1. Where permitted, illumination may be:
 - a. External - Illumination of a sign with an external light, shielded so that the point source of light is not visible elsewhere than on the lot where said illumination occurs, e.g. gooseneck lighting.
 - b. Internal - Sign lettering may be back-lit, halo-lit illumination, or reverse channel with halo illumination.
 2. Illumination shall be permitted only to the extent necessary to allow signs to be seen and read at night at a distance not to exceed 500 feet.
 3. Neon lighting is not permitted in residential districts.
- G. Construction of Signs.
1. Every sign permitted in this Article must be kept in good condition and repair as determined by the Zoning Officer.
 2. A sign using electricity shall be installed in conformity with the borough's electrical code. All signs not attached to a building shall be connected by underground service only.
- H. Removal of Signs. A sign shall be found to be in violation of this ordinance, and may be required to be removed by the Zoning Officer, under the following circumstances:
1. The sign has not been maintained in good condition and safe repair, and has deteriorated to the point that it cannot perform its intended use, or creates a safety hazard. The Zoning Officer shall specify a period of time in which the owner of the sign may repair or rehabilitate the sign, thereby restoring its intended use or correcting the safety hazard.
 2. The sign has been erected without an applicable permit or does not comply with the other requirements of this ordinance.

Section 1105. Prohibited Signs and Illumination.

- A. Prohibited Signs. It shall be unlawful, upon or after the effective date of this ordinance or any amendment thereto, for any person, firm or corporation to erect any of the following signs within the Borough of Souderton:
1. Any sign which by color, shape or location conflicts with or resembles a traffic signal device.
 2. Signs erected without the permission of the property owner or authorized agent.
 3. Signs that create a hazard by obstructing the clear view of vehicles and pedestrian traffic.
 4. Animated signs, except time and temperature signs.
 5. Any sign that obstructs free ingress or egress from a door, window, fire escape or other exit-way.
 6. Vehicular signs in residential areas.
 7. Signs that exhibit statements, words or pictures of obscene or pornographic subjects as determined by the borough.

8. Revolving signs, except barbershop poles.
9. Signs containing beacon lights.
10. Roof signs.
11. Projecting V-shaped signs.
12. A-frame signs.
13. Snipe signs.
14. Any sign inconsistent with this article.

Section 1106. Signs Exempt from Permits.

The following shall not require sign permits:

- A. Government flags, insignia or decorative banners.
- B. Legal notices of a governmental agency.
- C. Directional signs provided they do not contain advertising (including logos), do not exceed 4 square feet, and do not obstruct the sight triangles at internal intersections on the premises.
- D. Public monument, plaque or historic identification marker erected by a government agency.
- E. All buildings in all zoning districts shall be required to display the address of the property in such a fashion as is clearly visible from the street and which is in accord with the provisions of this part. The area of an address sign shall be exempt from the computation of the total permitted sign area; provided the sign does not contain any advertising, trade names or logos.
- F. Professional accessory use or nameplate signs provided that signs shall not be illuminated and shall not exceed 2 square feet in sign area. Not more than one sign shall be erected for each permitted use.
- G. Home security signs, not exceeding one square foot.
- H. Public service and information signs advertising the availability of public restrooms, telephones or similar public conveniences, not exceeding 3 square feet in area.
- I. Menus and signs indicating business house provided sign shall not exceed 2 square feet and that signs shall be located in a permanently-mounted display box on the façade of the building adjacent to the entrance, displayed within a window adjacent to the entrance, or at a podium that will be placed inside the restaurant upon closing.
- J. Personal expression signs provided that they are not illuminated and are either freestanding, wall or window signs. Such signs may not exceed 4 square feet and, in the case of freestanding signs, 4 feet in height.
- K. “No trespassing” signs and signs indicating private ownership of roadways or other property. On the same premises therewith; provided, that the total sign area shall not exceed one square foot and shall not be spaces at interval of not less than 100 feet of street frontage.
- L. The following temporary signs:
 1. Civic event signs and banners on public and private property, which shall be removed within 72 hours after the event and which shall not be erected no more than 30 calendar days prior to the event.

2. Artisan signs, provided that such signs shall exceed 6 square feet and are erected on the premises where the work is being performed. Signs shall be removed upon the completion of work.
3. Signs advertising garage or yard sales, provided that no sign shall exceed 6 square feet in sign area. Signs shall be permitted only on the premises where the sale is to be conducted and limited to one per street frontage. Signs shall be removed at the close of the garage or yard sale.
4. Real estate signs advertising the sale or rental of the premises upon which the sign is erected, provided that the sign shall not exceed 12 square feet in sign area.
5. Sandwich boards shall be permitted according to the following regulations:
 - a. Sign shall not exceed 8 square feet.
 - b. Signs are permissible along the sidewalk, provided a minimum walking distance of 5 feet shall be maintained to allow for a pathway for pedestrians.
 - c. Only one sandwich board will be permitted in front of the business it advertises.
 - d. Sandwich boards shall be weighted at the base so that the sign cannot be moved by strong winds; however, no sign shall be chained, tied or otherwise affixed to any structure or object.
 - e. Sandwich boards shall be taken indoors at the close of business hours.

Section 1107. Signs Requiring a Permit.

The following types of permanent signs shall require permits:

A. Signs in Residential Districts.

1. Institutional Uses – Signs of schools, colleges, churches, or other institutions of similar nature.
2. Residential Development Identification – Permanent freestanding or monument signs which identify the name of the development shall be permitted in compliance with the following:
 - a. One sign may be located at the main entrance to the development, not to exceed 20 square feet in area.
 - b. Signs may also be permitted at secondary entrances to the development following approval by the Borough Council.
 - c. These signs shall be landscaped in keeping with the character of the borough.

Sign Type	Maximum Sign Area	Maximum Sign Height	Illumination	Number of Signs
Institutional Freestanding	20 sq. ft.	4 ft.	External	One per property or if applicable one per street frontage
Multifamily or Residential Development Identification Freestanding or Monument	20 sq. ft.	Freestanding: 6 ft. Monument: 4 ft.	External	One sign at the main entrance of the development (additional signs at secondary entrances when permitted by Borough Council)
Parallel Wall Sign for Rental Office for Residential Development	6 sq. ft.	Not to exceed eave line or top of parapet wall of principal building whichever is lower	External	One sign

B. Signs in Commercial Districts.

1. Any sign permitted in residential districts, which relates to a use permitted in the district.
2. Single Use – In addition to signs exempt from permits, and temporary signs, individual commercial uses may have signs in accordance with the following:
 - a. Each single use may have one on-site freestanding sign or monument sign with the following limits on area, height and illumination:

Sign Type	Maximum Sign Area	Maximum Sign Height	Illumination
Freestanding	25 sq. ft.	6 ft.	Internal/ External
Monument	25 sq. ft.	4 ft.	Internal/ External

- b. In addition, each single use may be permitted two of the following signs per street frontage. Sign types, area, height and illumination conform to the following:

Sign Type	Maximum Sign Area	Maximum Sign Height	Illumination
Parallel Wall	10% of façade 30 sq. ft. max.	Not to exceed eave line or top of parapet wall of principal building whichever is lower	Internal/ External
Projecting Wall	12 sq. ft.	Not to exceed eave line or top of parapet wall of principal building whichever is lower	External
Awning	No more than 30% of the exterior surface of the awning or canopy	At awning height	Internal/ External
Window	Not to exceed 15% of the window area	N/A	Internal/ External

3. Multiple Use – In addition to signs exempt from permits and temporary signs, multiple uses and properties utilizing common parking facilities may have signs in accordance with the following:
 - a. Properties with multiple uses may have one on-site freestanding sign or monument sign per street frontage which identifies the business or commercial center as a whole, and/or which is a directory sign for the establishments on the property with the following limited on area, height and illumination:

Sign Type	Maximum Sign Area	Maximum Sign Height	Illumination
Freestanding	40 sq. ft.	8 ft.	Internal/ External
Monument	40 sq. ft.	6 ft.	Internal/ External

b. Each individual tenant may be permitted the following signs.

- 1) Each individual tenant may be permitted two of the following signs. The two signs permitted per tenant space may be placed on the façade of the building facing the street or parking lot or internal isleway. Sign types, area, height and illumination conform to the following:

Sign Type	Maximum Sign Area	Maximum Sign Height	Illumination
Parallel Wall	10% of façade 30 sq. ft. max.	Not to exceed eave line or top of parapet wall of principal building whichever is lower	Internal/ External
Projecting Wall	12 sq. ft.	Not to exceed eave line or top of parapet wall of principal building whichever is lower	External
Awning	10 sq. ft.	At awning height	Internal/ External
Window	Not to exceed 25% of the window area	N/A	Internal/ External

C. Industrial Districts.

1. In addition to signs exempt from permits and temporary signs, signs permitted in residential district; industrial uses, shall be permitted any two of the following types of signs, provided that:

a. Sign types, area, height, illumination and the number of signs shall conform to the following:

Sign Type	Maximum Sign Area	Maximum Sign Height	Illumination	Number of Signs
Monument	40 sq. ft.	6 ft.	Internal/ External	One per property
Billboards	100 sq. ft.	20 ft.	Special Exception by the ZHB	One per property
Parallel Wall	10% of square footage of façade 50 sq. ft. max.	Not to exceed eave line or top of parapet wall	Internal/ External	One per tenant space

- b. Each freestanding billboard shall be located not less than 500 feet from any other billboard and not less than 200 feet from a residential zoning district nor shall it overhang any public right-of-way.

D. Marquee Signs. Marquee signs shall be permitted in addition to the otherwise permitted sign area exclusively for theaters and movie houses, provided that the total sign area shall not exceed 150 square feet. Such signs shall be required at all times to maintain a minimum vertical clearance of 10 feet above grade.

Section 1108. Permit Procedures.

A. Sign Permits. It shall be unlawful to erect, construct or significantly alter any sign which requires a sign permit without first filing with the Borough of Souderton an application in writing, which application shall contain the information required by the Zoning Officer.

1. Application for Permit. The following shall be provided:
 - a. The name, address and telephone number of the property owner, and the signature of the owner or duly authorized agent for the owner.
 - b. Two copies of a plan drawn to scale depicting:
 - 1) The design of each sign face and sign structure with the dimensions, total area, sign height, depth, structural details, materials, lighting scheme, and proposed location.
 - 2) The building elevations, existing and proposed facades, parapet walls, cornices, and the location and size of all proposed and existing signage.
 - 3) Such other information as required by the Zoning Officer.

Section 1109. Nonconforming Signs.

A. Nonconforming Signs. Any sign legally existing at the time of the adoption of this ordinance that does not conform to the requirements of this Article, shall be considered a nonconforming sign and shall be bound by the regulations of this ordinance regarding nonconforming signs.

1. A sign not conforming to this ordinance shall be removed when the sign requires any structural renovation or the background area of the sign is to be altered.
2. All nonconforming signs, except those which are painted onto building walls, may be repainted, resurfaced or repaired provided that they are not substantially destroyed or abandoned, and provided such does not increase the dimension of the existing sign.
3. A nonconforming sign must be removed within 14 days after notification by the Zoning Officer or be made to conform to this ordinance in every respect whenever:
 - a. It is not securely attached to the ground, wall or roof and can be easily moved, or
 - b. It becomes so deteriorated that it no longer serves a useful purpose of communication and is a nuisance as determined by the borough, or
 - c. It is abandoned by the owner or the use is abandoned.

[Replaced: Ord. 692, 6/7/10, entire article]

ARTICLE XII
OFF-STREET PARKING AND LOADING

Section 1200. Intent.

It is the intent of this article to:

- A. Allow flexibility in addressing parking, loading and access by permitting construction of a reduced number of parking spaces under appropriate conditions.
- B. Set reasonable standards and provide reasonable controls to assure sufficient parking capacity for the uses or potential uses of land in the borough.
- C. Prevent hazards to public safety caused by the intrusion of parking upon public rights-of-way.

Section 1201. General Parking Regulations.

- A. All parking areas must meet the requirements of the Subdivision and Land Development Ordinance.
- B. Pedestrian Access. Safe provisions for pedestrian access to and through a parking lot shall be required. Surface parking areas and pedestrian walkways connecting to them shall be well-lit.
- C. Vehicular Access. Vehicular access to surface parking shall be from an alley or side street where possible.
- D. Location of Surface Parking. Parking shall be setback 10 feet from the street right-of-way or property line.
- E. Parking Space Dimensions. A required off-street parking space shall be at least 9 feet in width and 18 feet in length exclusive of any access drives, aisles or columns.
- F. Interconnected Parking Areas:
 - 1. New parking areas on abutting nonresidential lots should be interconnected by access driveways. Each nonresidential lot shall provide cross-access easements for its parking areas and access driveways guaranteeing access to adjacent lots for future connections. Interconnections shall be logically placed and easily identifiable to ensure convenient traffic flow.

Section 1202. Parking Use Requirements.

Parking space requirements by use or multiple uses on a site shall follow the standards found the following tables or follow the standards from Section 1205, On-Site Parking Reduction.

Section 1203. Bicycle Parking.

Parking lots over 50 spaces shall provide one bicycle parking space for every 10 parking spaces in bike racks in close proximity to the building entrance.

Section 1204. Maximum Parking.

No more than 120 percent of the required minimum parking is permitted.

Section 1205. On-Site Parking Reduction.

For each use the borough may reduce the number of required spaces up to 100 percent based on a parking study provided by the applicant that demonstrates that adequate parking spaces are supplied. Parking spaces

can only be counted once. Parking may be reduced up to 100 percent if the requirements are met by one of the following or a combination of the following to meet the necessary requirements:

- A. The use is located within 400 feet walking distance from a public parking facility.
- B. On-street parking is provided directly in front of the building.
- C. Shared parking meets the requirements of Section 1206.

Entertainment/Recreation Use	Spaces Required
Athletic Club	1 space per 250 square feet of leasable floor area
Gallery and Museum	1 space per 850 square feet of floor area
Indoor Amusements	1 space per 250 square feet of floor area
Indoor Recreation	1 space per 250 square feet of leasable floor area. Bowling alleys shall have 5 spaces per lane.
Studios of Art, Dance, Music or Photography	1 space per 800 square feet of floor area
Theater	1 space per 5 seats

Industrial	Spaces Required
General Manufacturing, Industrial or Processing	1 space for each 1,000 square feet of floor area. Office uses shall follow the office space requirements.
Research and Development, Laboratories	1 space for each 600 square feet of floor area. Office uses shall follow the office space requirements.
Storage Facility (self-service)	1 space for each 5,000 square feet of floor area plus 1 per employee on largest shift.

Entertainment/Recreation Use	Spaces Required
Business School, College or University	1 space for each student classroom, plus 1 space for each employee, plus 1 space for each 5 students or 1 space for each 3 auditorium or stadium seating, whichever is greater.
Group Quarters (including boarding houses, rooming houses and dormitories)	1 space for each bed, plus 1 space for each 8 beds for guest parking, plus 1 space for each employee on the largest shift.
Day Care	1 space for each 10 children, plus 1 space per employee on largest shift.
Hospital, Extended Care (convalescent hospitals, nursing homes, and residential care homes), Group Homes	1 space per 4 beds, plus 1 space per employee on largest shift.
Funeral Home	1 space per 100 square feet of floor area in parlors or assembly areas.

Entertainment/Recreation Use <i>(cont.)</i>	Spaces Required
Community Center	1 space per 150 square feet of floor area
Banquet Hall, Conference Center	1 space per 200 square feet of floor area
Private or Fraternal Clubs	1 space per 150 square feet of floor area
Religious Institution	1 space per 5 seats
Schools:	
Elementary School	2 spaces for each classroom
High School	8 spaces for each classroom
Veterinary Clinic and Hospital	1 space for each 400 square feet of floor area, plus 1 space per each 800 feet of boarding area

Residential	Spaces Required
Multifamily	1.5 spaces per unit
Single-Family Detached, Attached, and Semi-Detached	2 spaces per unit

Retail Uses	Spaces Required
Automobile Sales	1 space for each 400 square feet of floor area, plus 1 space for each 1,000 square feet of outdoor display area
Bar or Tavern	1 space per 100 square feet of patron floor area, plus 1 space per employee on largest shift
Convenience Store	1 space per 250 square feet of floor area
Restaurant:	
For the C-3 District:	<p>Fast Food: no parking is required for the first 300 square feet of patron floor area, 1 space is required per each additional 75 square feet of patron floor area plus 1 per employee on the largest shift.</p> <p>Other: no parking is required for the first 400 square feet of patron floor area, 1 space is required per each additional 100 square feet of patron floor area plus 1 per employee on the largest shift.</p>

Retail Uses <i>(cont.)</i>	Spaces Required
Restaurant (cont.): Other Areas:	Fast Food: 1 space per 75 square feet of patron floor area, plus 1 space per employee on largest shift Other: 1 space per 100 square feet of patron floor area, plus 1 space per employee on largest shift
Retail: C-3 District Other Areas:	No parking is required for the first 450 square feet of space devoted to sales/service; 1 space is required per each additional 300 square feet devoted to sales/service, plus 1 per employee on the largest shift. 1 space per 300 square feet of space devoted to sales/service, plus 1 space per employee on largest shift
Shopping Center	The sum of the spaces required for each individual use, unless shared parking is established consistent with Section 1206.
Supermarket	1 space for every 300 square feet of sales area

Service Uses	Spaces Required
Bank	4 spaces per indoor teller window; with walk-up ATM (as above, plus 2 per ATM); with drive-through window (as above, plus 2 per drive-thru lane)
Bed and Breakfast Inn and House	2 spaces plus 1 per guest or rental room
Car Wash	1 space for every 200 square feet of leasable floor area, plus 6 spaces for each stacking lane
Dry Cleaning	1 space for every 300 square feet of leasable floor area
Gas Station	2 spaces per pump, plus 1 employee on largest shift
Hotel/Motel	1 space per rental unit, plus 1 space per 200 square feet of floor area in common or public use (lobby, bar, meeting room, etc.) plus 1 per employee on the largest shift.
Medical Office	1 space for each 300 square feet of floor area, plus 1 space per employee on largest shift
Office: For the C-3 District Other Areas:	No parking is required for the first 400 square feet of floor area, 1 space per each additional 300 square feet 1 space for every 300 square feet of floor area
Office Campus	1 space for each 350 square feet of floor area

Service Uses <i>(cont.)</i>	Spaces Required
Personal Services: For the C-3 District Other Areas:	No parking is required for the first 450 square feet of space devoted to sales/service, 1 space is required for each additional 300 square feet of space devoted to sales/service, plus 1 per employee on the largest shift. 1 space for every 300 square feet of space devoted to sales/service, plus 1 per employee on largest shift
Repair Shop	1 space for every 200 square feet of leasable floor area
Self-Service Laundry	1 space for every 3 cleaning or drying machines
Service Station	1 space per 400 square feet of floor area or 3 spaces per service bay, whichever is greater

Section 1206. Shared Parking.

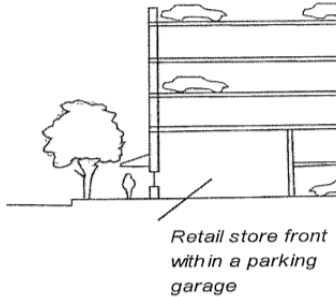
- A. Shared parking is permitted for one property with multiple uses and/or between multiple properties. A shared parking agreement (for 2 uses) or a shared parking district (for more than 2 uses), which involves a contractual agreement between users, is required. A share parking agreement allows users an opportunity, if they choose, to redesign parking lots to be more efficient in serving multiple users. This may consist of making new curb cuts between parking lots, restriping lots or redesigning internal traffic circulation and pedestrian walkways.
- B. Users shall be required to show shared parking is less than 1,000 feet for the use.
- C. The minimum amount of shared parking required shall be calculated according to the following formula:
 - 1. Calculate the minimum amount of parking required for each land use as if it were a separate use.
 - 2. To determine peak parking requirements, multiply the minimum parking required for each proposed land use by the corresponding percentage in the table below for each of the six time periods.

USES	Monday – Friday			Saturday and Sunday		
	8 A.M. – 6 P.M.	6 P.M. – Midnight	Midnight – 8 A.M.	8 A.M. – 6 P.M.	6 P.M. – Midnight	Midnight – 8 A.M.
Residential	60%	100%	100%	80%	100%	100%
Office	100%	10%	5%	5%	5%	5%
Commercial	90%	80%	5%	100%	60%	5%
Hotel	70%	100%	100%	70%	100%	100%
Restaurant	70%	100%	10%	70%	100%	20%
Movie Theater	40%	80%	10%	80%	100%	10%
Entertainment	40%	100%	10%	80%	100%	50%
Institutional (non-religious institution)	100%	40%	5%	10%	10%	5%
Religious institution	20%	40%	5%	100%	50%	5%

1. Calculate the column total for each of the six time periods.
2. The column (time period) with the highest value shall be the minimum parking requirement.

Section 1207. Parking Garages.

- A. Retail store fronts or other business uses on the street level shall be required on Main and Broad Streets.



- B. For structures not on Main or Broad Streets, parking garages shall be set back 10-15 feet from the ultimate right-of-way unless the frontage is occupied by a retail or business use.
- C. Utilitarian appearance of parking structures are not permitted. Structures shall have design treatments such as colonnades, arcades, awnings, landscaping, street furniture and other public amenities to create the appearance of an occupied building. Blank walls are not permitted.
- D. Cars shall be visually screened from adjacent buildings and the street and such screening shall be in keeping with the rest of the building's architectural style and materials.
- E. Vehicular access to parking garages shall be accessed from alleys, placed underground, placed in structures above the ground floor, or located behind or to the side of a building. (If located to the side of a building, the garage must be setback from the front of that building by 10-15 feet.)

Section 1208. Loading.

- A. For new construction, service and loading areas shall be located to the side and rear of the building. Loading docks shall not be on the main street but to the side and rear of the building and shall be visually screened from the street and pedestrian ways.
- B. The location and size of loading areas shall be adequate for the safe maneuvering and parking of trucks that ingress and egress can occur on the lot without backing out onto a public street.
- C. Loading areas shall be lit to provide security and safety, however, the light shall be shielded to prevent glare onto adjacent properties.

[Amended: Ord. 623, 1/3/00, 1203; Ord. 672, 6/4/07, entire article; Replaced entire article with Ord. 692, 6/7/10]

ARTICLE XIII
NONCONFORMING BUILDINGS, STRUCTURES AND USES

Section 1300. Nonconforming Buildings, Structures and Uses.

- A. Continuation. Any lawful building or other structure, or any lawful use of building or other structure or land, existing on the effective date of this ordinance, which does not conform with the provisions of this ordinance, shall be considered a lawful nonconforming building, structure or use, and may be continued, except as otherwise here provided.
- B. Extension. Any lawful nonconforming use of a portion of a building may be extended throughout the building, and any lawful nonconforming building or any building of which a lawful nonconforming use is made may be extended upon the lot occupied by such building and held in single and separate ownership on the effective date of this ordinance, provided that the area of such building shall not be increased by more than a total of 25 percent of the area of such building existing on the date it first became a lawful nonconforming building or a building of which a lawful nonconforming use is made, and provided further that any structural alteration, extension or addition shall conform with all height, area, width, yard and coverage requirements for the district in which it is located.
- C. Change. Any lawful nonconforming use of a building or land may be changed to another nonconforming use of the same or high classification, which shall thereafter not be subject to any further change except to a conforming use, and for such purpose a building may be extended in accordance with paragraph B of this section hereinabove. Whenever a nonconforming use of a building or land has been changed to a conforming use, such conforming use shall not thereafter be changed to a nonconforming use.
- D. Restoration. Any lawful nonconforming building or other structure which has been involuntarily damaged or destroyed by fire, explosion, windstorm or other similar active cause, to an extent of not more than 75 percent of its fair market value, may be reconstructed in the same location, provided that (1) the reconstructed building or structure shall not exceed the height, area or volume of the damaged or destroyed building or structure, except as provided in Paragraph B of this section hereinabove, and (2) reconstruction shall begin within one year from the date of damage or destruction and shall be carried on without interruption.
- E. Abandonment. If a lawful nonconforming use of a building or other structure is abandoned or discontinued for a continuous period of one year or more, or if a lawful nonconforming use of land is abandoned or discontinued for a continuous period of 6 months or more, subsequent use of such building or structure or land shall be in conformity with the provisions of this ordinance.
- F. Nonconforming Signs. Every lawful nonconforming sign shall be discontinued and removed, or changed to a conforming sign, within a period of 2 years from the effective date of this ordinance, provided that signs, which, at the effective date of this ordinance, are maintained in connection with and upon the same lot as a lawful nonconforming use may be maintained or repaired with signs similar in size and character so long as such lawful nonconforming use continues, but may not be enlarged or otherwise substantially altered (nor may the illumination or lack of illumination thereof be changed) except in accordance with the regulations applicable to the district in which such lot is located. All signs shall comply with Section 1103 of Article XI herein.
- G. Zoning Hearing Board Approval of Change or Resumption. The Zoning Hearing Board shall have discretion to determine what change or resumption of a nonconforming use is of the same or higher classification and is permissible.

Section 1301. Lots Nonconforming as to Area and Width Regulations, and Lots of Unusual Dimensions.

When authorized as a special exception, a building may be erected or altered on any lot held in single and separate ownership on the effective date of this ordinance which is not of the required minimum area or width or is of such unusual dimensions that the owner would have difficulty in provided the required open spaces for the district in which the lot is situated.

Section 1302. Subdivisions Previously Approved.

In the case of a plot of land, a plan for the subdivision of which into two or more parcels or lots for the purpose of development and sale has, prior to the effective date of this ordinance, been duly approved and recorded as required by law, which plan does not make provision for full adherence to the regulations of this ordinance governing minimum lot areas or widths, front, side or rear yards, or building coverage, but was in conformity with such regulations as were effective at the time such plan was approved and recorded, the development and sale contemplated by the plan may be proceeded with when authorized as a special exception. The Zoning Hearing Board shall have the power to grant a special exception which respect to the whole of such plot of land or any portion thereof.

[Amended: Ord. 623, 1/3/00, 1300.G]

ARTICLE XIV GENERAL PROVISIONS

Section 1400. Public Utility Corporation.

This ordinance shall not apply to any existing or proposed building, or extension thereof, or to any land, used or to be used by a public utility corporation, if, upon petition of the corporation, the Public Utility Commission shall, after a public hearing, decide that the present or proposed situation or use of the building or land in question is reasonably necessary for the convenience or welfare of the public.

Section 1401. Location of Gasoline Filling Station Equipment.

A pump, air tower, water outlet, or similar installation of a gasoline filling station may be placed within the required front yard but in no case closer to a street line than 15 feet.

Section 1402. Reduction of Lot.

No lot areas shall be so reduced that the area of the lot, or the dimensions of the open spaces, shall be smaller than herein prescribed.

Section 1403. Modification of Front Yard Requirements.

- A. Where an unimproved lot is situated between two improved lots having on each a principal building within 25 feet of the side boundary line of such unimproved lot, which extends into the required front yard of each such unimproved lot and has been so maintained since the effective date of this ordinance, the front yard depth of such unimproved lot may be the average depth of the front yards of such two adjacent improved lots, notwithstanding the yard requirements of the district in which it is located.
- B. Where an unimproved lot adjoins only one improved lot having a principal building thereon within 25 feet of the common side lot line which extends into the required front yard of such improved lot and has been so maintained since the effective date of this ordinance, the front yard depth of such unimproved lot may be the average depth of the front yard of such adjacent improved lot and the front yard required for the district in which such unimproved lot is located notwithstanding the yard requirements for such district.

Section 1404. Management of Common Land Areas.

- A. Requirements. Regardless of the proposed land usage, any land area to be owned or managed by an association, residents group, individual or any other organization shall first require the specific approval and execution of required agreements by the Borough Council.
- B. Purpose. The purpose of the agreements shall be to insure that all common use areas—including but not limited to parking, streets, open space and recreation, retention basins and utility services—shall be adequately protected and to release the borough from any responsibility for such areas except as may have been agreed to.
- C. Preliminary Plan. The applicant of any proposed development in which common land areas are proposed shall at the time of submission of the preliminary plan delineate;
 - 1. The location and dimensions of land areas proposed for common usage.
 - 2. The size and specific use of each area.
 - 3. Which areas, if any, are proposed for public dedication.

4. Type of ownership and management planned for the common land area. Borough Council, at the time of approval of the preliminary plan, shall indicate those areas, if any, it is willing to accept for dedication.

D. Final Plan. For common land areas proposed for ownership other than by an individual or the borough, the applicant at the submission of the final plan, present documents creating and governing a property owners' organization and containing a declaration of covenants, restrictions, easements, charges and liens deemed necessary to own, manage, and maintain the common land areas and any associated recreation facilities. All documents and terms relating to the association, organization or articles of incorporation shall be subject to the approval of the Borough Solicitor. The documents shall contain, as a minimum, the following essential provisions:

1. Powers and duties in maintaining and administering common land areas.
2. Membership and voting rights.
3. Establishment of bond as required by the Subdivision Regulations to guarantee the initial construction and installation of all recreation facilities within the open space areas.
4. Rights and duties of the Borough of Souderton, members of the organization and other residents of any proposed development in the event of non-payment or failure to perform. In any breach of covenant or restriction, or failure to maintain the common land areas in reasonable order or condition, the duly constituted organization, the borough, and any other parties of interest shall be guided by the provisions of Section 705(d) of the Pennsylvania Municipalities Planning Code.
5. The Recording of any deed along with restrictions, and plan of common land areas identifying the improvements thereon, shall be executed by or on behalf of the interested parties before the sale of any land or the issuance of building permits.

Section 1405. Projections into Required Yards.

No building and no part of a building shall be erected within or shall project into any required yard in any district, except that:

- A. An unenclosed porch, not more than 14 feet in height, may be erected to extend into a required front or rear yard a distance of not more than 10 feet, or into a required side yard a distance of not more than 4 feet, provided that in no case shall it extend into such front, rear or side yard more than one-half of the required depth of the yard.
- B. A terrace, platform or landing place, not covered by a roof, canopy or trellis, which does not extend above the level of the first floor of the building, may be erected to extend into a required yard a distance of not more than 12 feet provided that it shall not extend into such yard more than 40 percent of the required depth or width of the yard.
- C. A buttress, chimney, cornice, pier or pilaster of a building may project not more than 30 inches into a required yard.
- D. Open, unenclosed fire escapes, steps, bay windows, balconies and pent roofs may project not more than 4 feet into a required yard.

Section 1406. Obstructions to Vision at Intersections Prohibited.

On any lot, no wall, fence or other structure shall be erected, altered or maintained and no hedge, tree, shrub or other growth shall be planted or maintained over 3 feet in height, which will interfere with or obstruct vehicle or pedestrian vision at any intersection of streets or any street and crosswalk measured along the street centerlines a distance of 75 feet from the intersection of streets.

Section 1407. Height Limitation of Fences and Walls.

A. Application and Issuance of Permit.

1. Application for a fence or retaining wall shall be completed on a form provided by the Borough Code Enforcement Officer and include a diagram of the area to be fenced or enclosed. No fence or retaining wall shall be erected until such work is approved by the Borough Code Enforcement Officer, a permit issued, and the required fees paid to the Borough of Souderton.

B. All fencing or walls shall be erected outside of the legal right-of-way.

C. Fences erected in the front yard shall not exceed 4 feet in height. Fence material proposed shall be 50 percent open, such as post and rail fencing.

D. Fences erected in the side or rear yards shall not exceed 6 feet in height.

E. A clear sight triangle shall be provided for all corner lots where a fence meets at an intersection.

F. All fences shall be erected with the finished side of the fence facing adjacent properties or streets. The finished side shall be considered the side without the structural support.

G. Chain link or wire mesh fences shall be erected with accompanying landscaping such that the fence shall be imperceptible from such landscaping from any viewpoint on adjacent properties and/or the street.

H. No fence with barbed wire, spikes, nails or other sharp objects shall be permitted. No fence with electrical current is permitted.

I. Fences shall be erected only at the natural grade of the property and shall not be erected on berms or artificial mounds.

Section 1408. Accessory Uses.

Accessory uses authorized by this ordinance shall include, but not by way of limitation, the following:

A. Uses Accessory to Agriculture. Greenhouses, roadside stand for sale of products produced on the premises; barn; preparation of products produced on the premises for use and the disposal thereof by marketing or otherwise.

1. The keeping of horses, livestock, poultry or fowl, other than pigs, provided that the premises shall contain not less than 3 acres and provided that all buildings, pastures, yards and portions of the premises used for said domestic animals, livestock, poultry or fowl shall be situate not less than 100 feet from any road line or property line of an adjoining lot.

B. Uses Accessory to Dwellings.

1. Private garage, private parking space, private stables, barn, shelter for pets, tools and small shed.
2. Private greenhouses.
3. Professional office or studio of a doctor, dentist, healer, teacher, artist, architect, landscape architect, musician, lawyer, engineer, magistrate or practitioner of a similar character, or rooms for the home occupation listed below, provided that office, studio or rooms, are located in a building in which the practitioner resides and provided further that no goods are publicly displayed on the premises.

- a. The following home occupations shall be allowed:
 - 1) Custom dressmaking, millinery, tailoring, sewing of fabric for custom apparel and custom home furnishing.
 - 2) Foster family care.
 - 3) Any office in which chattels, goods, wares or merchandise are not commercially created, exchanged or sold.
 - 4) Tutoring.
 - 5) Fine arts studio in which are created only individual works of art.
 - 6) Home day care for not more than six children unrelated to the caregiver.
 - 7) Beauty parlor or barber shop.
 - b. The following regulations and standards shall apply:
 - (1) The area used for the practice of the above shall occupy no more than 15 percent of the gross floor area of the dwelling unit.
 - (2) No other persons except a resident of the dwelling shall practice the occupation therein. There shall not be more than one home occupation per dwelling.
 - (3) No more than two persons shall be employed by the practitioner to provide secretarial, clerical or other assistance.
 - (4) Two paved off-street parking spaces shall be required in addition to those required for residential dwelling use and shall not be located within the minimum front yard area prescribed for the district in which located.
 - (5) No retailing shall be permitted from the premises.
 - c. Uses authorized in this ordinance as accessory to a dwelling shall not be deemed to include a hospital, clinic, animal hospital, mortuary, other personal service shops, or hotel, or any similar use.
 - d. Uses accessory to the public park, etc. Customary recreational, refreshment and service uses and buildings in any public park, reservation, playground or other recreational area.
4. The renting of one room within the dwelling in which the lessor resides to a maximum of two non-transient persons without table board for a minimum term of one month is permitted within single-family detached and single-family semi-detached dwellings only.
 5. When authorized as a special exception by the Zoning Hearing Board and when accessory to a single-family detached or single-family semi-detached dwelling only, one separate living area including cooking facilities may be provided for no more than two persons related to the principal occupant of the single-family detached dwelling by blood, marriage or adoption, provided that no change is made in the area covered by the building in which housed, and provided further that said use is registered with the Zoning Officer, subject to written agreement, to be recorded, to remove said cooking facilities at the time said facilities are no longer utilized by said persons related to the principal occupant as aforesaid.
 6. Accessory Structures (includes buildings):
 - a. Structures accessory to a permitted use shall not be permitted within the required front yard of a lot and, with the exception of a detached garage, shall not be permitted on that portion of the lot between the principal building and the lot line at abuts a street right-of-way.
 - b. On reverse frontage lots, structures accessory to a permitted use shall not be permitted within 25 feet to the rear lot line adjoining the right-of-way of the arterial or collector street.

- c. Where a district requires building setbacks from streets to which the district abuts or from property lines or which the district abuts, no structures accessory to a permitted use shall be permitted within the designated setback area.

7. Residential swimming pool for use of family and guests only.

Section 1409. Trailers.

No trailer camp shall be permitted in any residential district.

Section 1410. Access to Public Street.

Each and every lot shall abut an ordained public street with frontage on each lot not less than the required lot width established for the zoning district.

Section 1411. Removal of Topsoil.

The permanent removal of topsoil from any parcel of land within the borough shall be prohibited, except as follows:

- A. During actual construction on premises, that portion of the topsoil present which covers an area to be occupied by permanent structures or permanently located materials of an impervious nature may be considered excess and may be removed by the owner.
- B. During regarding operations conducted upon premises, whether or not carried on in conjunction with on-site construction, excess topsoil remaining after restoring proper topsoil cover to the areas of the parcel upon which regarding operations were conducted may be removed by the owner.

Section 1412. Automobile Graveyards or Junkyards.

No automobile graveyard or junkyards of any type, whether encompassing all or a portion of any premises, shall be permitted in any district.

Section 1413. Towers.

Towers for communication purposes shall be permitted only as an accessory use to a permitted principal use on the same lot. Communication towers shall be subject to all the required yard and setback requirements applicable to principal buildings and shall not exceed the height limitation in the district where located unless authorized by special exception.

Section 1414. Buffer Areas and Landscaping or Paving Facilities. (*Repealed*)

Section 1415. Submission of Plans.

Submission of plans shall be required in all zoning districts. Proposals for one and two-family dwellings and structures accessory to residential uses shall be exempted. The following regulations shall govern the character and submission of plans:

- A. Preliminary plans shall be submitted to the Borough Council for preliminary approval showing the general layout of the total area and the type of building and/or buildings to be erected.
- B. Final plans shall be submitted to the Borough Council for approval, showing the layout of the total area, and shall include, inter alia, the following:
 1. The scale shall not be less than 1 inch equals 50 feet, with contours at 2-foot intervals and showing all topographical features.

2. A plot plan of the lot showing the locations of all present and proposed buildings, sidewalks and other areas devoted to pedestrian use, loading and unloading areas, drives, parking lots, waste disposal and storage facilities, and other constructional features on the lot; and all buildings, streets, alleys, highways, streams and other topographical features on the lot and within 200 feet of any lot line.
 3. Description and architectural plans of any proposed buildings or change in existing buildings.
 4. A description of the use and/or operations proposed in sufficient detail to indicate the effects of those uses and/or operations in producing traffic congestion, noise, glare, air pollution, water pollution, thermal pollution and fire hazards and whether any part of the use and/or operation will be conducted on the outside of any building.
 5. Engineering and architectural plans for the connections to public water and public sewerage lines and for the pretreatment, if required, of any sewage or industrial waste before its discharge into public sewer lines.
 6. Engineering and architectural plans for the treatment and disposal of waste other than that which will be discharged into the public sewer lines. Outdoor facilities for waste storage shall be provided with a minimum 6 feet height opaque enclosure on all sides.
 7. Engineering and architectural plans for the handling of any traffic, noise, lighting, glare, air pollution, water pollution, thermal pollution, water consumption, fire hazard and safety hazard.
 8. Designation of the fuel proposed to be used and any necessary architectural and engineering plans for controlling smoke, dust and dirt, fly ash, fumes, vapors and gases.
 9. The proposed hours of operation, the number of shifts to be worked and the maximum number of employees on each shift and the parking lot requirements, both present and future.
 10. Engineering plans and reports for the control and disposal of surface drainage.
 11. Statement from the appropriate sewer authority authorizing connection of the premises to its sewer and indicating it will receive the type of effluent to be generated upon the premises.
 12. Any other pertinent data or evidence that the Borough Council may require.
- C. Upon receipt of plans under this subsection, the Borough Council shall have the power of approval or disapproval of these plans. The secretary of the Borough Council shall notify, in writing, the Zoning Officer of its final decision and any special conditions regarding the proposed use and/or operation.

Section 1416. Conformance with Other Codes.

All buildings and structures shall comply with the Building, Electrical and Plumbing Codes and any amendments thereto of the Borough of Souderton.

Section 1417. Driveways.

All driveways shall be a minimum of 4 feet from the side or rear lot line in all districts.

Section 1418. Regulations of Satellite Dishes.

- A. Not more than one satellite dish may be mounted on the roof of the principal building on each lot provided that the height limitation of the district is not exceeded by the roof-mounted satellite dish.
- B. Ground-Mounted Satellite Dish. A satellite dish may be placed on a lot as an accessory use to a permitted principal use provided that the installation shall conform to all of the setback, height, yard and coverage requirements of the district where located.

Section 1419. Living Space.

The minimum living space as provided in this ordinance shall not be less than 750 square feet for a single-family detached dwelling.

[Amended: Ord. 669, 5/7/07, 1407; Ord. 673, 6/4/07, 1414]

ARTICLE XV ADMINISTRATION

Section 1500. Zoning Officer.

The provisions of this ordinance shall be enforced by the Zoning Officer, who shall also be the Building Inspector, with the aid of the police department and other municipal agencies. The Zoning Office shall be appointed by the Borough Council according to procedures set forth by the borough. He may hold another office in the borough.

Section 1501. Duties and Powers.

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

- A. Keep a permanent record of all plans and applications for permits, and all permits issued with notations as to special conditions attached thereto. All records shall be open for public inspection and shall be the property of the borough.
- B. Review applications for zoning permits for erections or alterations of structures or changes of use, determine whether such construction or use is in accordance with the general requirements of this ordinance, all other applicable ordinances, and with the laws and regulations of the Commonwealth.
- C. Conduct inspections and surveys to determine compliance or noncompliance with the terms of this ordinance. In carrying out such surveys, the Zoning Officer or his representative may enter upon any land or buildings, after properly notifying all occupants of his intentions.
- D. Make written orders requiring compliance with the provisions of this ordinance to be served personally or by registered mail.
- E. Institute proceedings in courts of proper jurisdiction for the enforcement of provisions of this ordinance.
- F. Maintain a map showing the current zoning classification of all land.
- G. Maintain a map and register showing the registration, identity, location and type of all nonconforming uses.
- H. Participate, in the Zoning Officer's discretion, in all proceedings before the Zoning Hearing Board, present facts and information to assist the board in reaching a decision.
- I. The Building Inspector (Zoning Officer) shall have the authority to issue permits only for the construction and uses which are in accordance with the requirements of this ordinance. Permits for construction and uses which as a special exception shall be issued by the Zoning Officer only upon order of the Zoning Hearing Board.
- J. The Zoning Officer shall issue no permits for the construction or use of any land or buildings unless it also conforms to the requirements of all other applicable ordinances of the Borough of Souderton and the laws of the Commonwealth.

Section 1502. Requirement of Building Permits.

No building shall be constructed or altered in the borough or the use of any building changed, nor vacant land occupied until a building permit is secured from the Zoning Officer. Upon completion of the work authorized by any permit the applicant or owner shall notify the Zoning Officer of said completion. No permit shall be

considered as complete or permanently effective until the Zoning Officer has noted on the permit that the work has been inspected and approved as being in conformity with the provision of this ordinance.

Section 1503. Application for Building Permits.

All applications for building permits shall be made in writing on forms furnished by the borough and shall be accompanied by a plot plan prepared by a registered engineer or land surveyor showing the exact size and location of any building or other structures existing on the lot in question or upon abutting land within 50 feet of the side and rear lot lines of such lot, and the lines within which the proposed building or other structure shall be erected or altered. There shall in addition be included with all applications such other plans, documents and information as may be necessary to enable the Zoning Officer to ascertain compliance with this ordinance and all other pertinent ordinances. No building permit shall be issued for any lot unless said lot is on a street ordained by ordinance duly adopted by the Borough Council of the Borough of Souderton.

Section 1504. Issuance of Building Permits.

No building permit shall be issued until the Zoning Officer has certified that the proposed building, structure or alteration complies with the provisions of this ordinance and other applicable ordinances. Upon completion of the erection, addition to, or alteration of any building, structure or portion thereof authorized by any building permit obtained in compliance with this ordinance, and prior to use or occupancy, the holder of such permit shall notify the Zoning Officer of such completion.

Section 1505. Issuance of Occupancy Permits.

An occupancy permit shall be required prior to the occupation of a newly erected building or structure, or change of use of land, building or structure, or change of ownership of a building or structure. Application for an occupancy permit shall be made to the Building and Zoning Officer upon completion of the erection, addition to or alteration of any building, structure or portion thereof authorized by any building permit obtained in compliance with this ordinance. Application for an occupancy permit for a change in ownership shall be made to the Building and Zoning Officer not less than 30 days prior to the proposed change in ownership. The application shall contain all information necessary for the Zoning Officer to determine whether the structure or use conform to the provisions of this ordinance. No occupancy permit shall be issued until the Building and Zoning Officer finds that the structure, building, alteration, or use complies with the provisions of this ordinance, the Subdivision Ordinance, the Building Code of the borough of Souderton, and any other ordinances or regulations in effect at the time of the application.

Section 1506. Issuance or Refusal of Permits.

If the Zoning Officer determines that an application is in compliance with the provisions of this ordinance, it shall be his duty to issue the appropriate permit; and if he determines that an application is not in compliance with the provisions of this ordinance, it shall be his duty to refuse the permit, in which case he shall instruct the applicant in the method of appeal or application to the Zoning Hearing Board.

Section 1507. Special Exceptions.

If the applicant desires the Zoning Hearing Board to grant a special exception, then, in addition to the information required in Section 1605 he shall state the nature of the special exception and the basis on which approval is sought.

Section 1508. Appeals.

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

Section 1509. Fees.

The applicant for a permit shall, at the time of making the application, pay to the Zoning Officer for the use of the borough a fee in accordance with a fee schedule adopted by resolution of the Borough Council upon enactment of this ordinance, or as such schedule may be amended by resolution of the Borough Council.

Section 1510. Commencement of Work.

It shall be unlawful for any person to commence work for the erection or alteration of any building until a building permit has been duly issued therefor.

**ARTICLE XVI
ZONING HEARING BOARD**

Section 1600. Appointment.

The Borough Council of the Borough of Souderton shall appoint a Zoning Hearing Board consisting of three members and the terms of office of each member shall be 3 years. The terms of office shall be fixed so that the term of office of one member shall expire each year. The Borough Council may appoint by resolution not less than one nor more than three residents of the borough to serve as alternate members of the Zoning Hearing Board subject to the following:

- A. The term of office of an alternate member shall be 3 years.
- B. Alternate members shall hold no other office in the Borough of Souderton.
- C. Alternate members may participate in any proceeding or discussion of the Zoning Hearing Board, but shall not be entitled to vote as a member of the Zoning Hearing Board unless designated as a voting alternate member.
- D. If by reason of absence or disqualification of members of the Zoning Hearing Board, a quorum is not reached, the chairman of the Zoning Hearing Board shall designate as many alternate members of the Zoning Hearing Board to sit on the Zoning Hearing Board as may be needed to provide a quorum. Any alternate member of the Zoning Hearing Board so appointed shall continue to serve on the Zoning Hearing Board in all proceedings involving the matter for which the alternate member was initially appointed until the Zoning Hearing Board has made a final determination of the matter.

Section 1601. Vacancies.

The Board shall promptly notify Borough Council of any vacancies which occur. Appointments to fill the vacancies shall be only for the unexpired portion of the term.

Section 1602. Eligibility.

Members of the Zoning Hearing Board shall hold no other officer of the Borough of Souderton.

Section 1603. Removal.

Any board member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by the majority vote of the Borough Council, taken after the member has received 15 days advance notice of the intended vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

Section 1604. Organization of the Board.

- A. Officers. The board shall elect its officers from its own membership. Officers shall serve annual terms and may succeed themselves.
- B. Quorum. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all members of the board, but the board may appoint a hearing officer from its own membership to conduct any hearing on its behalf.
- C. Rules and Procedures. The board shall adopt, and may amend, rules and forms of its procedure consistent with ordinances of Borough of Souderton and laws of the Commonwealth.

- D. Records. The board shall keep full public records of its business, including the vote of each member upon each question, and shall submit a report of its activities to the Borough Council once a year.

Section 1605. Functions.

The Zoning Hearing Board shall have the following duties:

- A. Appeals from the Zoning Officer. The board shall hear and decide appeals where it is alleged by the applicant that the Zoning Officer failed to follow prescribed procedures or has misinterpreted or misapplied any provisions of a valid ordinance or map or any valid rule or regulations governing the action of the Zoning Officer. Nothing contained herein shall be construed to deny to the appellant the right to proceed directly in court, where appropriate, pursuant to PA R.C.P, Section 1091 to 1098 relating to mandamus.
- B. Challenge to the Validity of Any Ordinance or Map. Except as provided in Section 1605.D relating to variances, the board shall have no power to pass upon the validity of any provisions of an ordinance or map adopted by the governing body. The board may hear all challenges where in the validity of the ordinance or map presents any issues of fact or of interpretation, not hitherto properly determined at a hearing before another competent agency or body, and shall take evidence and make a record thereon. At the conclusion of the hearing, the board shall decide all contested questions of interpretation and shall make findings on all relevant issues of fact which shall become part of the record on appeal to the court.
- C. Challenges to the Subdivision and Land Development Ordinance. Challenges to the validity of a subdivision and land development ordinance and appeals from any action of the zoning officer thereunder shall be governed by Section 1605.A and B, but when the planning agency or governing body had held a hearing upon an application for development under the Subdivision and Land Development Ordinance, such hearing shall be deemed in lieu of a hearing by the board provided for under Section 1605.B.
- D. Variances. The board shall hear requests for variances where it is alleged that the provision of the Zoning Ordinance inflict unnecessary hardship upon the applicant. The board may by rule prescribe the form of application to the Zoning Officer. The board may grant a variance provided the following findings are made where relevant in a given case:
1. That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of the Zoning Ordinance in the neighborhood or district in which the property is located;
 2. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;
 3. That such unnecessary hardship has not been created by the applicant.
 4. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare; and
 5. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

In granting any variance, the board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this act and the Zoning Ordinance.

- E. **Special Exceptions.** The board shall hear and decide requests for special exceptions to the terms of the ordinance. In considering requests for special exceptions, the borough shall be governed by the following criteria:
1. Consider the suitability of the property for the use desired. Assure itself that the proposed change is consistent with the spirit, purpose and intent of the Zoning Ordinance.
 2. Determine that the proposed change will not substantially injure or detract from the use of the neighboring property or from the character of the neighborhood and that the use of the property adjacent to the area included in the proposed change or plan is adequately safeguarded.
 3. Determine that the proposed change will serve the best interests of the borough, the convenience of the community (where applicable), and the public welfare.
 4. Consider the effect of the proposed change upon the logical, efficient and economical extension of public services and facilities such as public water, sewers, police and fire protection, and public schools.
 5. Consider the suitability of the proposed location of the use with respect to probable effects upon highway traffic, and assure adequate access arrangements in order to protect major streets from undue congestion and hazard.
 6. Be guided in its study, review and recommendations by sound standards of subdivision practice where applicable.
 7. Impose such conditions, in addition to those required, as are necessary to assure that the intent of the Zoning Ordinance is complied with, which conditions may include, but are not limited to, harmonious design of buildings, planting and its maintenance as a sight or sound screen the minimizing of noxious, offensive or hazardous elements, adequate standards of parking, and sanitation.
 8. An applicant for a special exception shall have the burden of establishing the following to the satisfaction of the Zoning Hearing Board:
 - a. That the application falls within the provision of the ordinance which accords to the applicant the right to seek a special exception; and
 - b. That the grant of the special exception will not, to a high degree of probability, adversely affect the health, safety and welfare of the community.

Section 1606. Expiration of Special Exceptions and Variances.

A special exception or variance shall expire if the applicant fails to obtain a permit within one year of the date of authorization thereof.

Section 1607. Time Limitations.

The time limitations for raising certain issues and filing certain proceedings with the board shall be the following:

- A. No issue of alleged defect in the process of enactment of any ordinance or map or any amendment thereto shall be raised in proceeding filed with the board later than 30 days from the time such ordinance, map or amendment takes effect unless the person raising such issue alleges and proves that he failed to receive adequate notice of the enactment or amendment. If such person has succeeded to his interest after the enactment of the ordinance, adequate notice to his predecessor in interest shall be deemed adequate notice to him.
- B. No person shall be allowed to file any proceeding with the board later than 30 days after any application for development, preliminary or final, has been approved by an appropriate municipal official, agency or body if such proceeding is designed to secure reversal or to limit the approval in any

manner unless such person alleges and provides that he failed to receive adequate notice of such approval. If such person has succeeded to his interest after such approval, adequate notice to his predecessor in interest shall be deemed adequate notice to him.

Section 1608. Stay of Proceedings.

Upon filing of any proceeding and during its pendency before the board all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer or of any agency or body, and all official action thereunder shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the board facts indicating that such stay would cause imminent peril of life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the board by persons other than the applicant, the applicant may petition the court having jurisdiction of zoning appears to order such persons to post bond as a condition to continuing the proceedings before the board. The question whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the court.

Section 1609. Appeal to Court.

Appeals from the decisions of the Zoning Hearing Board may be taken to the Court of Common Pleas of Montgomery County by any party before the board, or any office or agency of the borough. All zoning appeals shall be filed not later than 30 days after issuance of notice of the decision or report of the board. Such zoning appeals shall set forth concisely the grounds upon which the appellant relies, verified to the extent that it contains averments of fact.

Section 1610. Expenditures.

Within the limits of funds appropriate by the Borough Council, the board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services.

Section 1611. Technical Assistance.

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

Section 1612. Advisory Review by Planning Commission.

At least 10 days before the date of hearing required by law for an application for special exception before the Zoning Hearing Board, the secretary of such board shall transmit to the Planning Commission a copy of the notice of hearing and other information as may have been furnished by the applicant or the Zoning Officer. The board shall not take final action on any special exception until it has received the advisory opinion of the Planning Commission, provided if an opinion is not received by the date of the hearing, the board shall make its decision.

Section 1613. Meetings.

Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine. The chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings showing the vote of each member upon each question, or if a member is absent or fails to vote, indicating such fact and shall keep records of its examinations and other official actions all of which shall be immediately filed with the Borough Secretary and shall be a public record.

Section 1614. Rules of Procedure.

The board shall adopt rules of procedure in accordance with the several provisions of this ordinance as to the manner of filing appeals, applications for special exceptions and appeals for variances from the terms of this ordinance, and as to the conduct of the business of the board.

Section 1615. Conduct of Hearings.

The board shall conduct hearings and make decisions in accordance with the following requirements:

- A. Upon filing an appeal or application with the board as allowed by Article XVI, Section 1605, the board shall fix a time and place for a public hearing thereon which public hearing shall be held within 60 days from the date of the filing of the application unless the applicant has agreed in writing to an extension of time. Notice of such hearing shall be provided as follows:
 - 1. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing.
 - 2. Notice of the hearing shall be published once a week for two successive weeks in a newspaper of general circulation in the borough. The first public shall be not more than 30 days and the second publication shall be not less than 7 days prior to the date of the hearing.
 - 3. Notice shall be mailed or served on the applicant and other parties in interest.
 - 4. Written notice shall be conspicuously posted on the affected tract of land at least one week prior to the hearing.
 - 5. Notice of the hearing shall be mailed or served on Borough Council, the Borough Planning Commission, the Zoning Officer, and such other persons as Borough council may from time to time designate. When the Zoning Hearing Board shall so order, notice shall also be mailed or delivered to the owner if his residence is known or the occupier over every lot on the same street within 500 feet of the lot or building in question and every lot not on the same street within 150 feet of the lot or building provided that failure to give notice required by this paragraph shall not invalidate any action taken by the Board.
 - 6. Notice shall be mailed to every resident or residents association registered for the purpose, and to any other person who had made timely request for notice.
 - 7. Borough Council may establish reasonable fees based on costs to be paid by the applicant by persons requesting notice not required by the ordinance.

[Amended: Ord. 619, 5/3/1999, 1600]

ARTICLE XVII AMENDMENTS

Section 1700. Power of Amendment.

The Borough Council May from time to time amend, supplement, change, modify or repeal this ordinance including the zoning map, by proceeding in the manner prescribed in this article.

Section 1701. Procedure.

Borough Council by resolution adopted at a regular special meeting shall fix the time and place for a public hearing on the proposed amendment and shall give notice thereof as follows:

- A. Not more than 60 nor less than 7 days prior to passage, the full text or a brief summary setting forth the principal provisions of the amendment in reasonable detail shall be published in one newspaper of general circulation in the Borough of Souderton setting forth the place in the borough where copies of the proposed amendment may be examined.
- B. Notice of the public hearing shall be published once a week for two successive weeks, the first of which shall be not more than 30 and the second not less than 7 days prior to the date of the hearing.
- C. If the proposed amendment to the Zoning Ordinance involves a zoning map change, notice of the public hearing shall be conspicuously posted at points deemed sufficient by Borough Council along the perimeter of the tract. The affected tract or area shall be posted at least one week prior to the date of the hearing.
- D. At the discretion of Borough Council by mailing a notice to all property owners within 500 feet if only a particular area is involved. If the owners of the property or their respective addresses are unknown, Borough Council may direct the posting of the notice upon the dwelling, if on exists, otherwise at a conspicuous place on the property.

Section 1702. Application for Amendment.

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

- A. The applicant's name and address and his representative, and the interest of every person represented in the application.
- B. A plan showing the extent of the area to be rezoned, streets bounding and intersecting the area, the land use and zone classification of abutting districts, and photographs of the area to be rezoned and abutting areas.
- C. A statement of the circumstances in the proposed district and abutting districts and any other factors on which the applicant relies as a reason for supporting the proposed rezoning.
- D. The approximate time schedule for the beginning and completion of development in the area
- E. The site plan to scale, indicating the locations of structures, uses, areas for off-street parking and loading.

Section 1703. Referral to the Planning Commission.

In the case of an amendment other than that prepared by the Planning Commission, the Borough Council shall submit such amendment to the Planning Commission at least 30 days prior to the hearing thereon to provide

the Planning Commission with an opportunity to submit recommendations. Such recommendations, however, shall not be binding.

Section 1704. Amendment Revision.

If, after any public hearing held upon a proposed amendment, such proposed amendment is revised, or further revised to include land previously not affected by it, the Borough Council shall hold another hearing pursuant to public notice before proceeding to vote on the revised amendment.

Section 1705. Compliance with Legislative Conditions.

If an application for an amendment to the zoning map or ordinance contains representations that a specified area will be developed in accordance with a given plan and time schedule and if the area is rezoned substantially as proposed in the applicant, Council shall fix conditions in the amendment so as to require performance of development in accordance with such plan and time schedule. Such conditions, among other things, shall provide that, upon a failure to develop the area in accordance with the conditions fixed by Council, no permits for the construction of any structure within the area shall be issued until the area has been examined by the Borough Council and zoned and rezoned for its most appropriate use. Any person, whether under disability or otherwise, who applies for a permit to erect a structure in the area shall be deemed conclusively to have assented to all conditions fixed by Borough Council.

Section 1706. Public Hearing.

Whenever the owners of 50 percent or more of (1) property owners within any district or (2) of the property owners of property fronting on the same street or streets, or abutting on the property sought to be changed, and situate within 1,000 feet of the property sought to be changed, shall present to the Borough Council, a petition duly signed and acknowledged, requesting an amendment, supplement, change, modification or repeal of the regulations prescribed, or of the zoning map, including such district, it shall be the duty of the Borough Council to hold a public hearing thereon and cause notice to be given.

Section 1707. Citizens' Protest.

In case of a protest against any proposed amendment, supplement, change, modification or repeal, signed by the owners of 20 percent, or more, either of the area of the lot included in such proposed change, or of those immediate adjacent in the rear, or in the front, or to either side thereof, extending 100 feet therefrom, such amendment shall not become effective except by favorable vote of three-fourths of the members of the Borough Council.

Section 1708. Charges.

For the purpose of defraying expenses of advertising, and other costs and expenses, applications for amendment shall be accompanied by cash payments to the borough in such amounts as may be fixed by resolution of Borough Council from time to time.

ARTICLE XVIII
NOTICE OF VIOLATIONS, PENALTIES, REMEDIES, FEES

Section 1800. Violations.

It shall be the duty of the Zoning Officer to take cognizance of violations of this ordinance. The Zoning Officer shall investigate each violation coming to his attention whether by observation or communication. Failure to second a zoning occupancy or use permit when required previous to the erection, construction, extension or addition to a building or change of use or change of ownership as provided in this ordinance, shall be a violation of this ordinance.

Section 1801. Notice of Violation.

Notice of violation shall be sent to the owner of record of the parcel on which the violation as occurred which notice shall state the following:

- A. The name of owner of record of the parcel and any other person against whom the borough intends to take action.
- B. The location of the property in violation.
- C. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the ordinance.
- D. The date before which the steps for compliance must be commenced and the date before which steps must be completed.
- E. A notice that the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth in this ordinance for appeals to the Zoning Hearing Board.
- F. A statement that failure to comply with the notice within 30 days, unless extended by appeal to the Zoning Hearing Board, constitutes a violation of the ordinance.

Section 1802. Penalties.

Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this ordinance shall upon being found liable therefor in a civil enforcement proceeding commenced by the borough, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney's fees incurred by the borough as the result thereof. Each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney's fees collected for the violation of this ordinance shall be paid over to the borough.

Section 1803. Other Remedies.

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

Section 1804. Fees.

The Borough Council shall adopt by resolution fees with respect to the administration of this ordinance and with respect to hearings before the Zoning Hearing Board.

ARTICLE XIX
C-3 COMMERCIAL-DOWNTOWN CORE DISTRICT

Section 1900. Intent.

The intent of the C-3 Commercial-Downtown Core District is to:

- A. Encourage economic development through the establishment of flexible standards that maintain the traditional Main Street environment and the community's unique identity.
- B. Encourage the retention of the historic Main Street streetscape by preserving the existing buildings to the greatest extent possible.
- C. Promote the reuse of existing structures in a manner that maintains the visual character and architectural scale.
- D. Ensure the new buildings, additions and renovations are consistent with and enhance the surrounding streetscape.
- E. Encourage lively, human-scaled activity areas and gathering places for the community through encouraging a mix of uses.
- F. Establish a walkable community by promoting pedestrian orientation of streets and buildings and providing a safe and convenient interconnected sidewalk network.
- G. Accommodate parking in a convenient manner that does not interfere with the rhythm of the street.
- H. Encourage new buildings to locate adjacent to transit.
- I. Promote the implementation of Souderton's revitalization plans.

Section 1901. Uses.

A. Permitted Uses:

- 1. A mix of uses described in Section 1901.A.
- 2. Apartments, on the second floor or above.
- 3. Small scale retail establishment for the sale of dry goods, variety and general merchandise, clothing, food, drugs, household supplies, beverages, hardware, furnishings, antiques, baked goods, greeting cards, plants and flowers; and the sale and repair of jewelry, watches, clocks, optical goods, musical, professional and scientific instruments, but excluding drive-through facilities.
- 4. Business office, such as real estate sales, travel agency, insurance sales, advertising or retail copying and printing services.
- 5. Professional office, such as those for the practice of medicine or other health services, or for law, engineering, architecture or accounting.
- 6. Personal service shop, such as tailor, barber, beauty salon, shoe repair, dressmaker, or dry cleaner (provided that no cleaning operations are performed on the premises).
- 7. Establishment serving food or beverages to the general public, such as restaurant, café, taproom, tavern, retail bakery, confectionery or ice cream shop, including walk-up windows, but excluding drive-through facilities.

8. Financial institution, such as a bank or savings and loan association, but excluding drive-through facilities.
9. Studio for dance, music, fitness, art or photography.
10. Gallery or museum.
11. Theater, including motion pictures and stage plays.
12. Bed and breakfast inn and bed and breakfast house.
13. Hotel.
14. Government administration uses, post office, community center, public library, offices for public utilities.
15. Transit facilities.
16. Public park, plaza, square, courtyard, urban garden and public restroom areas.
17. Outdoor dining.
18. Walk-up window.
19. Farmer's market.

B. Conditional Uses:

1. Undertaking establishments and funeral homes.
2. Private clubs and fraternal organizations.
3. Parking garages.
4. Historic structures as defined in Section 1902.
5. Day spa.
6. Massage parlor.
7. Tattoo parlor.
8. Piercing studio.
9. Uses determined by the governing body to be of a similar nature to the uses permitted by right in Section 1901.B, herein when located in a principal or accessory building.

C. Conditional Use Application and Procedure.

1. An application for a conditional as specified in this ordinance shall be considered by Borough Council according to the following procedures:
 - a. Application: An application for conditional use shall be submitted to the Zoning Officer. Such application shall include a sketch plan indicating the proposed development of the property with sufficient detail and data to demonstrate compliance with the applicable standards for such use. Borough Council shall conduct a public hearing pursuant to public notice on such application within 60 days unless such time limit shall be waived by the applicant.
 - b. Planning Commission Review: A copy of the application for conditional use approval shall be submitted to the Borough Planning Commission and the Montgomery County Planning Commission at least 30 days prior to the public hearing, together with a request that such agencies submit recommendations regarding the application prior to the hearing.
2. In deciding all applications for conditional uses, Borough Council shall be guided by the following standards and criteria:

- a. The proposed use conforms to the applicable regulations of the district.
- b. The proposed use shall follow the general standard for Zoning Hearing Board decisions in Section 1605.E of the Zoning Ordinance.

D. Prohibited Uses:

1. Automobile or other vehicle sales service, or repair establishments, including vehicle body repair, vehicle painting or washing.
2. Gasoline service station and filling station.
3. Drive-through window or facilities.
4. Self-service storage facilities (mini-warehouse).
5. Adult entertainment uses.
6. Uses determined by the governing body to be of similar nature to the prohibited uses listed in this section.

Section 1902. Historic Structures.

A. Exterior additions and alterations to buildings listed or eligible for the National Register of Historic Places or listed on Souderton's local historic resource inventory.

1. Exterior additions and alterations to historic buildings shall follow the Souderton-Telford Design Guidelines and the Secretary of the Interior's Standards for Rehabilitation.
2. Any exterior addition or alteration on the site must be constructed of natural materials typically found along a main street. Natural materials include such materials as stone, brick, wood siding, shingles, slate, etc. Industrial or artificial materials such as raw concrete finish, anodized or galvanized metal, tinted glass, plastics, vinyl, etc. are used in such a way as to resemble historic characteristics.
3. Meet the standards of 1906.
4. The applicant shall submit sufficient information in the form of architectural elevations and sketches of buildings in order to determine to what extent the Section 1906, Design Standards, are being followed.

B. Demolition of Buildings Listed or Eligible for the National Register of Historic Places.

1. In order for a building to be demolished, the following conditions shall be demonstrated:
 - a. The building is structurally unsound and cannot be stabilized as determined by a professional structural engineering specializing in historic structures; or
 - b. The building cannot be reasonably modified to accommodate access for handicapped individuals. The applicant will submit a written report listing all restrictions and estimated costs to modify said structure. The report shall be prepared by a professional structural engineer; or
 - c. Interior spaces of the building are too small to be converted to be suitable for the proposed use; or
 - d. The Pennsylvania Historic and Museum Commission (PHMC) has been notified of the intent of demolition. The applicant must provide documentation of notification to the PHMC.
2. Replacement buildings must meet the following conditions:
 - a. Provide a public amenity as described in Section 1905.A.3 and 4.

- b. Any new building on the site must be constructed of natural materials typically found along a main street. Natural materials include such materials as stone, brick, wood siding, shingles, slate, etc. Industrial or artificial materials such as raw concrete finish, anodized or galvanized metal, tinted glass, plastics, vinyls, etc. are prohibited unless such materials are used in such a way as to resemble historic characteristics.
 - c. Meet the standards of Section 1906.
 - d. The applicant shall submit sufficient information in the form of architectural elevations and sketches of buildings in order to determine to what extent the Section 1906, Design Standards, are being followed.
 - e. Cross-access easements for parking lots between adjacent nonresidential properties shall be provided before an occupancy permit is issued for the newly constructed building. The parking area shall be so designed to readily accommodate shared access.
- C. Demolition of buildings included on Souderton's local historic resource inventory as defined by the Indian Valley Regional Comprehensive Plan, the Borough of Souderton's Open Space Plan, or adopted historic resource inventory.

Criteria for the local historic resource inventory buildings include those buildings that have a direct connection to Souderton's industrial past. Buildings may also be considered a local historic resource if designated as such by Borough Council.

1. In order for a building to be demolished, the following conditions need to be demonstrated:
 - a. The building is structurally unsound and cannot be stabilized as determined by a professional structural engineering specializing in historic structures; or
 - b. The building cannot be reasonably modified to accommodate access for handicapped individuals. The applicant will submit a written report listing all restrictions and estimated costs to modify said structure. The report shall be prepared by a professional structural engineer; or
 - c. Interior spaces of the building are too small to be converted to be suitable for the proposed use; or
2. Replacement buildings must meet the conditions of 1902.B.2

Section 1903. Development Standards.

- A. Minimum Lot Size: 2,500 square feet.
- B. Minimum Lot Width: 25 feet.
- C. Build-To-Line. Buildings shall be:
 1. Built to the sidewalk; and
 2. Setback from the ultimate right-of-way by not more than 15 feet for purposes of a plaza, square, courtyard, recessed entrance, wider sidewalk or outdoor dining.
- D. Side Yard Setback.
 1. There shall be no side yard setback for buildings that share a party wall.
 2. Five feet when buildings do not share a party wall.
- E. Rear Yard Setback: 5 feet.

- F. Building Separation: 10 feet between buildings.
- G. Maximum Impervious Coverage: 100 percent.
- H. Average Living Space: The living space for residential units shall be 1,000 square feet (on average) per building.
- I. Building Height:
 - 1. New buildings shall be a minimum of three stories.
 - 2. Building height shall be a maximum of 65 feet provided there is a 10-foot setback on all sides of the building above the third floor.

Section 1904. General Requirements.

- A. Public Utilities. All uses shall be served by public water and sewer facilities.
- B. Surface Parking:
 - 1. General surface parking standards:
 - a. Vehicle access – Vehicle access to surface parking shall be from an alley or side street where possible.
 - b. Pedestrian access – Safe provisions for pedestrian access to and through a parking lot shall be required. Surface parking areas and pedestrian walkways connecting to them shall be well lit.
 - c. Location of surface parking:
 - 1) Surface parking shall be located to the rear of the principal building or to the side (however, parking shall not be located between a building and the street). Parking shall be set back 10 feet from the legal right-of-way.
 - 2) Corner lots – Surface parking shall not be permitted on corner lots that are located on collector or arterial roads.
 - 3) Off-street surface parking shall not extend more than 70 feet in width along any pedestrian street frontage without an outdoor café, urban garden, plaza, square, courtyard or landscaping feature with seating.
 - 2. Interconnected parking areas:
 - a. Parking areas on abutting nonresidential lots shall be interconnected by access driveways.
 - b. Each nonresidential lot shall provide cross-access easements for its parking areas and access driveways guaranteeing access to adjacent lots. Interconnections shall be logically placed and easily identifiable to ensure convenient traffic flow.
- C. Exterior Lighting. All exterior lighting shall be designed to prevent glare onto adjacent properties. Pedestrian pathways shall be clearly marked and well lit. Lighting should be sufficient for security and identification without allowing light to trespass onto adjacent sites. The height of fixtures shall be a maximum of 20 feet for parking lots and 14 feet for pedestrian walkways.
- D. Refuse Areas. The storage of refuse shall be provided inside the building(s) or within an outdoor area enclosed by either walls or opaque fencing. Any refuse area outside of the building shall be designed to be architecturally compatible with the building(s), shall not be located in the front of the building, and be entirely screened by a fence or enclosure which is at least 6 feet high.

E. Screening:

1. All wall-mounted mechanical, electrical, communication and service equipment, including satellite dishes and vent pipes shall be screened from public view by parapets, walls, fences, landscaping or other approved means.
2. All rooftop mechanical equipment and other appurtenances shall be concealed by or integrated within the roof form or screened from view at ground level of nearby streets. The following, when above the roofline, require screening: stairwells, elevator shafts, air conditioning units, large vents, heat pumps and mechanical equipment.
3. Parking lot screening:
 - a. Parking lots visible from a street shall be continuously screened by a 3-foot high wall/fence and plantings. Screening shall include:
 - 1) Hedges, installed at 36 inches in height; or
 - 2) Mixed planting (trees and shrubs); or
 - 3) Wall sections, with no wall break of more than 9 feet (excluding driveway openings) and landscaping to provide a continuous screen.
 - b. When parking lots are adjacent to a residential use, screening shall be increased to a 6-foot high wall/fence and planting.
4. Service and loading areas shall be visually screened from street and pedestrian ways. For new construction, service and loading areas shall be located behind the building. Loading docks shall not be on the main street but to the side or rear of the building.

F. Outdoor Dining.

1. Outdoor furnishings are limited to tables, chairs and umbrellas.
2. Outdoor furniture shall be stored inside the restaurant after the outdoor dining season.
3. Planters, posts with ropes, or other removable enclosures as approved by Borough Council, as well as a reservation podium shall be used as a way of defining the area occupied by the café provided such enclosures are no more than 4 feet in height.
4. Refuse facilities shall be provided.
5. Advertising or promotional features shall be limited to umbrellas and canopies, except as permitted in Article IX – Signs.
6. Outdoor dining shall not impede pedestrian traffic flow. A minimum pathway of at least 5 feet free of obstacles shall be maintained.

Section 1905. Streetscape and Green Area Standards.

- A. The following streetscape and green area standards are required for all new developments and additions/alterations along pedestrian areas:
1. Streetscape and green area standards should relate to Souderton's streetscape design and be reviewed by the governing body. The applicant shall demonstrate that these standards are met through elevations and conceptual sketches.
 2. Figure 1 indicates the categories and minimum requirements for streetscape and green area standards. Category A contains planting and greening elements. Category B includes more elaborate greening elements as well as street furniture and other streetscape elements. Category C includes more extensive building elements, streetscape improvements and open space elements. Figure 2 presents the streetscape and green area items within each category.

Figure 1 – Streetscape and Green Area Categories

Building Additions and Alterations	New Developments up to 25 Linear Feet of Frontage	New Developments between 26-50 Linear Feet of Frontage	New Developments of 51 Linear Feet of Frontage or More
4 points from Category A (no more than 3 of 1 item)	4 points from Category A (no more than 3 of 1 item)	5 points from Category A, 4 points from Category B	7 points from Category A, 5 points from Category B, and 6 points from Category C

Figure 2 – Streetscape and Green Area Items

Category	Item	Points
A	Hanging Basket (minimum size: 12 inches in diameter)	1
A	Decorative Banners/Flags	1
A	Window Box (as wide as window sill and a minimum size: 6 inches wide by 6 inches deep)	2
A	Additional planting area including shrubs, trees, groundcovers, or flowers	2
A	Street planter (minimum size: 24 inches in diameter)	2
A	Building Decorative Lighting	2
B	Bench (at least 5 feet in length)	2
B	Trash Receptacle	2
B	Raised Planting Bed	2
B	Public Art/Mural	2
B	Trellis, Arbor or Pergola (planted with vines or shrubs)	2
B	Awning for Window or Door	2
B	Kiosk	3
C	Drinking Fountain	2
C	Decorative Paving	2
C	Water Feature (Fountain)	2
C	Balconies	3
C	Street Lighting	3
C	Planting in Curb Extension (planted bulb out/large planters)	3
C	Urban Garden (see requirements in Section 1905.3)	3
C	Roof Garden	3
C	Bus Shelter	3
C	Clock Tower	3
C	Decorative Architectural Treatments (see descriptions of architectural treatments in Section 1906.B.2.a)	4
C	Plaza/Square/Courtyard (see requirements in Section 1905.A.4)	6
C	Façade Restoration	6
C	Other Amenity Approved by Governing Body	3-6

3. Urban garden standards:

- a. Minimum size required is 300 square feet.
- b. An urban garden shall be located where it is visible and accessible from either a public sidewalk or pedestrian connection.

- c. Sixty percent of the garden shall be of planted materials such as trees, vines, shrubs and seasonal flowers with year round interest. All trees shall be 3.5 inches in caliper.
 - d. A water features is encouraged.
 - e. One seating space is required for each 30 square feet of garden area.
4. Public plazas/squares/courtyards standards:
- a. The minimum size required is 500 square feet.
 - b. The plaza shall be located where it is visible and accessible from either a public sidewalk or pedestrian connection.
 - c. Thirty percent of the plaza shall be landscaped with trees, shrubs and mixed plantings with year round interest.
 - d. The plaza shall use the following paving materials: unit pavers, paving stones or concrete. No more than 20 percent of the plaza shall be concrete.
 - e. One seating space is required for each 30 square feet of plaza area.
 - f. The plaza shall not be used for parking, loading or vehicular access during business hours or permitted special events (excluding emergency vehicular access).
 - g. Public art and fountains are encouraged.
 - h. Trash containers shall be distributed throughout the plaza.
 - i. The plaza shall provide shade by using the following elements: trees, canopies, trellises, umbrellas or building walls.
 - j. One tree is required for every 500 square feet. Trees shall be of 3.5 inches in caliper.
 - k. Lighting shall be provided.
 - l. Plazas shall connect to other activities such as outdoor cafes, restaurants and building entries.
 - m. Plazas shall be located if possible to have maximum direct sunlight with a south or east orientation.
 - n. Plazas, if constructed by a private entity, shall have an agreement with the Borough of Souderton for public access.

Section 1906. Design Standards.

A. Pedestrian Design Standards:

- 1. Sidewalks are required along all street frontages. Where applicable, sidewalk width shall be in accordance with adopted streetscape design documents.
- 2. Where streetscape plans are not applicable, the following shall apply:
 - a. On Broad and Main Streets, sidewalks shall be a minimum width of 8 feet.
 - b. On other streets, sidewalks shall be a minimum width of 6 feet.
- 3. Sidewalks shall connect the street frontage to all front building entrances, parking areas, central open space and other destinations that generate pedestrian traffic. Sidewalks shall connect to existing sidewalks on abutting tracts and other nearby pedestrian destination points and transit stops.
- 4. The sidewalk pattern shall continue across driveways.

B. Building Design Standards. Nonresidential buildings and apartment buildings shall meet the following requirements:

1. Building Orientation and Entrances:
 - a. The front façade of buildings shall be oriented towards main streets, with an every day public entrance in this front façade.
 - b. When buildings are located on corners, the entrance shall be located on the corner with an appropriate building articulation, such as a chamfered corner, turret, canopy or other similar building feature. Borough Council may allow front facades to face existing side streets, when these facades will extend an existing commercial district along this existing side street.
 - c. All primary building entrances shall be accentuated. Entrances permitted include: recessed, protruding, canopy, portico or overhang.
2. Walls and Windows:
 - a. Blank walls shall not be permitted along any exterior wall facing a street, parking area or walking area. Walls or portions of walls where windows are not provided shall have architectural treatments that are similar to the front façade, including materials, colors and details. At least four of the following architectural treatments shall be provided:
 - 1) Masonry (but not flat concrete block).
 - 2) Concrete or masonry plinth at the base of the wall.
 - 3) Belt courses of a different texture or color.
 - 4) Projecting cornice.
 - 5) Projecting metal canopy.
 - 6) Decorative tile work.
 - 7) Trellis containing planting.
 - 8) Medallions.
 - 9) Opaque or translucent glass.
 - 10) Artwork.
 - 11) Vertical/horizontal articulation.
 - 12) Lighting fixtures.
 - 13) An architectural element not listed above, as approved by Borough Council, that meets the intent.
 - b. Windows:
 - 1) The ground floor front facades of buildings fronting a street shall consist of a minimum of 60 percent window area and a maximum of 75 percent, with views provided through these windows into the business. Ground floor windows shall be a maximum of 12 to 20 inches above the sidewalk.
 - 2) Upper story windows of front facades shall not be boarded or covered and shall comprise a minimum of 35 percent window area in the façade above the ground floor and a maximum of 75 percent.
 - 3) Smoked, mirrored or black glass in windows is prohibited.
3. Roofs. Roofs shall be in keeping with the character of adjacent buildings.
4. Building Character. New infill development shall generally employ building types that are compatible to the historic architecture of the area in their massing and external treatment.

5. Architectural Rhythm:
 - a. New infill development shall also retain the historic architectural rhythm of building openings (including windows and entries) of the same block.
 - b. New infill development shall also attempt to maintain the horizontal rhythm of main street facades by using a similar alignment of windows, floor spacing cornices, awnings as well as other elements. This rhythm shall be achieved by aligning the top, middle and base floors. Buildings shall have a distinct base at ground level using articulation or materials such as stone, masonry or decorative concrete. The top level should be treated with a distinct outline with elements such as projecting parapet, cornice or other projection.
6. Massing:
 - a. Buildings shall be similar in height and size or articulated and subdivision into massing that is more or less proportional to adjacent structures and maintains the existing architectural rhythm.
 - b. The massing of any façade should generally not exceed 50 feet maximum (horizontal dimension). Shop fronts may be broken down even further. Massing variations every 30 feet or less is preferred.
 - c. Nonresidential buildings must have at least a 3- to 5-foot break in depth in all street facades for every 50 feet of continuous façade. Such breaks may be met through the use of bay windows, porches, porticos, building extensions, towers, recessed doorways and other architectural treatments.

[Adopted: Ord. 638, 7/7/03 entire article; Replaced Ord. 670, 6/4/07, entire article]

ARTICLE XX
MUR MIXED-USE REDVELOPMENT DISTRICT

Section 2000. Legislative Intent.

The primary purpose of the Mixed Use Redevelopment District is to create a walkable, livable and attractive mixed-use center that complements the borough's existing traditional neighborhoods and commercial uses, supports the community's economic development goals and provides a lively mix of residential and nonresidential uses.

Further, it is the intent of the Mixed Use Redevelopment District to:

- A. Encourage market-driven redevelopment of underutilized land, adjacent to existing commercial areas and accessible to existing neighborhoods;
- B. Support the ongoing revitalization of the Borough of Souderton;
- C. Promote development that is primarily designed to be walkable and bikable, rather than automobile-oriented, and that provides open spaces and recreation amenities for the community;
- D. Provide housing options that give residents convenient pedestrian access to retail, restaurants, services and employment;
- E. Ensure context-sensitive design that complements and is consistent with the borough's existing historic character, neighborhoods, streetscapes and buildings; and
- F. Promote sustainable and low-impact development that respects the site's natural features and utilizes best management practices for stormwater management, energy use and land development.

Section 2001. Applicability of Regulations.

In the Mixed Use Redevelopment District, the following regulations shall apply.

Section 2002. Use Regulations.

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

- A. Uses Permitted By Right. The following uses are permitted on a lot, in existing and proposed buildings:
 - 1. Garden apartments as a special exception, provided the regulations of Article VII are met, with the exception that other uses permitted in the R-3 District which are not also specifically permitted in the Mixed Use Redevelopment District shall be prohibited. The maximum density for garden apartments shall be 9 dwelling units per acre, regardless of proposed unit types and sizes.
 - 2. Single-family attached dwelling (rowhouse, townhouse), not to exceed four dwelling units attached in any configuration, provided the following requirements are met:
 - a. Minimum lot area and width – A minimum lot area of 2,400 square feet per unit and a minimum lot width of 22 feet at the street line shall be provided for each single-family attached dwelling.
 - b. Minimum front yard setback shall be 15 feet.
 - c. Minimum side yards at the end of each row shall have a width of at least 15 feet.

- d. Minimum rear yard setback shall be 30 feet.
 - e. Maximum building setback from an existing or proposed street shall be 20 feet.
 - f. Townhouses are encouraged to be setback no more than 20 feet from the street, with rear-loaded garages when feasible. At least 60 percent of the garages in the townhouse development shall be side-loaded; front-loaded garage doors shall be set back from the front façade of the unit by a minimum of 6 feet.
3. Apartments, on the second floor and above, permitted as part of a combined-use building containing one or more nonresidential permitted uses.
 4. Retail establishment.
 5. Business office, such as real estate sales, travel agency, insurance sales, postal services, advertising, or retail copying and printing services.
 6. Professional office, such as those for the practice of medicine, dentistry or other human health services, or for law, engineering, architecture, planning, accounting or similar profession, excluding veterinary offices.
 7. Personal service shop, such as barber, beauty salon, day spa, pet groomer, shoe repair, tailor, dressmaker, laundry/dry cleaner (provided that no cleaning operations are performed on the premises).
 8. Restaurant or other establishment serving food or beverages to the general public, such as a café, retail bakery, deli, grill, confectionery or ice cream shop, including walk-up window but excluding drive-up or drive-through facilities.
 9. Financial institution, such as a bank or savings and loan association, but excluding drive-through facilities.
 10. Studio for dance, music, fitness, art or photography.
 11. Gallery.
 12. Hotel, including boutique hotel, bed and breakfast, and extended stay suites.
 13. Movie theater.
 14. Accessory use on the same lot with and customarily incidental to any of the forgoing permitted uses, as set forth in this section.
- B. Conditional Uses. The following uses are permitted on a lot, in existing and proposed buildings. When conditional uses are proposed, the applicant must follow the procedures of Section 1902, Conditional Use Application of the Souderton Borough Zoning Ordinance No. 405 enacted March 6, 1972, as amended.
1. Auditorium or performance center (other than a movie theater).
 2. Natatorium or swimming facility.
 3. Fitness center or gymnasium; other indoor recreation such as bowling or skating rink.
 4. Clubhouse facility unrelated to a residential use.
 5. Outpatient medical services such as a diagnostic testing center.
 6. Parking garage structures provided they meet the requirements set forth herein.
 7. Drive-through facilities, provided that met the following requirements:
 - a. Drive-through facilities must be located to the rear or side of the building, screened from view from existing and proposed public streets and screened from main access drives.

- b. Drive-through facilities shall be limited to two or fewer lanes, except for banks which shall be permitted a maximum of three lanes.
 - c. No more than two drive-through facilities shall be permitted for every 12 acres of development area.
 - d. Every drive-through facility shall include a separate drive aisle for pass-by traffic. This drive aisle shall not count toward the maximum number of permitted lanes.
 - e. Drive-through facility lighting must be full cut-off and located directly under a canopy to minimize spillover glare on neighboring uses.
8. Uses determine by Borough Council to be of a similar nature to the permitted uses listed in this section.

C. Prohibited Uses. The following uses are prohibited on a lot, in existing and proposed buildings:

- 1. Motor vehicle sales, rentals, service or repair establishments.
- 2. Gasoline service and filling stations.
- 3. Car wash, detailing and similar motor vehicle services.
- 4. Outdoor or indoor storage facilities of merchandise, equipment, materials, motor vehicles, etc.
- 5. Any other use not permitted in the C-1 District.
- 6. Adult-oriented entertainment and sales, etc.
- 7. Veterinary offices, animal kennels and animal day care facilities.
- 8. Uses determine by Borough Council to be of a similar nature to the prohibited uses listed in this section.

Section 2003. Mixed-Use Requirements.

Development in the Mixed Use Redevelopment District shall meet the following mix of use requirements:

- A. For developments of sites 3 acres or less in size, no mix of uses is required.
- B. For developments of sites greater than 3 acres in size, the following mix requirements shall apply. Mixed-use requirements may be achieved with single use or combined use structures, provided the overall gross floor area of the development meets the required ratios.

Land Use	Minimum % of Total Gross Floor Area*	Maximum % of Total Gross Floor Area*
Retail, restaurants, studios or galleries	40%	80%
Business offices, professional offices, financial institutions, and personal services	10%	40%
Other permitted nonresidential and hotel uses	0%	60%
Residential uses	20%	50%

* Exclusive of structured parking floor area

- C. In addition to and notwithstanding the above mixed-use requirements, developments of sites greater than 3 acres in size shall be developed with at least three of the uses permitted within this district.

Section 2004. Dimensional Requirements.

All development in the Mixed Use Redevelopment District shall meet the following dimensional requirements:

- A. Floor Area Ratio. The minimum total floor area ratio (FAR) for the entire lot shall be .50. The maximum permitted floor area ratio shall be 1.5.
- B. Lot Area and Coverage Requirements. Lot area and coverage requirements for all nonresidential uses, hotels and combined use buildings (including apartments on upper floors):
1. There shall be no minimum lot size; however, all lots must be consistent with the Mixed Use Redevelopment District.
 2. The minimum lot width shall be 200 feet along one street.
 3. The maximum building coverage shall be 50 percent of the gross lot area.
 4. The maximum impervious surface coverage shall be 70 percent of the gross lot area.
 5. The minimum open space area shall be 30 percent of the gross lot area.
- C. Building Setback Requirements. Building setback requirements for all nonresidential uses, hotels and combined use buildings (including apartments on upper floors):
1. The minimum front yard setback shall be 15 feet, or a distance equal to the building height, whichever is greater, from the ultimate right-of-way of an existing street of collector or higher classification.
 2. The minimum front yard setback shall be 25 feet, or a distance equal to the building height, whichever is greater, from a property line or right-of-way of East Chestnut Street.
 3. The maximum building setback from curblines of new streets internal to the development shall be 20 feet; buildings taller than 40 feet shall have the fourth floor and above set back from the curbline a minimum of 25 feet.
 4. Where a public plaza or park is included as part of the streetscape design, a building may be set back to the depth of the plaza.
 5. Buildings on a lot shall be set back a minimum of 50 feet from existing property lines and from proposed residential property lines within the development.
 6. Garden apartments and townhouses shall follow the setback requirements outlined in the permitted uses section of this ordinance, Section 2002.A.
- D. Minimum Setbacks between Building Requirements. The minimum setbacks between buildings shall be as follows:
1. Garden apartments shall be set apart a minimum of 40 feet back to back and 30 feet side to side.
 2. Rowhouses (townhouses) shall have a minimum of 30 feet between end units.
 3. Nonresidential/combined uses with a height of 40 feet or less shall be set apart from other nonresidential/combined use buildings a minimum of 25 feet on all sides.
 4. Nonresidential/combined uses with a height greater than 40 feet shall be set apart from other nonresidential/combined use buildings a minimum of 50 feet on all sides.

E. Maximum Building Height Restrictions.

1. Garden apartments: 3 stories up to 40 feet.
2. Rowhouses (townhouses): 3 stories up to 40 feet.
3. Retail, restaurant, office and other commercial/nonresidential uses: 2 stories up to 35 feet.
4. Combined use structures: 6 stories up to 75 feet.
5. Hotels: 6 stories up to 75 feet.
6. Parking garages: up to 40 feet.

F. Maximum Building Size Restrictions. The maximum building length and footprint for all structures shall be as follows:

1. Garden apartment buildings shall have a maximum length of 180 feet, with a maximum building footprint of 15,000 square feet per building.
2. Rowhouses (townhouses) shall have a maximum building length of 140 feet, with no more than four units in a row.
3. Nonresidential and combined use buildings shall have a maximum building length of 200 feet, with a maximum building footprint of 20,000 square feet.

Section 2005. Site Design Requirements.

When an existing lot that is located with the Mixed Use Redevelopment District is proposed for development or redevelopment as a mixed-use development, the following access and circulation regulations shall apply:

A. Vehicular Access and Circulation Requirements.

1. Mixed-use developments on sites greater than 10 acres shall include at least one new main street internal to the development area. All streets in the development shall be interconnected with each other with streets surrounding the site in a grid or modified grid pattern, consistent with the existing grid pattern of the Borough of Souderton.
2. Mixed-use developments shall be laid out to create blocks. Blocks shall not exceed 800 feet in length before being interrupted by a street intersection.
3. All uses within the mixed-used development shall take access from an interior roadway or common access driveway.
4. Emergency vehicular access to the internal site must be provided on all perimeter streets.
5. On the high school site, primary vehicular access to the internal site shall be from North County Line Road and North School Lane.
6. New access points to an existing road shall be located at least 200 feet from the centerline of an existing intersection of streets. An access point shall be aligned with an access point that is directly across the highway, unless safety considerations dictate otherwise.

B. Pedestrian Circulation Requirements.

1. A continuous walkway system, with a minimum width of 6 feet, shall be provided throughout a mixed-use development. The walkway system shall form a continuous, coordinated system throughout the development. The walkway system shall specifically be included at the following location:
 - a. Between all buildings in the development, connecting buildings with parking areas, plazas or open space areas and off-site destination points.
 - b. Sidewalks shall be located along both sides of internal streets.

- c. Sidewalks shall be located along existing public streets that adjoin the site. These walkways shall connect with walkways on abutting properties, or extend to the property line so that they can be continued on the adjacent lot.
- d. Walkways shall be barrier free and shall facilitate easy pedestrian movement from all people, regardless of physical condition. They shall conform to the Americans with Disabilities Act (ADA) accessibility requirements.
- e. A clearly marked crosswalk, at least 8 feet wide, is required wherever a walkway crosses a street internal to the development. The crosswalk may be marked by contrasting paving material of a different texture or color. Mid-block crosswalks are required when there are nonresidential uses on both sides of a block and the block length exceeds 500 feet.

Section 2006. Building Design Standards.

When an existing lot that is located within the Mixed Use Redevelopment District is proposed for development or redevelopment as a mixed-use development, the following building design standards shall apply to all nonresidential and mixed-use buildings:

A. Building Ordinance and Entrances.

- 1. Front facades of buildings shall be oriented towards existing and proposed streets. Buildings with multiple front facades (corner buildings) shall have either one main entrance on each front façade or one main entrance located at the corner. Buildings served by rear parking shall have a rear entrance in addition to a front entrance.
- 2. All primary building entrances shall be accentuated with architectural features appropriate to the design of the building.
- 3. Ground floor retail, restaurant and similar uses serving the public shall front directly on the street on at least one façade.
- 4. Loading doors, service entrances and loading docks shall not be located in any façade facing a street or within 35 feet of a street. Buildings should be designed to hide loading areas as effectively as possible, using jogs or protrusions in the façade.
- 5. Mixed-use developments shall be laid out to create blocks. Blocks shall not exceed 800 feet in length before being interrupted by a street intersection.

B. Walls and Windows.

- 1. Blank walls shall not be permitted along any exterior wall facing a street or parking area. Walls in these facades shall be comprised of a minimum of 30 percent window area per floor, with windows interspersed at regular intervals along the façade of each story of the building.
- 2. Primary ground floor facades of retail, restaurant or similar uses serving the public shall be comprised of a minimum of 40 percent clear window area, with windows providing views of display areas or the inside of the building
- 3. Smoked, reflective or black glass in windows is prohibited.

C. Roofs.

- 1. Building ridgelines or roof planes facing a street, parking area or pedestrian area must be interrupted at least once every 100 feet by the inclusion of at least two of the following: a gable, dormer, vertical change of 5 feet or more, tower, dome, barrel vault, projecting cornice, and architectural parapet of at least 5 feet or more, or a similar architectural feature.

2. Buildings shall use parapet walls, mansard roofs or similar features to conceal flat roof area and rooftop equipment. Such treatments shall be continuous along all roof edges and shall be decorated with cornice detailing where appropriate.

- D. Building Mass. Buildings shall be designed to achieve a fine-grained texture for new development by dividing large facades into the appearance of several buildings or sections to avoid the appearance of a large building mass.

Section 2007. Mixed-Use Development Streets, Parking and Loading Regulations.

When an existing lot that is located within the Mixed Use Redevelopment District is proposed for development or redevelopment as a mixed-use development, the following off-street parking and loading regulations shall apply:

- A. General Requirements. In addition to the standards and regulations for the design of streets, parking and loading areas, development within the district must adhere to all additional regulations included in the borough of Souderton's Zoning Ordinance, Subdivision and Land Development Ordinance, and any other pertinent regulations.
- B. Shared Parking Plan Requirements. When developing in the mixed-use district, a reduction of up to 20 percent of the required parking spaces may be granted by Borough Council. To be granted the parking reduction, the applicant must submit a shared parking plan detailing the location, time of use and number of the shared parking and demonstrating the effectiveness of the shared parking, in accordance with the requirements of Section 1206 of the Zoning Code.
- C. Reserved Parking Plan Requirements. When developing in the mixed-use district, in an effort to preserve open space, a reduction of up to 10 percent of the required parking spaces may be set aside in reserve for future use. To be granted the parking reduction, the developer must submit a reserved parking plan detailing the location, layout, grading and number of the reserved parking spaces with corresponding landscaping, etc. for approval by Borough Council. In the future, at the discretion of Borough Council, the developer shall install the reserved parking spaces.
- D. Structured Parking Design Requirements.
 1. Except for their pedestrian and vehicular entrances, structured parking garages or structured parking within a principal building, that is located within 50 feet of the street curblin at street level, shall have office, entertainment, institutional, apartment lobby, retail, restaurant or a related use in occupied space along 70 percent of the first floor of the structured parking that faces the street.
 2. Structured parking shall have design treatments such as colonnades, arcades, awnings, landscaping, street furniture and other public amenities to create the appearance of an occupied building. Blank walls are not permitted.
 3. Cars shall be generally visually screened from the street through features such as grills, lattices, mock windows, louvers, false facades, etc. Such screening shall be in keeping with the rest of the building's architectural style and materials.
 4. Access to Off-Street Parking. When feasible, vehicular access to off-street parking facilities shall be from a street, alley or driveway that has no retail or related uses facing this street or alley. When this is not feasible, access shall be located as far from retail or related uses' front façade as possible.
- E. Other Parking and Loading Requirements.
 1. All parking areas shall be located to the rear or side of buildings, in order to allow all buildings to front on streets that are either internal or external to the development.

2. All parking areas shall be set back from the ultimate right-of-way of all streets and buildings a minimum of 15 feet except for East Chestnut Street where the setback shall be a minimum of 25 feet.
3. The maximum depth of any parking area shall not exceed six bays deep or 190 feet, including drive aisles but excluding landscape islands.
4. In addition, each building, group of buildings or use shall be accessed from a public or private street, drive or alley and include facilities or areas to accommodate delivery of goods and handling of trash/recycling. These areas shall be efficiently located to service the buildings and uses and be effectively screened from view. Screening of loading and trash/recycling areas may be accomplished by the use of landscaping, walls or fencing.
5. All parking areas shall be screened from view from internal and external streets with a combination of planting islands, low walls, low landscaping and street trees.

Section 2008. Mixed-Use Development Buffer, Street Tree and Parking Lot Landscaping Requirements.

When an existing lot that is located within the Mixed Use Redevelopment District is proposed for development or redevelopment as a mixed-use development, the following landscape requirements shall apply:

A. Overall Landscape Goals and Objectives.

1. The overall goal of this district is to develop a coordinated integrated landscape plan for the entire development as a whole. Another goal of this district is to encourage the planting of larger, higher canopy deciduous shade trees in all planting areas.

B. Buffer Landscaping.

1. A 15-foot minimum landscaped buffer yard is required within the yard setbacks along the perimeter of all lot boundaries except where fronting along a public street. This landscape buffer yard shall be planted with a mixture of shade trees, evergreen trees, flowering trees and a variety of large shrubs to form an attractive landscape design statement to screen objectionable views and to enhance the visual quality of the site.
2. In addition, a 10-foot minimum landscaped buffer yard is required around the perimeter of all parking lots.
3. The required buffer landscaping at a minimum shall include at least 1 tree and 1 shrub over 20 linear feet of required buffer. A minimum of 50 percent shall be evergreen trees and shrubs.
4. At the discretion of Borough Council, a sidewalk that is a minimum of 4 feet and a maximum of 6 feet wide may be located within the landscape buffer yard.

C. Street Tree Landscaping.

1. Street tree landscaping is required along both sides of each public and private street in the district. The streets shall be planted with a shade tree with a minimum caliper of 3½ inches and 12 feet in height, generally located at an interval of 35 feet. Where the interval must vary due to building or site constraints, the required quantity of street trees located along that block or frontage shall not be reduced.
2. Street trees along all streets shall be accommodated in either tree pits of at least 21 square feet or in planting areas at least 3 feet from existing or proposed sidewalks or in planting strips. The planting strip shall be located at the back of the curb where possible and have a minimum width of 5 feet.
3. Particular attention shall be paid to landscaping and screening of all service, storage and loading areas. Screening may be achieved by the use of landscaping, land forms, fencing and/or walls to provide an effective screen.

D. Interior Parking Lot Landscaping.

1. Interior parking lot landscaping shall be incorporated into each parking lot. Landscape islands shall be located at the end of each row of parking stalls. One shade tree, located in a landscape island, with a minimum caliper of 3 inches shall be planted for each 25 parking spaces per parking lot.
2. In addition, 5 percent of the total interior area of each parking lot, measured within the curblines of each parking area and including roads, drive isles and parking stalls, shall be landscaped. This landscaping may include a combination of lawns, planting beds, trees, shrubs and ground covers.
3. There shall be no more than 20 contiguous parking spaces without a landscaped island or peninsula at least 9 feet in width and 18 feet in length at both ends of the row. Alternative provisions that result in the same amount of landscaping may be considered.
4. A minimum of one 3-inch caliper major deciduous shade tree shall be provided per 150 square feet of topsoil area in a landscaped island or peninsula. Where appropriate and upon approval, evergreen and minor deciduous trees may replace shade trees on a 2:1 basis. To the extent possible, shade trees shall be evenly distributed throughout the parking area to reduce glare, heat and visual clutter.

Section 2009. Mixed-Use Development Sign Requirements.

When an existing lot that is located within the Mixed Use Redevelopment District is proposed for development or redevelopment as a mixed-use development, the following sign requirements shall apply:

- A. All signage proposed for the Mixed Use Redevelopment District shall conform to the regulations of Article XI, Signs of the Souderton Borough Zoning Ordinance No. 405, enacted March 6, 1972, as amended.
- B. In addition, the following sign regulations shall apply:
 1. Advertising and billboard signs shall be prohibited in the district.
 2. In the district, except along East Chestnut Street, properties with multiple uses may have one on-site freestanding sign or monument sign per street frontage which identifies the development as a whole, and/or is a directory sign for the establishments on the property with the following limited on area, height and illumination:
 - a. The maximum sign area for a freestanding sign or monument sign shall be 100 square feet.
 - b. The maximum height for a freestanding sign or monument sign shall be 20 feet.
 - c. The permitted illumination shall be external and internal. Freestanding or monument signs using internal illumination shall be designed so that when illuminated at night, only the letters or logos of the sign are visible. No light shall emanate through the background, the borders, sides or any other surface of the sign or its supporting structure.

Section 2010. Mixed-Use Development Lighting Requirements.

When an existing lot that is located within the Mixed Use Redevelopment District is proposed for development or redevelopment as a mixed-use development, the following lighting requirements shall apply:

A. Illumination Levels.

1. Lighting where required by this ordinance shall have the following intensities and uniformity ratios in accordance with the Illuminating Engineering Society of North America (IESNA) Lighting Handbook, 9th edition, Chapters 21 and 22, and relevant IESNA Recommended Practices: parking lot average = 2.0-3.0 fc; minimum = .05 fc. Uniformity ratio shall be as defined in IESNA Lighting Handbook, 9th edition, Chapters 21 and 22.

2. Future amendments to said Lighting Handbook and Recommended Practices shall become a part of this ordinance without further action by the Borough.

B. Lighting Fixture Design.

1. For lighting predominately horizontal surfaces such as, but not limited to, roadways, areas of vehicular or pedestrian passage, merchandising and storage areas, automotive facilities, loading docks, recreation areas, building entrances, sidewalks, paths, site entrances and parking areas, fixtures shall be aimed straight down and shall be full cutoff or fully shielded except in the instance of light standards in the interior of the parking area that are located a minimum distance of 400 feet from the ultimate right-of-way line of East Chestnut Street. In those instances, vertical lamps may be utilized. Lamps in parking lot application shall not exceed 30,000 lumens. In streetscape applications, lamps shall not exceed 17,000 lumens.
2. For lighting of non-horizontal surfaces such as, but not limited to, facades, landscaping, signs, fountains, displays, flags and statuary, the use of lighting fixtures that are not full cutoff or fully shielded shall be permitted only with the approval of Borough Council, based upon acceptable shielding or other glare control. At a minimum, shielding shall render the light source not visible from neighboring properties.

C. Control of Nuisance and Disabling Glare.

1. All lighting shall be aimed, located, designed, fitted and maintained so as not to present a hazard to drivers or pedestrians by impairing their ability to safely traverse and so as not to create a nuisance by projecting or reflecting objectionable light onto a neighboring use or property.
2. Unless otherwise permitted by Borough Council, e.g. for safety or security or all night operations, lighting shall be controlled by programmable timers that accommodate seasonal and annual variations and battery or mechanical backup, to permit extinguishing sources between 11 p.m. and dawn or within one hour of the close of business, whichever is earlier, to conserve energy and to mitigate nuisance glare and sky lighting consequences.
3. Security lighting proposed for use after 11 p.m. or after normal business hours of operation shall be accomplished using no more than 25 percent of the number of fixtures used during the normal business hours, from then until the start of business in the morning. Alternatively, where reduced but continued activity requires even distribution, the use of dimming circuitry to reduce illumination levels by 75 percent after 11 p.m. of after normal business hours, shall be permitted.
4. The levels of illumination projected onto a residential use from another property shall not exceed 0.1 initial horizontal footcandles, at the property line. The level of illumination projected onto a nonresidential use shall not exceed 1.0 initial horizontal footcandles at the property line.

D. Lighting Installation.

1. Pole-mounted fixtures for roadways, pedestrian walkways, parking lots and similar uses shall be aimed straight down.
2. Mounting Height – The following maximum fixture heights shall prevail:
 - a. The maximum mounting height of pole-mounted fixtures for streetscape areas shall be 16 feet.
 - b. The maximum mounting height of pole-mounted fixtures for driveway and parking lot areas shall be 25 feet.

[Adopted: Ord. 683, 7/7/03, entire article; Replaced Ord. 701, 4/2/12, entire article]