

ZONING ORDINANCE

DARBY BOROUGH
Delaware County, Pennsylvania

2010

ZONING ORDINANCE

FOR

DARBY BOROUGH

July, 2010

Prepared by the Delaware County Planning Department

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COMMUNITY DEVELOPMENT OBJECTIVES

FOR

DARBY BOROUGH

LAND USE

Residential:

1. Strive to maintain blight-free neighborhoods and protect residential areas from physical deterioration by the adoption of strong property maintenance codes and the continued improvement of Borough inspection and code enforcement programs.
2. Encourage preservation of residential neighborhoods and discourage erosion of residential character through the monitoring of unregulated or poorly regulated home occupations, residential conversions, inappropriate signage, fences and similar uses and structures.

Non-Residential:

3. Direct new commercial and mixed-use development and redevelopment to the Main Street Corridor and higher density development in general to central areas of the Borough near public transportation terminals, facilities and routes.
4. Work with the William-Penn School District Administration and surrounding localities to find a new location outside of the Darby Borough Central Business District for the storage of district school buses.
5. Redevelop the Villa St. Teresa site into a planned and unified commercial development while preserving the former Woodburne mansion and grounds.
6. Redevelop the sites between Quarry and Mill Streets and the Darby Creek into a mix of lower impact business, commercial and institutional uses.
7. Identify vacant or underutilized commercial or industrial sites for adaptive re-use and, where appropriate, create redevelopment plans that take advantage of the existing historic character and scale of these places and the surrounding environs.
8. Continue to improve the appearance of gateways into Darby Borough through professional signage, streetscaping and landscaping efforts
9. When possible, combine adjacent commercial parcels by re-subdividing them, particularly along major highways such as MacDade Boulevard to encourage the

development of more functional and attractive shopping areas in terms of building floor area, shared access and parking, signage, and common construction and design features.

ECONOMIC DEVELOPMENT

1. Form a Main Street Corridor Revitalization Committee whose focus would be on developing strategies for recruiting new businesses, retaining existing ones and improving the overall appearance of the Central Business District. The Committee should consider using some of the approaches and strategies of the National Trust for Historic Preservation's Main Street and Elm Street programs that are deemed appropriate for Darby Borough.
2. Attempt to reactivate the previously operational Main Street Merchant's Association.
3. Develop business recruitment materials that outline available municipal and state incentives such as tax abatements and credits, grants and low interest loans for businesses locating or expanding in the Borough
4. Develop a marketing brochure that describes some of the strategic geographic and infrastructure advantages of the Borough and non-monetary amenities such as ample parking, scenic waterways, cultural heritage sites, and any dining and shopping options.
5. Pursuing additional funding for the planning and development of coordinated streetscaping improvements for the Main Street Corridor. The continued provision of new sidewalks, paving, street trees, furnishings and lighting would create a more welcoming environment and help attract additional businesses and shoppers to the area.
6. Continue to develop Darby Borough as a destination through Borough sponsorship of cultural events, street fairs, holiday celebrations such as OC Trolley Days and other similar events.

TRANSPORTATION

1. Preserve the effectiveness of the existing road system through maintenance, rehabilitation and detail improvements to streets and intersections. Emphasize small-scale projects to reduce congestion and improve traffic flow and capacity.
2. Continue to work with SEPTA, the County Redevelopment Authority and the William Penn School District to ensure the timely completion of the Darby Transportation Center.

3. Pursue funding for the synchronization of traffic lights along Main Street and MacDade Boulevard and investigate the feasibility of implementing a closed loop signalization system along Main Street.
4. Employ measures for slowing or limiting traffic particularly on through streets referred to as “traffic calming” by measures such as reduced speed limit signs, one-way streets, high visibility and/or raised crosswalks, speed humps or bumps, bike lanes, narrowed traffic lanes and similar techniques.
5. Relax off-street parking requirements in the Central Business District (CBD) for redevelopment and or occupancy of existing commercial buildings and meet any increased demand for parking with the expansion or development of new municipal parking facilities.
6. Review the need for and feasibility of bicycling and pedestrian facilities

COMMUNITY FACILITIES

1. Adopt and implement the applicable recommendations of the Multi-Municipal Recreation, Park & Open Space Plan prepared by CH Planning for the William Penn School District.
2. Maintain high quality police and fire protection services.
3. Continue to discuss joint administrative and public works partnerships with surrounding Boroughs.
4. Continue to maintain and upgrade the sanitary sewer infrastructure of the Borough.

HOUSING

1. Provide for and encourage a variety of residential uses including single-family detached, twins, townhouses, and apartments.
2. Maintain existing housing stock and properties so as to prevent deterioration of dwellings and subsequent decline of neighborhoods through a vigorous program of code enforcement
3. Continue to implement a housing strategy/program that (1) identifies areas and specific dwellings in need of rehabilitation or demolition and (2) prioritizes the sequence/timing of rehabilitation and demolition activities.
4. Coordinate local redevelopment efforts with those of the Borough’s Community Development Corporation and the Borough Redevelopment Authority, the County

and County agencies, and other public and private organizations involved in the rehabilitation and/or demolition of housing in the Borough.

5. Provide new housing in selected areas as both infill and new development.
6. Promote homeownership opportunities in the Borough through publicizing of the County Home Ownership First Program and other similar state and federal programs and through promotion of the Borough as an attractive community for first-time homebuyers.
7. Initiate regular communications and begin in-person working relationships with Delaware County Housing Authority personnel to coordinate and more effectively monitor the maintenance and upkeep of Section 8 housing units located within the Borough. Consider the provision of home maintenance and repair education for Section 8 housing tenants and landlords.

ENVIRONMENTAL

1. Continue to repair and replace components of the stormwater sewer system as the need arises.
2. Maximize participation in the Darby Creek Valley Association and the Darby-Cobbs Creek Watershed Association to advance the protection of environmental resources in the Borough and the surrounding area.
3. Encourage the use of green building technologies and environmentally sensitive design in the construction of new municipal facilities and private commercial and residential structures where feasible.
4. Develop policies, guidelines and ordinances to encourage and/or require energy conservation and waste reduction practices in new construction, in new and existing municipal facilities and in businesses and industries that locate or are considering locating within the Borough.

POPULATION

1. Attempt to stabilize the Borough population by halting the continued decline in the number of residents.
2. Attempt to leverage new construction, transportation and infrastructure projects as economic development tools to attract new residents to live in the Borough.

HISTORIC PRESERVATION

1. Recognize Darby's history as one of its most valuable but underappreciated assets and encourage and promote the reuse of historic buildings and places as one method of continuing to revitalize the Borough.
2. Identify and evaluate noteworthy historic resources located within the Borough.
3. Consider a range of preservation strategies in addition to the recently adopted demolition delay ordinance, to protect the Borough's historic resources including the adoption of a municipal historic preservation ordinance, the creation of a local preservation district, creation of a zoning overlay district, and determinations by the State of eligibility for and subsequent nomination to the National Register of Historic Places.

ARTICLE 1

INTRODUCTION

100 **TITLE**

This Ordinance shall be known and may be cited as the Darby Borough Zoning Ordinance of 2010.

101 **PURPOSES**

The zoning regulations and districts set forth in this Ordinance are designed to achieve the following purposes as stated in the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended.

1. To promote, protect, and facilitate any or all of the following: the public health, safety, and general welfare; coordinated and practical community development and growth and proper population density; guidance on uses of land and structures, type and location of public grounds and facilities; promotion of energy conservation through planning practices; the provision of adequate light, water, and air, police and fire protection, transportation, sewerage, and schools; and preservation of the natural, scenic, and historic values in the environment as well as the preservation of wetlands, aquifers, and floodplains.
2. To prevent one or more of the following: overcrowding of land; blight; danger and congestion in travel and transportation; or loss of health, life, or property from fire, flood, panic, or other dangers.
3. To provide for the use of land within the municipality for residential housing of various dwelling types encompassing all basic forms of housing, including single-family and a reasonable range of multi-family dwellings in various arrangements.
4. To accommodate reasonable overall community growth, including population and employment growth, and opportunities for development of a variety of residential dwelling types and nonresidential uses.

102 **COMMUNITY DEVELOPMENT OBJECTIVES**

The zoning regulations and districts set forth in this Ordinance are based on the Community Development Objectives for Darby Borough that were

prepared as part of the development of this ordinance and which will be included in such by the adoption of this ordinance by resolution. The purpose of this ordinance is to implement those objectives and to guide and regulate the orderly development and redevelopment of Darby Borough.

103 **ESTABLISHMENT OF DISTRICTS**

For the purposes of this Ordinance, Darby Borough is hereby divided into the following zoning districts:

- R-1 Residential District
- R-2 Residential District
- R-3 Residential District
- R-4 Residential District
- PRD – Planned Residential Development Overlay District
- CBD Central Business District
- HC Highway Commercial District
- BI Business/Institutional District
- I Institutional District
- IND Industrial District
- TOD Transit Oriented Development Overlay District

104 **ESTABLISHMENT OF CONTROLS**

1. Minimum and Uniform Regulations

Unless specifically indicated otherwise, the regulations set forth in this Ordinance shall be minimum regulations and shall apply uniformly to each class or kind of structure or land.

2. Proposed Uses and Structures

In all zoning districts, after the effective date of this Ordinance, any new building or other structure or any tract of land shall be constructed, developed, and used only in accordance with the regulations specified herein, except where a variance has been authorized by the Darby Borough Zoning Hearing Board in accordance with Article 21.

3. Existing Uses and Structures

In all districts, after the effective date of this Ordinance, any lawful, existing building or other structure or any tract of land which is not in conformity with the regulations of the district in which it is located

shall be deemed to be nonconforming and subject to the regulations of Article 22 relating to nonconforming uses, structures, and lots.

105

ZONING MAP, DISTRICT BOUNDARY LINES, AND TOLERANCES

1. The zoning district locations and boundaries are those that exist on the legally adopted official Zoning Map, a copy of which is attached hereto and made a part of this Zoning Ordinance. The original Zoning Map shall be kept on file in the Darby Borough Municipal Building. Whenever changes are made in the boundaries or other matter included on the said Zoning Map, such changes in the map shall be made by the Borough Engineer within thirty (30) days after the amendment has been approved by Borough Council.
2. Where possible, the boundaries between districts shall follow natural or man-made boundaries and lines. Unless otherwise indicated, boundaries shall be the centerline or extension of the centerline of a street, alley, or highway, railroad rights-of-way, streams, or other natural or man-made features that can form logical boundaries to districts.
3. Where a district boundary line divides a lot held in single and separate ownership at the effective date of this Ordinance, the regulations of the less restricted district shall extend over the portion of the lot in the more restricted district a distance of not more than twenty-five (25) feet from the district boundary.
4. Boundaries indicated as appearing to follow platted lot lines shall be construed as following such lot lines. The scale of the map shall determine distances not specifically indicated on the official Zoning Map. In any other circumstances not covered above or in the event of any uncertainty as to the boundary of any district, the Zoning Hearing Board shall interpret the district boundaries.

106

INTERPRETATION

In the interpretation and application of the provisions of this Ordinance, the said provisions shall be held to be the minimum requirements for the promotion and protection of the public health, welfare, and safety. Where the provisions of this Ordinance impose greater restrictions than those of any other ordinance or regulation, the provisions of this Ordinance shall be controlling. Where the provisions of any statute, other ordinance, or regulation impose greater restrictions than this Ordinance, the provisions of such statute, ordinance, or regulation shall be controlling.

In interpreting the language of this Zoning Ordinance to determine the extent of the restriction upon the use of the property, the language shall be interpreted, where doubt exists as to the intended meaning of the language written and enacted by the governing body, in favor of the property owner and against any implied extension of the restriction.

107 **MUNICIPAL LIABILITY**

The grant of a permit or approval under this Ordinance shall not constitute a representation, guarantee, or warranty of any kind by the Borough as to the safety of the proposed use and shall create no liability upon the Borough, its officials, or employees.

108 **SEVERABILITY**

If a court of competent jurisdiction shall declare any article, section, subsection, paragraph, clause, or provision of this Ordinance invalid, such decision shall not affect the validity of this Ordinance as a whole or of any other part.

109 **REPEALER**

All provisions in the existing Darby Borough Zoning Code of 1991, as amended, are hereby repealed.

110 **EFFECTIVE DATE**

This Ordinance shall become effective immediately upon final enactment.

ARTICLE 2

DEFINITIONS

200 INTERPRETATION OF LANGUAGE

Unless otherwise expressly stated, the following words and phrases shall be construed throughout this Ordinance to have the meaning indicated herein. Words used in the present tense include the future. The singular shall include the plural, and the plural shall include the singular. The word "building" includes the word "structure." The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for" or "occupied for." The word "person" includes an individual, corporation, partnership, incorporated association or any other similar entity. The words "includes" or "including" shall not limit the term to the specified examples but are intended to extend their meaning to all other instances of like kind and character. The words "shall" and "will" are mandatory and not discretionary, and the word "may" is permissive. Terms not defined herein shall have the meaning customarily assigned to them.

201 DEFINITION OF TERMS

In this Ordinance, words, terms and phrases shall have the following meanings:

ABANDONMENT

Where a building or land is abandoned for twelve (12) consecutive months or more, whereby the owner discontinues the use, occupancy and maintenance, the building or structure may be declared abandoned and may be required to be removed. In the case of abandonment of a nonconforming use the provisions of Section 2205 shall also apply.

ACCESSORY STRUCTURE

A structure detached from a principal building on the same lot and incidental and subordinate to the principal building or use.

ACCESSORY USE

A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with such principal use.

ADULT USE

Any establishment that permits patrons to hear, view, read, lease, purchase, trade or exchange and/or participate in activities, publications, movies, videotapes and/or live or televised performances which have as their dominant theme or themes explicit sexual activities and/or the exhibition of human anatomy which is not normally seen in public or in other commercial or club type operations and

which may or may not exclude minors by virtue of age. Implicit in this definition are the following: bookstores, movie theaters, restaurants, bars and any other operation which qualifies for inclusion by virtue of the above wording, regardless of the type of other uses or operations which may also be conducted on or in the property or properties involved.

ALLEY

A narrow access to the rear of a property and building that provides parking access, service areas, and utility easements.

ALTERATION

A change or rearrangement in the structural members of an existing building, such as bearing walls, columns, beams, girders, or interior partitions, as well as any change in doors, windows, means of ingress and egress, or any enlargement to or diminution of a building or structure, including the moving of a building from one location to another.

APARTMENT BUILDING

Structure containing three (3) or more apartment units.

APARTMENT, LOW RISE

An apartment building containing a maximum of three (3) stories or forty-two (42) feet in height

APARTMENT, MID RISE

An apartment building containing four (4) stories

APARTMENT UNIT

One (1) or more rooms with private bath and kitchen facilities comprising an independent, self-contained dwelling unit in a building.

ASSISTED LIVING FACILITY

Facility for the frail elderly, that provides residence with rooms, meals, personal care and supervision of self-administered medications. They may provide other services such as recreational activities, financial services, and transportation.

AUCTION

Public sales in enclosed buildings in which property and goods are sold to the highest bidders. Such sale shall not offer goods or products such as heavy machinery, heavy construction materials or components, vehicles or any goods that cannot be carried in an automobile or a three-quarter ton truck.

BASEMENT

An enclosed area located partly or completely below grade. A basement shall be considered a story for the purpose of height measurement if the basement ceiling is five (5) feet or more above the average grade level around the building.

BED AND BREAKFAST INN

A private residence, several rooms of which are set aside for overnight guests whose paid accommodations include breakfast.

BOARD

The Darby Borough Zoning Hearing Board

BOARDING HOUSE

See “Rooming House”

BOROUGH

The Borough of Darby

BUFFER

A strip of land intended to separate one use or district from another by providing an open, unobstructed space intended to absorb, shield, or block noise, light, view, or other impacts of the use having the greater impact. Often employed between a residential district and an abutting nonresidential district having greater impacts. Buffers shall be planted with grass or other ground cover and may be part of the required yards. There shall be no structures, equipment, storage, parking, or trash disposal in buffer areas. Dimensions of buffers shall be as required by the zoning district in which it is located.

BUILDING

Any structure, either permanent or temporary, having a roof or other covering and designed or used for shelter or enclosure of any person, animal, property, equipment or use of any kind.

BUILDING COVERAGE

The ratio obtained by dividing the ground floor area of all principal and accessory buildings on a lot by the total area of the lot upon which the buildings are located.

BUILDING HEIGHT

The vertical distance measured from the average level of the ground surrounding the structure to the highest point of the roof for flat roofs and to the ridge for gable, hip and gambrel roofs, provided that chimneys, spires, towers, mechanical equipment, penthouses, tanks, antennas and similar projections of the building not intended for human occupancy shall not be included in calculating the height, unless specifically stated otherwise in this Ordinance.

BUILDING LINE

A line parallel to the street right-of-way line which establishes the location of the front wall of the principal building on a lot.

BUILDING PERMIT

See definition for “Zoning Permit”

BUILDING SETBACK LINE

A line parallel to the street right-of-way line at a distance that is equal to the depth of the front yard required for the district in which the lot is located.

CERTIFICATE OF OCCUPANCY

A document issued by the duly authorized local authority allowing the occupancy or use of a building and certifying that the structure or use has been constructed or will be used in compliance with all applicable local codes and ordinances.

CHARITABLE OR NONPROFIT ORGANIZATION

A group organized for lawful purposes, other than generating a profit, such as charitable, educational, political, social, trade, cultural, scientific, professional or any similar organization.

CLUB, PRIVATE

A social, professional, philanthropic or similar organization characterized by the payment of dues, regular meetings and a constitution and/or by-laws. A building is used as a club or lodge when it serves as a meeting place for such organization and is not an adjunct to or operated by or in connection with a public tavern, cafe or other public place.

CODE OFFICER

A duly appointed Darby Borough official or employee other than the zoning officer empowered to administer and enforce building and related codes, ordinances and regulations of the Borough.

COMMON OPEN SPACE

A parcel or parcels of land or an area of water or a combination of land and water within a land development or a subdivision designed and intended for the use or enjoyment of residents or occupants thereof and their guests, not including streets, off-street parking areas and areas set aside for public facilities. Common open space may include complimentary structures and improvements that are necessary and appropriate.

COMMUNITY RESIDENCE FACILITY, FAMILY-BASED

A dwelling, licensed by the appropriate state agency, shared by persons requiring special care and their supervisors who live together as a single housekeeping unit in a family-like environment. This facility is designed to create a residential environment for the developmentally disabled, mentally ill or retarded, handicapped or similar groups unable to live without supervision. The maximum number of residents and supervisors in a facility shall not exceed five (5), which is the maximum number of unrelated persons permitted in a family. These facilities shall not be used to accommodate persons recovering from the effects of drugs or alcohol dependency or inmates of penal institutions.

COMMUNITY RESIDENCE FACILITY, GROUP-BASED

A licensed facility designed for persons unable to live without supervision, such as the handicapped, developmentally disabled or mentally ill and their supervisors. Unlike a family-based facility, the group-based facility shall be an institutional facility. This facility may also accommodate persons recovering from alcohol, drugs or similar addictions and provide for counseling, rehabilitation and supervision designed to mainstream residents back into society, enabling them to live independently.

CONDITIONAL USE

A use specifically listed within this ordinance pursuant to Article VI of the MPC and the applicable provisions of Article 18 of this Ordinance. Borough Council may only authorize such use after meeting the all the requirements of the MPC and Article 18.

CONDOMINIUM

A building or group of buildings in which units are owned individually and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis.

CONVENIENCE STORE

A retail store containing a maximum of five thousand (5,000) square feet of gross floor area and that is open fifteen (15) to twenty-four (24) hours per day. It is designed to attract and depends upon a large volume of stop-and-go traffic. Examples of convenience stores are those operated by the "Wawa" and "7-11" chains.

CONVERSION

Change in the use of a building, such as the change of a single-family dwelling into a multi-family dwelling or a retail use to office use. Such change may be accomplished without subdivision or the introduction of a new owner. Where the use and dimensional regulations of this Ordinance permit, such conversion may be accomplished by appropriate alteration upon the issuance of the necessary permits.

CUBIC CONTENT

The total volume of a structure (height multiplied by length multiplied by width), but excluding that portion of a stack or other projection that is higher than the highest point of the principal building.

DAY CARE CENTER

A facility which is licensed to provide care for seven (7) or more children unrelated to the operator, where the child care areas are not being used as a family residence.

DAY CARE HOME, FAMILY

A home, other than the child's own home, operated for profit or not for profit, in which child care is provided at one time to four (4), five (5), or six (6) children unrelated to the operator, who shall occupy the home as a primary residence. All state and other certifications and requirements must be met before operation begins.

DAY CARE HOME, GROUP

A facility in which care is provided at one time for more than six (6) but fewer than sixteen (16) school age level children or more than six (6) but fewer than thirteen (13) children of another age who are unrelated to the operator.

DENSITY

Unless otherwise stipulated in this Ordinance, the term "density" shall mean the maximum number of dwelling units per gross acre.

DENSITY, GROSS

The number of dwelling units per acre within the boundaries of a defined site, including streets, rights of way, and easements.

DENSITY, NET

The number of dwelling units per acre within the boundaries of a defined site, that excludes streets, rights-of-way, easements, areas containing floodplains and steep slopes, and above ground stormwater management facilities and infrastructure.

DEVELOPER

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

DEVELOPMENT

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

DRIVE THROUGH ESTABLISHMENT

An establishment that offers goods and services for pick-up and processing at a drive through station or window where the customer remains in the car throughout the purchase. Included in this definition are financial institutions, restaurants and food stores, and pharmacies.

DRIVEWAY

A private way used exclusively for circulation and ingress and egress to a street by the landowner or visitors of a lot.

DUMPSTER

See “Refuse Dumpster”

DWELLING

A building or unit designed and constructed for residential use.

DWELLING, SINGLE-FAMILY ATTACHED

A single-family dwelling unit within a building that has at least one party wall in common with two or more dwelling units in the same row. Commonly known as a town house or row home. After the effective date of this Ordinance, no residential attached development shall have more than six (6) attached units in a row.

DWELLING, SINGLE-FAMILY DETACHED

A building designed for and occupied exclusively as a residence for only one (1) family with yards on all sides of the dwelling.

DWELLING, SINGLE-FAMILY SEMI-DETACHED

Two (2) dwelling units, each accommodating one (1) family, which are attached side by side by means of a party wall, with each dwelling unit having only one (1) side yard. Commonly know as a twin.

DWELLING UNIT

One (1) or more rooms designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.

EDUCATIONAL USE, COMMERCIAL

Any educational facility, other than an elementary or secondary school operated by the William Penn School district, or a private charter or religious and elementary school, that is operated for a profit. This includes all vocational, trade and technical schools and public and private colleges and universities but not publicly owned and operated colleges and universities.

ENFORCEMENT NOTICE

A notice by an applicable Borough official concerning a violation of existing law.

FAMILY

Any number of individuals living together as a single housekeeping unit when said individuals are related by blood, marriage or adoption, including foster children; or no more than five (5) unrelated individuals living together as a single housekeeping unit with single kitchen facilities.

FARMERS' MARKET

A building in which five (5) or more enterprises sell mainly agricultural, horticultural or animal husbandry products. However, the sale of other products

and the offering of personal services may also take place, provided that they are permitted in the district. Sales activity generally occurs in a large, undivided common sales floor or area where stands, booths or counters are located near one another. Only retail sales are permitted.

FLOOR AREA, GROSS

The sum of the gross horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces, loading space for motor vehicles or any space where the floor-to-ceiling height is less than six (6) feet. Gross floor area also includes, but is not limited to, the following:

- a. Elevator shafts, stairwells and attic space providing headroom of six (6) feet or more.
- b. Floor areas of roofed terraces, exterior balconies, breezeways or porches where over fifty (50) percent of the perimeter is enclosed.
- c. Floor space used for dwelling purposes no matter where located within a building.

FLOOR AREA, NET

The total of all floor areas of a building, excluding stairwells and elevator shafts, equipment rooms, interior vehicular parking or loading, and all floors below the first or ground floor, except when used or intended to be used for human habitation or service to the public.

FREESTANDING BUILDING

Any building located within a development site which is separate from any group or cluster development on such site and which shall comply with the regulations of the district in which it is located.

GARAGE, PRIVATE

An accessory use which is attached to or an integral part of a residential building or dwelling unit, or an accessory structure used for the storage of motor vehicles and other personal property owned and used by the residents of the building or dwelling. Human habitation is not permitted in a private garage.

GARAGE, PUBLIC

A building or structure available to the general public in which motor vehicles are temporarily stored but which is not used for the repair or maintenance those vehicles.

GASOLINE SERVICE 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.

GASOLINE STATION, SELF-SERVICE

A property and/or place of business where flammable or combustible liquids used as motor fuels are stored and dispensed from fixed equipment into the fuel tanks of motor vehicles by a person other than the service station attendant.

GREEN BUILDING

A building designed and constructed to reduce the impacts on human health, and the environment and provide greater efficiency in energy and water usage than non-green buildings through site location, design and construction, and ongoing operation and maintenance. Residential developments with over ten (10) dwellings and commercial buildings with a footprint larger than five thousand (5,000) square feet are encouraged to incorporate green building techniques.

HAZARDOUS MATERIALS

Those chemicals or substances that are defined as “physical hazards” or “health hazards” in the most recently adopted version of the Uniform Construction Code.

HEALTH HAZARD

A classification of a chemical for which there is statistically significant evidence that acute or chronic health effects are capable of occurring in exposed persons. The term “health hazard” includes chemicals that are carcinogens, toxic or highly toxic agents, reproductive toxins, neurotoxins, agents that are capable of acting the hematopoietic system, and agents that damage the lungs, skin, eyes, or mucous membranes

HISTORIC PROPERTY

Any structure on the Darby Borough Historical Site list approved by the Darby Borough Council and subject to Darby’s Historical Ordinances.

HOME OCCUPATION, MAJOR

Any lawful occupation or profession conducted in a dwelling where not more than two (2) persons other than a member of the resident family may be employed and where the occupation may require off-street parking in addition to that for the resident family. Deliveries shall only be allowed by single front and rear axle trucks, which do not exceed one ton in weight.

HOMEOWNERS' ASSOCIATION

A nonprofit organization comprised of homeowners or property owners, planned and operated under approved rules and regulations for the purposes of administering the needs of residents through the maintenance of community-owned property and facilities.

HOTEL

A building or group of buildings in which a minimum of ten (10) guest rooms are designed, used or intended to be used or let or hired for temporary lodging accommodations to the general public on a day to day bases not to exceed thirty (30) consecutive calendar days. Entrance shall be through a main lobby or foyer and cooking shall not be allowed in individual rooms or suites without prior approval of the zoning hearing board. Such facility may also provide additional services such as restaurants, meeting rooms and entertainment and recreational facilities.

IMPACT, HEAVY

Any use that poses a health hazard, a significant threat from fire, or involves the use of hazardous material in any way that could endanger persons or property in the event of accidental discharge of combustion. Municipal uses with a heavy impact include a highway maintenance department, firehouse, heavy equipment storage and similar uses.

IMPACT, LIGHT OR MEDIUM

Any use whose impact is not heavy, as herein defined.

IMPERVIOUS SURFACE

The coverage of the lot or tract area by materials that prevent the percolation of water into the soil and generate stormwater runoff, such as buildings, streets, parking areas, driveways and any other similar surfaces.

LABORATORY

A building or group of buildings in which are located the facilities for scientific research, investigation, testing and experimentation, but not including the manufacture of products for sale.

LANDSCAPED PLANTING AREA

An area landscaped with grass, ground cover, shrubs or similar plantings placed where required by this Ordinance and permanently maintained. See Section 1615.

LIGHT INDUSTRY

Industrial processes where the finished item, material, or product does not exceed fifteen (15) cubic feet, which are conducted in an enclosed building, and which comply with all of the performance standards listed in Article 19.

LOADING SPACE

An off-street space or berth for the loading or unloading of commercial vehicles. Such spaces shall comply with the applicable provisions of Article 14.

LOT

A parcel of land that is or may be occupied by a building and/or accessory structure or use, including open spaces and setbacks.

LOT AREA

The total horizontal area within the lot lines of a parcel.

LOT, CORNER

A lot bounded by intersecting streets on at least two (2) sides. Both yards adjacent to streets shall be considered front yards. The yard opposite the shorter street frontage shall be the rear yard, and the yard opposite the longer frontage shall be the side yard.

LOT DEPTH

The distance along a straight line measured from the midpoint of the front lot line to the midpoint of the rear lot line.

LOT LINE

A line of public record bounding a lot that divides one (1) lot from another lot or from a public or private street or any other public space.

LOT LINE, FRONT

The line separating a lot from the street right-of-way.

LOT LINE, REAR

Any lot line, except the front lot line, which is parallel to or within forty-five (45) degrees of being parallel to, and does not intersect any street line, except in the case of corner lots.

LOT LINE, SIDE

Any lot-line that is not a front or rear lot line.

LOT, MINIMUM AREA OF

The smallest allowable lot area as established by this Ordinance on which a use or structure may be located in a particular district.

LOT WIDTH

The horizontal distance between the side lot lines measured at right angles to the lot depth at the building line.

MIXED USE DEVELOPMENT

A single building containing more than one type of land use or a single development of more than one building and use, where different types of land uses are in close proximity, planned as a unified complementary whole, and functionally integrated by shared vehicular and pedestrian access, parking areas, landscaping, and other features.

MOTEL

A building or a group of two (2) or more buildings containing rooms having entrances provided directly to or closely in connection with automobile parking serving such rooms and which building or group of buildings is designed, intended or used principally for the provision of sleeping accommodations for automobile travelers and is suitable for occupancy at all seasons of the year including meeting and dining rooms as accessory uses.

MULTI-TENANT BUILDING

A building that is designed or converted to accommodate three (3) or more commercial tenants. Each tenant shall operate a use that is permitted in the CBD Central Business district.

MUNICIPAL USE

Any use, facility or property owned and/or operated by the Darby Borough municipal corporation.

MUNICIPALITIES PLANNING CODE (MPC)

Pennsylvania Act 247 of 1968 (P.L. 805) as amended, also cited as 53 P.S. 10101 et seq. or any subsequent act of the Commonwealth of Pennsylvania that replaces, supplements or repeals any or all of the provisions of Act 247.

NO IMPACT HOME BASED BUSINESS

Any lawful occupation or profession conducted in a dwelling in which no persons other than the members of the resident family are engaged, which has no visible exterior evidence of the occupation, which does not create a need for off-street parking beyond the normal dwelling needs and in which no equipment is used other than that normally used in a household, domestic or general office use.

NEW CONSTRUCTION

A structure for which construction was started after the effective date of this Ordinance and includes any subsequent improvements to such structures.

NONCONFORMING BUILDING OR STRUCTURE

A building or structure that does not comply with the provisions of this Ordinance, as amended, where such building or structure lawfully existed prior to the effective date of this Ordinance or amendments thereafter.

NONCONFORMING LOT

Any lawful lot which does not conform to one or more of the applicable provisions of the district in which it is located either on the effective date of this Ordinance or amendments thereafter.

NONCONFORMING USE

A use, whether of land or of a structure, which does not comply with the applicable provisions of this Ordinance, where such use was lawfully in existence prior to the effective date of this Ordinance or amendments thereafter.

OFFICE

Buildings, structures or parts thereof used to conduct the business of administrative, professional, or clerical operations, but not including an office for an escort bureau or adult entertainment referral service. Incidental uses, such as medical or dental testing or diagnostic services, are permitted in conjunction with medical and dental offices.

PARKING SPACE

A reasonably level space, having a surface slope not exceeding six (6) percent, used for parking a motor vehicle. Such space shall have an area as listed in Section 1404, that shall be exclusive of passageways, driveways or other means of circulation or access.

PEDESTRIAN SCALE

A subjective standard that suggests that the relationship between the person and the built environment is comfortable and contributes to the individual's sense of accessibility. Frequently contrasted with vehicular (or monumental) scale.

PEDESTRIAN-ORIENTED USE

A retail or commercial use that promotes and encourages walking, window-shopping and general pedestrian activity. Examples of these uses are restaurants, general retail stores, service establishments and similar businesses. These pedestrian-oriented establishments should be located in centralized areas and rely mainly on customers from nearby neighborhoods who can walk to them. Attractive paving, sidewalks, lighting, benches, plazas and seating areas and additional shade trees are an integral part of pedestrian oriented commercial development.

PERMIT

Written municipal permission issued by the appropriate local official empowering the holder thereof to conduct or carry out some act not forbidden by law, but not permitted without such authorization.

PERSONAL SERVICE SHOP OR ESTABLISHMENT

A business engaged in providing services involving the care or appearance of a person or his or her clothing or similar personal needs. Included in this definition are barber, beautician, shoe repair, fitness club, laundry or cleaners or similar establishment, but not including a tattoo parlor, body-piercing establishment or massage parlor.

PLACE OF AMUSEMENT

A use of which the primary purpose is leisure activities or games such as a bowling alley, laser tag facility, family fun center or arcade or other indoor uses.

PLANNED ADULT COMMUNITY

A planned residential development for residents 55 years and older.

PLANNED RESIDENTIAL DEVELOPMENT

An area of at least a specified minimum acreage to be planned, developed, operated and maintained as a single entity and containing one or more residential clusters, which may include appropriate commercial, public and quasi-public uses primarily for the benefit of the residential development.

PLANNING COMMISSION

The Planning Commission of Darby Borough.

PLANTED VISUAL SCREEN

A strip of trees or hedges adjacent to the boundary of a property which, at time of planting, shall be not less than six (6) feet high and of sufficient density to constitute an effective visual screen and thereby give visual protection to abutting properties. Such screen shall consist primarily of dense evergreens that shall be planted not farther than seven (7) feet from one another and shall be permanently maintained. Deciduous trees may be added to create interest and variety. See Section 1614.

PLAZA

An open space that may be improved and landscaped, usually surrounded by streets, buildings and/or one (1) or more walls

PRINCIPAL BUILDING OR USE

A building or use which is the primary building or use on a lot as distinguished from a building or buildings relating to an accessory, incidental or subordinate use.

PUBLIC HEARING

A formal meeting held pursuant to public notice by Darby Borough Council, planning commission or zoning hearing board in accordance with the MPC, intended to inform and obtain public comment prior to taking action.

PUBLIC IMPROVEMENTS

All roads, streets, walkways, sidewalks, gutters, curbs, sewers, waterlines, stormwater management facilities, landscaping, street lighting, traffic control devices and other facilities dedicated or maintained by Darby Borough.

PUBLIC USE

A use, facility or property owned and/or operated by Delaware County, a Delaware County School district, the State of Pennsylvania, or the U.S. federal government.

RECREATION, ACTIVE

Leisure-time activities that involving playing fields and team sport participation such as baseball, soccer, football...etc.

RECREATION, PASSIVE

Recreation without sporting fields, more generally trail-based hiking, mountain biking, horseback riding, wildlife viewing, picnicking...etc.

RECREATION AREA

A place designed and equipped for the conduct of sports, leisure time activities and other customary and usual recreational activities.

RECREATIONAL VEHICLE

A vehicular type portable structure without permanent foundation which can be towed, hauled or driven and is primarily designed as a temporary living accommodation for recreational, camping and travel use, including, but not limited to, travel trailers, truck campers, camping trailers and self-propelled motor homes.

RECYCLING COLLECTION FACILITY, SMALL

A facility for the collection of paper, glass, aluminum or other officially designated recyclable materials that shall be located only on publicly owned land. Such facility shall have an area of not more than five hundred (500) square feet and shall be located either temporarily or permanently on the same lot with a principal or host use. No power-driven processing equipment is to be used on site. A permit from the Borough shall be required prior to the establishment and operation of such facility.

RECYCLING COLLECTION FACILITY, STANDARD

A facility for the collection of paper, glass, aluminum or other officially designated recyclable materials. Such facility shall be larger than five hundred (500) square feet, located permanently on its own site and have the capacity for aggregating and storing large amounts of material on site in preparation for shipping to the processing facility. Little or no power driven processing equipment is to be used on site.

RECYCLING PROCESSING FACILITY

A facility used for the collection and processing of officially designated recyclable materials. Processing is the preparation of material for efficient shipment or to the end-user's specifications. Such facility shall have an area large

enough to accommodate collection and processing machinery and storage area, along with ample loading and unloading areas.

REFUSE CONTAINER

A utilized solely for the collection of refuse, not to exceed fifty (5) cubic feet.

REFUSE DUMPSTER

A refuse container that exceeds fifty (50) cubic feet in volume. All permanent refuse dumpsters shall employ a planted visual screen.

RELIGIOUS ESTABLISHMENT

A building or establishment used a place of religious worship and teaching, which may include schools, day care centers, auditoriums, residences for persons serving the particular facility, and recreational facilities.

RESTAURANT, DRIVE-THROUGH

Any premises used for the sale of food, refreshments and non-alcoholic beverages, the design or method of operation of which includes the serving of food and beverages in disposable containers that are picked up and paid for by the customer while remaining in their vehicle and not consumed in the restaurant or at an outside eating area of the establishment.

RESTAURANT, STANDARD OR SIT-DOWN

Any premises used for the sale, dispensing and/or serving of food, refreshments or beverages where the customer is normally involved with an individual menu and is served by a restaurant employee at the table, booth or counter at which said items are consumed.

RIGHT-OF-WAY (ROW)

Land acquired by reservation, dedication, prescription, condemnation or other legal manner and occupied or intended to be occupied by a street, crosswalk, electric transmission line, oil or gas pipeline, water line, watercourse or similar uses.

RIGHT-OF-WAY LINE

The line that forms the boundary of a right-of-way.

RIPARIAN BUFFER

A permanent area of trees and shrubs located adjacent to streams, lakes, ponds, and wetlands to provide protection and absorb, shield, or block a body of water from open space or development.

ROOF LINE

The line that marks the lowest point of a roof.

ROOF RIDGE LINE

The line that marks the highest point of a roof. The term is applicable to most roofs other than flat roofs.

ROOMING HOUSE

A building that provides lodging in individual rooms with common kitchen and eating areas and bathrooms for consideration to individuals who are not part of the family of the owner or lessee. Rooming houses are not an allowable use in Darby Borough. Also known as Single Residence Occupancy units (SRO's).

SATELITE ANTENNA

Usually a circular or concave dish device used to receive television signals from satellite transmissions

SETBACK

The distance between the street right-of-way line or a lot line and the principal building on a lot.

SETBACK, REQUIRED

The minimum distance from the street right-of-way line or any other lot line that establishes the area, commonly known as the "building envelope," within which the principal structure must be erected or placed.

SHOPPING CENTER

A group of commercial establishments planned, constructed and managed as a total entity, including both attached buildings and freestanding buildings with customer and employee parking provided on site.

SIGN

Any object, device, display or illustration which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, numbers or symbols.

SIGN, ADVERTISING CLOTH

A sign that has its letters or design applied to cloth, canvas or other flexible material that is durable and weather resistant.

SIGN AREA

The entire face of a sign including the advertising surface and any framing, trim or molding, but not including the supporting structure.

SIGN, AWNING OR CANOPY

A sign that is mounted or painted on or attached to an awning, canopy or other fabric, plastic or structural protective cover over a door, entrance, window or outdoor service area.

SIGN, BILLBOARD

A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.

SIGN, CHANGEABLE COPY

A sign or portion thereof with characters, letters or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than eight (8) times per day shall be considered an animated sign and not a changeable copy sign for purposes of this Ordinance. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be considered a "time and temperature sign" and not a changeable copy sign for purposes of this Ordinance.

SIGN, CURB OR SIDEWALK

A movable sign not secured or attached permanently to the ground.

SIGN, DIGITAL MOVABLE

A sign in which content and messages are displayed on an electronic screen, and which can be changed without modification to the physical sign, typically with the goal of delivering targeted messages to specific locations at specific times.

SIGN, DIRECTIONAL

A sign limited to directional messages principally for pedestrian or vehicular traffic, such as "entry" or "exit," "one way," "loading" or "service area," "fire lanes," "parking" or a similar sign incidental to the primary use and not itself advertising or naming that use except as required by law.

SIGN FACE

The area or display surface used for the message.

SIGN, FREESTANDING

A detached sign which shall include any sign placed upon or in the ground, supported by a post, stake, etc. and not attached to any building.

SIGN, GROUND

A freestanding sign other than a sign supported by a post or pylon placed upon or supported by the ground independent of any other structure.

SIGN, IDENTIFICATION

A sign giving the nature, logo, trademark or other identifying symbol, address or any combination of the name, symbol and address of a building, business, development or establishment on the premises where it is located.

SIGN, ILLUMINATED

A sign lighted by or exposed to artificial lighting either by lights on or in the sign or directed towards the sign.

SIGN, INCIDENTAL

A sign, generally informational, that has a purpose secondary to the use of the property on which it is located, such as "no parking," "entrance," "loading only," "telephone" and other similar directives. No sign with a commercial message legible from a position off the lot on which a sign is located shall be considered incidental.

SIGN, MENU

A sign that depicts the menu of food and/or drink for sale at an eating or drinking establishment.

SIGN, MULTI-FACETED

A sign with two (2) or more display areas or sides on which messages can be displayed.

SIGN, NAMEPLATE

A sign indicating only the name and/or profession and address of the person(s) residing or legally occupying the premises.

SIGN, NEON

A sign that is internally lighted by lamps, bulbs, tubes, etc. that are filled with neon gas

SIGN OFFICAL

A sign installed by a governmental agency and intended to direct or control traffic; identify streets, parks, and historical events; or to provide other information deemed necessary by that official agency.

SIGN, PROJECTING

A sign that is wholly or partly dependent upon a building for support and which projects more than twelve (12) inches from such building.

SIGN, SALES OR PRICE CHANGE

A type of temporary sign that has a high turnover, such as those advertising "sales" and frequent price changes. These signs are most commonly found on windows/doors of supermarkets, grocery stores and beverage distributors. In most cases, these signs are constructed of paper, cardboard or other lightweight materials.

SIGN STRUCTURE

The supports, uprights, braces and framework of the sign.

SIGN, TEMPORARY

A sign that is used in connection with an event, situation or circumstance that is designed or intended to take place or be completed within thirty (30) days after a permit for the sign is issued or is intended to remain on the location where it is placed or erected for not more than thirty (30) days.

SIGN, WALL

A sign posted on, painted on, suspended from or otherwise affixed to a wall or vertical surface of a building that does not project more than twelve (12) inches from the wall or vertical surface to which it is attached.

SIGN, WINDOW

A sign attached or affixed to a window or door.

SPECIAL EXCEPTION

A use permitted in a particular district(s) pursuant to review by the Zoning Hearing Board, in accordance with Articles VI and IX of the Planning Code and Articles 16 and 19 of this Ordinance.

STEEP SLOPES

Changes in the elevation of the land from fifteen (15) to twenty-five (25) percent over a specified distance or contour interval

STEEP SLOPES, VERY

Changes in elevation of the land greater than or equal to twenty-five (25) percent over a specified distance or contour interval

STORAGE BUILDING

A freestanding accessory structure in a nonresidential district with a height of no more than fifteen (15) feet and an area of no more than two hundred (200) square feet with its primary purpose being storage.

STORAGE SHED

A freestanding accessory structure in a residential district with a height no more than ten (10) feet and an area of no more than one hundred (100) square feet with its primary purpose being storage.

STREET

A public or private way used or intended to be used as a means of vehicular and pedestrian travel and access to abutting properties and space for public utilities that is improved in compliance with all Borough requirements for public and private streets.

STREET LINE (STREET RIGHT-OF-WAY LINE)

A line dividing a street and a property abutting it. The street line shall be the same as the right-of-way line.

STRUCTURE

Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground.

SUPERMARKET

A large retail establishment primarily selling food as well as other convenience and household goods. A supermarket shall have not less than twenty thousand (20,000) square feet of gross floor area and may contain branch banking facilities, video rentals, pharmacy, eating areas, and similar accessory establishments.

SWIMMING POOL (PRIVATE)

Any body of water, tank or receptacle of water having a depth at any point greater than two (2) feet used or intended to be used for swimming or bathing solely by the owner, his family and guests of the household and constructed, installed, established or maintained outside any building in or above the ground upon any premises as an accessory use to the residence.

TOWNHOUSE BUILDING

A building containing single-family attached dwelling units (townhouse units) in which each townhouse unit is attached only by a party wall or walls to one (1) or two (2) other townhouse units. Townhouse buildings erected after the effective date of this Ordinance shall contain not more than six (6) attached units.

TRACT

An area, lot, parcel, site or property that is the subject of a subdivision and/or land development.

TRACT AREA

The total acreage of a subdivision or land development. Tract area shall be measured to the ultimate right-of-way line of public streets.

TRAILER

A structure used for short-term occupancy that can be towed by another vehicle for the purpose of carrying persons or materials or as a temporary office.

USE

The specific purpose for which land or a building is designed, arranged or intended or for which it may be occupied or maintained. The term authorized use or its equivalent shall not be deemed to include any nonconforming use.

USE, AUTHORIZED

Any principal or accessory use allowed by this Ordinance as a use by right, conditional use, or use by special exception.

USE, PRINCIPAL

The specific primary purpose for which a lot or site is used.

VARIANCE

Relief granted pursuant to Articles VI and IX of the Planning Code and Article 21 of this Ordinance.

WIRELESS COMMUNICATIONS ANTENNA

Any device or mechanism used for the collection, transmission, routing, or reception of radio, television, wireless telephone, pager, commercial mobile radio service or any other wireless communications signals, including without limitation omni directional or whip antennas and directional or panel antennas, owned and operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate such device. This definition shall not include private residence mounted satellite dishes or television antennas or amateur radio equipment including without limitation ham or citizen band radio antennas.

WIRELESS COMMUNICATIONS ANTENNA SUPPORT STRUCTURE

Any structure other than a building, such as a monopole, telescoping mast, tripod, self-supporting or guyed tower, lattice construction steel structure or any other structure that supports or has attached to it a communications antenna or antennas.

WIRELESS COMMUNICATIONS ANTENNA SUPPORT STRUCTURE HEIGHT

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

WIRELESS COMMUNICATIONS EQUIPMENT BUILDING

An unmanned building or cabinet containing communications equipment required for the operation of wireless communications antennas and covering an area on the ground not greater than 375 square feet.

WIRELESS COMMUNICATIONS FACILITY

Includes, but is not limited to the antenna(s), antenna support structure(s) and equipment buildings that comprise a portion of a wireless, communications operating network.

WIRELESS COMMUNICATIONS SITE

A tract or parcel of land that contains wireless communications service antenna(s), antenna support structure(s), equipment buildings, parking and uses associated with and ancillary to providing wireless communications services.

YARD

An unobstructed open space on the same lot with a principal building, which extends from a street line or lot line inward to the principal building.

YARD, FRONT

A yard extending the full width of the lot, the depth of which extends from the front lot line to the nearest point of the principal building.

YARD, REAR

A yard extending the full width of the lot, the depth of which extends from the rear lot line to the nearest point of the principal building.

YARD, REQUIRED

The open space between a lot line and the buildable area or “building envelope” within which the principal structure must be erected or placed.

YARD, SIDE

A yard extending between the inside lines of the front and rear yards and extending in width from the side lot line to the nearest point of the principal building.

ZONING DISTRICT

An area in Darby Borough in which regulations under this Ordinance uniformly apply including overlay districts.

ZONING OFFICER

An official or employee of Darby Borough empowered to administer and enforce all of the provisions and regulations of the Borough’s zoning ordinance

ZONING ORDINANCE

An ordinance that divides the Borough into areas or zones that specify allowable uses for real property, size, and location restrictions for buildings within these areas.

ZONING PERMIT

Written permission issued by the Zoning Officer or other appropriate municipal official empowering the holder thereof to erect or alter a building or structure, including signs and fences, to change the use of a building or land, and to change or extend a nonconforming use.

ARTICLE 3

R-1 RESIDENTIAL DISTRICT

300 **DISTRICT PURPOSES**

The purposes of this district are to provide for and maintain medium density, single-family residential development, to preserve and protect open spaces and to provide for and regulate certain nonresidential uses permitted only by special exception.

301 **USES PERMITTED BY RIGHT**

Land or buildings shall be used by-right for only one or more of the following uses:

1. Single-family detached dwelling.
2. Recreation, park or play area.
3. Municipal use.
4. Community residence facility, family-based, subject to Section 1612.

302 **USES PERMITTED BY SPECIAL EXCEPTION**

The following uses shall be permitted by special exception only, subject to the applicable provisions of Articles 17 and 21:

1. Major home occupation, subject to Section 1704.
2. Religious use, including accessory dwelling, subject to Section 1706.
3. Family day care home, subject to Section 1718.

303 **ACCESSORY USES**

1. Off-street parking, subject to the provisions of Article 14.
2. Storage shed, subject to Section 1604.
3. Private swimming pool, subject to Section 1607.
4. Satellite antenna, subject to Section 1609.

5. Signs, subject to Article 15.
6. No-impact home based business, subject to all relevant provisions of Article 16.
7. Small collection facility for recycling permitted on publicly owned land only, subject to Section 1717.
8. Any accessory use on the same lot with and customarily incidental to any of the uses permitted above and not detrimental to the neighborhood.

304

AREA AND BULK REGULATIONS

Unless specifically stated otherwise, the following shall be minimum requirements:

1. Single-Family Detached Dwelling
 - a. Lot size - Six thousand (6,000) square feet.
 - b. Lot width - Sixty (60) feet.
 - c. Front yard - Thirty (30) feet, which may be reduced to fifteen (15) feet on the long side of a corner lot.
 - d. Side yards - Twenty-five (25) feet aggregate and ten (10) feet minimum.
 - e. Rear yard - Twenty-five (25) feet minimum.
 - f. Building coverage - Thirty (30) percent, maximum.
 - g. Impervious surface - Fifty (50) percent
 - h. Height - Thirty-five (35) feet or two (2) stories, maximum.

ARTICLE 4

R-2 RESIDENTIAL DISTRICT

400 **DISTRICT PURPOSES**

The purposes of this district are to provide for medium to medium-high density single-family development, to preserve existing residential development and open space and to provide for and regulate certain nonresidential uses permitted by special exception.

401 **USES PERMITTED BY RIGHT**

Land, buildings or premises shall be used by-right for only one or more of the following uses:

1. All uses permitted by right in the R-1 Residential district.
2. Single-family semi-detached dwelling (twin).

402 **USES PERMITTED BY SPECIAL EXCEPTION**

The following uses shall be permitted by special exception only, subject to the applicable provisions of Articles 17 and 21:

1. Conversion, subject to Section 1703.
2. Major home occupation, subject to Section 1704.
3. Religious use, including accessory dwelling, subject to Section 1706.
4. Educational use, excluding commercial educational use, subject to Section 1707.
5. Family day care home, subject to Section 1718.

403 **ACCESSORY USES**

All accessory uses permitted in the R-1 Residential district.

404 **AREA AND BULK REGULATIONS**

Unless specifically stated otherwise, the following shall be minimum requirements:

1. Single-Family Detached Dwelling

- a. Lot size - Four thousand five hundred (4,500) square feet.
- b. Lot width - Forty-five (45) feet.
- c. Front yard - Twenty-five (25) feet, which may be reduced to ten (10) feet on the long side of a corner lot.
- d. Side yards - Twenty (20) feet aggregate and eight (8) feet minimum.
- e. Rear yard - Twenty (20) feet, minimum.
- f. Building coverage - Thirty-five (35) percent, maximum coverage.
- f. Impervious coverage - Forty-five (55) percent, maximum coverage.
- g. Building height - Thirty-five (35) feet or two (2) stories, maximum.

2. Single-Family Semi-Detached Dwelling (Twin)

- a. Lot size - Three thousand (3,000) square feet.
- b. Lot width - Thirty (30) feet.
- c. Front yard - Twenty (20) feet, which may be reduced to ten (10) feet on the long side of a corner lot.
- d. Side yard - Ten (10) feet.
- e. Rear yard - Twenty (20) feet.
- f. Building coverage - Forty (40) percent, maximum.
- g. Impervious cover - Sixty (60) percent, maximum.

- h. Height - Thirty-five (35) feet or two (2) stories, maximum.

ARTICLE 5

R-3 RESIDENTIAL DISTRICT

500 DISTRICT PURPOSES

The purposes of this district are to provide for medium-high to high-density residential development, to preserve existing row home development and to provide for certain nonresidential uses permitted by special exception.

501 USES PERMITTED BY RIGHT

Land, buildings or premises shall be used by-right for only one or more of the following uses:

1. All uses permitted by right in the R-2 Residential district.
2. Single-family attached dwelling (townhouse).

502 USES PERMITTED BY SPECIAL EXCEPTION

The following uses shall be permitted by special exception only, subject to the applicable provisions of Articles 17 and 21:

1. Major home occupation, subject to Section 1704.
2. Religious use, including accessory dwelling, subject to Section 1706.
3. Educational use, excluding commercial educational use, subject to Section 1707.
4. Family day care home, subject to Section 1718.

503 ACCESSORY USES

All accessory uses permitted in the R-1 Residential district.

504 AREA AND BULK REGULATIONS

Unless specifically stated otherwise, the following shall be minimum requirements:

1. Single-Family Detached Dwelling
 - a. Lot size - Four thousand (4,000) square feet.
 - b. Lot width - Forty (40) feet.
 - c. Front yard - Twenty (20) feet, which may be reduced to ten (10) feet on the long side of a corner lot.
 - d. Side yards - Twenty (20) feet aggregate and eight (8) feet minimum.
 - e. Rear yard - Twenty (20) feet.
 - f. Building coverage - Thirty-five (35) percent, maximum.
 - g. Impervious surface - Sixty (60) percent, maximum
 - h. Height - Thirty-five (35) feet or two (2) stories, maximum.

2. Single-Family Semi-Detached Dwelling (Twin)
 - a. Lot size - Two thousand five hundred (2,500) square feet.
 - b. Lot width - Twenty-eight (28) feet.
 - c. Front yard - Twenty (20) feet, which may be reduced to ten (10) feet on the long side of a corner lot.
 - d. Side yard - Eight (8) feet.
 - e. Rear yard - Twenty (20) feet.
 - f. Building coverage - Forty (40) percent, maximum.
 - g. Impervious surface - Sixty (60) percent, maximum.
 - h. Height - Thirty-five (35) feet or two (2) stories, maximum.

3. Single-Family Attached Dwelling (Townhouse)

- a. Lot size - One thousand six hundred (1,600) square feet.
- b. Lot width - Twenty (20) feet.
- c. Front yard - Twenty (20) feet, which may be reduced to ten (10) feet on the long side of a corner lot.
- d. Side yards - Ten (10) feet at ends of row; twenty (20) feet where an access driveway is required.
- e. Rear yard - Twenty (20) feet.
- f. Building coverage - Fifty (50) percent, maximum.
- g. Impervious surface - Seventy (70) percent, maximum.
- h. Height - Thirty-five (35) feet or two (2) stories, maximum.

ARTICLE 6

R-4 RESIDENTIAL DISTRICT

600 DISTRICT PURPOSES

The purposes of this district are to provide for a variety of high-density residential housing types, including apartments, townhouses and semi-detached dwellings; to protect and preserve existing high density uses; and to provide for and regulate certain nonresidential uses permitted only by special exception.

601 USES PERMITTED BY RIGHT

Land, buildings or premises shall be used by-right for only one or more of the following uses:

1. All uses permitted in the R-3 Residential district, except for single-family detached dwellings.
2. Apartment building.

602 USES PERMITTED BY SPECIAL EXCEPTION

The following uses shall be permitted by special exception only, subject to the applicable provisions of Articles 17 and 21:

1. Major home occupation, except in apartments, subject to Section 1704.
2. Religious use, including accessory dwelling, subject to Section 1706.
3. Family day care home, subject to Section 1718.

603 ACCESSORY USES

As noted in the R-1 Residential district, except for small collection facility.

604 AREA AND BULK REGULATIONS

Unless specifically stated otherwise, the following shall be minimum requirements:

1. Single-Family Semi-Detached Dwelling (Twin)

- a. Lot size - Two thousand five hundred (2,500) square feet.
 - b. Lot width - Twenty-five (25) feet.
 - c. Front yard - Fifteen (15) feet, which may be reduced to seven (7) feet on the long side of a corner lot.
 - d. Side yard - Seven (7) feet, on one side only.
 - e. Rear yard - Fifteen (15) feet.
 - f. Building coverage - Forty-five (45) percent, maximum.
 - g. Impervious coverage - sixty-five (65) percent, maximum
 - g. Height - Thirty-five (35) feet or two (2) stories, maximum.
2. Single-Family Attached Dwelling (Townhouse)
- a. Lot size - One thousand four hundred (1,400) square feet.
 - b. Lot width - Twenty (20) feet.
 - c. Front yard - Fifteen (15) feet, which may be reduced to ten (10) feet on the long side of a corner lot.
 - d. Side yards - Ten (10) feet at ends of row and twenty (20) feet where an access driveway is required.
 - e. Rear yard - Fifteen (15) feet.
 - f. Building coverage - Fifty-five (55) percent, maximum.
 - g. Impervious coverage - Seventy (70) percent, maximum.
 - h. Height - Thirty-five (35) feet or two (2) stories, maximum.

- i. Maximum number - Six (6) of units in a row
- 3. Apartment Building
 - a. Lot size - One thousand five hundred (1,500) square feet per dwelling unit.
 - b. Lot width - One hundred (100) feet.
 - c. Front yard - Twenty-five (25) feet.
 - d. Side yards - Twenty (20) feet.
 - e. Rear yard - Twenty-five (25) feet.
 - f. Building coverage - Forty-five (45) percent, maximum
 - g. Impervious coverage - Sixty-five (65) percent, maximum.
 - g. Open space - Fifteen (15) percent of lot area.
 - h. Height - Forty-five (45) feet or three (3) stories, maximum.

ARTICLE 7

PRD - PLANNED RESIDENTIAL DEVELOPMENT OVERLAY DISTRICT

700 DISTRICT PURPOSES

This district shall be a floating overlay zone applicable to tracts and sites that meet the eligibility requirements of Section 702. The development proposal for a PRD shall meet the requirements of the regulating provisions of Section 703 through 708 and the application submission requirements of Sections 709 and 710.

The purposes of the PRD floating overlay zone are to:

1. To encourage innovations in residential development so that the growing demand for housing may be met by greater variety in type, design and layout of dwellings and by the conservation and more efficient use of open space ancillary to said dwellings.
2. To provide greater opportunities for better housing for all who are or will be residents of the Borough, including a planned adult community that would serve residents 55 years of age and older.
3. To encourage sensitive land development which will respect and conserve such natural features and resources as flood hazard and flood prone areas, steep and very steep slopes, watercourses, terrestrial and aquatic wildlife habitats, historical and cultural sites, visual resources and other important natural and cultural resources.
4. To encourage more efficient use of land and public services to reflect changes in the technology of land development so that the economies so secured may inure to the benefit of those who require housing.

701 ADMINISTRATION

The administration of the procedures concerning the application for and approval of planned residential developments (PRD) shall be vested solely in the Darby Borough Council. All applications for tentative and final approval of plans for such developments shall be first referred to the Delaware County Planning Commission and the Darby Borough Planning Commission for their review and comment.

702 CONDITIONS OF ELIGIBILITY

No application for a PRD shall be considered or approved unless the following

conditions are met:

1. The proposed PRD shall contain a minimum of 25 acres.
2. The proposed PRD shall have frontage along a major or minor arterial road as classified by PennDOT.
3. The PRD shall contain at least two of the uses permitted in Section 703.
4. The development shall be served by municipal public water and sewer systems.
5. All utility lines serving the development shall be placed underground.
6. The application is accompanied by a traffic impact study prepared by a licensed civil engineer with substantial traffic engineering experience, and which describes at least the following:
 - a. The proposed PRD's traffic generation and parking needs
 - b. The impact of the PRD's traffic on existing traffic at proposed ingress and egress intersections with public roads
 - c. Emergency vehicle access
 - d. Proposed traffic safety improvements, on and off-site, including all traffic control devices
7. All ownership interests shall be disclosed on the tentative and final plans.
8. If the owner or owners intend to develop said land over a delayed or phased time schedule the schedule and accompanying plans must be approved by the Borough Council.
9. Those portions of the tract in the 100-year floodplain or located on steep or very steep slopes, shall be clearly marked on the tentative and final plans.

703 USES PERMITTED BY-RIGHT

Land, buildings and premises, shall be used by right for only one or more of the following uses:

1. Townhouses (Single-family attached dwellings).
2. Low-rise apartments.
3. Assisted living facility comprised of either low-rise apartments and/or single-family attached units (townhouses).
4. Recreational and community facilities for residents and their guests.

5. Administrative offices and operating facilities for management of the PRD.

704 **ACCESSORY USES AND STRUCTURES**

1. Common dining facilities, physical therapy facilities, auditorium, on site personal service and convenience shops, administrative offices and other ancillary facilities deemed appropriate by borough Council for an assisted living facility.
2. Off-street parking, subject to Article 14.
3. Signs, subject to Article 15

705 **DENSITY OF LAND USE**

1. The net residential density as defined in Article 2 shall not exceed fifteen (15) units per acre.
2. Low-rise apartments shall not comprise less than 50% of the dwelling units within the PRD.

706 **DIMENSIONS FOR DEVELOPMENT**

The following dimensional requirements shall apply. All requirements are minimum unless specifically otherwise noted otherwise

1. Single-family attached dwelling (townhouses)
 - a. Dwelling unit width - Twenty (20) feet, minimum
 - b. Dwelling units in a row - Six (6), maximum
 - c. Setbacks
 - (1). From exterior road - Seventy-five (75) feet
 - (2). From interior road or parking area - Fifteen (15) feet
 - e. Distance between principal buildings - Forty (40) feet
 - g. Height - Forty two (42) feet and three (3) stories, maximum

2. Low-rise apartment
 - a. Building length - Two hundred (200) feet maximum
 - b. Building width - One hundred (100) feet
 - c. Setbacks
 - (1) From exterior road - Seventy-five (75) feet, reduced to fifty-five (55) if parking is placed behind the building.
 - (2) From interior road or parking area - Fifteen (15) feet
 - d. Distance between principal buildings - Forty (40) feet
 - e. Height - Forty-two (42) feet or three stories maximum
 - f. Dwelling unit size - Five hundred fifty (575) square feet minimum for 1 bedroom apartments, and seven hundred (700) square feet, minimum for 2 bedroom apartments.

3. Assisted living facility

An assisted living facility may be in either the form of a low-rise apartment building and/or single-family attached (townhouse) units. An assisted living facility shall meet the respective dimensional standards listed above for low-rise apartments and/or single-family attached (townhouse) units.

707 COMMON OPEN SPACE

In this section the term ‘open space’ shall be construed to mean ‘common open space’ as defined in Article 2, Definitions of the Borough Zoning Ordinance.

1. General Regulations
 - a. Areas agreed by the developer and the Borough to be set aside for common open space shall be suitable for that purpose and consistent with Borough objectives for the future use of the area.

- b. Open space areas shall contain no buildings other than those related to the purpose of the open space.
 - c. Open space areas shall be arranged and located to serve residents of the development adequately and conveniently, taking into consideration the characteristics of the site, and to preserve and enhance desirable natural features.
 - d. Any land designated as common open space shall be restricted to continue as such by an appropriate method approved by the Borough Council.
2. Common Open Space Standards
- a. A minimum of 35% of the total area of the PRD shall be designated and devoted to common open space.
 - b. Not less than 65% percent of the total common open space areas shall be outside the floodplain and areas having slopes of 25% percent or more.
 - c. The calculation of open space shall not include areas containing surface storm water management facilities and infrastructure.
 - d. Open space areas shall be suitably landscaped by retaining existing natural cover and wooded areas and shall comply with a landscaping plan which is consistent with the purposes of this section and minimizes maintenance costs.
3. Performance Bond
- a. The developer shall provide designated plantings, and recreational facilities within the open space areas. A performance bond or other security shall be required to cover the costs of installation.
4. Ownership and Maintenance of Common Open Space
- a. An essential element of the tentative plan is a written description and plan for the disposition of ownership of common open space land designating an organization and its specific form, for the ownership and maintenance of said open space. Such organization shall not be dissolved nor shall it dispose of the common open space, by sale or otherwise except to an organization conceived and established to own and maintain the common open space. Such agreements shall be subject to the approval of the Borough Council and contain provisions respecting the right to lien property by the Borough in

event of default. In any case, the organization provided for the ownership of open space land shall be constituted of the property owners within the PRD.

The plan may provide that the property owners association may lease the open space lands to a qualified person or corporation for their operation and maintenance but such a lease agreement shall provide:

- (1). That the residents of the PRD shall at all times have access to the open space lands contained therein
 - (2). That the common open space to be leased shall be maintained for the purpose set forth in this ordinance.
 - (3) That the operation of open space facilities shall be for the benefit of the residents and their guests only.
- d. The form of the lease shall be subject to the approval of the Council, and any transfer or assignment of the lease shall be further subject to the approval of the Board. Lease agreements shall be recited in the deed and shall be recorded with the Recorder of Deeds of Delaware County within thirty (30) days of their execution. A copy of the recorded lease shall be filed with the Secretary of the Borough.
- e. The plan to provide for the ownership and maintenance of common open space shall include:
- (1). A complete description of the organization to be established for the ownership of open space and the methods by which this organization shall be established and maintained.
 - (2). A method reasonably designed to give adequate notice to property owners within the PRD in the event of the sale or other disposition of common open space lands and in the event of assumption of the maintenance of common open space land by the Borough hereinafter provided.
- f. In the event that the organization established to own and maintain common open space, or any successor organization, shall at any time after establishment of the PRD fail to maintain the common open space in reasonable order and condition in accordance with the development plan, the Council may proceed as provided in the Pennsylvania Municipalities Planning Code to demand that deficiencies of maintenance be corrected or the Borough will enter upon and maintain common open space. Notice to the affected property owners in accordance with the provisions of the PRD plan

shall be deemed to be adequate notice by the Borough. The cost of such maintenance by the Borough shall be assessed against properties within the PRD that have a right of enjoyment of the common open space, and shall become a lien on said properties. The Borough, at the time of entering upon said common open space for the purpose maintenance, shall file a notice of lien in the office of the Prothonotary of the County upon the properties affected by the lien within the planned residential development.

708 DESIGN STANDARDS

1. General Standards

- a. The physical design of the development shall make adequate provisions for public services and provide adequate control over vehicular traffic.
- b. The development shall contain pedestrian connections between all attached homes and apartment units as well as to all parking lots and exterior sidewalks.
- c. All residential units shall be equipped with a sprinkler system.
- d. Impervious coverage computed over the entire tract shall not exceed 65%.

2. Buildings

- a. All housing shall be designed with regard to topography and the natural features of the site. Variations in locations of buildings shall be provided where necessary to create architectural interest and/or preserve areas of environmental concern and to further amenities of light and air, recreation and visual enjoyment. All dwellings shall be based on a common architectural theme.
- b. Good quality development is encouraged by taking into consideration the appearance of all elevations and layouts of buildings and external spaces and the materials used therein.
- c. Single-family attached dwellings shall be arranged with variations in the setback of adjoining units and not in long rows parallel to the street lines. The arrangement of such units shall create a physical and visual distinction in the lines of the facades and the roofs. Such distinction can be achieved through the use of varied floor plans for adjoining units and variations in the projections and angles of exterior walls and roofs.

3. Streets and Sidewalks

- a. The street system of the planned residential development shall be designed to create a separation of automobile and pedestrian circulation through a hierarchy of roadway functions and design and pedestrian walkways. The street system shall relate harmoniously with land uses within and adjacent to the PRD and create efficient and safe connections with the existing road system of the Borough in order to ensure proper ingress and egress to and from the PRD.
- b. In order to separate automobile and pedestrian circulation and to increase accessibility to common open space areas, pedestrian walkways shall be provided unless the Borough Council determines that they are not necessary.
- c. The design and construction of streets and walkways must conform to the standards set forth in the currently adopted Delaware County Land Development and Subdivision Ordinance of 1981 or the latest version to be so adopted.

4. Landscaping

- a. Landscaping shall be regarded as an essential feature of the planned residential development. In addition to the preservation of natural features, trees and slopes of the site, careful attention shall be given to the landscaping of parking areas and provisions of street trees as required by this article.
- b. Existing trees shall be preserved wherever possible. The protection of trees twelve (12) inches or more in caliper (measured at a height four and one-half (4 ½) above the original grade) shall be a factor in determining the location of common open space, structures, underground utilities, walks and paved areas. Areas in which trees are to be preserved shall remain at original grade level and in undisturbed condition.
- c. Where extensive natural tree cover and vegetation does not exist and cannot be preserved on the PRD site extensive landscaping shall be undertaken in order to enhance the appearance of the PRD, aid in erosion control, provide protection from wind and sun, screen streets and parking areas and enhance the privacy of dwelling units in accordance with Sections 1613 and 1614 relating to screening and landscaping, and the following provisions below:

- (1). Street trees shall be provided along all streets where there are

no existing shade trees. No less than one 3 ½ to 4-inch caliper tree shall be planted for each 50 feet of roadway length, excluding service roads and roads through parking lots. However can be grouped where appropriate in accordance with specific site needs and objectives.

- (2). The outer perimeter of all parking areas shall be screened and subject to the provisions of Section 1613. Effective screens may be accomplished through the use of plant materials, fencing or walls and/or mounding through the use of earthen berms.
- (3). All parking lots shall be landscaped. One 2 to 2 ½-inch caliper shade tree shall be planted for every five (5) parking spaces, if there are no existing shade trees. Shrub, ground covers and other plant materials are encouraged to complement the trees.
- (4). Landscaping and planting areas shall be reasonably dispersed throughout the parking lot, except that landscaped “islands” shall provided in accordance with Section 1407.2(d).
- (5). Buildings shall be landscaped in accordance Section 1614 and the following:
 - (a). A combination of evergreen and deciduous trees and shrubs shall be used as foundation plantings, i.e., plantings to be installed in proximity to building facades.
 - (b). One 4 to 5 inch caliper specimen deciduous tree shall be planted for every 25 feet of length of building façade measured from end to end of buildings, without regard to indentations and the like in building facades and excluding enclosed walkway connectors and elevator cores, such trees to be a minimum of 11 to 13 feet in height at the time of planting; and one 8 to 10-foot specimen evergreen tree shall be planted for every 50 feet of length of building façade, measured as set forth above.
 - (c). Five evergreen and/or deciduous shrubs shall be planted for every 200 feet of length of building façade.
 - (d). Additional landscaping shall be provided along

walkways, in courtyards, around sitting areas, at the entrance to the site and in other highly visible locations, especially along property lines where planting will screen views and provide privacy.

- (e). The location, type, size, height and other characteristics of landscaping shall be subject to the review and approval of Borough Council.

5. Stormwater Management

The design and construction of all stormwater systems and drainage facilities shall be in accordance with Darby Borough Stormwater Management Ordinance adopted on March 2, 2005 and subject to the approval of the Borough Engineer.

6. Soil Erosion and Sedimentation Control

Plans submitted for the PRD district shall conform to the guidelines for minimizing erosion and sedimentation as set forth in Darby Borough Stormwater Management Ordinance and the Soil Erosion and Sedimentation Control Manual of the Pennsylvania Department of Environmental Protection, as amended.

7. Utilities

All utilities shall be placed underground.

8. Lighting

- a. All streets, parking areas and areas of pedestrian use shall be adequately lighted, meeting the standards established by the Illuminating Engineering Society of North America (IESNA). All such lighting shall be designed and located so as to direct light away from adjacent residences.
- b. Appropriate lighting fixtures shall be provided for walkways and to identify steps, ramps and signs.
- c. The maximum height of lighting fixtures shall not exceed twenty (20) feet.

9. Parking

All parking facilities shall be designed and constructed in accordance with Article 14 Parking Regulations and any other applicable requirements of this

Ordinance.

10. Signs

All signage within the PRD shall be subject to the provisions of Article 15, Signs of this Ordinance.

709 **TENTATIVE APPROVAL OF PRD**

1. An application for tentative approval of a planned residential development must be made to the Darby Borough Council. The application shall be filed with the Borough Secretary by or on behalf of the landowner on a form provided by the Borough. The filing of the application shall include payment of all application fees as set forth by resolution of the Darby Borough Council.
2. The application for tentative approval shall contain the following information:
 - a. A legal description of the property under consideration, including a vicinity map showing the location of the site in relation to the surrounding area and the current zoning of the site, and a description of the nature of the landowner's interest in the planned residential development.
 - b. A fully dimensioned map of the land, including topographic information at a contour interval of not less than two feet.
 - c. A site plan showing the location of all existing and proposed principal and accessory buildings and structures, parking lots, buffer strips, plantings, streets and public ways and curb cuts.
 - d. Architectural sketches and renderings, at an appropriate scale, showing building height, bulk and interior layout and proposed use.
 - e. The location, function, size, ownership and manner of maintenance of the common open space.
 - f. Information showing the feasibility of proposals for the disposition of sanitary waste and storm water.
 - g. The feasibility of proposals for energy conservation and the effective utilization of renewable energy sources.
 - h. The substance of covenants, grants of easement or other restrictions proposed upon the use of the land, buildings and structures, including

proposed easements or grants for public utilities.

- i In the case of development plans which call for development over a period of years, a schedule showing the proposed times within which applications for final approval of all sections of the planned residential development are intended to be filed. This schedule must be updated annually, on the anniversary of its approval, until the development is completed and accepted.
- 3. The Darby Borough Council shall refer the application to the Borough Planning Commission and the County Planning Agency for study and recommendation. The County and Borough Planning Agencies shall be required to report to the Darby Borough Council within 30 days or forfeit the right to review.
 - 4. The Darby Borough Council shall hold a public hearing within 60 days after the filing of the application for tentative approval in the manner prescribed in Article VI of the MPC for the enactment of an amendment to a zoning ordinance. The Darby Borough Council may continue the hearing from time to time; provided, however that in any event, the public hearing or hearings shall be concluded within 60 days after the date of the first public hearing.
 - 5. Grant or denial
 - a. After a study of the application and within 60 days following the conclusion of the public hearing Darby Borough Council shall, by certified official written communication to the landowner, either:
 - (1) Grant tentative approval as submitted;
 - (2) Grant tentative approval subject to specified conditions not included in the development plan as submitted; or
 - (3) Deny tentative approval to the development plan.

- b. Failure to so act within said period shall be deemed to be a grant of tentative approval of the development plan as submitted. In any event, however, that tentative approval is granted subject to conditions, the landowner may, within 30 days after receiving a copy of the official written communication of the Darby Borough Council notify the Darby Borough Council of his refusal to accept all said conditions, in which case, the Darby Borough Council shall be deemed to have denied tentative approval of the development plan. In the event that the landowner does not, within said period, notify the Darby Borough Council of his refusal to accept all said conditions, tentative approval of the development plan, with all said conditions, shall stand as granted.

- c. The granting or denial of tentative approval by official written communication shall include conclusions and findings of fact related to the specific proposal and shall set forth the reasons for the grant, with or without conditions, or for the denial, and said communication shall set forth with particularity in what respects the development plan would or would not be in the public interest including, but not limited to findings of fact and conclusions on the following.
 - (1). Those respects in which the development plan is or is not consistent with the latest adopted version of the Darby Borough Community Development Objectives, as in this ordinance.
 - (2). The extent to which the development plan departs from zoning and subdivision regulations otherwise applicable to the subject property.
 - (3). The purpose, location and amount of the common open space in the planned residential development, along with the reliability of the proposals for the maintenance and conservation of the common open space.
 - (4). The physical design of the development plan and the manner in which said design does or does not make adequate provision for public services, provide adequate control over vehicular traffic, and further the amenities of light and air, recreation and visual enjoyment.
 - (5). In the case of a development plan which proposed development over a period of years, the sufficiency of the terms and conditions intended to protect the interests of the public and of the planned residential development.

- d. In the event that a development plan is granted tentative approval with or without conditions, the Darby Borough Council may set forth in the official written communication the time within which the application for final approval of the development plan shall be filed, or, in the case of a development plan which provides for development over a period of years, the periods of time within which applications for final approval of each part shall be filed. Except upon consent of the landowner, the time so established between grant of tentative approval and an application for final approval shall not be less than three months and, in the case of developments over a period of years, the time between applications for final approval of each of the plan shall not be less than 12 months.
- e. The official written communication provided for in Section 709(5)(d) above shall be certified by the Borough Manager and shall be filed in his or her office, and a certified copy shall be mailed to the landowner.
- f. Tentative approval of a development plan shall not qualify a plat of the planned residential development for recording nor authorize the issuance of any building permits. A development plan which has been given tentative approval as submitted, or which has been given tentative approval with conditions which have been accepted by the landowner (and provided that the landowner has not defaulted nor violated any of the conditions of the tentative approval), shall not be modified or revoked nor otherwise impaired by action of the Borough pending an application or applications for final approval, without the consent of the landowner, provided that an application of applications for final approval is filed. Or in the case of development over a period of years, provided that applications are filed, within the periods of time specified in the official written communication granting tentative approval.
- g. In the event that a development plan is given tentative approval and thereafter, but prior to final approval, the landowner shall elect to abandon said development plan and shall so notify the Darby Borough Council in writing or in the event the landowner shall fail to file an application or applications for final approval within the required period of time or times, as the case may be, the tentative approval shall be deemed to be revoked.

710 **PROCEDURE FOR FINAL APPROVAL**

- 1. An application for final approval may for all the land included in the development plan or, to the extent set forth in the tentative approval, a section thereof. Said application shall be made to Borough Council and

within the time or times specified by the official written communication granting tentative approval. If the application for final approval is in compliance with the tentatively approved development plan, a public hearing need not be held.

2. The application for final approval shall consist of a plan or plans and accompanying documents which shall show and shall include the following information:
 - a. Development name or identifying title.
 - b. Municipality in which the development is located.
 - c. North point, scale and date.
 - d. Name of record owner and developer.
 - e. Name and seal of the registered professional engineer or surveyor responsible for the plan.
 - f. Boundaries of the tract determined by accurate survey in the field which shall be balanced and closed with an error of closure not to exceed one foot in 10,000 feet.
 - g. Property lines (if any) within the development.
 - h. Lot areas (if any) to 1/1,000 of an acre.
 - i. Street lines, lot lines, rights-of-way, easements and areas dedicated to or proposed to be dedicated to public use; profiles for all streets and for proposed sanitary sewer mains, inlets and manholes.
 - j. The length of all straight lines, radii, lengths of curves and tangent bearings for each street.
 - k. All dimensions and angles or bearings of any lines of each lot (if applicable) and of each area proposed to be dedicated to public use.
 - l. The setback line for each building.
 - m. Names proposed to be given to all streets.
 - n. Location of all structures.
 - o. Number of lots (if applicable)
 - p. The number of dwelling units by type and, where applicable, the

number, location and square footage of areas to be devoted to nonresidential use.

- q. Architectural drawings and renderings to scale of all buildings.
 - r. A key map showing the relationship of the property being developed to surrounding properties, showing all streets, roads, municipal boundaries, subdivisions of adjoining properties within 1,000 feet of any part of the property. In the case of development of a section of the entire tract, the key map shall show the relationship of the section to the entire tract.
 - s. Total property area of the entire development tract and, in case of the development in sections, the size of the section for which plans are submitted.
 - t. All permanent monuments, streetlights and other lighting.
 - u. Finished contours at vertical intervals of five feet.
 - v. All existing watercourses, tree masses and other significant natural features and proposed plantings.
3. The application for final approval shall also be accompanied by:
- a. Copies of deed restriction and/or easements, if any.
 - b. Information concerning water supply and sewage disposal to the development, including copies of permits obtained under authority of statutes of the commonwealth.
 - c. An affidavit that the applicant is the owner of the land proposed to be developed.
 - d. A statement duly acknowledged before an officer authorized to take acknowledgements of deeds and signed by the owner or owners of the property to the effect that the development as shown on the application for final approval is made with his or their free consent and that it is desired to record the application and accompanying documents upon their approval.
 - f. Whenever a developer proposes to establish a new street he/she shall submit a copy of a statement cosigned by the Borough Solicitor that shall stipulate that the street shall be in a good state of repair as certified by the Borough Engineer.

4. In the event that the application for final approval has been filed, together with all drawings, specifications and other documents in support thereof, and as required by this Article and the official written communications of tentative approval, the Darby Borough Council shall, within 45 days of such filing, grant such development plan final approval.
5. In the event that the development plan as submitted contains variations from the plan given tentative approval, the Darby Borough Council may deny final approval and shall, within 45 days from the filing of the application for final approval, so advise the landowner in writing of said refusal, setting forth the reasons why one or more of said variations are not in the public interest.
 - a. In the event of such refusal, the landowner may either:
 - (1). Refile their application for final approval without objected variations: or
 - (2). File a written request with the Darby Borough Council that it hold a public hearing on his application for final approval.

Any such public hearing shall be held pursuant to public notice within 30 days after request for hearing has been made by the landowner, and the hearing shall be conducted in the manner prescribed in this article for public hearings on applications for tentative approvals. Within 30 days after the conclusion of the hearing the Darby Borough Council shall by official written communication either grant final approval of the development plan or deny final approval. The grant of denial of final approval to the development plan shall, in cases arising under this section, be in the form and contain the findings required for an application for tentative approval set forth in this article.
 - b. If the landowner wishes to take either such alternate action he may do so at any time within which he shall be entitled to apply for final approval, or within 30 additional days if the time for applying for final approval shall have already passed at the time when the landowner was advised that the development was not in substantial compliance.
 - c. In the event the landowner shall fail to take either of these alternate actions within said time, he shall be deemed to have abandoned the development plan.
6. A development plan, or any part thereof, which has received final approval shall be certified without delay by the Darby Borough Council and shall be

filed of record forthwith in the Delaware County office of the Recorder of Deeds before any development shall take place in accordance therewith. Pending completion, in accordance with the time provisions stated in Section 508 of the Pennsylvania Municipalities Planning Code, as amended by Act 1988-170 of said residential development or of that part thereof as the case may be that has been finally approved, no modification of the provisions of said development plan or part thereof, as finally approved shall be made except with the consent of the landowner. Upon approval of a final plat, the developer shall record the plat in accordance with the provisions of section 513(a) and post financial security in accordance with Section 509 of the Pennsylvania Municipalities Planning Code, as amended by Act 188-170.

ARTICLE 8

CBD CENTRAL BUSINESS DISTRICT

800 DISTRICT PURPOSES

The purposes of this district are to provide for and preserve a variety of pedestrian-oriented retail and service uses and to provide for a compact, attractive shopping area with unity of design and access to parking and public transportation. Secondary uses in the district include offices and apartments. The regulations of the CBD Central Business district are intended to implement the CBD objectives and purposes as outlined in Chapter 6 of the Darby Borough Comprehensive Plan, 1991 and the Darby Borough Community Development Objectives that are hereby part of this ordinance.

Certain uses are inappropriate for the CBD Central Business district. Among these are industrial, manufacturing, wholesale and storage facilities; businesses which serve mainly tradesmen, contractors or other businesses; and establishments whose noise, odor or other impacts detract from a pedestrian-friendly shopping atmosphere.

801 USES PERMITTED BY RIGHT

Land, buildings or premises shall be used by-right for only one or more of the following uses:

1. Retail store, including general merchandise, hardware or variety store, electronics store, gift shop, pharmacy or similar establishment, except for convenience stores (provided that the activity is in an enclosed building).
2. Food store, including grocery store, bakery, confectionary or similar establishment where goods are sold at retail, except for convenience stores.
3. Personal services shop, including barber, beautician, shoe repair, tailor, fitness and weight control health club or spa, or laundry (where actual cleaning and pressing are done off the premises) and related personal services.
4. Eating or drinking establishment, including standard restaurants and taverns, pizza shops, delicatessens and similar businesses, provided that no drive-through establishment be permitted.

5. Bank, savings and loan or other similar financial institution.
6. General service and repair shops for items such as jewelry and watches, radios, television and other small electronics, small home appliances, and bicycles, excluding the service or repair of heavy items and equipment, automobiles and similar items, provided that a loading platform is provided at the rear of the building.
7. Offices of professional, business, medical, governmental and nonprofit organizations provided they are located above first floor retail and commercial uses.
8. Apartments provided they are located above first floor retail and commercial uses.
9. Bed and breakfast, inn or other similar lodging establishment.
10. Bus or trolley terminal or station including public parking and related public utility infrastructure.
11. Municipally owned, public surface parking lot.
12. Park, plaza or other outdoor public recreational gathering space.

802

USES PERMITTED BY SPECIAL EXCEPTION

The following uses shall be permitted by special exception only, subject to the applicable provisions of Articles 17 and 21:

1. Offices of professional, business, medical, governmental and nonprofit organizations located on the ground floor of buildings.
2. Food and/or refreshment establishment serving from a walk-up window.
3. Lodge halls, clubhouses and associated facilities of private clubs, including auditoriums for private or public use.
4. Farmers' market.
5. Auction.
6. Multi-tenant building consisting of those uses in Sections 801 and 802
7. All uses of the same general character as those listed in Sections 801 and 802, when determined as such the Zoning Hearing Board. In deciding whether a proposed unlisted use is of the same general

character, the Board shall apply the compatibility standards in Section 1619.

803 ACCESSORY USES

1. Outdoor storage limited to stock and related supplies of the permitted use shall be allowed only to the rear of the principal building.
2. Off-street parking and loading, subject to Article 14.
3. Sign, subject to Article 15.
4. Satellite antenna, subject to Section 1609.
5. Small recycling collection facility, subject to Section 1717.
6. Any accessory use on the same lot with and customarily incidental to any of the uses permitted above and not detrimental to the neighborhood.

804 AREA AND BULK REGULATIONS

Unless specifically stated otherwise, the following shall be minimum requirements:

1. Nonresidential Uses
 - a. Lot size - Two thousand (2,000) square feet.
 - b. Street frontage - Twenty (20) feet.
 - c. Front yard
 - 1) In built up block - Not less than prevailing front yard setback distance on block.
 - 2) In other areas - Ten (10) feet.
 - d. Side yards
 - 1) Detached structure - Ten (10) feet on each side.
 - 2) Attached structure - Ten (10) feet on each side of principal building (at ends)

- 3) Where side yard abuts residential district - of row).
Twenty (20) feet.
 - e. Rear yard - Ten (10) feet; twenty (20) feet where rear yard abuts a residential district.
 - f. Building coverage - Eighty (80) percent, maximum.
 - g. Height regulation - Forty (40) feet or three (3) stories, maximum.
2. Reconstruction
- Existing nonconforming structures that are damaged, destroyed or legally razed may be rebuilt to their condition and footprint prior to the occurrence, in accordance with Section 2206.

805

SPECIAL DEVELOPMENT REGULATIONS

- 1. Each permitted use shall provide and maintain attractively landscaped grounds and include screening necessary to protect adjacent residential properties.
- 2. Screening and landscaping shall be provided in accordance with all applicable provisions of Sections 1613 and 1614.
- 3. Any new construction or addition to the facade of a building shall be in harmony with the architectural character of nearby buildings in terms of style, size, proportion and materials.
- 4. All signs, lighting, benches and similar structures shall be designed and built in keeping with the architectural character and theme of buildings in the CBD Central Business district, as recommended in the Darby Borough Comprehensive Plan, 1991 and the Darby Borough Community Development Objectives that are part of this ordinance.
- 5. All uses except parking lots shall be completely enclosed within a building.
- 6. No permanent storage of merchandise, articles or equipment shall be permitted outside a building, and no goods, articles or equipment shall be stored, displayed or offered for sale beyond the front lines of a

building, except for temporary sales or promotions lasting not more than five (5) days. Any event or sale including display or sale beyond the front line of the building that exceeds five (5) days shall require a permit from the Borough.

7. All applicable provisions of Articles 14, Parking and Article 15, Signs shall be followed.

ARTICLE 9

HC HIGHWAY COMMERCIAL DISTRICT

900 **DISTRICT PURPOSES**

The purposes of this district are to provide for a wide range of highway-oriented retail, service and automobile-related business activities which ordinarily require main highway locations and serve regional as well as local customers and to provide sufficient space for automobile-related merchandising, including the provision of off-street parking facilities. Provisions are also included to allow and regulate office uses and special uses such as day care centers.

901 **USES PERMITTED BY RIGHT**

Land, buildings or premises shall be used by-right for only one or more of the following uses:

1. All uses permitted by right or by special exception in the CBD Central Business district.
2. Convenience store.
3. Grocery store or supermarket.
4. Shopping center
5. Beverage distributor.
6. Catering establishment
7. Laundry and dry cleaning establishment or laundromat.
8. Medical or dental clinic or office.
9. Dance studio, martial arts school or other private instructional studio or school.
10. Movie theater or other indoor amusement or recreational use such as a bowling alley, children and family fun center, or other similar use provided, however that said facility is supervised by at least one employee during all hours that the facility is open for business

11. Veterinarian, animal hospital, animal grooming establishment, or animal boarding house.
12. Tradesman's shops such as those for electricians, carpenters, plumbers, cabinetry makers or similar establishments including a retail outlet or showroom.
13. Automobile sales, leasing, and repair and service establishments, excluding auto body repair and painting businesses.
14. Private, commercial educational institution or establishment such as a business or trade school.
15. Religious use, including accessory dwelling, subject to the provisions of Section 1706.
16. Lodge halls, clubhouses and associated facilities, including auditoriums for private or public use, subject to the provisions of Section 1709.
17. Drive-through restaurant or bank or similar drive-through use.
18. Municipally owned, public surface parking lot.
19. Public utility.
20. Any use of the same general character as any of the above permitted uses, as determined by the Zoning Hearing Board, subject to the compatibility standards in Section 1619.

902 **USES PERMITTED BY SPECIAL EXCEPTION**

The following uses shall be permitted by special exception only, subject to the applicable provisions of Articles 17 and 21:

1. Wholesale establishments including retail showroom and display space.
2. Gasoline service station, including self-service station, subject to Section 1712.
3. Car wash, subject to Section 1713.
4. Funeral home or mortuary, subject to Section 1716.
5. Hotel or motel, subject to Section 1708.

- 6. Public parking lot or deck as principal use on a lot.
- 7. Standard collection facility for recycling.
- 8. Multiple drive through facilities for restaurants and banks, provided that there is room for four automobiles for each stacking lane and that access for vehicular storage and stacking is maintained in such a manner so as not to interfere with the safe movement of on and off-site vehicular and pedestrian traffic.

903 **CONDITIONAL USES**

- 1. Daycare center or group daycare home, subject to Section 1803.2

904 **ACCESSORY USES**

- 1. All accessory uses permitted in the CBD Central Business district.
- 2. Wireless communications antenna attached to an existing structure subject to the provisions of Section 1803.1.
- 3. Outdoor storage, provided that the area is located in the rear or side yard and is completely screened by a solid fence not less than six (6) feet in height.
- 4. Any accessory use on the same lot with and customarily incidental to any of the uses permitted above and not detrimental to the neighborhood.

905 **AREA AND BULK REGULATIONS**

Unless specifically stated otherwise, the following shall be minimum requirements:

- 1. Individual Establishments
 - a. Lot area - Five thousand (5,000) square feet.
 - b. Lot width - Fifty (50) feet.
 - c. Front yard
 - 1). In built up block - Not less than prevailing front yard setback on block.
 - 2). In other areas - Twenty (20) feet.

- d. Side yard - Ten (10) feet on each side.
- e. Rear yard - Twenty (20) feet.
- f. Impervious surface - Eighty (80) percent, maximum.
- g. Height - Three (3) stories or forty (40) feet maximum.

2. Shopping Centers

Developments in shopping centers may consist of attached establishments or detached, individual establishments. The following shall be minimum requirements unless specifically stated otherwise:

- a. Tract area - Two (2) acres.
- b. Tract width - Two hundred (200) feet.
- c. Front setback - Seventy-five (75) feet.
- d. Distance from property line - Seventy-five feet (75).
- e. Distance between buildings - Forty (40) feet.
- f. Impervious surface - Eighty (80) percent, maximum.
- g. Height - Forty (40) feet, maximum.

906

SPECIAL DEVELOPMENT REGULATIONS

- 1. All parking areas, driveways and loading areas shall be provided with a lighting system to adequately meet the needs of the area. All lighting shall be shielded from traffic on any public right-of-way and from any residential district.
- 2. Screening and landscaping shall be provided in accordance with all applicable provisions of Sections 1613 and 1614.
- 3. All applicable provisions of Articles 14 (Parking) and 15 (Signs) shall be followed.

ARTICLE 10

BI - BUSINESS / INSTITUTIONAL DISTRICT

1000 DISTRICT PURPOSES

The purposes of this district are to provide for the development of non-nuisance business and light industrial operations geared towards modern technological uses and/or educational, medical, or other office and institutional uses providing services to the Borough and surrounding region. Regulations are included requiring screening and landscaping as well as lighting and storage requirements to minimize impacts within the district and to protect adjacent residential neighborhoods.

1001 USES PERMITTED BY RIGHT

Land, buildings, or premises shall be used by-right for only one or more of the following uses:

1. Warehouse, distribution, mail order or catalogue facility, wholesale showroom or similar use.
2. Light industrial uses as defined in Article 2 that comply with the requirements of Article 19, Performance Standards and do not constitute a hazard or nuisance to nearby residences and the surrounding neighborhood.
3. Laboratory for scientific or industrial research, testing or experimentation as defined in Article 2 and in compliance with Article 19, Performance Standards.
4. Electronic data processing center or similar technology facility.
5. Printing, publishing, photofinishing, or lithography and binding establishment in compliance with Article 19, Performance Standards.
6. Office or office building, including medical or dental office or clinic.
7. Private commercial educational institution such as a business or trade school or other indoor vocational training facility.
8. Public university or college satellite or ancillary facility.

9. Laundry or laundry service facility.
10. Rental storage facility.
11. Any facility or use of the same general character as any of the above permitted uses, as determined by the Zoning Hearing Board, subject to the compatibility standards in Section 1619.
12. Any combination of the above permitted uses or permitted conditional uses in section 1002 provided apartments are located above the first floor and the that retail stores or shops are located on the ground floor.

1002 **CONDITIONAL USES**

1. Apartments, located above the first floor or apartment building.
2. Retail store or shop or commercial service establishment. Retail stores or shops shall be located on the ground floor of all buildings.
3. Day Care Center or group day care home subject to the applicable provisions of Article 18.

1003 **ACCESSORY USES**

The following accessory uses shall be permitted:

1. Indoor storage in conjunction with a permitted use.
2. Outdoor storage, provided that the area used for such storage is located in the side or rear yard and is completely screened from adjoining non industrial properties by a solid opaque fence or wall not less than six (6) feet in height. No materials shall be stored in a manner to project above the fence or wall with the exception of vehicles and mechanical equipment.
3. Cafeteria, dining hall or similar facility for the exclusive use of the occupants and employees of the building and their guests
4. Recreation area for employees.
5. Living quarters for watchmen or caretakers.
6. Parking, subject to Article 14.
7. Signs, subject to Article 15.

8. Satellite antenna, subject to Section 1609.
9. Small collection facility for recycling.
10. Wireless communications antenna on an existing structure subject to the applicable provisions of Article 18
11. Any accessory use on the same lot with and customarily incidental to any of the uses permitted above and not detrimental to the neighborhood.

1004 **AREA AND BULK REGULATIONS**

Unless specifically stated otherwise, the following shall be minimum requirements:

1. Building length - One hundred and fifty (150) feet.
2. Building width - One hundred (100) feet.
3. Front yard - Twenty-five (25) feet.
4. Side yards - Ten (10) feet on each side of building.
5. Rear yard - Twenty (20) feet.
6. Building coverage - Sixty (60) percent, maximum.
7. Impervious surface - Eighty (80) percent, maximum.
8. Building height - Five (5) stories or seventy (70) feet, maximum.

1005 **SPECIAL DEVELOPMENT REGULATIONS**

1. Screening
 - a. In the case of new construction or alteration of a property that abuts or is directly across the street from an existing residential use, there shall be a planted visual screen on the industrial property at or near its boundary with the residential property.
 - b. All applicable requirements of Sections 1614 and 1615 relating

to screening and landscaping shall be followed.

2. Parking

Parking shall be permitted in required yards, provided that such parking is at no point closer than six (6) feet from the right-of-way line of a public street and complies with the requirements of Article 14.

3. Lighting

Lighting shall be required as per the provisions of Section 1608.

4. Storage and waste disposal

a. No highly flammable or explosive liquid, solid or gas shall be stored in bulk above ground, with the exception of tanks or drums of fuel directly connected with energy devices, heating devices or appliances located on the same lot as the tanks or drums of fuel. Above ground tanks shall be enclosed by a minimum five-foot high wall or fencing made of flame retardant or resistant materials.

b. Outdoor storage facilities for fuel, raw materials and finished products, shall be enclosed by a fence that is a minimum of six (6) feet in height

c. No materials or byproducts shall be deposited upon a lot, in such a form or manner in which they could be transferred off of said lot by natural causes or forces.

d. All materials, byproducts or wastes that might cause fumes or dust or that constitute a fire hazard or that may be edible or otherwise attractive to rodents or insects shall be stored outdoors only in closed containers, adequate to eliminate such hazards.

e. Trailers or vehicles may be used for storage purposes, provided that such trailers or vehicles are located in the rear or side yard of a lot and are effectively screened from public streets. A permit must be obtained from the Borough prior to using trailers or vehicles for storage purposes for three (3) or more consecutive days.

f. Also see the requirements of Section 1610.

ARTICLE 11

I - INSTITUTIONAL DISTRICT

1100 DISTRICT PURPOSES

The purposes of this district are to provide for and regulate a variety of institutional/medical uses and to preserve and protect the many existing institutional uses located in this district. Large institutions occupy large parcels of land in the Borough and represent a significant portion of the remaining open space. Appropriate control of these properties, the activities conducted thereon and possible changes in their future use is essential to preserve the open space and character of the development in this district. These regulations are intended to promote the effective operation of major institutions in a harmonious and mutually beneficial relationship with the surrounding community.

1101 USES PERMITTED BY RIGHT

Land, buildings or premises shall be used by-right for only one or more of the following uses:

1. Government building or use.
2. Civic use such as a community center, public library, senior citizens center or similar use.
3. Hospital, medical or dental clinic or center and related offices.
4. Nursing home.
5. Assisted living facility for the elderly.
6. Public or private school, college or other academic educational institution, except business or trade school, dance studio or similar establishment for commercial instruction, subject to the provisions of Section 1707.
7. Community residence facility, group-based, subject to Section 1612.
8. Day care center or group day care home subject to the provisions of Section 1803.2.
9. Religious use, including accessory use and dwelling, subject to the

- provisions of Section 1706.
10. Cemetery.
11. Public park or recreational use.
12. Municipally owned, public surface parking lot.
13. Any use of the same general character as any of the above permitted uses, when such determination is made by the Zoning Hearing Board. In deciding whether a proposed unlisted use is of the same general character, the Board shall apply the compatibility standards in Section 1619.

1102 USES PERMITTED BY SPECIAL EXCEPTION

The following uses shall be permitted by special exception only, subject to the applicable provisions of Articles 17 and 21:

1. Private outdoor recreational use, including swim club.
2. Public utility, except for garage, warehouse and storage yard.

1103 ACCESSORY USES

1. Playfield, open space and recreational facility in conjunction with a permitted use.
2. Parking garage or area.
3. Living accommodation for watchman, caretaker or staff of a permitted institution whose duties require them to sleep or reside on the premises.
4. Offices of staff doctors or similar professionals associated with a permitted use.
5. Restaurant or cafeteria for use of employees, students or visitors of a permitted use.
6. Storage building, enclosure or area associated with a permitted main use.
7. Off-street parking and loading, subject to Article 14.
8. Sign, subject to Article 15.

- 9. Satellite antenna, subject to Section 1609.
- 10. Small collection facility for recycling, subject to the provisions of Section 1717.
- 11. Any accessory use on the same lot with and customarily incidental to a permitted main use and not detrimental to the surrounding community.

1104 **AREA AND BULK REGULATIONS**

Unless specifically stated otherwise, the following shall be minimum requirements:

- 1. Lot area - One (1) acre.
- 2. Street frontage - One hundred (100) feet.
- 3. Setbacks
 - a. From exterior road - Seventy-five (75) feet.
 - b. From interior road or driveway - Twenty (20) feet.
 - c. From side and rear property lines - Forty (40) feet.
- 4. Distance between buildings - Forty (40) feet.
- 5. Height - Seventy-five (75) feet, maxi-

1105 **DEVELOPMENT REQUIREMENTS**

- 1. Development may be on individual lots or by addition of new buildings on a lot or parcel with one (1) or more existing buildings.
- 2. More than one (1) building is permitted on a single lot, provided that the setback and spacing requirements in Section 1104 are met.
- 3. The lot area and street frontage requirements shall not apply in cases where a building or buildings are added to existing buildings on a lot, provided that the parking requirements in Article 14 are met and building separation as per Section 1104.4 is maintained.

4. Where new buildings are constructed on the same lot or parcel as existing institutional buildings, consideration shall be given to connecting the interior driveways of such new buildings with the driveways serving existing buildings in order to limit the number of access points on Lansdowne Avenue.
5. All applicable regulations concerning screening (Section 1613) and landscaping (Section 1614) shall be followed.
6. All parking facilities and signs shall comply with Articles 14 and 15, respectively.

1106 **FUTURE USE OF INSTITUTIONAL LAND**

Institutional land and the uses for which it provides have a special impact on the community. This is particularly true in a community such as Darby, where institutional properties are the largest tracts of land and represent a significant portion of the open space remaining in the Borough. Accordingly, the Borough has a special interest in the future of such properties in the event of abandonment or change in existing use.

It is the intent of this section to ensure a reasonable choice of appropriate use in the event of the sale, abandonment, nonuse or change of use of institutionally zoned land. In such event, on its own motion or upon petition for rezoning, the Planning Commission shall consider whether the land is suitable for continued institutional use or whether it should be rezoned for other use and shall make appropriate recommendations to Borough Council.

ARTICLE 12

IND INDUSTRIAL DISTRICT

1200 DISTRICT PURPOSES

The purposes of this district are to provide for a variety of manufacturing, industrial, storage and automotive establishments with minimum lot areas and other requirements to properly accommodate these uses and to allow certain uses only by special exception because of their potential impacts on the district and adjacent areas. Regulations are included requiring screening and landscaping as well as lighting and storage requirements to minimize impacts within the district and to protect adjacent residential districts and neighborhoods. All of the following uses shall comply with standards and requirements of Article 19, Performance Standards.

1201 USES PERMITTED BY RIGHT

Land, buildings, or premises shall be used by-right for only one or more of the following uses, subject to the provisions of Article 19:

1. Wholesale, distribution or warehouse facility.
2. Laboratory for scientific or industrial research, testing or experiment, provided that the process does not create any human or environmental harms or damages from fire or hazardous wastes or other similar impacts.
3. Printing, publishing, photofinishing, lithographing and binding.
4. Laundry, laundry service, cleaning and dyeing facility.
5. Machine, plumbing, cement, heating, carpentry, welding, roofing, pipe fitting or similar establishment.
6. Trucking facility.
7. Yards or operations of general contractors, builders or similar tradesmen.
8. Automobile and truck sales, service and repair, including body repair, painting, towing, varnishing and detailing.
9. Manufacture, compounding, processing, assembly or treatment of articles or merchandise from previously prepared materials.

10. Manufacture, compounding, processing, packaging or treatment of products such as candy, drugs, pharmaceutical and food products.
11. Manufacture of ceramic products using only previously pulverized clay, paper or cardboard boxes, containers and novelties from previously prepared paper or cardboard.
12. Manufacture, assembly and service of electrical or electronic devices, such as appliances and instruments not in excess of fifty (50) cubic feet.
13. Manufacture and assembly of small home, commercial and industrial electrical appliances, supplies and equipment (not including electrical machinery); electrical or electronic instruments and devices, such as precision instruments and measuring and control devices; medical, dental, drafting and similar scientific and professional instruments; optical goods and equipment; clocks and watches; and jewelry, cameras and photographic equipment.
14. Light metal processes, including metal finishing, grinding, polishing and heat treatment; metal cutting and extrusion of small products (such as costume jewelry and pins); assembly and manufacture of radio and television receivers; and manufacture of light machinery (such as business machines).
15. Mail order facility.
16. Rental storage facility.
17. Municipally owned, public surface parking lot
18. Standard collection facility and processing facility for recycling, subject to the provisions of Section 1717.
19. Any facility or use of the same general character as any of the above permitted uses, as determined by the Zoning Hearing Board, subject to the compatibility standards in Section 1619.

1202

USES PERMITTED BY SPECIAL EXCEPTION

The following uses shall be permitted by special exception only, subject to the applicable provisions of Articles 17, 19 and 21.

1. Tattoo parlor.
2. Adult Uses

1203 **ACCESSORY USES**

The following accessory uses shall be permitted:

1. Storage in conjunction with a permitted use.
2. Outdoor storage, provided that the area used for such storage is located in the side or rear yard and is completely screened from adjoining nonindustrial properties by a solid opaque fence or wall not less than six (6) feet in height. No materials shall be stored in a manner to project above the fence or wall with the exception of vehicles and mechanical equipment.
3. Cafeteria, dining hall or similar facility for the exclusive use of the occupants and employees of the building.
4. Recreation area for employees.
5. Living quarters for watchmen or caretakers.
6. Parking, subject to the provisions of Article 14.
7. Signs, subject to the provisions of Article 15.
8. Satellite antenna, subject to Section 1609.
9. Small collection facility for recycling, subject to Section 1717.
10. Any accessory use on the same lot with and customarily incidental to any of the uses permitted above and not detrimental to the neighborhood.

1204 **AREA AND BULK REGULATIONS**

Unless specifically stated otherwise, the following shall be minimum requirements:

- | | | | |
|----|----------------------------|---|--|
| 1. | Lot area | - | Seven thousand five hundred (7,500) square feet. |
| 2. | Lot width at building line | - | Seventy-five (75) feet. |
| 3. | Front yard | - | Thirty (30) feet. |
| 4. | Side yards | - | Ten (10) feet on each side of |

- building.
- 5. Rear yard - Twenty (20) feet.
- 6. Impervious surface - Seventy (70) percent, maximum.
- 7. Height - Three (3) stories or forty-five (45) feet, maximum.

1205 **SPECIAL DEVELOPMENT REGULATIONS**

- 1. Screening
 - a. In the case of new construction or alteration of a property that abuts or is directly across the street from an existing residential use, there shall be a planted visual screen that complies with the provisions of Section 1613 on the industrial property at or near its boundary with the residential property
 - b. All applicable provisions of Section 1614, Landscaping shall apply to uses in the Industrial district.
- 2. Parking

Parking shall be permitted in required yards, provided that such parking is at no point closer than six (6) feet from the right-of-way line of a public street.
- 3. Lighting

The provisions of Section 1608 shall apply to all development and uses within the Industrial district.
- 4. Storage and Waste Disposal
 - a. No highly flammable or explosive liquids, solids or gases shall be stored in bulk above ground, with the exception of tanks or drums of fuel directly connected to energy utilizing devices, or heating and cooling equipment or appliances located on the same lot as the tanks or drums of fuel.
 - b. All fuel, raw materials, and products stored outside along with their accompanying storage facilities shall be enclosed by a solid opaque fence that is a minimum of six (6) feet in height.

- c. No materials or wastes shall be deposited upon a lot in such a form or manner, that they can then be transferred off the lot by natural causes or forces.
- d. All materials or wastes that might cause fumes or dust or that constitute a fire hazard or that may be edible or otherwise attractive to rodents or insects shall be stored outdoors only in closed sealed containers, adequate to eliminate such hazards.
- e. Trailers or vehicles may be used for storage purposes, provided that such trailers or vehicles are located in the rear or side yards and are effectively screened from public streets. A permit must be obtained from the Borough prior to using trailers or vehicles for storage purposes for three (3) or more consecutive days.
- f. See also Section 1610.

ARTICLE 13

**TRANSIT ORIENTED DEVELOPMENT OVERLAY DISTRICT
(TOD)**

1300 PURPOSES

The purposes of this district are to promote well-integrated residential, commercial and other development close to regional public transit stations and terminals, support public transit by locating higher density, mixed-use development adjacent or near to transit stops, reduce automobile dependency and roadway congestion by combining trips and locating destinations within walking or biking distance, and provide an alternative to conventional development by emphasizing pedestrian-oriented mixed use development.

1301 APPLICABILITY

This TOD – Transit Oriented Development district is an overlay district that shall be superimposed on portions of the underlying CBD Central Business district, HC Highway Commercial district, Industrial district and the BI Business/Institutional district that are within a 3/8’s mile radius of the Darby Transportation Center as shown on the official Borough Zoning Map that is part of this ordinance.

1302 CONFLICTS

Where a Transit Oriented Development is proposed, if the provisions of this overlay district do not agree with the standards of the underlying district, the provisions of this district shall control.

1303 REVIEW PROCEDURE

All plans for a TOD development must be reviewed by the Borough planning commission based on all applicable provisions contained in the MPC. As required by law, plans shall also be forwarded to the Delaware County Planning Commission for review.

1304 PROJECT LAYOUT AND USE MIX

Any proposal for development under the TOD overlay district shall be submitted as an overall, coordinated development plan and shall contain at least one of the use subtypes – residential, nonresidential, mixed-use – specified in Section 1305 below.

1305 **USES PERMITTED BY RIGHT**

The following uses, and no others, shall be permitted as part of a unified Development Plan for a TOD.

1. Residential Uses
 - a. Mid rise apartment buildings

2. Nonresidential uses
 - a. Bus or trolley terminal or station including public parking and related public utility infrastructure.
 - b. Retail stores or shops up to 5,000 square feet, including pharmacies, food stores, convenience stores and general merchandise stores, excluding gasoline service facilities and drive through windows or facilities.
 - c. Commercial service establishments such as barber or beauty salon, tailor, laundry, shoe repair, health and fitness club and related personal services.
 - d. Restaurants and cafés, including walk up windows but excluding drive though facilities
 - e. Banks and financial institutions, excluding drive-through facilities
 - f. Service oriented offices uses
 - g. Non-service oriented office uses on upper floors only
 - h. Museums, art galleries and other cultural, civic and community institutions or facilities
 - i. Child Day Care Center, subject to the provisions of Sections 1803.2

3. Mixed Uses

One or more of the above permitted use may be present in the same building having two or more stories. In such mixed use buildings, retail and other commercial uses shall be located on the ground floor while multi-family units and/or non-service oriented offices shall be located above the ground floor.

1306 **CONDITIONAL USES**

The following uses shall be permitted when authorized as a conditional use, subject to the applicable provisions of Article 18, Procedures and Standards for Conditional Uses and Special Exceptions.

1. Hotel, motel or bed and breakfast inn.

- 2. Any use of the same general character as those permitted in Sections 1305. Such use shall be permitted by the Borough Council upon the recommendation of the planning commission, when consistent with the purposes of the district, when complying with any standards specified in Article 18 and not detrimental to the surrounding neighborhood. To determine if a proposed use is of the same general character as any of the listed permitted uses, the Borough Council and Planning Commission shall evaluate its impacts in relation to the Compatibility Standards in Section 1619.

1307

ACCESSORY USES AND STRUCTURES

- 1. Off-street parking and loading, subject to Article 14.
- 2. Signs, subject to Article 15.
- 3. Commercial drop-off and pick-up boxes or stations for letters or packages and newspaper vending machines, provided that such boxes and/or machines shall be not be located within a right-of-way of a public street.
- 4. Plazas, squares, courtyards and urban gardens or other green space.
- 5. Public park or recreation area.
- 6. Transit facilities, including shelters and benches.
- 7. Any accessory use on the same lot with and customarily incidental to the principal use(s) on the property and not detrimental to the area.

1308

DIMENSIONAL STANDARDS

Unless specifically stated otherwise, the following shall be minimum requirements:

- 1. Mid rise apartment
 - a. Density - Between a minimum of twenty (20) and a maximum of thirty (30) units per acre.
 - b. Height - Fifty six (56) feet or four (4) stories, maximum.
 - c. Building length - Fifty (50) feet.

- d. Building coverage - Sixty-five (65) percent, minimum and ninety (90) percent, maximum
 - e. Impervious coverage - Ninety-five (95) percent, maximum.
 - f. Front Setback - Zero (0) feet minimum, ten (10) feet, maximum. May be increased to twenty-five (25) feet from front property line if a courtyard, plaza or seating areas are incorporated into the development adjacent to the public street.
 - g. Side setback - Three (3) feet minimum and thirty (30) feet, maximum.
 - h. Rear setback - Three (3) feet minimum and twenty (20) feet maximum
2. Non-residential buildings
- a. Height - Two (2) stories minimum or four (4) stories or fifty-six (56) feet, maximum
 - b. Building length - Thirty (30) feet.
 - c. Building coverage - Sixty (60) percent, minimum, Eighty-five (85) percent, maximum
 - d. Impervious coverage - Ninety-five (95) percent, maximum
 - e. Front setback - Zero (0) feet minimum, ten (10) feet, maximum. May be increased to twenty-five (25) feet from front property line in a courtyard, plaza of seating areas in incorporated into the development adjacent to the public street.

- f. Side setback - Five (5) feet, minimum and thirty (30) feet, maximum.
 - g. Rear setback - Five (5) feet minimum and twenty five (25) feet maximum
3. Mixed-use buildings
- a. Height - Four (4) stories or fifty-six (56) feet, maximum
 - b. Building coverage - Seventy (70) percent, minimum and one-hundred (100) percent, maximum
 - c. Impervious coverage - One-hundred (100) percent, maximum
 - d. Front setback - Zero (0) feet minimum, ten (10) feet, maximum. May be increased to twenty-five (25) feet from front property line in a courtyard, plaza of seating areas in incorporated into the development adjacent to the public street.
 - e. Side setback - Zero (0) feet, minimum and thirty (30) feet, maximum
 - f. Rear setback - Zero (0) feet minimum and fifteen (15) feet maximum.

1309

DEVELOPMENT AND DESIGN STANDARDS

- 1. Building Design
 - a. Building facades should be designed with window space, public access points and signage facing the street and sidewalk.
 - b. Facades should be visually interesting and diverse; flat, blank walls should be avoided to provide a pleasant pedestrian experience by connecting activities in a structure to the adjacent sidewalk or transit stop.

- c. All buildings shall provide clear windows along the ground floor of the primary front facades.
 - d. Where practicable, buildings shall have at least one (1) main entrance on the façade nearest to or facing a transit station or street leading to transit station.
 - e. The ground floor of the primary, front façade shall contain an average of 65% to 70% clear windows and doors. Smoked, reflective, tinted or black glass in windows is prohibited.
2. Pedestrian System and Building Orientation
- a. Sidewalks and public walkways shall be required in front of and/or adjacent to residential, commercial, or mixed-use buildings to connect with the pedestrian walkway system and to provide connection to transit stops and stations.
 - b. Sidewalks and public walkways shall be constructed of concrete pavers, brick, stamped colored concrete or integral colored concrete with brick borders and a minimum of five (5) feet wide.
 - c. Walkways that cross parking, loading, or driveway areas must be clearly identifiable through the use of elevation changes, speed bumps, different paving materials or other similar method.
 - d. Buildings shall be oriented toward the pedestrian by providing a direct link between the building and the pedestrian walkway network, with emphasis on directing people toward transit stops/stations.
 - e. Lighting shall be provided for parking areas and pedestrian paths to ensure safety and convenience.
 - f. Street trees planted at intervals of not less than fifty (50) feet shall be required along all sidewalks. Existing trees may count toward this requirement.
3. Parking Lots and Garages
- a. Surface parking shall preferably be located at the rear of buildings lots or if not feasible, at the side.

- b. Surface parking lots and parking structures shall not dominate a development site.
 - c. Surface parking areas serving permitted uses with 50 or more spaces shall be divided into separate areas by landscaped islands not less than 15 feet in width. Such parking areas shall have not more than 20 continuous parking spaces.
 - d. Surface parking areas shall be screened along all sidewalks by a 3 feet high fence, shrubs or similar treatment that is compatible with adjacent structures.
 - e. Shared parking is encouraged. Where applicable, a shared parking plan must be approved by the Borough. Shared parking and off site parking shall comply with the requirements of Section 1405.
 - f. The primary front façade of a parking structure visible from a public or private street or pedestrian way shall be pedestrian oriented and scaled. Building design shall be complementary to nearby active commercial facades, in terms of building materials and architectural pattern. Commercial or office floor space shall occupy a minimum of eighty percent (80%) of the ground floor façade.
 - g. Parking garages shall include pedestrian walkways and connection to the sidewalk/pedestrian system. These walkways shall be clearly marked and continuous in design.
 - h. The perimeter of a parking lot or parking structure shall be landscaped.
 - i. Parking lots and garages should include one (1) bicycle parking space per twenty (20) vehicle spaces with a minimum of two (2).
4. Bicycle Controls
- a. Bicycle parking facilities shall be provided for all office and multi-family structures, and freestanding commercial uses.
 - b. The number of bicycle parking spaces required for each use shall be as follows:

- Apartments - 1 space per four dwelling units
- Retail - 1 space per 2,000 square feet of gross floor area
- Office - 1 space per 4,000 square feet of gross floor area

- c. Bicycle parking facilities must be located in a secure, lockable and well-lighted area.
- d. All bicycle racks, lockers or other facilities shall be securely anchored to the ground or to the structure.

1310 **LANDSCAPING**

- 1. Landscaping shall be provided subject to the applicable provisions of Section 1614.
- 2. Not more than 20 percent of landscaping coverage required in Section 1614 may be provided in form of plazas, courtyards or other paved or hard surfaced areas.

1311 **DEVELOPMENT PLAN/CONCEPT PLAN**

- 1. A Conceptual Plan (CP) shall be prepared for any proposed development in the TOD district and shall be submitted to the Borough Council to advise them of the general scope and characteristics of the proposed development.
 - a. The Conceptual Plan shall depict the following proposed development features in a general fashion: building layout, land uses, bicycle and pedestrian pathways, parking and other similar items.
 - b. After the Borough Council reviews the Conceptual Plan and advises the applicant/developer of any desired revisions, the applicant shall submit a Development Plan (DP) to the Borough Planning Commission.
- 2. The DP shall first be submitted to the Borough Planning Commission and then, after review by the Planning Commission, to Borough Council.

3. The DP shall provide for the physical design of the proposed development relative to public improvements, development standards, urban design criteria and public incentives.
4. Input into the preparation of the DP shall include major stakeholders, including but not limited to major property owners, neighborhood organizations, local officials and other interested parties. These individuals shall serve as an advisory committee that will work with the Borough Council, Planning Commission, Borough Manager, other Borough officials, consultants and other appropriate parties to help prepare the DP.
5. The DP shall include the following components:
 - a. Existing land use, property ownership, development character, and related characteristics.
 - b. Real estate market analysis of the development potential of the site. The analysis shall consider potential demand for, residential and commercial (retail, service and office) uses.
 - c. Analysis of potential impacts of the development and projected infrastructure needs.
 - d. A traffic study.
 - e. Final development plan indicating development pattern by use, density, and similar characteristics; supporting infrastructure; pedestrian and bicycle system; urban design guidelines and implementation timetable.
 - f. An incentive package that includes public improvements to streets, traffic signals, sidewalks, curbs and gutters, streetlights, water and sewer infrastructure and park and recreation facilities.
 - g. The DP shall include any other information required by the Borough, as well as all the information required by the latest County Subdivision and Land Development Ordinance for the preparation of land development plans.

ARTICLE 14

PARKING REGULATIONS

1400 PURPOSES

The purposes of this Article are to adequately provide for the parking needs of all uses in the Borough while preventing the overbuilding of unused capacity, to reduce traffic congestion on public streets by getting parking off streets and to allow faster emergency access. The secondary purposes include providing for special parking needs of handicapped drivers and providing flexibility in meeting the Borough's parking problems and needs by methods such as common parking arrangements.

1401 APPLICABILITY

1. Basic Requirements

Off-street parking shall be provided in accordance with the requirements in Section 1402 below, except as modified by this section and section 1405.

2. Existing Structures and Uses

No building or use of land lawfully in existence prior to the effective date of this Ordinance shall be subject to the following requirements so long as the kind or extent of use is not changed so as to require additional parking.

3. The Provision and Retention of Facilities

All required parking facilities shall be provided and maintained so long as the use exists which the facilities were designed to serve. Off-street parking facilities shall not be reduced in total extent except when such reduction is in conformity with this Article.

4. A Change or Extension of Use

Except in the CBD Central Business district and the HC Highway Commercial district, whenever a structure is altered or a use is changed or extended which increases the parking requirements, then the total additional parking required for the alteration, change or extension shall be provided in accordance with Section 1402.

5. New construction and expansion of existing uses must provide the off-street parking spaces required in Section 1402. However, in the CBD Central Business district and the HC Highway Commercial district, the required spaces may be provided in any one or any combination of the following types of facilities or arrangements:
 - a. Off-street/on-site.
 - b. Off-site area (Section 1405).
 - c. Common parking area (Section 1405).
 - d. Municipal parking lot or structure.

Proposals for uses that would utilize parking in any arrangement other than the standard on-site/off-street manner must be accompanied by a written agreement between the applicant and the owner of the parking facility indicating that such parking spaces will be provided to serve the proposed use or expansion of an existing use. Prior to the approval of any proposed use or expansion necessitating other than the standard off-street/on-site parking, the Zoning Officer (ZO) must certify in writing that such parking arrangements have been executed and that all required spaces have thereby been provided.

1402 **REQUIRED PARKING RATIOS**

RESIDENTIAL USES	Minimum number of spaces required
Single-family dwelling, detached or semi detached, 1 bedroom	One (1) space
Single-family townhouse, 1 bedroom	One (1) space
Single-family dwelling, detached or semi-detached, more than 1 bedroom	Two (2) spaces
Single family townhouse, more than one 1 bedroom	Two (2) spaces
Multi-family dwelling unit, studio apartment or 1 bedroom	One (1) space per dwelling unit
Multi-family dwelling unit, 2 or more bedrooms	One (1) for every two bedrooms
Multi-family dwelling units for ages 55 and older	One point five (1.5) space per 4 dwelling units
Community residence facility	One (1) space for every 2 bedrooms, plus 1 for each employee
Assisted living facility	One (1) space for every four (4) residents plus one (1) for each full-time employee
Major home occupations	Maximum of two (2) spaces

RETAIL, COMMERCIAL OR OTHER BUSINESS USES	Number of spaces required
Retail store of shop	One (1) for every three hundred (300) square feet of gross floor area
Furniture or appliance store	One (1) for every four hundred (400) square feet of gross floor area
Convenience store	One (1) for every one hundred and fifty (150) square feet of gross floor area
Grocery, supermarket, baker or confectioner or other similar use	One (1) for every one hundred and twenty-five (125) square feet of gross floor area
Personal service business (barber, tailor...etc)	One (1) for every two hundred (200) square feet of gross floor area
General service and repair shops	One (1) for every four hundred (400) square feet of gross floor area
Shopping center	One (1) for every three hundred (300) square feet of gross floor area
Office (professional, business, medical, governmental or nonprofit)	One (1) for every two hundred (200) square feet of gross floor area
Banks, credit unions, and savings and loans	One (1) for every two hundred (200) square feet of gross floor area; One for every one hundred twenty five (125) for banks with drive-thru facilities.
Farmers market/auction house	One (1) for every five hundred (500) square feet of gross floor area
Eating and drinking establishments	
Sit-down	One (1) for every one hundred fifty (150) square feet of gross floor area, plus one (1) for every two (2) employees on the shift of greatest employment
With drive through service	One for every seventy five (75) square feet of floor area, plus one (1) for every two employees on the shift of greatest employment
Movie theater or other indoor amusement/entertainment center or use	One (1) for every three (3) seats, plus one (1) for every employee on the shift of greatest employment
Funeral home	One for every one hundred (100) square feet of floor area in viewing rooms or parlors, plus one (1) for each official funeral car and one for every two (2) employees exclusive of the resident family members
Hotel, motel or inn	One (1) for every guest room plus one (1) for every two (2) full-time employees
Gas station	One (1) stacking space per fueling aisle, plus one space per accessory use (air pump, vacuum). Spaces for convenience stores/mini marts, repair shops and car wash facilities shall comply with those specific requirements in this section.
Car wash	
Standard car wash	Two (2) per bay for stacking, plus two (2) between the exit of the facility and the street plus one (1) for each employee on the greatest shift
Self-service car wash	Two (2) per bay for stacking plus one (1) for standing between the exit of the facility and street
Laundromat	One (1) for every three hundred (300) square feet of gross floor area

RETAIL, COMMERCIAL OR OTHER BUSINESS USES (Continued)	Number of spaces required
Tradesman's shops (electrician, carpenter, plumber...etc).	One (1) space for every five hundred (500) square feet of floor area
Automobile service and repair or sales and leasing	Two spaces, either within or outside the structure for every three hundred (300) square feet of gross floor area
Adult use	One (1) for every three hundred square feet of gross floor area

GOVERNMENTAL, EDUCATIONAL OR INSTITUTIONAL USES	Number of spaces required
Churches, auditoriums and other spaces of public assembly	One (1) for every 5 seats
Community center, library, or similar use	One (1) for every 250 sq. ft. of gross floor area
Continuing care facility	One (1) for every 2 dwelling units
Group day care home	One (1) for every three hundred (300) sq. ft. of area devoted to day care use
Day care center	One (1) for every five hundred (500) sq. ft. of gross floor area plus one (1) for each adult attendant.
Primary and secondary schools	One (1) for each faculty member or other full-time employee, two for each classroom, plus one (1) for every twelve (12) students aged sixteen (16) years or older
Private commercial educational institution or establishment	One (1) for every two (2) faculty members and full-time employees, plus one (1) for every (3) students
Public college or university including a satellite or ancillary facility	One (1) for every two (2) faculty members and one (1) for every 3 students
Dormitories	One (1) for every three (3) residents
Hospital	One (1) for every three (3) patient beds, plus one (1) for each staff doctor, plus one (1) for every two (2) employees, including nurses
Nursing home	One (1) for every four (4) guest beds, plus one (1) for every two (2) employees
Recycling facility	
Small collection facility	Two (2) minimum for every facility
Standard collection facility	One (1) for every five hundred (500) square feet of floor area but no less than four (4)
Processing facility	One (1) for every seven hundred fifty (750) sq. ft. of gross floor area, plus one (1) for every employee on the shift of greatest employment

PUBLIC OR PRIVATE RECREATIONAL USES	Number of spaces required
Private clubs or lodge halls	One (1) for every one hundred fifty (150) sq. ft. area devoted to member or patron use
Bowling alley	Four for each lane
Gymnasium/stadium	One (1) for every four (4) seats
Outdoor commercial recreation	One (1) for every two thousand sq. ft.
Indoor commercial recreation and/or amusement use, including private instructional studio or school	One for every one hundred fifty (150) square feet of

INDUSTRIAL AND OTHER RELATED USES	Number of spaces required
Research and development facilities, light manufacturing and/or assembly establishments	One (1) for every seven hundred and fifty (750) square feet of gross floor area plus one (1) for every employee on the shift of greatest employment
Manufacturing, warehousing and distribution and storage (including printing and publishing establishments).	One (1) for every one thousand (1,000) square feet of gross floor area, plus one (1) for every employee on the shift of greatest employment

1403 GENERAL PARKING REGULATIONS FOR OFF-STREET PARKING

1. If the computation of the parking ratios listed in Section 1402 of this Ordinance results in a fraction, an additional parking space shall be required.
2. All parking areas, loading areas and driveways shall be graded and paved with a bituminous or asphalt surface or other suitable materials to prevent dust and erosion. Such areas shall also be drained in conformance with municipal standards to prevent excessive water flow onto streets, adjoining properties or area streams.
3. All non-residential off-street parking areas and residential off-street parking for multi-family uses shall be clearly line-stripped and maintained.
4. Freestanding establishments located adjacent to or within shopping centers shall have adequate parking as required in Section 1402 and will not rely on common parking to meet the aforementioned requirements, except where the conditions of Section 1405.2 are met.
5. All parking areas with five (5) or more spaces shall be adequately lighted so as to assist in the safe maneuvering of motor vehicles and to provide security for users of the lot. All lighting shall be arranged to avoid glare on adjacent properties.
6. No commercial motor vehicle with greater than two-wheel axles may

be stored on a lot in a residential district, unless such vehicle is stored in a private garage.

7. Parking or storage of disabled, partially dismantled or junk cars, trucks, boats or other vehicles shall be permitted on a lot for a continuous period of not more than seven (7) days.
8. Off-street parking shall be prohibited in the front yard in residential districts if sufficient parking area is available behind the building line.

1404

DESIGN REGULATIONS

1. The size of a standard parking space shall be nine (9) feet wide and twenty (20) feet long, an area of one hundred eighty (180) square feet. The average size over the course of an entire parking area, lot or facility shall be a minimum of 9.5 feet wide.
2. Parking spaces for the handicapped shall be twelve (12) feet wide by eighteen (18) feet long, an area of two hundred sixteen (216) square feet. Parking spaces for the handicapped must be located as close as possible to public entrances and ramps to buildings. Each space must be clearly marked with proper signage.
3. Handicapped spaces shall be provided in the amounts required below:

<u>Total Parking Spaces</u>	<u>Number of Required Handicapped Spaces</u>
10- 25	1
26- 50	2
51- 75	3
76-100	4

4. All off-street parking areas in non-residential districts for three (3) or more vehicles shall be designed so that vehicles need not back directly into a public street but can enter and leave the parking area in a forward motion.
5. All parking shall be accessible from a street or driveway.
6. All off-street parking areas, except driveways for single and two (2) family homes, shall be separated from the street or highway by a raised curb, planting strip, wall or other suitable barrier against unchanneled motor vehicle entrance or exit, except for necessary ingress and egress points.
7. Drive-through establishments such as fast food, automatic bank teller

and similar uses shall provide no fewer than five (5) waiting spaces for each drive-through lane. This is in addition to the space for the car being serviced.

8. Nonresidential and low and mid-rise apartment building two-way driveways shall be a minimum of twenty-two (22) feet wide and a maximum of thirty-six (36) feet wide. One-way driveways shall be a minimum of twelve (12) feet wide.

1405

COMMON PARKING AND OFF-SITE PARKING

1. Nothing in this Article shall be construed to prevent collective provision of off-site parking facilities for two (2) or more nonresidential buildings or uses, provided that the total of such off-site parking facilities provided collectively shall be not less than the sum of requirements for the various uses compiled separately. Such off-site parking area shall be adjacent to one of the buildings or uses and not farther than six hundred (600) feet from either building or use as measured from the edge of the parking facility to the building line of said structures or uses.
2. The number of spaces required in such a common parking area may be reduced below the sum of the total requirements if it can be demonstrated to the ZO that the hours or days of peak parking demand for the uses are so different that a lower overall total of parking spaces will adequately provide for the uses to be served. In such case sufficient parking shall be provided to meet the minimum needs of the use that requires the greater parking area.
3. Uses in the CBD Central Business and HC Highway Commercial districts may provide the required parking spaces (as per Section 1402) in off-site parking facilities. Such facilities shall be located not more than five hundred (500) feet from the principal entrance of the use. This distance shall be measured along the shortest sidewalk route between the use and the off-site parking facility.

1406

DESIGN OF OFF-STREET LOADING FACILITIES

1. In addition to the off-street parking spaces required in this Article, any building erected and/or enlarged for any nonresidential use shall provide off-street areas for loading and unloading and commercial vehicle parking spaces.
2. The minimum size loading space shall be fifty (50) feet long and twelve (12) feet wide, with an overhead clearance of fourteen (14) feet, exclusive of drives and maneuvering space. Such space shall be

located entirely on the lot being served. Any overhead canopy should extend a minimum of four (4) feet beyond a loading dock.

3. All loading space shall have adequate access from a street or public right of way which does not block or interfere with required parking as specified in Section 1402. This required space shall be provided in addition to established requirements for patron and employee parking.
4. In no case shall public rights-of-way be used for loading or unloading of materials. Furthermore, no loading dock or space shall be located or arranged in such a way that it is necessary to back any vehicle into or off any public right-of-way or require the use of any public right-of-way for maneuvering space.
5. All accessory driveways and entranceways shall be graded, paved and drained to comply with Borough ordinance standards to prevent nuisance of dust, erosion or excessive water flow across streets and adjoining properties.
6. All off-street loading berths shall be provided on either the side or rear of the lot. In no case shall off-street loading berths be provided in the front of the lot.
7. Such facilities shall be designed and used so as to at no time constitute a nuisance, a hazard or an impediment to traffic.

1407

SCREENING AND LANDSCAPING REQUIREMENTS

1. Screening between any parking area and the street line shall be effective at the time of occupancy, subject to the following provisions:
 - a. Nonresidential off-street parking areas that abut residentially zoned properties shall be screened from such adjacent uses.
 - b. Effective screening may be accomplished through the use of plant materials, fencing or walls and/or mounding using an earthen berm to form a continuous visual buffer in accordance with Section 1614.
 - c. The area for planting and fencing, walls or earthen berms shall not extend beyond the street line.
 - d. When planted visual screens are employed, the following shall apply:
 - (1) A buffer planting strip shall be provided. It shall be a

minimum of seven (7) feet in width unless specifically required otherwise in this Ordinance.

- (2) Planted visual screens shall be of sufficient height and density to constitute a continuous visual screen six (6) feet in height at the time of planting except as provided below.
 - e. When fencing or walls are employed, the effective height of the continuous visual buffer shall be not less than five (5) or more than six (6) feet.
 - f. Whenever earthen berms are employed, the effective height of the continuous visual buffer shall be not less than five (5) feet.
 - g. In the case of a parking lot which is the main use, such lot shall be enclosed, except for entrances and exits, by an ornamental fence or wall or by a compact evergreen ridge not less than four (4) feet high, except when the boundary of such parking lot is an adjoining building.
2. Landscaping within any parking area which provides twenty (20) or more parking spaces shall be subject to the following provisions:
- a. Off-street parking areas shall be landscaped to reduce wind and air turbulence, heat, noise and the glare of automobile lights; to reduce the level of carbon monoxide; to provide shade; to improve stormwater drainage problems; to replenish the groundwater table; and to provide for a more attractive setting.
 - b. The interior of each parking lot shall have at least one (1) three (3) inch caliper deciduous shade tree for every fifteen (15) parking spaces if there are no existing shade trees to satisfy this requirement. Shrubs and other plant materials are encouraged to be used to complement the trees but shall not be the sole contribution to the landscaping. These trees shall be in addition to those required as an effective screen. Trees selected for landscaping in parking areas shall be of a species proven to be salt and dust resistant.
 - c. Landscaped areas at least five (5) feet wide shall be provided around the periphery of parking areas. Such areas shall, at a minimum, extend the full length for necessary access ways to prevent the encroachment of moving vehicles into parking areas.

- d. Landscaped islands between every twenty (20) parking spaces or at the end of each parking row, whichever is less, shall be provided and shall be the length and width of the parking spaces.
- e. Existing plant material and trees with a caliper of six (6) inches or more shall be preserved wherever possible during construction. Such existing plants may be credited toward the amount of required plantings.

ARTICLE 15

SIGNS

1500 PURPOSES

The purposes of this Article are to regulate the type and dimensions of signs in the various zoning districts of Darby Borough, to recognize the commercial communication requirements of all sectors of the business community, to protect the public from damage or injury caused by or attributable to distractions and obstructions caused by improperly designed or located signs, and to safeguard property values by encouraging the use of signs that are consistent and harmonious in relation to the buildings and areas where they are placed.

1501 SCOPE AND APPLICABILITY

1. Any sign hereafter erected shall conform with the provisions of this Article and any other ordinance or regulations of the Borough relating thereto. Any sign not specifically authorized by the provisions of this Article shall not be erected in the Borough.
2. It shall be unlawful for any person, firm or corporation to erect, alter, rebuild, enlarge, extend or relocate signs listed in Section 1505 without first obtaining a permit from the Borough, except for those signs listed specifically in Section 1504.
3. Application for such permits shall be made in writing to the Borough in accordance with Section 1508.
4. The Zoning Officer is hereby authorized and empowered to revoke any permit issued by the Borough upon failure of the holder thereof to comply with any provision of this Article.
5. The provisions of this Article shall not apply where signage is erected and maintained by the Borough for Borough purposes, provided that, the Borough obtains all other required government permits prior to their use.

1502 DETERMINATION OF SIZE OF SIGNS

1. The size of any sign shall be determined in accordance with the provisions of this Article and the following:
 - a. When a sign consists of actual letters, numbers and/or logos

and not a lettered board and such sign is erected on or attached to a building wall or other similar surface, the size of such sign shall be measured by the geometric shape formed by the extreme outside edge of the largest letters, numbers or logos contained in the sign.

- b. When a sign consists of a lettered board and such sign is erected on or attached to a building wall or other similar surface, the size of such sign shall be determined by calculating the area of the lettered board.

1503 **SIGN RESTRICTIONS AND STANDARDS**

1. Prohibited Signs.

It is unlawful to erect or maintain the following signs:

- a. Flashing, blinking, twinkling, spinning, animated, inflatable, aerial, crane or lighted moving signs, including automatic color changing and rotating lamps and other moving objects that call attention to the sign.
- b. Advertising cloth or paper banner or signs of any similar character suspended or hung on any property, except for temporary banners. However, banners and pennants for public purposes shall be permitted in the CBD Central Business district.
- c. Wall bulletins or any other signs painted directly on the facade of a building or other structure.
- d. Curb or sidewalk signs or signs painted, attached or suspended from any outdoor bench, chair or similar structure.
- e. Swinging and hanging signs.
- f. Signs, letters, posters and advertisements which are tacked, pasted, tied or otherwise affixed to poles, posts, buildings, fences or other structures located on public property or within public rights-of-way in the Borough of Darby.
- g. Signs placed, inscribed or supported upon the roofline or any structure that extends above the roofline of any building.
- h. Freestanding signs advertising or identifying a business in the CBD Central Business district.

- i. Digital movable billboard signs.
2. Projecting Signs.

No new projecting signs shall be erected after the date of enactment of this Ordinance. Projecting signs in existence at the enactment of this Ordinance shall be considered nonconforming signs and shall be allowed to continue.

3. General Restrictions and Standards.

The following restrictions shall apply to all permitted signs:

- a. Where not inconsistent with this Article, all signs constructed or erected under the provisions of this Article shall comply with the standards set forth in the latest applicable version of the Pennsylvania Uniform Construction Code.
- b. Where applicable, the requirements of the Pennsylvania Department of Transportation in relation to signs shall be followed.
- c. No sign shall be located, arranged or placed in a position where it will cause danger to traffic or will interfere with traffic through glare; block required sight lines for streets, sidewalks or driveways; or cause confusion with a traffic control device by reason of color, location, shape or other characteristics or through any other means.
- d. Except for traffic signs, no sign shall be erected within the right-of-way lines of any public street except in the CBD Central Business district, nor shall any such sign be closer than six (6) feet to the right-of-way line of a public street, unless specifically authorized by other ordinances and regulations of the Borough of Darby or other governmental bodies or agencies having jurisdiction or regulatory authority in the matter.
- e. No illuminated sign shall be lighted on days when the business or permitted use is not open
- f. Every sign must be constructed of durable materials and shall be solidly and firmly attached, supported and/or anchored to the supports or framework.
- g. Every sign must be kept in good condition and repair. Any sign that is allowed to become dilapidated shall be removed by

and at the expense of the landowner or lessee of the property on which it is located.

- h. Except for traffic signs, incidental signs and billboards, all permanent signs shall be located on the property to which their text or message applies.
- i. Freestanding signs, wall signs, canopy signs and awning signs shall have a clearance of not less than eight (8) feet between the ground and the bottom of the sign.

4. Area of Multi-Faced Signs

- a. The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back to back so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than forty-two (42) inches apart, the sign area shall be computed by the measurement of one of these faces.

5. Freestanding Signs

- a. The bottom or lowest edge of any freestanding sign shall be no closer to the ground than eight (8) feet. At least six (6) feet of the upper portion of the eight (8) foot space shall be open and unobstructed. No more than two (2) feet above the ground level can be devoted to and maintained for flowers, ground covers and low spreading shrubs. If such plantings are installed, they shall be maintained at the maximum height of two (2) feet and shall be free of weeds, debris and other undesirable material.
- b. All single-post freestanding signs shall be made of metal, except for those used in residential districts which may be made of pressure treated timbers. All such posts shall be embedded in the ground at least three (3) feet six (6) inches unless otherwise directed by the Zoning Officer.
- c. Freestanding signs will be permitted in residential areas only when set back a minimum distance of six (6) feet from the front property line.
- d. Freestanding signs of an official nature or signs identifying the CBD Central Business district shall be permitted in the CBD

Central Business district.

- e. Freestanding signs shall only be illuminated by concealed or indirect lighting.
- f. There shall be a distance of not less than seventy-five (75) feet between freestanding signs.

6. Ground Signs

- a. The top edge of a ground sign shall be a maximum of five (5) feet above ground level.
- b. Ground signs shall be supported and permanently placed by embedding, anchoring or connecting the sign in such a manner as to incorporate it into the landscape or architectural design scheme.
- c. The setback shall be as required for freestanding signs in Section 1503.5 above.
- d. Illumination shall be as described in subsection 5e above relating to freestanding signs.

7. Window Signs

A maximum of twenty-five (25) percent of the total window area may be used for permanent signs that are etched, painted or permanently affixed to the window.

8. Temporary Signs

- a. The use of any temporary sign, except for sales or price change signs and signs exempt by Section 1504, shall require a permit which shall be effective for not more than thirty (30) days.
- b. Temporary signs shall be placed so as not to obstruct vehicular or pedestrian traffic or create a safety hazard.
- c. Such signs shall not obstruct access to or from any door, window, fire escape or ventilating equipment, nor be attached to any standpipe or fire escape.
- d. Temporary signs shall be removed immediately upon expiration of the permit.

- e. The size of these signs shall not exceed $1/3^{\text{rd}}$ of a square foot of sign area for each linear foot of building width.
 - f. Temporary commercial advertising signs shall not be attached to fences.
9. Sales or Price Change Signs
- a. The use of any sales or price change signs shall require a permit that shall be effective for not more than one (1) year.
 - b. The size of these signs combined shall not exceed fifty (50) percent of the area of the door, window or wall area to which they are affixed.
 - c. These signs shall not be attached to fences.

1504 **SIGNS FOR WHICH A PERMIT IS NOT REQUIRED (EXEMPT SIGNS)**

The following signs are exempt from the need to secure a permit but are subject to all other applicable provisions of this Article:

- 1. Public notice, warning or official traffic sign required by a federal, state or local law, regulation or ordinance.
- 2. Any sign inside a building not attached to a window or door that is not legible from a distance of more than three (3) feet beyond the lot line of the property on which such sign is located.
- 3. Building markers that only include building name, date of construction or historical data on an historical site, provided that there is only one (1) per building with a maximum area of six (6) square feet.
- 4. Flags of the United States, the Commonwealth of Pennsylvania, foreign nations having diplomatic relations with the United States or any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction, provided that such flag does not exceed sixty (60) square feet in area and shall be flown from a pole not more than forty (40) feet in height.
- 5. Incidental signs containing no commercial message of any kind, provided that such signs do not exceed eight (8) square feet.
- 6. Signs advertising the sale or rental of the premises or lot upon which they are erected, provided that there is no more than one (1) such sign per street frontage. Such sign shall be neither illuminated nor exceed six (6) square feet. All such signs shall be removed on or before the

date of settlement.

7. Signs advertising the development of the premises where they are erected. Such signs shall not exceed six (6) square feet in residential districts and thirty-two (32) square feet in nonresidential districts. All such signs shall be removed on or before the date of settlement.
8. Nameplate signs on private residences, provided that they do not exceed one hundred forty-four (144) square inches.
9. Decorations for an officially designated holiday provided however, that they do not create a traffic or fire hazard.
10. Yard sale or garage sale signs, provided that they do not exceed two (2) square feet and are removed within twenty-four (24) hours after such sales.
11. Signs announcing educational, charitable, civic, religious or similar campaigns or events, provided that such signs are erected for a period not to exceed thirty (30) days or more than four (4) times in any calendar year for a maximum annual total of one hundred twenty (120) days. Such signs shall not exceed eight (8) square feet. However, if these signs are proposed for placement on telephone poles, a permit shall be required.
12. Changeable copy signs for churches, schools and other uses which by their nature require such signs provided that only one (1) such sign shall be permitted. However, in the case of a corner property one (1) additional sign is permitted on the side of the property. The size of such signs shall not exceed sixteen (16) square feet.

1505

SIGNS FOR WHICH A PERMIT IS REQUIRED

The following signs, as described under each zoning district or group of districts, are permitted, provided that they meet the conditions in Section 1503 and a sign permit has been obtained:

1. Signs in the R-1, R-2, R-3, and R-4 Residential Districts. The following types of signs and no others shall be permitted:
 - a. Nameplate signs, not exceeding two hundred eighty-eight (288) square inches.
 - (1) Not more than one (1) such sign per dwelling shall be permitted.

- b. Identification signs for apartment buildings or complexes, schools, churches, hospitals and similar permitted uses other than individual dwellings, provided that:
 - (1) Such signs shall be freestanding signs, ground signs or wall signs only. Freestanding or ground signs shall not exceed four (4) feet in height.
 - (2) Not more than one (1) wall sign and one (1) free-standing or ground sign shall be permitted for each frontage.
 - (3) The size of freestanding, ground and wall signs shall not exceed twenty (20) square feet.
 - c. Signs identifying nonresidential uses permitted as valid nonconforming uses, provided that they meet the same requirements as subsection b above.
 - d. Signs identifying major home occupations and home professional offices (accessory use signs).
 - (1) Types of signs permitted shall be ground signs or wall signs.
 - (2) Ground signs and wall signs shall not exceed six (6) square feet.
 - (3) A professional office or home occupation may display one (1) ground sign or one (1) wall sign but not both.
 - e. Except for signs for uses noted in subsection c above, illumination, where provided, shall be by external white light only.
2. Signs in the PRD Planned Residential Development district
- a. One freestanding or ground sign shall be permitted at each vehicular entrance to a planned residential development not exceeding four (4) feet in height and twenty (20) square feet in area.
 - b. A recreation or community center located within a planned residential development may have one (1) freestanding or ground sign not exceeding four (4) feet in height and twelve (12) square feet in area. An additional directional sign with a

maximum area of two (2) square feet may be either added to and combined with the identification sign or be separate.

- c. There shall be one directional ground sign permitted per interior road segment to direct traffic to the various areas of the development. These signs shall not exceed four (4) square feet in area.
- d. There shall be one ground or wall sign permitted to identify each apartment building or the range of addresses within an apartment. Such signs shall not exceed four (4) square feet in area.

3. Signs in the I Institutional District

The following types of signs and no others shall be permitted in the I Institutional district.

- a. The types of signs permitted shall be wall signs, freestanding signs and ground signs.
- b. Not more than one (1) wall sign and one (1) freestanding sign or one (1) ground sign shall be permitted for each frontage.
- c. The size of wall signs shall not exceed one (1) square foot of sign area for every two (2) feet of building width.
- d. The size of freestanding signs or ground signs shall not exceed sixteen (16) square feet.
- e. Illumination, when provided, shall be by external white light only.

4. Signs in the CBD Central Business District

The following signs and no others shall be permitted in the CBD Central Business district.

- a. Any sign permitted in a residential district with the requirements in that district, as noted in Section 1505.1.
- b. Wall signs, canopy/awning signs and window signs. Also freestanding signs identifying the CBD Central Business district.
- c. The size of wall signs shall not exceed one (1) square foot of sign area for each linear foot of building width.

- d. Wall signs shall not be placed within one (1) foot of the edge of the front wall of the building.
 - e. There shall be not more than one (1) wall sign for each frontage. However, for buildings on corner lots signs fronting on side streets an additional wall sign shall be allowed that does not exceed one half (1/20 square foot of sign area for each linear foot of building width.
 - f. The size of freestanding signs shall be not more than eight (8) square feet.
 - g. Awning or canopy signs may be substituted for wall signs with the same requirements as noted in subsections 1505.3.c and d above.
 - h. The canopy or awning on which the canopy or awning sign is placed may extend the full width of the building. However, the awning or canopy shall not extend more than five (5) feet from the front wall.
 - i. Where there is a business on the second floor, one (1) additional wall sign, not greater than eight (8) square feet, shall be permitted.
 - j. Multi-tenant buildings, as defined in Article 2, shall be permitted signs identifying the building. Such signs shall comply with the provisions of this section (1505.3). In addition, each tenant in a multi-tenant building shall be permitted one (1) wall sign that shall not exceed four (4) square feet.
 - k. All proposed signs shall be submitted to the Borough Code Official for his or her evaluation as to whether the proposed sign complies with the goals for the CBD Central Business district, as stated in Community Development Objectives for Darby Borough that are a part of this ordinance. The applicant shall be required to meet with the Planning Commission to discuss the proposed sign. The Planning Commission may offer suggestions to modify the proposed sign so that it is in accordance with the goals for the CBD as noted in the Community Development Objectives for the Borough.
5. Signs in the HC Highway Commercial, BI Business Institutional and IND Industrial Districts

The following signs and no others shall be permitted in the HC Highway Commercial, BI Business Institutional and the IND Industrial districts.

- a. Any sign permitted in a residential district with the requirements noted in Section 1505.1.
- b. Wall signs, freestanding signs, ground signs, awning or canopy signs and window signs.
- c. There shall be not more than one (1) wall sign for each frontage.
- d. The size of wall signs shall not exceed one and one half (1½) square feet of sign area for each foot of building width.
- e. Not more than one (1) freestanding sign or ground sign for each frontage shall be permitted. See the limitations noted in Sections 1503.5 and 1503.6.
- f. The size of freestanding signs and ground signs shall not exceed thirty-six (36) square feet in the HC Highway Commercial and BI Business Institutional districts and sixty (60) square feet in the IND Industrial district.
- g. Awning or canopy signs may be substituted for wall signs with the requirements noted in subsections 1505.4.c and d above.
- h. Window signs shall be permitted in accordance with Section 1503.7.
- i. Signs in shopping centers.
 - (1) All signs permitted for individual establishments shall be permitted for shopping centers. See subsection 1505.4.b above.
 - (2) The freestanding sign identifying a shopping center shall not exceed fifty (50) square feet. The same sign may contain the names of individual establishments in the shopping center with the allotted sign area for each establishment of not more than ten (10) square feet. The identification of each establishment shall be permitted in addition to the fifty (50) square foot (maximum) area identifying the shopping center.

- (3) One (1) such freestanding sign shall be permitted for each road frontage.
- (4) For interior establishments, only one (1) wall sign shall be permitted.
- (5) The size of wall signs shall be one (1) square foot of sign area for every linear foot of building or establishment width.
- (6) One (1) additional wall sign shall be permitted on end or corner establishments. The size of this additional sign shall not exceed fifty (50) percent of the area of the principal wall sign.

1506 **BILLBOARDS**

The following provisions relating to billboards are designed promote and protect the general public health, safety and welfare by regulating existing and proposed billboards. They are intended to reduce billboard advertising distractions that may contribute to traffic accidents and personal injuries and other hazards that arise out of proliferation of billboards within a limited geographic area. The provisions are also designed to protect property values, create a more attractive economic and business climate, enhance the physical appearance of the community and generally provide a pleasing and enjoyable environment.

1. Billboards shall be permitted only in the HC Highway Commercial district as a use by right.
2. Billboards shall only be allowed as freestanding signs and shall not be located on top of or be attached in any manner to a building or other structure.
3. Billboards shall be independently supported and have vertical supports of metal that are galvanized or otherwise treated to prevent rust and corrosion,
4. Only one billboard shall be permitted on a lot at any given time.
5. Each face of a billboard shall be demonstrated to be oriented toward the road upon which the billboard fronts or faces to cause the least impact upon neighboring properties.
6. No billboard shall be erected within one thousand (1000) feet of another billboard.

7. The maximum size of billboards shall be one hundred and fifty (150) square feet.
8. The minimum distance from a street right-of-way shall be thirty-five (35) feet.
9. The height of billboards shall not exceed the maximum permitted building height by more than twenty (20) feet.
10. External illumination of any and all sign faces on a billboard shall be shielded to prevent the light source from being seen from adjacent or nearby residential properties, streets or sidewalks.
11. Notwithstanding the above, no billboard shall be located within the safe clear sight distance or safe stopping distance of a signalized intersection, which distance shall be determined in accordance with applicable PennDOT standards; and no part of a billboard sign shall interfere with or obstruct vehicle traffic, travel or ingress and egress to a public street or generally where it will obscure the vision of motorists and thereby create a safety hazard.
12. All billboards shall be inspected in accordance with Section 1508.
13. Where a billboard structure contains no advertisement or message for a period of one hundred and twenty (120) consecutive days, the Zoning Officer shall forward a notice to the owner of the sign advising the owner of the unused status of the sign structure. The owner shall be required to remove the sign structure, provided that no advertising or message is placed thereon within one hundred eighty (180) days from the original notice.
14. A removal bond, in form and amount satisfactory to the Borough shall be posted with the Borough to ensure that a billboard sign will be properly removed upon abandonment or other termination of use.

1507 NONCONFORMING SIGNS

Signs that are nonconforming or identify nonconforming uses shall be governed by the following requirements.

1. A sign which is nonconforming at the effective date of this Ordinance may be continued although such sign does not conform with the provisions of this Ordinance, but the size of any such nonconforming sign shall not be enlarged, except as permitted in Section 2102.

2. A nonconforming sign may be changed to or replaced by another nonconforming sign, provided that the degree of nonconformity is not greater than that of the original sign. Whenever a nonconforming sign has been changed to a more restricted nonconforming sign, such sign shall not thereafter be changed to a less restricted nonconforming sign.
3. Where the name of the establishment is changed, any nonconforming sign at such establishment must be removed, and any new sign must conform to the provisions of this Ordinance.
4. No nonconforming sign which has been damaged to more than fifty (50) percent of its value or has been removed or discontinued for ninety (90) days shall be repaired, rebuilt or replaced, except as a conforming sign (or when authorized as a special exception).
5. If a nonconforming use of a building ceases or is discontinued for a continuous period of twelve (12) months or more and such nonconforming use is deemed to be abandoned as per Section 2205 of this Ordinance, any nonconforming sign on the premises shall also be considered abandoned and any subsequent signs erected or maintained on the premises shall be in conformity with the provisions of this Ordinance.

1508

PERMITS AND INSPECTIONS

1. Except as otherwise provided in Section 1504 relating to exempt signs, no sign shall be erected in the Borough until a permit therefore has been obtained in the following manner:
 - a. An application in writing, filed on forms provided by the Borough shall be made to the Zoning Officer by the person desiring the permit.
 - b. The application submitted to the Zoning Officer shall give full particulars regarding the size, shape, material and supports of the sign as well as a sketch or sketches showing the location of the sign on the building or lot, the distance from the curb line and the height of the sign. The application shall be sufficiently specific to enable the Zoning Officer to determine if the sign complies with this Ordinance as well as any other ordinance or regulation of the Borough relating thereto. A fee, as Borough Council may establish from time to time by resolution, shall accompany such application.
 - c. If the person submitting the application is not the owner of the property upon which the sign is to be erected, the written consent of the owner of the property on which the sign is to be

erected shall accompany the application.

2. Whenever any sign or sign face is replaced by another sign, enlarged in any manner or altered, dismantled, damaged or otherwise destroyed, a permit shall be required as provided in paragraph 1 above before the sign is replaced, enlarged, altered or repaired.

3. Unsafe and Unlawful Signs.

If the Zoning Officer shall find that any sign or other advertising structure regulated herein is unsafe or insecure or is a menace to the public or has been constructed or erected or is being maintained in violation of the provisions of this Ordinance, he/she shall give written notice thereof to the permittee. If the permittee fails to remove or alter the structure so as to comply with the standards set forth herein within ten (10) days after such notice, such sign or other advertising structure may be removed or altered to comply by the Zoning Officer at the expense of the permittee or owner of the property upon which it is located. The Zoning Officer shall refuse to issue a permit to any permittee or owner who refuses to pay costs so assessed. The Zoning Officer may cause any sign or other advertising structure that causes immediate peril to persons or property to be removed summarily and without notice.

4. Inspections and Fees.

The Zoning Officer shall cause a routine inspection of all signs in the Borough to be made at least once every three (3) years and at any other times when he deems such inspection necessary. He shall report to Borough Council all unsafe signs, all signs failing in any respect to conform to the requirements of this Article and all signs not licensed by the Borough. To cover the cost of inspection of all signs, as required by this section, the owner of every sign located in the Borough shall pay a license or inspection fee to the Borough. The rate of such fee in each case shall be based upon the area of such sign and is hereby fixed at ten (10) cents per square foot, with a minimum fee of twenty-five (25) dollars.

5. All signs for which a permit has been issued must be completely constructed within six months after the date of issuance of the permit. Upon written request, the zoning officer may grant one extension for an additional three-month period, provided that the applicant presents reasonable grounds for the extension.

1. Temporary, sidewalk, sandwich or "A" frame signs, movable freestanding signs, banners, pennants and similar types of signs shall be abated, removed or brought into compliance within ninety (90) days after enactment of this Ordinance.
2. Signs painted on walks, fences or benches shall be removed, abated or brought into compliance within two (2) years after enactment of this Ordinance.
3. Any sign copy that no longer advertises or identifies a use conducted on the property on which said sign is erected must have the sign copy covered or removed within 30 days after written notification from the zoning officer. Upon failure to comply with such notice, the code official is hereby authorized to cause removal of such sign copy. Any expense, incident thereto shall be paid by the owner of the building, structure or ground on which the sign is located.
4. Any sign which ceases to be in use for a period in excess of one hundred and twenty (120) consecutive days shall be deemed to be abandoned and shall be removed within 30 days of written notification from the code official; and upon failure to comply with such notice, the zoning officer is hereby authorized to cause removal of such abandoned sign, and any expense incident thereto shall be paid by the owner of the building, structure or ground on which the abandoned sign is located.

ARTICLE 16

GENERAL REGULATIONS

1600 PURPOSE

The purpose of this Article is to identify certain regulations and standards that are generally either common to all zoning districts or applicable to more than one district.

1601 OVERALL REQUIREMENTS

1. No building or structure, or part thereof, shall hereafter be erected, constructed or altered, and no new use or change shall be made or maintained of any building, structure or land, or part thereof, except in conformity with the provisions of this Ordinance.
2. Every principal building shall hereafter be built on a lot with frontage on a public or private street.
3. No lot or premises shall hereafter be subdivided or reduced in area or size in any manner so as to violate the provisions of this Ordinance and the most recently adopted version of the Delaware County Subdivision and Land Development Ordinance.

1602 PROJECTIONS INTO REQUIRED YARDS

1. No principal building or part thereof shall be erected within, or shall project into, any required yard in any district, except for unenclosed porches, decks, one-story bay windows, eaves, chimneys, balconies, fire escapes, buttresses, cornices or steps, and none of these, except unenclosed decks, shall encroach more than three (3) feet into the required yard. However, unenclosed decks may extend into required rear yards in residential districts.
2. In residential districts, such unenclosed decks may extend not more than eight (8) feet into required rear yards.

1603 VISIBILITY AT CORNER LOTS

1. On any corner lot, no wall, fence or other structure shall be erected or maintained, and no hedge, tree, shrub or other growth shall be planted, grown or maintained which may cause danger to vehicular traffic by obscuring the view or in any other way be a source of danger.

2. Where a lot is located at the intersection of two streets, no obstruction of any kind whatsoever of a height greater than twenty-four (24) inches from the grade level of the adjacent street shall be maintained or permitted within a sight triangle, the legs of which shall be fifteen (15) feet measured from the intersection of the right-of-way lines at the corner.
3. The Borough shall have the right to declare any obstruction to vision within the line of the sight triangle to be a safety hazard and shall direct the owner of the property to have it removed. If the owner fails to do so within thirty days after written notice, the Borough shall remove the obstruction and bill the owner and lien the property for the expense involved.

1604 **ACCESSORY STRUCTURES**

1. No accessory structures may be placed in the front of the principal building.
2. On corner lots, accessory structures shall be placed no closer to the side street than the principal building.
3. Except for fences there shall be a distance of not less than three (3) feet between an accessory structure and a side or rear lot line.
4. An accessory structure shall not exceed fifteen (15) feet in height.
5. Not more than one (1) storage-shed, as defined in Article 2 shall be placed on a residential lot.
6. No storage building shall exceed two hundred (200) square feet with a maximum height of fifteen (15) feet.
7. Accessory structures shall not be used for permanent or temporary human habitation.

1605 **DECKS**

Decks shall be permitted in all zoning districts provided that the Zoning Officer issues a building permit.

1. The deck shall be placed not less than one (1) foot from the party wall of a twin or row dwelling or building for access and maintenance purposes

2. Prior to constructing a deck or porch, a sketch plan shall be provided and a permit obtained from the Zoning Officer.
3. In an area where motor vehicles may park or drive, decks or porches shall have support posts constructed of concrete filled steel columns which shall be at least four (4) inches wide and are fastened into footings not less than six (6) inches wide.
4. After a zoning permit is issued for a deck or porch, no change in plans regarding setbacks, dimensions or heights is permissible without first receiving written permission from the Zoning Officer.
5. All materials used in the construction of a deck or porch shall comply with the requirements of the most recently adopted version of the Pennsylvania Uniform Construction Code.

1606

FENCES AND WALLS

1. No fence, hedge or wall (except a retaining wall) shall exceed the following height and shall be restricted in location where noted:

<i>District or Use</i>	<i>Maximum Height</i>
Residential districts	Six (6) feet and located only the side or rear yards, up to and not past the front building line. After the effective date of this ordinance fences shall not be allowed in front yards.
Commercial districts	Six (6) feet and located only behind the front line of a principal building
Industrial district	Eight (8) feet behind the front line of the principal building

2. Shared fences along properties shall be placed on the property lines separating the two properties. Where there is no shared fence, fences shall be placed one (1) foot from the property line.
3. Fences that exceed six (6) feet in height shall have a surface area that is at least fifty (50) percent open and not a solid, opaque surface.
4. No barbed wire, razor wire or similar fence shall be permitted in the Borough, unless the applicant demonstrates a clear and compelling need for security prior to obtaining a building permit.
5. Owners of structures with barbed or razor wire or similar fencing must remove said fencing within one (1) year of the effective date of this ordinance unless the owner can demonstrate a clear and compelling

security need to the Zoning Officer for erecting and maintaining such fence.

6. Fences shall always be installed so the finished side faces toward the outside of a property.
7. Hedges and other plantings, whether or not they constitute a fence, shall be trimmed so as not to grow out over sidewalks, streets, or adjoining properties.
8. Before erecting a fence a sketch plan of the proposed fence must be submitted and a permit from the Zoning Officer obtained. Prior to the erection of a wall an engineered plan of the proposed wall shall be submitted and a permit obtained from the Zoning Officer.

1607

PRIVATE, NON-COMMERCIAL SWIMMING POOLS

1. Swimming pools, as defined in Article 2 in residential districts shall be considered accessory structures.
2. A private swimming pool shall not be permitted in the front yard, and no pool on a corner lot shall be placed closer to the side street than the principal building.
3. Swimming pools, where permitted, must be located at least six feet from a principal building and not less than four (4) feet from any property line. In ground swimming pools or any pool above two (2) feet in height shall be at least ten (10) feet from a principal building.
4. The swimming pool or the yard on which it is located shall be surrounded by a fence that shall be not less than four (4) feet high. If there is a gate in the fence, it shall be of the self-closing variety and shall be kept locked at all times when the pool is unattended.
5. No swimming pool shall be located under electrical lines or over existing utility lines.
6. Swimming pools shall comply with all other applicable regulations of this ordinance.
7. A permit must be obtained from the Zoning Officer prior to the construction of a pool.

1608

LIGHTING

1. Apartments and multi-family dwellings and nonresidential buildings shall be properly lit to National Electric Code standards to assure safe

driving conditions at night as well as security and safety of residents and patrons. All lighting shall be designed to protect neighboring properties from glare.

2. All driveways and off-street parking areas for commercial and institutional uses must be adequately lit to assure safe driving and maneuvering conditions at night as well as the security and safety for residents and patrons.
3. The maximum height of light poles shall be twenty-five (25) feet in the IND Industrial district and twenty (20) feet in all other districts.

1609 **SATELLITE ANTENNAS**

The following provisions shall regulate satellite antennas. In this section, the words "antenna" or "antennas" refer to satellite antennas.

1. Satellite antennas shall be permitted in all zoning districts.
2. The maximum diameter of satellite antennas shall not exceed twenty-four (24) inches.
3. All satellite antennas shall be adequately grounded to prevent against a direct strike of lightning.
4. The installation of antennas shall be in accordance with all applicable local, state or federal codes and regulations.
5. Satellite antennas shall be located so as to minimize the visual impact on adjacent properties.
6. In the CBD Central Business district satellite antennas shall not be located on the front wall of any structure and preferably on the roof.

1610 **REFUSE**

1. Unless specifically stated otherwise for a particular district, all refuse shall be placed in closed, vermin-proof containers.
2. In the case of multi-family dwellings and nonresidential buildings all refuse receptacles shall be effectively screened from the view of residents and from public streets and sidewalks by means of fence, wall and plantings. All such receptacles shall be placed on the property responsible for the refuse.
3. Temporary dumpsters shall be permitted in all districts for a period not

to exceed ninety (90) days, provided that a permit is obtained from the Borough as per the requirements of Section 2003.4 relating to the permits for the placement of temporary structures or uses. A maximum of two temporary permits may be obtained per calendar year.

1611 NO-IMPACT HOME-BASED BUSINESSES

1. No-impact home-based businesses shall be permitted as an accessory use in all residential districts.
2. The business activity shall be compatible with the residential use of the property.
3. The business shall have no employees other than family members residing in the dwelling.
4. There shall be no display or sale of retail goods and no stockpiling of inventory.
5. The business may not use any process or equipment that creates noise, vibration, glare, fumes, odors or electrical or electronic interference with radio and television signals
6. The business may not discharge any solid waste or sewage discharge that is not normally associated with residential use.
7. The business may not occupy more than 25% of the gross floor area of the residence.
8. There shall be no outside appearance to the business.

1612 COMMUNITY RESIDENCE FACILITIES (GROUP AND FAMILY-BASED)

Family-based community residence facilities shall be permitted by right in the R-1, R-2, R-3 and R-4 Residence districts. Group based community residence facilities shall be permitted by right in the I Institutional district only.

1. Each facility must receive all pertinent approvals and/or licenses from the appropriate state agencies prior to final approval of the application.
2. No facility shall be located within four hundred (400) feet of an existing facility as measured from the property lines.
3. There must be an on-site supervisor on a continuous 24-hour basis by individuals possessing the proper qualifications for their position.
4. Any alterations or additions to the exterior of a family-based facility

shall be compatible with the existing structure and in keeping with the neighborhood character, excluding required safety modifications.

5. Parking shall be provided in accordance with Article 14.
6. All other applicable requirements of the Zoning Ordinance, building code, fire code and all other applicable Borough codes and state regulations and statutes shall be met.
7. All community residence facilities shall be available for reasonable periodic inspections by the Zoning Officer and other parties holding jurisdiction.
8. The operator of the facility must register annually with the Zoning Officer and provide the following information:
 - a. Name of operator.
 - b. The profit or nonprofit status of the facility.
 - c. The registration of the facility under the Department of Public Welfare.
 - d. The name of each resident currently residing in the facility
 - e. Such other information that is reasonably requested by the Borough.

1613

SCREENING

1. A planted visual screen, as defined in Article 2, shall be provided and maintained under the following circumstances. In case of conflict between a regulation in this Article and that in any individual district, the regulation in the individual district shall prevail.
 - a. When a commercial, industrial, or municipal use is developed or improved adjacent to an existing residential use or district.
 - b. When a commercial, industrial, or municipal use is improved/expanded in the direction of an existing residential use or district.
 - c. When a multi-family or townhouse development is proposed to abut an existing single-family dwelling.
 - d. Any other instance where screening is required by this Ordinance, by the Borough or by the Zoning Hearing Board.
2. Screening shall comply with the following requirements:

- a. The planted visual screen shall consist of species indigenous to the area so as to provide a year-round visual barrier.
 - b. Such screens shall incorporate earthen mounds or berms, where possible, to improve sound as well as visual buffering.
 - c. Trees shall have at least a 2 ½ inch caliper when planted, and no trees shall be placed closer than five (5) feet to the property line.
 - d. Placement of screening material shall not obscure sight lines at intersections.
 - e. All mechanical equipment not enclosed in a structure shall be fully and completely screened and landscaped in a manner compatible with the style of the buildings on the site.
3. Upon a recommendation of the Planning Commission, an opaque privacy fence or wall may be substituted for the planted screen required above. Such alternate screening must be constructed and placed so as to clearly provide an effective visual barrier.

1614

LANDSCAPING

1. General Regulations
 - a. Any part or portion of a site which is not used for buildings or other structures, loading and parking spaces, aisles, sidewalks and designated storage areas shall be planted and maintained with grass and landscaping. Maximum advantage shall be taken of existing trees and shrubs in landscaping.
 - b. All landscaped planting areas shall be planted with grass seed, sod or other ground cover and shall be maintained and kept clean of all debris, rubbish, weeds and tall grass, provided, however, that if such land is naturally wooded, it may continue in its natural state.
 - c. Unless otherwise specified, landscaped planting areas may be part of the required front, side and rear yards.
 - d. Except for single-family and two-family dwellings, any part or portion of a site which is not used for loading and parking spaces, aisles, sidewalks and designated storage areas shall be landscaped according to an overall plan prepared and approved as part of the development plan or shall be left in its natural state. A replacement program for non-surviving plant material

should be included.

2. Landscaping Plans

- a. Landscaping shall be installed and maintained in accordance with a landscape plan prepared by a registered landscape architect and approved by Borough Council. The landscape plan shall depict all proposed plantings which relate to, complement, screen or accentuate buildings, roads, parking areas, sidewalks, walkways, sitting areas, service or maintenance structures, courtyards and other site features.
- b. The landscaping plan shall be coordinated with the development plan and shall show the location, type, size, height and other characteristics of the proposed landscaping.
- c. The plan shall be accompanied by or shall include information regarding the continued maintenance of plantings indicating that all plantings will be replaced, if damaged, diseased or dead, in locations shown on the approved plan.

3. Specific Requirements

- a. Landscaping shall be provided as required in this section in the case of new construction or expansion of a building or structure.
- b. No fewer than three (3) evergreen and/or deciduous shrubs shall be planted for every twenty-four (24) feet of building and/or lot frontage, as required below:

<u>Zoning District or Use</u>	<u>Minimum Landscape Requirements</u>
Planned Residential Development	Six (6) foot wide landscaped planted areas along frontage on principal roads
Institutional district and Business Institutional district	Six (6) feet wide landscaped planted areas along principal roads adjacent to at least two (2) sides of a principal building.
Highway Commercial district	Three (3) feet wide landscaped planted areas along principal road frontage.
Central Business district	One (1) tree or two (2) shrubs (which may be placed in a planter) for every fifteen (15)

	feet of building width at the front of the building.
Shopping Center	A five (5) foot wide grass strip along the principal road frontage and adjacent to the curb with PennDOT compliant sidewalks, followed by a ten (10) foot wide landscaped planted area on the interior side of the sidewalk. Buildings not having a principal road frontage shall have three (3) foot wide planted area in front of each establishment.
Industrial district	Three (3) feet wide landscaped planted area in front of principal building.
Parking areas	See Article 14.

1615 **STORMWATER MANAGEMENT**

The Borough's adopted Stormwater Management ordinance, the latest adopted version of the Pennsylvania Uniform Construction Code (UCC) and all applicable state and federal regulations shall regulate all conditions and activities related to stormwater management in the Borough.

1616 **FIRE PROTECTION**

Activities and conditions related to fire protection shall be regulated by the latest adopted version of the Pennsylvania Uniform Construction Code and all other applicable local, state and federal regulations.

1617 **PROPERTY MAINTENANCE**

The latest adopted version of the Pennsylvania Uniform Construction Code shall regulate conditions and activities related to property maintenance.

1618 **LICENSING, INSPECTION AND ELIGIBILITY REQUIREMENTS FOR RENTAL UNITS**

1. Every owner, proprietor or operator of any rental unit in the Borough shall complete an application for the license and operation of such unit or units provided by the Borough prior to the operation of said units.
2. After such application the said unit(s) shall, within sixty (60) days of

the application, be inspected by the CO for violations of this Ordinance or any other applicable laws or regulations. If any violations are found, the CO shall specify the said violation(s) and notify the owner, proprietor or operator to correct the violating conditions within the time designated by the CO. This time limit may be extended only one (1) time by the written endorsement of the CO.

3. In order to be eligible for a license as a rental unit, the dwelling must:
 - a. Comply with this Ordinance as well as all other applicable ordinances of the Borough of Darby now in existence or later adopted dealing with plumbing, health, safety, fire prevention, minimum housing standards and any other relevant regulations promulgated by the Borough.
 - b. Comply with all laws of the Commonwealth of Pennsylvania dealing with building, plumbing, health, safety, fire prevention, minimum housing standards and all departmental regulations established pursuant to these laws.
4. Provide and maintain two (2) means of egress.
5. In addition to the inspection required in subsection 2 above, every licensed rental unit may be inspected at any time by the CO, and if this inspection reveals any violations of the provisions of subsection 3 above, the said officer shall order the owner or operator to correct the violation within the time prescribed by the CO. Failure to comply with the order shall constitute grounds for revocation of the license.
6. Each license noted in this section shall be valid for no longer than one (1) year and shall be displayed in a prominent place in the building licensed.

1619

COMPATIBILITY STANDARDS FOR UNLISTED USES

In cases where the Zoning Hearing Board is to decide whether a proposed use that is not listed as a permitted use in this Ordinance is of the same general character as the listed uses, the Board shall make its determination by applying the standards listed below:

1. Extent of processing, assembly, warehousing, shipping and distribution done on the premises of any dangerous, hazardous, toxic or explosive materials.
2. The nature and location of storage and outdoor display of merchandise and the predominant items stored.

3. The type, size and nature of buildings and structures supporting the use.
4. The number of employees and customers in relation to business hours and employment shifts.
5. The business hours the use is in operation or open for business, ranging from seven days a week, 24 hours a day to several times a year, such as sport stadiums or fairgrounds.
6. The transportation requirements for people and freight, by volume, type and characteristics of traffic generation to and from the site, trip purposes and whether trip purposes can be shared with other uses on the site.
7. Parking characteristics, turnover and generation, ratio of the number of spaces required per unit area or activity and potential for shared parking with other uses.
8. The tendency for attracting or repelling criminal activities to and from or on the premises.
9. The amount and nature of nuisances generated on the premises, such as noise, smoke, odor, glare, vibration, radiation and fumes.
10. Any special public utility requirements for the use, such as water supply, wastewater output, pre-treatment of wastes and emissions recommended or required and any significant power structures and communication towers or facilities.

1620

DESIGN STANDARDS FOR NEW CONSTRUCTION AND REDEVELOPMENT

This section shall apply to structures constructed after this ordinance is adopted and to new additions of four hundred (400) square feet or more:

1. Unless stated otherwise, the following provisions shall apply to design considerations in the CBD Central Business district, HC Highway Commercial district, I Institutional district, BI Business Institutional district and TOD Transit Oriented Development district:
 - a. Buildings shall contain materials, windows, doors and architectural details that are generally compatible with those features in nearby and adjacent buildings.

- b. Unscreened, flat, blank walls shall be avoided in order to provide a pleasant pedestrian experience by connecting activities within a structure to the adjacent sidewalk and/or a transit stop
- c. At the front at street level of commercial, institutional, and mixed use buildings, not less than fifty (50) percent of the length and twenty five (25) percent of the wall surface must be in public entranceways, windows, or retail/service display windows.
- d. Buildings must have at least a five (5) foot offset in all facades for every fifty (50) feet of continuous façade. Such offsets may be met through the use of bay windows, porches, porticos, building extensions, towers and other architectural treatments.
- f. The street façade of principal structures shall have at least one (1) street-oriented entrance and contain the principal windows of the structure.
- g. Utilities shall be placed underground in new developments.
- h. Automobile entrances to the site shall be placed in such a way as to maximize safety and efficient traffic circulation and minimize impact on surrounding areas.
- i. Along new public streets, new developments and redevelopment, including commercial, institutional, and mixed use buildings, sidewalks or walkways not less than five (5) feet wide shall be required in front of and/or adjacent to said street development or principal building.
- j. Walkways that cross parking, loading or driveway areas must be clearly identifiable through the use of elevation changes, different paving materials, or other similar methods.
- k. Pedestrian amenities such as benches, public art, picnic areas, seating areas, fountains, planters, etc. shall be located in landscaped areas, open spaces, plazas, or along public streets.
- l. Lighting shall be provided for in parking areas and pedestrian paths to ensure safety and convenience.
- m. Where feasible, plazas shall be provided in developments greater than two (2) acres in areas. Not less than one (1) seating space for each two hundred fifty (250) square feet of plaza area shall be provided.

- n. Parking garages shall be served by pedestrian walkways and connected to the sidewalk/pedestrian system. These walkways shall be clearly marked and continuous in design.
2. The following provisions shall apply to design considerations in the R-1, R-2, R-3, R-4 and PRD districts:
- a. New residential dwellings shall be generally consistent with the design of existing neighborhood dwellings.
 - b. Sidewalks shall be constructed along the frontage of all new residential buildings and new additions of four hundred (400) square feet or more.
 - c. Utilities shall be placed underground in new developments.
 - d. Stairs and ramps consistent with ADA standards shall be provided where necessary to provide safe route between a dwelling and the street and sidewalk.
 - e. The street façade of principal structures should have at least one (1) street-oriented entrance and contain the principal windows of the structure.

ARTICLE 17

PROCEDURES AND STANDARDS FOR SPECIAL EXCEPTIONS

1700 **PURPOSE**

The purpose of this Article is to provide procedures and standards for the approval of uses permitted by special exception. In these cases the Zoning Hearing Board may attach reasonable conditions and safeguards, in addition to those expressed in this Article, as it may deem necessary to implement the purposes of this Ordinance and those of the Planning Code, Act 247, as amended.

1701 **GENERAL REQUIREMENTS FOR REVIEW OF USES PERMITTED BY SPECIAL EXCEPTION**

See Article 21, Section 2106.2.

1702 **REQUIREMENTS FOR SPECIAL EXCEPTIONS WHERE SPECIFIC DIMENSIONAL STANDARDS ARE NOT PROVIDED**

In cases where this Ordinance does not provide specific dimensional standards for uses permitted by special exception the following general dimensional standards will be applied by the Zoning Hearing Board:

1. In residential districts, the area, bulk and any other applicable requirements shall be not less than those for single-family dwellings in the district where the use is proposed.
2. In nonresidential districts, the area, bulk and any other applicable requirements shall be not less than those listed for non-residential structures for the district within which the special exception is being proposed for.
- 3 The Zoning Hearing Board may require additional, reasonable but more stringent requirements than those in subsections 1 and 2 above as per Article 21.
4. All the requirements of Article 14, Parking Regulations must be followed.

1703 **RESIDENTIAL CONVERSIONS**

Conversions of single-family residential structures shall be allowed by special

exception in the R-2 Residential district and shall comply with all applicable provisions of said district in addition to the following requirements:

1. For a single family dwelling to be converted the size of all resulting dwelling units must have a minimum floor area of one thousand (1,000) square feet per unit.
2. Each unit shall be a complete, self-contained housekeeping unit that is separate from every unit.
3. The maximum number of resulting individual, self-contained dwelling units shall be three (3).
4. Separate entrances to the outside or to a common hallway opening to the outside shall be provided.
5. All conversions on lots where there is currently no sidewalk shall install a sidewalk with handicapped curb cut ramps at the crosswalks.
6. No external alterations inconsistent with the residential use or architectural character of the dwelling shall be permitted.
7. All utility infrastructure and connections shall meet the standards and requirements of the applicable utility company and the Borough.
8. Applications for conversions shall be submitted to the Zoning Officer on a Borough approved application form and fee.
9. Applications for conversions shall contain the following information items:
 - a. Floor plan showing the layout, including all dimensions of each unit.
 - b. Site plan drawn to scale, showing and locating the dwelling and other existing buildings and accessory structures; all property lines; any proposed additions; building setback lines; location, size and extent of all underground utilities; length, width and function of all rights-of-way and easements; number and location of parking spaces; and the 100-year floodplain.
10. The Zoning Officer may inspect any conversion for compliance with the Borough Zoning, Building, Maintenance, and any other applicable Borough Codes, provided that a twenty-four (24)-hour notice is given.

Major home occupations shall be permitted as a special exception in the R-1, R-2 and R-3 districts.

1. The occupation shall be conducted entirely within the dwelling and shall be clearly incidental and secondary to the residential use of the dwelling.
2. Only one (1) occupation per dwelling shall be permitted.
3. Not more than two (2) persons other than a resident shall be engaged as an employee or volunteer.
4. Not more than twenty-five (25) percent of the gross floor area of the dwelling shall be used for the home occupation, except that up to fifty (50) percent may be used in the case of doctors or dentists. Areas used for storage shall be included in this calculation.
5. No external alterations inconsistent with the residential use shall be permitted.
6. There shall be no display of materials or products visible from outside the dwelling.
7. No noise, vibration, smoke, glare or any other impact shall be noticeable at or beyond the property line.
8. There shall be no outdoor storage of equipment, materials or supplies.
9. Major home occupations shall not be permitted in multi-family dwellings.
10. Parking shall be provided, subject to Article 14.
11. A home occupation shall in no case be operated before 8:00 a.m. or after 6:00 p.m.
12. All home occupations shall be subject to periodic inspection by the Zoning Officer.
13. A special exception shall not be granted when it appears to the Zoning Hearing Board that the proposed major home occupation will constitute a fire hazard to neighboring residences, will adversely affect neighboring property value or will constitute a nuisance or otherwise be detrimental to the neighbors because of excessive traffic, noise, odor or other negative circumstances.

1705 **PUBLIC PARKING GARAGE, DECK OR SURFACE PARKING AREA**

A public parking garage, deck or surface parking lot shall be permitted as a principal use on a lot as a special exception in the HC - Highway Commercial district subject to the following regulations:

1. The lot size shall be between eight thousand (8,000) and fifteen (15,000) thousand square feet.
2. The height of a parking structure shall not exceed thirty five (35) feet or three (3) stories.
3. Parking garages or decks shall have awnings, landscaping elements, street furniture, and other design treatments to create the appearance of an occupied building.
4. Vehicles shall be visually screened from adjacent buildings and the street, and such screening shall be in keeping with the remainder of the structure's architectural style and materials.
5. Any public parking garage shall provide bicycle parking at the ratio of one (1) bicycle space per twenty (20) vehicle spaces, or a minimum of two (2) spaces. These spaces shall be located on a paved surface within the garage. Bicycle parking shall also be in accordance with the provisions of Article 14.
6. Surface parking lots shall be subject to the requirements of Sections 1403, 1404, 1405 and 1407.

1706 **RELIGIOUS USE**

Churches, synagogues, mosques and other religious uses, including rectories, classrooms for instruction, or similarly customary religious activities shall be permitted as a special exception in the R-1, R-2, R-3, R-4 and HC Highway Commercial district subject to the following regulations:

1. Lot area - One-quarter (1/4) acre minimum
2. Front yard - Fifteen (15) feet
3. Side yard - Fifteen (15) feet
4. Rear yard - Fifteen (15) feet
5. Building coverage - Fifty-five (55) percent, maximum
6. Impervious surface - Seventy-five (75) percent, maximum
7. A planted visual screen and landscaping shall be in accordance with Sections 1614 and 1615.

- 8. Parking and signage shall be in accordance with Articles 14 and 15, respectively.

1707 **EDUCATIONAL USE**

An educational use such as a primary school and its related administrative offices, but not including business and trade schools, shall be permitted as a special exception in the R-2 and R-3 Residential districts subject to the following regulations (requirements are minimums unless stated otherwise):

1.	Lot size	-	Two (2) acres
2.	Lot width	-	One hundred fifty (150) feet
3.	Front yard	-	Fifty (50) feet on each side abutting the lot
4.	Side yards	-	Thirty (30) feet
5.	Rear yards	-	Fifty (50) feet
6.	Building coverage	-	Forty (40) percent, maximum
7.	Impervious surface	-	Sixty (60) percent, maximum
8.	Height	-	Fifty (50) feet, maximum
9.	Parking	-	As required in Article 14
10.	Signs	-	As required in Article 15

1708 **HOTEL OR MOTEL**

A hotel or motel or bed and breakfast inn shall be permitted as conditional use in the TOD – Transit Oriented Development Overlay district and a hotel or motel as a special exception in the HC Highway Commercial district subject to the following requirements:

- 1. The applicable dimensional standards for mixed-use buildings in the TOD district shall apply.
- 2. Development and design shall be in accordance with the standards of Section 1309.
- 3. Parking shall be in accordance with Article 14.
- 4. Signs shall be in accordance with Article 15
- 5. All other applicable provisions of the TOD and HC districts shall apply to hotels and motels.

1709 **PRIVATE CLUBS**

Private clubs shall be permitted by special exception in the CBD Central Business district and by right in the HC Highway Commercial district in accordance with the following requirements:

1. Private clubs shall be operated for civic, cultural, educational, social or recreational purposes.
2. The activity shall be non-commercial, nonprofit and clearly one not customarily carried on as a business.
3. Each building or facility of the club shall be for members or their guests only.
4. No club shall provide for eating or dining except on an incidental basis.

1710 **PRIVATE OUTDOOR RECREATIONAL FACILITIES INCLUDING SWIM CLUBS**

A private outdoor recreational use including a swim club shall be allowed as a special exception use in the INS Institutional district only subject to the following provisions:

1. Swimming pools shall not be located less than twenty (20) feet from any property line.
2. No swimming pool shall be located under electric or utility lines.
3. A plan and sketch for all public and private outdoor recreational facilities shall be submitted to the Borough prior to new development or alteration to existing facilities.
4. Private outdoor recreational facilities shall comply with all other applicable local regulations.

1711 **ADULT ENTERTAINMENT USES**

Adult entertainment uses shall be permitted by special exception in the IND Industrial district only in accordance with the following requirements:

1. No such establishment shall be located within two hundred (200) feet of a school, church, public library, day care center or public playground or park.
2. No such establishment shall be located within five hundred (500) feet of any existing adult use.

3. Adult entertainment uses shall be housed in completely enclosed buildings, designed and used in a manner that the viewing of adult use activities or materials from outside the building shall not be possible.
4. No exterior display of products, activities or shows shall be permitted except for a sign. In addition to the requirements of Article 15 of this ordinance, a sign for an adult entertainment use shall meet the following requirements:
 - a. The sign shall only identify the name of the establishment and/or its hours of operation.
 - b. The area of the sign shall not exceed forty (40) square feet.
5. No person under the age of eighteen (18) shall be permitted in an establishment containing an adult use or sold any pornographic material.
6. For the purpose of this section, measurement shall be made in a straight line, without regard to intervening structures or object, from the nearest portion of the building or structure containing an adult entertainment use to the nearest property line of the premises of a place of worship, school, child day care facility, or the nearest park or playground.

1712

GASOLINE SERVICE STATIONS

Gasoline service stations are permitted by special exception in the HC Highway Commercial district only and shall comply with the following requirements:

1. All pumps and principal buildings shall be located not less than thirty (30) feet from all property lines.
2. All pumps shall be located outside of buildings.
3. All fuel containers in excess of one hundred (100) gallons shall be located underground.
4. No service station shall be located within three hundred (300) feet of a school, church, day care center, nursing home, hospital or place of public assembly having a capacity of more than fifty (50) persons. The required two hundred (200) feet shall be measured at the shortest distance between the service station property and any of the above-noted uses.

5. Hydraulic lifts, work pits, and all lubrication, greasing, washing and repair equipment shall be entirely enclosed within a building.
6. Exterior lighting shall be shielded so that it is deflected from adjacent or nearby properties and from motorists on public streets.
7. Service stations shall also comply with all applicable regulations of the Fire Marshall Division of the Pennsylvania State Police and with those of any other applicable state or federal agency.

1713 **CAR WASHES**

A car wash establishment shall be permitted as a special exception in the HC Highway Commercial district only, subject to the following regulations:

1. Exterior lighting shall be shielded or deflected from adjacent or nearby properties and public sidewalks and streets
2. The facility shall be designed to accommodate not less than six (6) waiting vehicles on the property.
3. A planted visual screen shall be provided around the property in accordance with Section 1614.
4. Where appropriate, the facility shall be designed and/or screened so that the headlights of automobiles approaching, waiting, or exiting the facility do not shine directly on adjacent properties.

1715 **MULTIPLE DRIVE-THROUGH FACILITIES FOR RESTAURANTS OR BANKS**

Multiple lane drive through facilities shall be allowed by special exception in the HC – Highway Commercial district subject to the provisions of Section 902.9.

1716 **FUNERAL HOME OR MORTUARY**

A funeral home or mortuary shall be permitted only as a special exception in the HC Highway Commercial district subject to the following regulations:

1. The site shall be located so as to have one (1) property line abutting a major or secondary thoroughfare.
2. Adequate points of access shall be provided to and from any major or secondary thoroughfare.
3. No building shall be located within thirty (30) feet of a residential district.

4. Where a funeral home or mortuary abuts a residential district, a planted visual screen, subject to the provisions of Section 1614 shall be employed.
5. Parking shall be in accordance with Article 14.

1717

RECYCLING FACILITIES

Three (3) types of recycling facilities are permitted in the Borough: small collection facilities, standard collection facilities and processing facilities. Small collection facilities shall be permitted as an accessory use on public land only in R-1, R-2 and R-3 Residential districts and as an accessory use in all nonresidential districts. Standard collection facilities shall be permitted by special exception in the HC Highway Commercial district and by right in the IND Industrial district. Recycling processing facilities shall be permitted by-right in the IND Industrial district.

1. No collection or processing facility shall be located less than thirty (30) feet from a public street to ensure safety.
2. Small collection facilities may be placed on surplus parking spaces.
3. Parking for recycling facilities shall be provided in accordance with applicable provisions of Article 14.
4. Standard collection and processing facilities shall be placed not less than one hundred fifty (150) feet from a residential property.
5. Trash and debris on site shall be cleaned up on a daily basis.
6. The name and phone number of the business or person responsible for the operation and maintenance of the collection facility will be displayed on the containers.
7. Overnight collection areas shall be adequately lighted, well kept and secure from unauthorized entry.
8. Collection facilities and processing facilities shall provide sufficient room to accommodate customers and business traffic.
9. Collection facilities and processing facilities will operate in an enclosed building or be screened as required in Sections 906.2 or 1203.2, whichever applies.
10. Certification and permits shall be obtained as required from the appropriate local, state or federal agencies.

1718 **FAMILY DAY CARE HOMES**

Family day care homes as defined in Article 2, shall be permitted by special exception in the R-1, R-2 and R-3 and R-4 residential districts, subject to the following requirements

1. Family day care homes must comply with all current and applicable regulations of the Pennsylvania Department of Public Welfare (DPW), any other applicable state and local building and fire safety codes and as well as all applicable provisions of this ordinance.
2. No more than two family day care homes shall be allowed along any one block within the Borough. For purposes of Family Day Care Homes a block shall be defined as two opposite sides of a street between two intersections with defined numerical address range, such as the '100 block' or the 100 to 145 block.
3. The facility must hold an approved and currently valid registration certificate from DPW.
4. The operator of the facility will allow the ZO or other appropriate official to enter the property at reasonable times for inspection for compliance with the provisions of this section of the zoning ordinance and other applicable municipal and state ordinances and regulations.
5. The area for pick-up and discharge of children must be free from traffic hazards. Where such an area cannot be provided on site, the applicant must demonstrate that a safe pick-up and discharge area can be provided and used within two hundred fifty (250) feet of the property line of the proposed facility.
6. Any outdoor play area for children must be enclosed with a fence which shall be at least four (4) feet high and which shall extend to the ground so as to prevent children from crawling underneath said fence.
7. Any addition or improvement to the facility shall preserve the building's appearance and exterior design, including landscaping and screening, so that it shall be compatible and consistent with the surrounding residential character. The facility also shall have no sign that is inconsistent with the residential character of the neighborhood. Sign regulations applying to family day care homes shall be those for a home occupation, as indicated in Section 1505.1(d).
8. Outdoor play activities shall be limited to the hours between 8:00 a.m. and sunset, as defined by the National Weather Service.

9. No portion of the facility shall be located within three hundred (300) feet from any potentially hazardous land use or activity which could pose a threat to the safety and welfare of the children, staff and other occupants at the facility. Hazardous land uses or activities include, but shall not be limited to, gasoline service stations, heavy industrial operations, storage of flammable or high pressure underground pipelines or tanks, truck or rail loading areas, etc.

ARTICLE 18

PROCEDURES AND STANDARDS FOR CONDITIONAL USES

1800 PURPOSE

1. The purpose of this Article is to provide standards and procedures for uses authorized only by conditional use within this ordinance. In reviewing conditional uses, borough Council may attach reasonable conditions and safeguards, in addition to those expressed in the Article, as it may deem necessary to implement the purposes of this Ordinance and those of the MPC, Act 247, as amended.

2. The reason for a use to be made conditional is the unusual and substantial impact it would exert upon the area and upon the public health, safety, and welfare, coordinated community development, parking and loading, traffic congestion, police and fire protection, emergency preparedness, sewer facilities, schools, recreational facilities, and public grounds.

1801 GENERAL REQUIREMENTS

In any instance where Borough Council is required to consider a request for a conditional use permit, all notices, hearings, decision and orders concerning such request shall be made in conformity with the provisions of the State Planning Code (MPC), Act 247, 1968 as amended as well as the following provisions of this Article.

1802 PROCEDURES AND GENERAL STANDARDS

1. Application and Fees

 An application for a conditional use permit shall be made to the Zoning Officer, who after review shall forward such application to the Planning Commission and Borough Council. Such application shall be accompanied by a plan of the property showing the details of the proposed use, along with such other written and graphic material as may be required by the most recently adopted Delaware County Subdivision and Land Development Ordinance and other applicable provisions of this Ordinance. The application shall be accompanied by such fees as established by the Council for the administrative filing and reviews of conditional use permit applications.

2. Planning Commission review and counsel

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

3. Borough Council Public Hearing

- a. Within sixty (60) days after the applicant files an application for a conditional use, the Borough Council shall hold a public hearing pursuant to public notice. Notice of the public hearing shall be given to those persons and agencies who would be entitled to notice if the same premises were subject to an application to the Zoning Hearing Board of Darby Borough as a special exception and to all others who have registered their names with the Darby Borough Zoning Officer.
- b. After a full review of the application, the Council shall render a written decision, or when no decision is called for, make written findings on the application. When the application is contested or denied, the decision or written finding shall be accompanied by findings of fact or conclusions based thereon, together with any reasons therefore. The decision or written finding shall be made no later than forty-five (45) days after the last hearing.
- c. The Borough Council shall approve or disapprove the application by resolution and shall send a written notification to the applicant within ten (10) days of a decision.

4. Method of Determination

- a. The Borough of Council shall, within forty-five (45) days of the date of the last hearing, render a final decision and shall by official communication to the applicant either:
 - (1) Approve the application as presented.
 - (2) Disapprove the application as presented.
 - (3) Approve the application, subject to specified conditions.

- b. Failure to act within the said period shall be deemed to be a grant of approval of the application.
- c. If the application includes a land development plan then, after the Council has acted upon the application for conditional use, a detailed site plan review shall be required by the Borough. Such review shall be in accordance with the procedures outlined in the most recently adopted County Subdivision and Land Development Ordinance. If the applicant wishes to provide the necessary documentation, the Borough Council may consider the concurrent review of the conditional use requested and the detailed plans for the development. Time limits for review of the detailed plans, if necessary, will be governed by the most recently adopted County Subdivision and Land Development Ordinance.

5. General Requirements for Review of Conditional Uses

In any instance where the Borough Council is required to consider a request for a conditional use, the Council shall consider the following factors where appropriate, in addition to any specific standards listed in Section 1803:

- a. That the proposed use is appropriate for the site in question in terms of size, topography, natural features, drainage, sewage disposal, water supply, accessibility, and availability of public services and that adequate provisions be made to protect sensitive environmental features such as streams, wetlands, slopes, and mature trees.
- b. That the proposed use is compatible with the character of the surrounding neighborhood and will not interfere with or detract from legitimate uses and adjacent properties and that adequate measures will be provided through building design, site layout, landscaping, planting, and operational controls to minimize any impacts caused by noise, light, glare, odors, smoke, fumes, traffic, parking, loading, and signage.
- c. That the proposed conditional use will serve the best interest of the Borough, convenience of the community, and the public health, safety, and welfare.

- d. That the proposed use is consistent with the Community Development Objectives of Darby Borough that were adopted as part of this ordinance.
 - e. That the proposed use promotes orderly development, proper population density, and the provision of adequate community facilities and services, including police and fire protection.
 - f. That the proposed use is suitable in terms of its effect on highway safety and traffic circulation, and that access, on-site circulation, and parking are adequate in view of anticipated traffic.
 - g. That existing public roads shall be adequate to serve additional traffic reasonably likely to be generated by the proposed use.
 - h. Financial hardship shall not be construed as a basis for granting conditional uses.
 - i. In granting any request for a conditional use, the Borough Council may attach reasonable conditions and safeguards in addition to those expressed in this article, as it may deem necessary to implement the purposes of the Pennsylvania Municipalities Planning Code and this Ordinance. These conditions and safeguards may relate to, but may not be limited to, screening, lighting, parking, signage, noise, safety, aesthetics, and the minimization of noxious, offensive, or hazardous elements. Such conditional use shall be clearly authorized by a provision in this Ordinance and shall, where applicable, comply with the more specific standards relating to such use contained below in Section 1803 of this Article and other relevant sections of this Zoning Ordinance.
 - j. In cases where conditional uses are not accompanied by specific standards listed below in this Article, the regulations of subsection 6 of this section shall apply.
6. Requirements for Review where Standards Are Not Provided
In cases where this Article or Zoning Ordinance does not provide specific standards for conditional uses the dimensional requirements below shall be applied by the Borough Council:

- a. In residential districts, the area, bulk, and any other applicable requirements shall be no less stringent than those for single-family dwellings in the district where the use is proposed.
- b. In nonresidential districts, the area, bulk, and any other applicable requirements shall be no less stringent than those for the use that requires the greatest dimensions in the applicable nonresidential district.
- c. The Borough Council may require reasonable requirements in addition to those in subsections a or b above, provided that the Council makes one or more of the following determinations:
 - (1) That the requirements of subsections a and b above are clearly:
 - (a) Insufficient to accommodate the proposed building, facility, or use.
 - (b) Insufficient to provide adequate area for parking and loading, as required by Article 14, Parking Regulations.
 - (c) Insufficient to provide for lot areas and dimensions necessary to protect the adjacent area from the potential adverse impacts of the proposed use, such as noise, vibration, air pollution, and similar impacts.

7. Standards of Proof

- a. An applicant for a conditional use permit shall have the burden of establishing both:
 - (1) That his application falls within the provisions of this Ordinance, which affords to the applicant the right to seek a conditional use permit; and
 - (2) That the allowance of a conditional use permit will not be contrary to the public interest.

8. Impact on the Public Interest

In determining whether the allowance of a conditional use permit is contrary to the public interest, the Borough Council shall consider whether the application, if granted, will:

- a. Adversely affect the public health, safety, and welfare due to changes in traffic conditions, drainage, air quality, noise levels, neighborhood property values, natural features, and neighborhood aesthetic characteristics.
 - b. Be in accordance with the Community Development Objectives of Darby Borough that are part of this ordinance.
 - c. Provide required parking in accordance with Article 14.
 - d. Adversely affect the logical, efficient, and economical extension or provision of public services and facilities such as public water, sewers, refuse collection, police, fire protection, and public schools.
 - e. Otherwise adversely affect the public health, safety, or welfare.
9. Expiration of Conditional Use Permits

Unless otherwise specified by the Borough Council, a conditional use permit shall expire if the applicant fails to obtain a building permit within six (6) months from the date of authorization thereof, unless the applicant can show that there were permitting delays beyond his control.

1803 STANDARDS FOR SPECIFIC USES

The following conditional uses shall be reviewed in accordance with the specific provisions and standards listed below as well as the procedural and more general standards for conditional uses in Section 1802 above.

1. Wireless Communication Facilities

Wireless communications antennas located on existing structures shall be allowed by conditional use in the HC Highway Commercial district, the INS Institutional district, the BI Business Institutional district and the IND Industrial district. They shall be allowed by-right on federal, state, county, municipal and school district-owned sites for the following purposes: internal

communication needs, emergency uses, and for use by wireless personal and commercial service providers and customers.

New *wireless communications antenna support structures* as defined in article 2, shall be allowed by conditional use in the IND – Industrial district and the INS – Institutional district.

The following standards shall apply to the construction, erection, relocation or alteration of a cellular communications facility:

a. Location.

- (1) The applicant shall demonstrate using accepted technological and documentary evidence, that the antenna and/or antenna support structure must be located where proposed in order to satisfy its function within the applicant’s regional plan or grid system. An accurate description of each relevant “area of service” shall be included in such evidence.
- (2) An applicant for a new antenna support structure shall demonstrate that it has contacted the owners of suitable structures within a ½ mile radius of the location of the proposed antenna support structure for permission to install the antenna(s) on those structures and that such permission has been denied by all such owners due to structural, engineering or operational issues or financial considerations. The Borough Council may deny an application to construct a new antenna support structure if the applicant has not made a good faith effort to mount the antenna(s) on an existing structure.

b. Height.

- (1) The maximum height of an antenna on an existing structure or antenna support structure shall be one hundred (100) feet.
- (2) The applicant shall demonstrate that the antenna(s) and/or the antenna support structure must be at the height proposed in order to satisfy its function in the applicant’s regional plan or grid system. The applicant shall also demonstrate that the support structure and antenna height requested is not in

excess of the minimum required to function satisfactorily.

- (2) An antenna that is attached to an existing support structure such as a telephone, electric or utility pole, existing wireless communications support structure smoke stack, water tower or other similar tall structure, or occupied building shall not exceed the height of the existing structure by more than 15 feet.

c. Setbacks.

The minimum distance between the base of any antenna support structure, including any guy-wire anchors, and other associated facilities and any property line or right-of-way line shall be at least the minimum setback requirements for the district in which the support structure and associated facilities are located or one hundred percent of the tower height whichever is greater.

d. Antenna support structure safety.

- (1) The applicant shall provide to the Borough, a report from a structural engineer registered in Pennsylvania attesting that the proposed antenna support structure meets the standards of either the Electronics Industries Association (EIA) or the Telecommunications Industry Association (TIA). When a wireless communications facility to be mounted on a building or other structure, a report from a structural engineer registered in Pennsylvania attesting that the proposed installation will not exceed the structural capacity of the building or other structure, considering wind and other loads associated with the structure.
- (2) A soil report complying with the standards of the Geotechnical Investigations ANSI/EIA-222-E, as amended, shall be submitted to the Borough Engineer to document and verify that the design specifications of the foundation for the antenna support structure, and anchors for guy-wires, if used, are in conformance with applicable standards.
- (3) The applicant shall demonstrate that the proposed wireless communications facility is designed in

such a manner that no part of the facility shall attract or deflect light onto adjacent properties.

e. Licensing and applicable regulations.

An applicant for a wireless communications facility must demonstrate that it is licensed by the Federal Communication Commission (FCC) and provide the Borough Manager with a copy of such license. The application shall also provide a certificate of insurance evidencing general liability coverage in the minimum of \$1 million per occurrence and property damage coverage in the minimum amount of \$1 million per occurrence covering the communications tower and communications antennas.

f. Building and zoning permits.

The applicant shall obtain building and zoning permits as required by applicable Borough ordinances for antenna support structures and any other associated telecommunications equipment or facilities meeting the definition of a structure in this Zoning Code and shall comply with all applicable requirements for inspections and certifications.

g. Site Plan.

The applicant shall provide a full site plan, showing all existing and proposed structures and improvements, including, but not limited to, the antenna(s), antenna support structure, building, fencing, landscaping and means of ingress and egress. The plan shall comply will applicable requirements of a site plan as stated in the most recently adopted version of the County Subdivision and Land Development Ordinance.

h. Fencing.

A security fence shall be required around an antenna support structure and associated facility equipment. The security fence shall be a maximum of eight (8) feet in height and maintained in proper condition. No barbed wire or razor wire fencing shall be permitted.

i. Signs.

No sign or other structure shall be mounted on the wireless communications facility, except as may be required by the FCC, Federal Aviation Administration (FAA) or other governmental agency.

j. Lighting.

Antenna support structures shall meet all FAA regulations regarding lighting. No antenna support structure may be artificially lighted except when required by the FAA or other governmental authority. When lighting is required by the FAA or other governmental authority it shall be oriented inward so as not to project onto surrounding properties. The applicant shall promptly report any outage or malfunction of FAA mandated lighting to the appropriate governmental authorities.

k. Landscaping.

The antenna support structure shall be landscaped to screen as much of it as possible. Borough Council, at its discretion, may permit or require a combination of topography, walls, decorative fences, or other features instead of landscaping if, in the opinion of the Council such alternative features achieve the same or greater degree of screening as the required landscaping as defined below:

(1). An evergreen screen shall be required on the outside of any security fence, surrounding the antenna support structure and totally screening its base and the fence. The evergreen screen shall be a minimum of six (6) feet in height at planting high and grow to a minimum of fifteen (15) feet in height at maturity.

(2). Existing vegetation on and around the land site shall be preserved to the greatest possible extent.

l. Annual inspection and report.

The owner of an antenna support structure shall submit to the Borough Engineer proof of the annual inspection of the antenna support structure and antenna(s) by an independent professional engineer as required by the EIA/TIA/ANSI

codes. Based upon the results of such inspection the Borough may require the removal or repair of such facility. In the event the annual inspection is not performed in a timely manner the owner shall be subject to civil enforcement proceedings in accordance with Section 617.2 of the Pennsylvania Municipalities Planning Code (MPC) and applicable Borough ordinances.

Along with the proof of inspection the owner shall submit an annual report to the Borough containing ownership information and the name, address and emergency contact information for the operator of such facility as well as any technical and engineering specifications of the facility and its associated network as the Borough Manager deem necessary.

m. Interference.

In the event the wireless communications facility causes interference with the radio or television reception of any Borough resident for a period of three continuous days, the resident shall notify the owner or the Borough Manager of such interference and the owner, at the owners sole expense, shall thereafter ensure that any interference problems shall be corrected promptly.

n. Abandonment.

If the use the wireless communications facility is abandoned, or not in use for a period of six months or longer, the owner shall remove the facility from the site within six months of such abandonment or discontinuance of use. All costs of removal shall be borne by the owner. In the event the removal is not performed in a timely manner the owner shall be subject to civil enforcement proceedings in accordance with Section 617.2 of the Pennsylvania Municipalities Planning Code (MPC) and applicable Borough ordinances.

2. Day Care Centers and Group Day Care Homes

Day care centers and group day care homes shall be permitted by right in the INS Institutional district and the TOD Transit Oriented Development district and as conditional uses in the HC Highway Commercial, BI Business Institutional districts. Day care centers shall be permitted as part of a church, school or other similar

institution or as a stand-alone independent use. Group day care homes shall comply with all the provisions for a day care center except for subsections a, b, and c below.

- a. The minimum lot size for day care centers shall be seven hundred fifty (750) square feet per child and shall not be less than the minimum required for the district in which it is located.
- b. Not less than forty (40) square feet of indoor play area per child shall be provided for day care centers, excluding bathrooms, hallways, and other areas not suited for play.
- c. Not less than seventy-five (75) square feet of outdoor play area per child shall be provided for day care centers, excluding parking areas, garage areas, and other areas not suited for play.
- d. Outdoor play activities shall be limited to the hours between 8:00 a.m. and sunset as defined by the National Weather Service.
- e. A fence at least four (4) feet high shall be placed around all outdoor play areas. Such fence must reach the ground to prevent children from crawling underneath. No outdoor play equipment shall be located closer than 10 feet to an abutting property line
- f. Each facility shall be fully protected by smoke detectors, sprinklers and fire extinguishers as specified by all relevant state building and fire safety codes and Borough ordinances.
- g. Each facility shall provide for the discharge and pick-up of children on a driveway, approved parking area, or directly in front of the facility. The area selected for discharge and pick-up must be free from traffic hazards to children.
- h. All pedestrian pathways to and from a day care center or group day care home shall be to meet the state Department of Public Welfare standards for safety and security if utilized during non-daylight hours. Specific areas for lighting are entrance ways, pedestrian access to the outdoor play areas, sidewalks used in non-daylight hours, drop-off areas, supply delivery areas and all parking lots.

- i. When a center is adjacent to streets of different classifications, ingress and egress to the center shall be from the street of lowest classification, if possible.
- j. When a day care center is located in a multi-use building, the entrances and exits shall provide direct access to the day care center so that walking through other significant portions of the building is avoided.
- k. Day care centers shall not be placed closer than five hundred (500) feet from another day care facility.
- l. No part of a facility may be located within three hundred (300) feet of gasoline pumps or underground gasoline storage tanks or any other storage area for explosive materials.
- m. The Borough Council may require planting and screening consistent with the character of uses adjacent to the facility.
- n. Each facility must hold an approved Pennsylvania Department of Public Welfare (DPW) registration, certificate, or license as appropriate and meet all current DPW regulations and any applicable state or local building codes or fire safety codes. Where the above regulations differ from those of the Pennsylvania DPW, the more stringent regulation shall apply.
- o. The operator of a day care center will allow the Zoning Officer to enter the property at reasonable times to inspect for compliance with the requirements of this section and all other applicable municipal and state ordinances or regulations
- p. Signs shall comply with all relevant provisions of Article 15.
- q. Parking shall be provided in accordance with all relevant provisions of Article 14.

ARTICLE 19

PERFORMANCE STANDARDS

1900 PURPOSE

The purpose of this Article is to ensure adequate protection for the residents of the Borough against the possible negative effects of certain uses, processes, or activities applicable to all districts but particularly to commercial districts.

1901 ADMINISTRATION

1. The interpretation and Application of Standards

- a. The performance standards contained herein shall be the minimum standards to be met and maintained by all uses established after the effective date of this Ordinance. Standards established by the Pennsylvania Department of Environmental Protection, the United States Environmental Protection Agency, or other applicable county, state, or federal agencies shall apply where those standards are more restrictive than the standards set forth below.
- b. If any existing use or building or other structure is extended, enlarged, or reconstructed, the performance standards herein shall only apply to such extended, enlarged, or reconstructed portion or portions of such use, building, or other structure.

2. Application Review

All applications for commercial uses shall be reviewed by the Zoning Officer for compliance with the performance standards listed in Section 1902. No application for a use shall be approved until it is certified in writing by the Zoning Officer that the proposed use can meet these performance standards.

3. Enforcement and Costs

- a. The Zoning Officer shall investigate any purported violation of the performance standards noted below. Enforcement procedures shall be in accordance with Article 20, Administration, Enforcement, and Amendment.

- b. If violations, as alleged, are found, costs of such determinations shall be charged against those responsible for the violations, in addition to such other penalties as may be appropriate. If, however, it is determined that no violation exists, the Borough shall pay for the costs of the determination.

1902

PERFORMANCE STANDARDS

1. Air Quality

There shall be no emission of smoke, ash, dust, fumes, vapors, gases, or other matter, toxic or noxious, to air which violates the Pennsylvania Air Pollution Control Act of 1959, as amended, including the standards set forth in Chapter 123 (Standards for Contaminants) and Chapter 131 (Ambient Air Quality Standards), of Article III (Air Resources), Title 25, Pennsylvania Environmental Protection Code.

2. Fire and Explosive Hazards

All activities and all storage of flammable and explosive material at any point shall be provided with adequate safety devices against the hazard of fire and explosion, adequate fire fighting, fire suppression equipment, and devices as detailed and specified by the laws of the Commonwealth of Pennsylvania. All buildings, structures, and activities within such facilities shall conform to the most recently adopted Pennsylvania Uniform Construction Code, the National Fire Code, and any applicable Borough ordinances. Any explosive material shall conform to the requirements of Chapter 211 (Storage, Handling, and Use of Explosives), Article IV (Occupational Health and Safety) Title 25, Pennsylvania Environmental Protection Code, for storing, handling, and use of explosives.

3. Glare and Heat

No direct or sky-reflected glare, whether from floodlights or high temperature processes such as combustion, welding, or otherwise, visible at the lot line shall be permitted, except for emergency industrial operations and safety purposes. These regulations shall not apply to signs or floodlighting of parking areas. There shall be no emission or transmission of heat or heated air discernible at the lot line.

4. Liquid and Solid Waste

There shall be no discharge of materials at any point into any public or private sewage system, watercourse, or into the ground in such a way or nature as will contaminate or otherwise cause the emission of hazardous materials in violation of the ordinances of Darby Borough and the laws of the Commonwealth of Pennsylvania, specifically of Chapters 73 (Standards for On-Lot Sewage Treatment Facilities), 95 (Wastewater Treatment Requirements), and Article VII (Hazardous Waste Management), Title 25, Pennsylvania Environmental Protection Code.

5. Noise

No person shall operate or cause to be operated on private or public property any source of continuous sound (any sound which is static, fluctuating, or intermittent with a recurrence greater than one (1) time in any fifteen (15) second interval) in such a manner as to create a sound level which exceeds the limits set forth in the following table when measured at or within the property boundary of the receiving land use.

<u>Receiving Land Use Category</u>		<u>Time</u>	<u>Sound Level Limit</u>
Residential or institutional	1)	7:00 a.m.-10:00 p.m.	60 dBA
	2)	10:00 p.m.-7:00 a.m. (Including Sundays and legal holidays)	50 dBA
Commercial or business	1)	7:00 a.m.-10:00 p.m.	65 dBA
	2)	10:00 p.m.-7:00 a.m. (Including Sundays and legal holidays)	60 dBA

- a. For any source of sound that emits a pure tone, the maximum sound level limits set forth in the above table shall be reduced by five (5) dBA. For any source of sound which emits an impulsive sound (a sound of short duration, with an abrupt onset and rapid delay and an occurrence of not more than one (1) time in any fifteen (15) second interval), the sound pressure level shall not exceed twenty (20) dBA over the ambient sound level, regardless of time of day or night, of receiving land use, using the “fast” meter characteristics of a Type II Meter, meeting the ANSI specifications S1.4-1971.

- b. The maximum permissible sound levels as listed in the above table shall not apply to any of the following noise sources:
 - (1) The emission of sound for the purpose of alerting persons to the existence of an emergency or associated practice drills.
 - (2) Emergency work to provide electricity, water, or other public utilities when public health or safety is involved.
 - (3) Public celebrations specifically authorized by the Borough.
- c. Motor vehicle operations shall not exceed the noise levels established in Chapter 157 (Established Sound Levels), Article VII (Vehicle Characteristics), Title 67, Pennsylvania Transportation Code.

6. Odors

No uses shall emit odorous gases or other odorous matter in such quantities so as to be offensive at any point on or beyond its lot lines. The guide for determining such quantities of offensive odors shall be the fifty (50) percent response level of Table 1 (Odor Thresholds in Air), "Research of Chemical Odors: Part I - Odor Thresholds for 53 Commercial Chemicals," October, 1986, Manufacturing Chemists Association, Inc., Washington, D.C.

7. Vibration

No vibration shall be produced that is transmitted through the ground and is discernible without the aid of instruments at or at any point beyond the lot line except for repair and construction work.

8. Radioactivity or Electrical Disturbances

There shall be no activities that emit dangerous radioactivity at any point. There shall be no radio or electrical disturbances adversely affecting the operation of equipment belonging to someone other than the creator of the disturbance. If any use is proposed which incorporates the use of any radioactive material, equipment, or supplies, such use shall be in strict conformity with Chapters 221 (X-rays in the Healing Arts), 225 (Radiation Safety Requirements for Industrial Radiographic Operations), and 227 (Radiation Safety Requirements for Analytical X-ray Equipment, X-ray Gauging Equipment, Electron Microscopes, and X-ray Calibration

Systems), Article V (Radiological Health), Title 25, Pennsylvania Environmental Protection Code.

9. **Public Health and Safety**

No use shall create any other objectionable condition in an adjoining area that will endanger public health and safety or be detrimental to the public use of the surrounding area.

ARTICLE 20

ADMINISTRATION, ENFORCEMENT AND AMENDMENTS

2000 PURPOSE

The purpose of this Article is to establish procedures for the administration, enforcement and amendment of this Ordinance consistent with the state Planning Code.

2001 ADMINISTRATION

1. The administration, enforcement and amendment of this Ordinance shall be in accordance with the provisions of Article VI and any other applicable sections of the Pennsylvania Municipalities Planning Code, Act 247, as amended, hereinafter referred to in this Article as the Planning Code.
2. There shall be a Zoning Officer (ZO) who shall be appointed by Borough Council and be responsible for the administration and enforcement of this Ordinance. The Borough Manager may also exercise the powers and duties of the ZO listed in this Article. Additionally, the ZO may delegate the power of enforcement to another qualified employee of the Borough. All employees engaged in the administration and enforcement of this ordinance shall report to the appropriate Council Committee and the Borough Manager.
3. The ZO and the Borough Manager shall not hold any elected office in the Borough.
4. The ZO shall administer this Ordinance in accordance with its literal terms and shall not have the power to permit any construction, use, or change of use that does not conform to this Ordinance.
5. The ZO may be authorized to institute civil enforcement proceedings as a means of enforcing this Ordinance.
6. Duties

The duties of the ZO shall include, but not be limited to, the following:

- a. The enforcement of all provisions of this Ordinance and all amendments thereto.

- b. The receiving, examination, recording and filing of all applications and fees for zoning permits, and the issuance of such permits when a proposed structure or use conforms to the requirements of this Ordinance.
- c. The issuance of permits for uses and construction by special exception, variance or conditional use only after such uses or buildings are approved by the Zoning Hearing Board or Borough Council, in accordance with the provisions of this Ordinance. Permits requiring approval by Borough Council shall be issued only after receipt of an authorization from Council.
- d. The regular inspection of all areas of the Borough to determine if there are any violations of this Ordinance and to review the validity of any reported zoning violations.
- e. The issuance of all necessary stop orders, and order in writing corrections of all conditions found to be in violation of this Ordinance. It shall be unlawful for any person to violate any such order lawfully issued by the ZO, and any person violating such order shall be guilty of a violation of this Ordinance.
- f. The maintenance or initiation and oversight of the maintenance of a map or maps showing the current zoning classification of all land in the Borough.
- g. Upon request of the Council, Planning Commission or Zoning Hearing Board, the presentation of facts, records and any similar information to such body on specific requests to assist these bodies in reaching their decisions.

7. Appeals from Decisions of the ZO

An appeal from a decision or action of the ZO shall be made directly by a party of interest to the Zoning Hearing Board, and such appeal shall be made within thirty (30) days after notice of the decision is made, or if no decision is made, thirty (30) days after the date when a decision is deemed to have been made, in accordance with the Planning Code, as amended.

8. Violations

Whenever a violation of this Ordinance is alleged to have occurred, any person may file a written and signed complaint. Such complaint, stating fully the causes and basis thereof, shall be filed with the ZO

who shall record such complaint promptly and immediately investigate and take action thereon as provided in this Ordinance.

Persons found to be in violation of this ordinance shall pay a judgment of no more than five hundred dollars (\$500) plus all court costs, including reasonable attorney fees incurred by the Borough. See Section 617.2 of the Planning Code.

2002 **ENFORCEMENT**

1. Enforcement Notice

If it appears to the Borough that a violation of this Ordinance has occurred, the Borough shall initiate enforcement proceedings by sending an enforcement notice to the owner of record of the parcel(s) on which the violation has occurred, to any person who has filed a written request to receive an enforcement notice regarding that parcel, and to any other person requested in writing by the owner of record. An enforcement notice shall include the minimum components required in Section 616.1(c) of the Planning Code.

2. Causes of Action

See Section 617 of the Planning Code.

3. Enforcement Remedies

See Section 617.2 of the Planning Code.

4. Jurisdiction

The Magisterial District Judge shall have initial jurisdiction over proceedings brought under Section 617.2 of the Planning Code.

2003 **PERMITS AND FEES**

1. Zoning Permits

A zoning permit shall be required prior to the erection, alteration or extension, or conversion of any building, structure or portion thereof, including signs and fences; prior to the use or change in use of a building or land; and prior to the change or extension of a nonconforming use or structure.

a. Application for Zoning Permits

Application for zoning permits shall be made to the ZO on such forms as may be furnished by the Borough. Each application shall contain all information necessary to ascertain whether the proposed erection, alteration, use or change in use complies with the provisions of this Ordinance.

b. Issuance of Zoning Permits

- (1) No building or zoning permit shall be issued until the ZO has certified that the proposed building or alteration and the proposed use of the property comply with the provisions of this Ordinance.
- (2) Zoning permits shall be granted or refused within forty-five (45) working days after date of application. In case of refusal the applicant shall be informed of his right to appeal to the Zoning Hearing Board.

2. Occupancy Permits

An occupancy permit shall be deemed to authorize and is required for both initial and continued occupancy and the use of the building or land to which it applies. Such a permit shall certify that the premises have been inspected and comply with all previously approved plans and conditions or safeguards attached to the issuance of a zoning permit. It shall also certify that the premises comply with all other applicable requirements of the Borough. The following shall be unlawful until an occupancy permit has been applied for and issued by the ZO:

- Occupancy and use of a building erected, reconstructed, restored, altered, or moved or any change in the use of an existing building;
- Any change in ownership of a residential structure.

a. Applications for Occupancy Permits

Applications for an occupancy permit shall be made on forms furnished by the Borough after the building or part thereof has been erected, the change in use has been completed, or the land placed in use. In the case of a change in ownership of an existing residential building, the owner of such a building shall apply for an occupancy permit upon its sale.

Applications for occupancy permits shall be accompanied by

payment of the required fee.

b. Action of the Zoning Official

The ZO, shall with fifteen (15) days of the application filing, inspect the premises and either certify their compliance with the previously approved plans and all conditions and safeguards stated upon issuance of the an occupancy permit or deny such certification. In the case of a change in occupancy or use of an existing building or vacant land (when no zoning permit is required), the ZO shall verify compliance with the applicable zoning regulations.

If the certification of the occupancy permit form is denied, the ZO shall state in writing the reasons for such denial.

3. Conditional Use Permits

After review of a conditional use application and its compliance with all applicable provisions of this ordinance with all applicable provisions of this Article and Article 18, Council shall make a determination on issuing a conditional use permit.

4. Permits for Trailers or Other Temporary Structures

a. Prior to the placement or location of a trailer or other temporary structure on a site, a permit shall be obtained from the ZO as noted above in this section. Such temporary permit shall be effective for not more than ninety (90) days, and a permit renewal shall be required where such trailer or other temporary structure shall occupy the property for a longer period of time.

b. Temporary permits shall authorize the placement of temporary structures for not more than six (6) months in any given calendar year unless stated elsewhere in this ordinance or in circumstances deemed necessary by the ZO.

c. Nothing in this subsection shall be construed to prohibit the parking of trailers or recreational vehicles in private driveways or garages.

5. Expiration of Permits

Permits for the erection, razing, change, alteration or removal of a building shall be valid or effective for a period of not more than six (6)

months from the date of issuance thereof and shall thereafter be void, unless the work authorized by such permit shall have been substantially commenced within that period and continues with due diligence from that time forward. In no event shall a zoning permit be construed to authorize the development activities for more than a three (3) year period of time, after which time a new permit must be sought. If, however, the applicant has been delayed in proceeding with the work for which the permit was granted for reasons beyond his or her control and demonstrably not due to his or her own negligence, at the discretion of the ZO the permit may be renewed without additional costs to the applicant.

6. Fees

- a. Darby Borough Council shall establish from time to time by resolution, a schedule of fees, charges, expenses and collection procedures for building, zoning and occupancy permits, sign and fence permits, special exceptions, conditional uses permits, variances, and appeals, amendments and other matters pertaining to this Ordinance.
- b. A schedule of fees shall be posted in the office of the ZO and may be altered or amended by Borough Council only.
- c. No action shall be taken on any application for a building, zoning, occupancy or sign permit, or special exception, conditional use variance, appeal or other similar matter pertaining to this Ordinance until all application fees, charges and expenses have been paid in full.

2004

AMENDMENTS

1. Power to Amend

The regulations, restrictions, boundaries and requirements set forth in this Ordinance may be amended, supplemented, changed or repealed by Borough Council by amending this Ordinance in accordance with Sections 609, 609.1 and 609.2 of the Planning Code.

2. Procedure for Amendment

- a. An ordinance amending, supplementing or changing the district boundaries (Zoning Map) or the regulations established herein may be initiated:

- (1) By Borough Council, upon its own initiative or upon

recommendation of the Planning Commission.

- (2) Upon a petition to Borough Council signed by the owners of fifty (50) percent or more of the frontage of any area, which shall be between two (2) streets wherein a change of zoning regulations is being sought.
 - (3) By a landowner requesting an amendment or repeal. In the case of a curative amendment, the special requirements of Section 609.1 of the Planning Code shall apply.
- b. Before voting on the enactment of an amendment, Borough Council shall hold a public hearing thereon, pursuant to public notice. If the proposed amendment involves a map change, notice of said public hearing shall be conspicuously posted at points deemed sufficient by the Borough along the tract(s) under consideration at least one (1) week prior to the hearing. In addition, when an a proposed amendment involves a map change a mailing shall be sent via first class mail to the real estate tax bill addresses of all property within an area be rezoned least thirty (30) days prior to the public hearing date. The mailing must include at least the date, time and location of the hearing.
 - c. Borough Council shall submit each proposed zoning amendment, other than one prepared by the Planning Commission, to the Planning Commission at least thirty (30) days prior to any hearing which is to be held on the proposed amendment to provide the Planning Commission with an opportunity to submit its recommendations prior to final action.
 - d. If, after any public hearing held upon an amendment, the proposed amendment is revised or further revised to include land previously not affected by it, Borough Council shall hold another public hearing as required by law pursuant to public notice before proceeding to vote on the amendment.
 - e. As required by the Planning Code, a copy of any proposed zoning amendment shall also be sent to the County Planning Commission at least thirty (30) days prior to any hearing on the proposed amendment in order to provide the County Planning Commission an opportunity to submit its recommendations prior to final action on the amendment.
 - f. The Borough may offer a mediation option as an aid in

completing proceedings authorized in this section (2004). In exercising such an option, the Borough and mediating parties shall meet the stipulations of Section 908.1 of the Planning Code.

- g. Within thirty (30) days after enactment, a copy of the amendment to this Ordinance shall be forwarded to the Delaware County Planning Department.

ARTICLE 21

ZONING HEARING BOARD

2100 PURPOSES

The purposes of this Article are to list and describe the powers, procedures and standards for the Zoning Hearing Board, as required by the Pennsylvania Municipalities Planning Code as amended.

2101 ADMINISTRATION AND PROCEDURE

1. Creation of the Zoning Hearing Board

A Zoning Hearing Board for the Borough of Darby shall be appointed by Borough Council and shall be authorized to administer all procedures charged to such Boards in accordance with the provisions of Article IX of the Pennsylvania Municipalities Planning Code, as amended. Hereinafter, as used in this Article, the term "Board" shall refer to the Zoning Hearing Board, and the term "Planning Code" shall refer to the Pennsylvania Municipalities Planning Code, Act 247 as amended.

2. Membership of the Board

The Board shall consist of three (3) residents of the Borough and two alternates, also Borough residents. Their terms of office shall be three (3) years and shall be so fixed that the term of office of one (1) member shall expire each year. The Board shall promptly notify the Borough of any vacancies. Appointment to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other elected or appointed office in the Borough. Included in this statement are part-time officials and consultants.

3. Removal of Members

Any member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority rule of Borough Council taken after the member has received fifteen (15) days advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member requests it in writing. See also Section 905 of the Planning Code.

4. Organization of the Board

- a. The Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than the majority of all members of the Board, but where a majority of members are disqualified to act in a particular matter, the remaining members may act for the Board. As provided for in the Planning Code, the Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf, and the parties may waive further action by the Board, as provided in Section 908 of the Planning Code. See also Section 906 of the Planning Code for further information on the organization of the Board.
- b. The Board shall adopt rules and forms for its procedure in accordance with the provisions of this Ordinance. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. Such 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.
- c. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicate such fact, and shall keep records of its examination and other official actions, all of which shall be immediately filed in the Department of Code Enforcement and shall be a public record.
- d. The Board shall submit a report of its activities to Borough Council as requested.

5. Expenditures for Services

Within the limits of funds appropriated by Borough Council, the Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the Board may receive compensation for the performance of their duties, as may be fixed by Borough Council but in no case shall it exceed the rate of compensation authorized to be paid to members of Borough Council. See also, Section 907 of the Planning Code.

2102 POWERS OF THE ZONING HEARING BOARD**1. Appeals from the Code Official**

The Board shall hear and decide appeals where it is alleged that the Borough ZO has failed to follow prescribed procedures or has misinterpreted or misapplied any provision of this Ordinance or the Zoning Map, or any valid rule or regulation governing the action of the ZO.

2. Applications

Applications for variances or special exceptions shall include as a minimum the following information:

- a. A sketch plan, at scale, showing the layout of the property, the proposed improvements and alterations thereto and the relationship of the tract to adjacent properties.
- b. A reference to the section(s) of the Ordinance under which the variance or special exception is requested.
- c. Other information items as required by the Department of Code Enforcement.

3. Variances

The Board shall hear requests for variances where it is alleged that the provisions of this Ordinance inflict unnecessary hardship on the applicant. In granting a variance the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the Planning Code and this Ordinance. See also Section 910.2 of the Planning Code.

4. Special Exceptions

The Board shall hear and decide requests for special exceptions authorized by this Ordinance in accordance with the standards and criteria set forth in Section 2106 below. The Board may attach such reasonable conditions and safeguards, as it may deem necessary to implement the purposes of the Planning Code and this Ordinance. Regulations for specific special exceptions shall also be met and are located in Article 17 of this Ordinance. See also Section 912.1 of the Planning Code.

5. Challenges to the Validity of Ordinance or Map
The Board shall conduct hearings and make decisions and findings in connection with challenges to the validity of any provision of this Ordinance as authorized by Section 909.1 and/or 916.1 of the Planning Code.

2103 **HEARINGS AND DECISIONS**

The Board shall conduct hearings and make decisions in accordance with the provisions of Section 908 of the Planning Code.

2104 **NOTICE OF REQUIREMENTS**

1. Notice of Hearing

In any case where the Board shall hold a public hearing, the Board shall, at a minimum, give notice of such hearing as follows (see also Section 908 of the Planning Code):

- a. Notice shall at a minimum state the time and the place of the hearing and the particular nature of the matter to be considered at the hearing.
- a. By publishing a notice thereof once each week for two (2) successive weeks in a newspaper of general circulation in the Borough, provided that the first publication shall be not more than thirty (30) days and the second publication not less than seven (7) days from the date of the hearing.
- b. By mailing or delivering due notice thereof to the applicant and other parties in interest, who shall be at least those persons whose properties adjoin the property in question or are within a two hundred (200) foot radius of the property in question.
- c. By mailing or delivering notice thereof to Borough Council, the Borough Manager and the ZO.
- d. By conspicuously posting notice of said hearing on the affected tract of land at least one (1) week prior to the hearing.

2105 **ELEMENTS OF DECISIONS OF THE BOARD**

Decision of the Board shall include the following elements:

1. Findings of fact, including a brief summary of relevant testimony and information entered during the proceedings of the Board.

2. Citation by quotation or by reference to the specific sections of the local ordinances and/or the Planning Code that are relevant to the case in question.
3. Conclusions of the Board, enumerating the reasons why such conclusions are deemed appropriate in light of the facts found.
4. Ruling of the Board, indicating in writing any stipulations or conditions attached to the ruling.

2106

STANDARDS FOR ZONING HEARING BOARD ACTION

In any instance where the Zoning Hearing Board is required to consider a variance or special exception, the Board shall, among other things, consider the following standards:

1. Planning Code Criteria for Variances
 - a. The Board shall hear requests for variances where it is alleged that the provisions of this Ordinance inflict unnecessary hardship on the applicant.
 - b. A variance from the terms of this Ordinance shall not be granted by the Board unless and until a written application for a variance is submitted by the applicant, who shall have the burden of establishing the presence of all the following conditions 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 other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions and not to 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 the 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.
- (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.

c. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the Planning Code and this Ordinance.

2. Standards for Review of Special Exceptions

a. In any instance where the Board is required to consider a request for a special exception, the Board shall consider the following factors where appropriate (see also Section 912.1 of the Planning Code:

- (1) That the proposed use is appropriate for the site in question in terms of size, topography, natural features, drainage, sewage disposal, water supply, accessibility and availability of public services and that adequate provisions will be made to protect sensitive environmental features such as streams, lakes, wetlands, slopes and mature trees.
- (2) That the proposed use is compatible with the character of the surrounding neighborhood and will not interfere with or detract from legitimate uses and adjacent properties, and that adequate measures will be provided through building design, site layout, landscaping, planting and operational controls to minimize any adverse impacts caused by noise, lights, glare, odors, smoke, fumes, traffic, parking, loading and signage.
- (3) That the proposed special exception will serve the best

interest of the Borough, the convenience of the community and the public health, safety and welfare.

- (4) That the proposed use is consistent with the Darby Borough Community Development Objectives that have been adopted as part of this Ordinance.
 - (5) That the proposed use promotes orderly development, proper population density and the provision of adequate community facilities and services, including police and fire protection.
 - (6) That the proposed use is suitable in terms of its effect on highway safety and traffic circulation and that access, on-site circulation and parking are adequate in view of anticipated traffic.
 - (7) That the proposed use will provide for adequate off-street parking, as required in Article 14.
- b. In cases where uses permitted by special exception are not accompanied by specific standards for such uses, the regulations in Section 1702 shall apply.
 - c. Financial hardship shall not be construed as a basis for granting special exceptions.
 - d. In granting any special exception, the Board may attach reasonable conditions and safeguards in addition to those expressed in this Ordinance as it may deem necessary to implement the purposes of the Planning Code and the Ordinance, which conditions and safeguards may relate to, but not be limited to, screening, lighting, noise, safety, aesthetics and the minimization of noxious, offensive or hazardous elements. Such special exception shall be clearly authorized by a provision in this Ordinance and shall, where applicable, comply with the more specific standards relating to such special exception contained in relevant sections of Article 17.

2107

STANDARDS OF PROOF

1. For Variances

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

- a. That a literal enforcement of the provisions of this Ordinance

will result in unnecessary hardship, as that term is defined by law, including court decisions.

- b. That the allowance of the variance will not be contrary to the public interest.

2. For Special Exceptions

- a. That the application falls within the provisions of this Ordinance which affords to the applicant the right to seek a special exception.
- b. That the allowance of a special exception will not be contrary to the public interest.

3. Evaluation of the Impact of an Application on the Public Interest

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

- a. Adversely affect the public health, safety and welfare due to changes in traffic conditions, drainage, air quality, noise levels, neighborhood property values, natural features and neighborhood aesthetic characteristics.
- b. Be in accordance with the Darby Borough Community Development Objectives that were adopted as part of this ordinance.
- c. Provide required parking in accordance with Article 14 of this Ordinance.
- d. Adversely affect the logical, efficient and economical extension or provision of public services and facilities such as public water, sewers, refuse collection, police, fire protection and public schools.
- e. Otherwise adversely affect the public health, safety or welfare.

2108

EXPIRATION OF SPECIAL EXCEPTIONS AND VARIANCES

Unless otherwise specified by the Board, a special exception or variance shall expire if the applicant fails to obtain a building permit within six (6) months from the date of authorization thereof.

2109 **TIME LIMITATIONS AND STAY OF PROCEEDINGS**

See Sections 914.1 and 915.1 of the Planning Code.

2110 **APPEALS TO COURT**

See Article X-A of the Planning Code.

ARTICLE 22

NONCONFORMING USES, STRUCTURES AND LOTS

2200 PURPOSE

1. Within the districts established by this Ordinance or amendments thereto, there exist certain uses, structures and lots that were lawful before this Ordinance was enacted or amended but which do not conform to the provisions of this Ordinance or amendment thereto. These uses, structures or lots are referred to as nonconformities.

2. The regulations governing existing nonconforming uses, structures and lots are set forth in this Article and are intended to provide a gradual remedy for the undesirable conditions resulting from such nonconformities. While such nonconformities are generally permitted to continue, these regulations are intended to restrict further investment in such nonconformities and to bring about their gradual reduction.

2201 CONTINUATION

All structures, lots, uses of structures and uses of land that do not conform to the regulations of the district in which they are located after the effective date of this Ordinance or amendment thereto shall be regarded as nonconforming and may be continued so long as they remain otherwise lawful, including subsequent sales of property. Such uses must comply with all safety related and other applicable regulations.

2202 ENLARGEMENT

1. A nonconforming use or structure may be extended, enlarged or altered when so authorized as a special exception, provided that the following conditions are met and a permit is obtained as per Section 2003.1:
 - a. It is clear that such enlargement or extension is not materially detrimental to the health, safety and welfare of the surrounding area.

 - b. The proposed enlargement or extension only occurs on the tract where the nonconformity is currently located.

 - c. The area devoted to the nonconforming use shall not be

increased by more than twenty-five (25) percent. The nonconforming structure shall not be increased by more than twenty-five (25) percent of its cubic content.

- d. Any extension or enlargement of a building shall conform to the area, height and setback regulations of the district in which it is located.
- e. Not more than one (1) extension or enlargement to a nonconforming use or structure shall be granted.

2203 CHANGE OF USE

Once changed to a conforming use, no structure or land shall be permitted to revert to a nonconforming use. A nonconforming use may be changed to another equally restrictive or more restrictive nonconforming use, subject to the following conditions and as per Section 2003.1:

- 1. The applicant shall show that the proposed change will be no more objectionable in external effects than the existing nonconforming use or will be more appropriate than the existing nonconforming use with regard to:
 - a. Traffic generation and congestion.
 - b. Parking.
 - c. Noise, smoke, dust, fumes, vapors, gases, heat, odor, glare or vibration.
 - d. Outdoor storage.
 - e. Sanitary sewage disposal.

2204 ENCLOSURE

Where a nonconforming use is conducted entirely on unenclosed premises, no structure to house or enclose such use whether or not such structure would otherwise conform to zoning regulations, shall be allowed on the premises.

2205 ABANDONMENT

If a nonconforming use is abandoned, as defined in Article 2, the subsequent use of such a building or land shall conform to the regulations of the district in which it is located unless the Zoning Hearing Board approves another nonconforming use. In the latter case, such approved use shall be initiated

within ninety (90) days after the prior use had been officially designated as abandoned.

2206 RECONSTRUCTION

1. A nonconforming structure which is destroyed or damaged by fire or other casualty or act of God may be restored to its condition and footprint prior to the occurrence, provided that:
 - a. The reconstructed structure shall not exceed the height, area and volume of the building destroyed or condemned.
 - b. Reconstruction of the structure shall commence within one (1) year from the date the structure was destroyed or condemned, unless the Zoning Hearing Board shall authorize a special exception for an extension of this time limit.

2207 REPAIRS AND MAINTENANCE

1. On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done in any period of six (6) consecutive months on ordinary repairs or on repair or replacement of non-load bearing walls, fixtures, wiring or plumbing, provided that the cubic content existing when it became nonconforming shall not be increased.
2. If a nonconforming structure becomes physically unsafe due to lack of repairs and maintenance and is declared by the ZO to be unsafe by reason of physical condition, it shall not thereafter be restored or repaired except to conform or more closely conform to the regulations of the district in which it is located.
3. Nothing in this Ordinance shall be construed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by the ZO or other official charged with protecting the public safety.

2208 DISPLACEMENT

No nonconforming use shall displace a conforming use.

2209 NONCONFORMING LOTS

A lot held in single and separate ownership on the effective date of this Ordinance which does not contain the required minimum area or width may be used for the construction, alteration or reconstruction of a building or may be

otherwise used if the construction, alteration, reconstruction or other use is in compliance with the use, yard, setback and other pertinent provisions of this Ordinance.

2210 **REDUCTION OF LOT AREA**

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

2211 **NONCONFORMING SIGNS**

Regulations pertaining to nonconforming signs can be found in Article 14.

2212 **REGISTRATION OF NONCONFORMING USES**

The ZO may prepare, or cause to be prepared, a complete list of all nonconforming uses, structures, lots and signs in the Borough.

2213 **OWNERSHIP**

Whenever a lot is sold a previously lawful non-conforming use may be continued by the new owner.

2214 **VIOLATIONS**

A nonconforming structure altered or a nonconforming use created in violation of any previous provisions in this Article shall be regarded as continuing in such violation and shall not enjoy the privilege of legal continuance conferred by Section 2201 upon other nonconforming structures and uses.

APPENDICES

*Tables and figures contained within appendices are for quick reference only; interested parties should consult the appropriate Article in the Ordinance text for more information

APPENDIX A: Darby Borough - Principal Uses Permitted in all Zoning Districts*

Zoning District	By Right Uses	Special Exceptions	Conditional Uses	Accessory Uses
R-1	Single-family detached dwelling Recreation, park or play area Municipal Use Community residence facility	Major home occupation Religious Use Family day care home		Off-street parking Storage shed Private swimming pool Satellite antenna Signs No-impact home-based business Incidental uses as specified
R-2	Same as R-1, and Single-family semi-detached dwelling (twins)	Same as R-1, and Conversion Educational use		Same as R-1
R-3	Same as R-2, and Single-family attached dwelling (townhouses)	Same as R-1, and Educational use		Same as R-1
R-4	Same as R-3, except no single-family detached dwellings and; Apartments and apartment buildings allowed	Same as R-1		Same as R-1, except small recycling collection facility not allowed
PRD (Overlay)	Single family attached dwellings (townhouses) Low-rise apartments Assisted living facility Recreational and community facilities Administrative offices and facilities			Common dining facilities Physical therapy facilities Auditorium Service and convenience shops Off-street parking Signs

Zoning District	By Right Uses	Special Exceptions	Conditional Uses	Accessory Uses
CBD	<p>Retail Store</p> <p>Food store</p> <p>Personal service shop</p> <p>Eating or drinking establishment</p> <p>Bank or other financial institution</p> <p>General service and repair shops</p> <p>Offices, as specified</p> <p>Apartment (2nd floor or above)</p> <p>Bed and Breakfast or Inn</p> <p>Bus or trolley terminal or station</p> <p>Municipally-owned public surface parking lot</p> <p>Park, plaza or recreation area</p>	<p>Offices (1st floor only)</p> <p>Walk-up food or refreshment establishment</p> <p>Private clubs and lodges</p> <p>Farmer's market</p> <p>Auction</p> <p>Multi-tenant building</p>		<p>Outdoor storage</p> <p>Off street parking and loading</p> <p>Signs</p> <p>Satellite antenna</p> <p>Small recycling collection facility</p> <p>Incidental uses as specified</p>
HC	<p>All uses permitted in the CBD and;</p> <p>Convenience store</p> <p>Grocery store or supermarket</p> <p>Shopping center</p> <p>Beverage distributor</p> <p>Catering establishment</p> <p>Laundry or Laundromat</p> <p>Medical or dental clinic or office</p> <p>Dance studio, martial art school, or other</p> <p>Private instructional studio or school</p> <p>Movie theater of other indoor amusement or recreational use</p>	<p>Wholesale establishment</p> <p>Gasoline service station</p> <p>Car wash</p> <p>Funeral home or mortuary</p> <p>Hotel or motel</p> <p>Public parking lot or deck</p> <p>Standard recycling collection facility</p>		<p>All accessory uses permitted in the CBD</p> <p>Wireless communications antenna</p> <p>Outdoor storage as specified</p> <p>Incidental uses as specified</p>

Zoning District	By Right Uses	Special Exceptions	Conditional Uses	Accessory Uses
HC Cont.	<p>Veterinarian, hospital, animal grooming or animal boarding establishment</p> <p>Tradesman's shops as specified including a retail outlet or showroom</p> <p>Automobile sales, leasing, repair and service establishments, excluding auto body repair and painting businesses</p> <p>Private commercial educational institution or establishment such as a business or trade school</p> <p>Religious use, including accessory dwelling, subject to specified provisions</p> <p>Lodge halls, clubhouses and associated facilities, including auditoriums for public and private use subject to specified provisions</p> <p>Drive-through restaurant or bank or similar establishment</p> <p>Municipally owned, public surface parking lot</p> <p>Public utility</p>			
BI	<p>Warehouse, distribution, mail order facility, wholesale showroom or similar use</p> <p>Light industrial use, as defined</p> <p>Laboratory</p> <p>Electronic data processing or similar technology facility</p> <p>Printing, publishing, photofinishing or lithography and binding business</p> <p>Office or office building</p>		<p>Apartments, located above first floor</p> <p>Retail store or commercial service establishment</p> <p>Child day care center</p>	<p>Indoor storage</p> <p>Outdoor storage</p> <p>Cafeteria, dining hall or similar facility</p> <p>Recreation area</p> <p>Living quarters for caretakers or watchmen</p> <p>Parking</p>

Zoning District	By Right Uses	Special Exceptions	Conditional Uses	Accessory Uses
BI Cont.	<p>Private commercial educational institution</p> <p>Public university or college satellite or ancillary facility</p> <p>Laundry or laundry service facility</p> <p>Rental storage facility</p> <p>Facilities or uses of the same general character as those above</p> <p>Any combination of above permitted uses with specified restrictions</p>			<p>Signs</p> <p>Satellite antenna</p> <p>Wireless communications antenna</p> <p>Incidental uses as specified</p>

INS	<p>Government building or use</p> <p>Civic use</p> <p>Hospital, medical or dental clinic or office</p> <p>Nursing home</p> <p>Assisted living facility</p> <p>Public or private school, college or other academic educational institution</p> <p>Community residence facility, group-based</p> <p>Group day care home or day care center</p> <p>Religious use, including accessory dwelling</p> <p>Cemetery</p>	<p>Private outdoor recreational use, including swim club</p> <p>Public utility, except for garage, warehouse or storage yard</p>		<p>Playfield, open space or recreational facility</p> <p>Parking garage or area</p> <p>Living accommodations for watchman, caretaker or related staff</p> <p>Offices of staff doctors and similar professionals</p> <p>Restaurant or cafeteria for use of employees, students or visitors</p> <p>Storage building or enclosure with permitted use</p> <p>Off-street parking and loading</p> <p>Signs, subject to article 14</p> <p>Satellite antenna, subject to Section 1512</p> <p>Small recycling collection facility</p>
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Zoning District	By Right Uses	Special Exceptions	Conditional Uses	Accessory Uses
INS Cont.	<p>Public park or recreational facility Municipally-owned public surface parking lot</p> <p>Any use of same general character as above permitted uses with specified restrictions</p>			<p>Incidental uses as specified</p>
IND	<p>Wholesale, distribution, warehouse facility</p> <p>Laboratory – scientific or industrial</p> <p>Printing, publishing, photofinishing, lithography facility</p> <p>Laundry, laundry service, cleaning and dyeing facility</p> <p>Machine, plumbing, cement, heating, carpentry, welding, roofing, pipe fitting or similar establishment</p> <p>Trucking facility</p> <p>Yards or operations of general contractors</p> <p>Automobile and truck sales, service and repair</p> <p>Manufacturing – as specified in Section 1201</p> <p>Mail order facility</p> <p>Rental storage facility</p> <p>Municipally-owned public surface parking lot</p> <p>Standard recycling collection and processing facility</p> <p>Uses and facilities of the same general character and principal permitted uses</p>	<p>Tattoo Parlor</p> <p>Adult Uses</p>		<p>Storage</p> <p>Outdoor storage</p> <p>Cafeteria, dining hall for occupants and employees</p> <p>Recreation area for employees</p> <p>Living quarters for watchmen or caretakers</p> <p>Parking</p> <p>Signs</p> <p>Satellite antenna</p> <p>Small recycling collection facility</p> <p>Incidental accessory uses</p>

Zoning District	By-Right Uses	Special Exceptions	Conditional Uses	Accessory Uses
TOD (Overlay)	<p>Mid-rise apartment buildings</p> <p>Bus or trolley terminal or station</p> <p>Retail stores or shops up to 5,000 sq. ft.</p> <p>Commercial service establishments</p> <p>Restaurants and cafes</p> <p>Banks and financial institutions</p> <p>Service oriented office uses</p> <p>Non-service oriented office uses on upper floors only</p> <p>Museum, art gallery and other cultural or civic facilities</p> <p>Child day care center</p> <p>Mixed Uses – one or more of the above permitted uses in same building having two or more stories</p>		<p>Hotel, motel or bed and breakfast inn</p> <p>Any use of the same general character as principal permitted uses</p>	<p>Off-street parking and loading</p> <p>Signs</p> <p>Commercial drop-off and pick-up boxes</p> <p>Plaza, square or other public space</p> <p>Public park or recreation area</p> <p>Transit facilities</p> <p>Incidental accessory uses</p>

Zoning district designations

- PRD – Planned Residential Development district
- CDB – Central Business district
- HC – Highway Commercial district
- BI – Business/Institutional district
- INS – Institutional district
- IND – Industrial district
- TOD – Transit Oriented Development district

APPENDIX B: Darby Borough – Bulk and Area Requirements for all Zoning Districts

R-1 Residential district

Single-family detached dwellings

Area and bulk indicator	Minimum requirements (unless noted)
Lot Size	Six thousand (6,000) square feet
Lot Width	Sixty (60) feet
Front Yard	Thirty (30) feet; fifteen (15) feet on long side of corner lot
Side Yard	Twenty-five (25) feet aggregate; ten (10) feet minimum
Rear Yard	Twenty-five (25) feet
Building coverage	Thirty (30) percent, maximum
Impervious coverage	Fifty (50) percent, maximum
Height	Thirty-five (35) feet or two (2) stories, maximum

R-2 Residential district

Single-family detached dwellings

Area and bulk indicator	Minimum requirements
Lot Size	Four thousand five hundred (4,500) square feet
Lot Width	Forty-five (45) feet
Front Yard	Twenty-five (25) feet; ten (10) feet on long side of corner lot
Side Yard	Twenty (20) feet aggregate; eight (8) feet minimum
Rear Yard	Twenty (20) feet
Building coverage	Thirty five (35) percent maximum
Impervious coverage	Fifty-five (55) percent, maximum
Height	Thirty-five (35) feet or two (2) stories, maximum

Single-family semi-detached dwellings (twins)

Area and bulk indicator	Minimum requirements
Lot Size	Three thousand (3,000) square feet
Lot Width	Thirty (30) feet
Front Yard	Twenty (20) feet; ten (10) feet on long side of corner lot
Side Yard	Ten (10) feet
Rear Yard	Twenty (20) feet
Building coverage	Forty (40) percent, maximum
Impervious coverage	Sixty (60) percent, maximum
Height	Thirty-five (35) feet or two (2) stories, maximum

R-3 Residential district

Single-family detached dwellings

Area and bulk indicator	Minimum requirements
Lot Size	Four thousand (4,000) square feet
Lot Width	Forty (40) feet
Front Yard	Twenty (20) feet; ten (10) feet on long side of corner lot
Side Yard	Twenty (20) feet aggregate; eight (8) feet minimum
Rear Yard	Twenty (20) feet
Building coverage	Thirty five (35) percent, maximum
Impervious coverage	Sixty (60) percent, maximum
Height	Thirty-five (35) feet or two (2) stories, maximum

Single-family semi-detached dwellings (twins)

Area and bulk indicator	Minimum requirements
Lot Size	Two thousand five hundred (2,500) square feet
Lot Width	Twenty eight (28) feet
Front Yard	Twenty (20) feet; ten (10) feet on long side of corner lot
Side Yard	Eight (8) feet
Rear Yard	Twenty (20) feet
Building coverage	Forty (40) percent, maximum
Impervious coverage	Sixty (60) percent, maximum
Height	Thirty-five (35) feet or two (2) stories, maximum

Single-family attached dwellings (townhouses)

Area and bulk indicator	Minimum requirements
Lot Size	One thousand six hundred (1,600) square feet
Lot Width	Twenty (20) feet
Front Yard	Twenty (20) feet; ten (10) feet on long side of corner lot
Side Yard	Ten (10) feet at ends of row; twenty feet (20) where an access driveway is required
Rear Yard	Twenty (20) feet
Building coverage	Fifty (50) percent, maximum
Impervious coverage	Seventy (70) percent, maximum
Height	Thirty-five (35) feet or two (2) stories, maximum

R-4 Residential district

Single-family semi-detached dwellings (twins)

Area and bulk indicator	Minimum requirements
Lot Size	Two thousand five hundred (2,500) square feet
Lot Width	Twenty five (25) feet
Front Yard	Fifteen (15); seven (7) feet on long side of corner lot
Side Yard	Seven (7) feet, on one side only
Rear Yard	Fifteen (15) feet
Building coverage	Forty-five (45) percent, maximum
Impervious coverage	Sixty-five (65) percent, maximum
Height	Thirty-five (35) feet or two (2) stories, maximum

Single-family attached dwellings (townhouses)

Area and bulk indicator	Minimum requirements
Lot Size	One thousand four hundred (1,400) square feet
Lot Width	Twenty (20) feet
Front Yard	Fifteen (15) feet; ten (10) feet on long side of corner lot
Side Yard	Ten (10) feet at ends of row; twenty feet (20) where an access driveway is required
Rear Yard	Fifteen (15) feet
Building coverage	Fifty-five (55) percent, maximum
Impervious coverage	Seventy (70) percent, maximum
Height	Thirty-five (35) feet or two (2) stories, maximum
Number of units in a row	Six (6) maximum

Single-family semi-detached dwellings (twins)

Area and bulk indicator	Minimum requirements
Lot Size	One thousand five hundred (1,500) square feet
Lot Width	One Hundred (100) feet
Front Yard	Twenty (25)
Side Yard	Twenty (20) feet
Rear Yard	Twenty Five (5) feet
Building coverage	Forty-five (45) percent, maximum
Impervious coverage	Sixty-five (65) percent, maximum
Open Space	Fifteen (15) percent of lot area
Height	Forty-five (45) feet or three (3) stories, maximum

PRD – Planned Residential Development district (Overlay)

Single-family attached dwellings (townhouses)

Area and bulk indicator	Minimum requirements
Dwelling unit width	Twenty (20) feet
Dwelling units in a row	Six (6) maximum
Setback from exterior rd.	Seventy-five (75) feet
Setback from interior rd. or parking area	Fifteen (15) feet
Distance between principal buildings	Forty (40) feet
Height	Forty-two (42) feet and three (3) stories maximum

Low-rise apartments

Area and bulk indicator	Minimum requirements
Building length	Two hundred (200) feet maximum
Building width	One hundred (100) feet maximum
Setback from exterior rd.	Seventy-five (75) feet; 55 ft. if parking placed behind bldg.
Setback from interior rd. or parking area	Fifteen (15) feet
Distance between principal buildings	Forty (40) feet
Dwelling unit size	Five hundred seventy-five (575) square feet for 1 BR apts. and seven hundred (700) square feet for 2 BR apts.

Assisted Living facility

See requirements for single-family attached dwelling and low-rise apartments above

CBD – Central Business district

Non-residential buildings

Area and bulk indicator	Minimum requirements
Lot size	Two thousand (2000) square feet
Street frontage	Twenty (20) feet
Front yard	Built-up block: Not less than prevailing front yards Other areas: ten (10) feet
Side yard	Detached structure: ten (10) feet Attached structure: ten (10) feet on each side of principal building Where side yard abuts residential district: Twenty (20) feet
Rear yard	Ten (10) feet and twenty (20) feet where rear yard abuts residential district
Building coverage	Eighty (80) percent
Height	Forty (40) feet or three (3) stories

HC – Highway Commercial

Individual establishments

Area and bulk indicator	Minimum requirements
Lot size	Five thousand (5000) square feet
Lot width	Fifty (50) feet
Front yard	Built-up block: Not less than prevailing front yards Other areas: twenty (20) feet
Side yard	Ten (10) feet
Rear yard	Twenty (20) feet
Impervious coverage	Eighty (80) percent
Height	Three (3) stories or forty (40) feet maximum

Shopping Centers

Area and bulk indicator	Minimum requirements
Tract area	Two (2) acres, minimum
Tract width	Two hundred (200) feet
Front setback	Seventy (75) feet
Distance from property line	Seventy five (75) feet
Distance between buildings	Forty (40) feet
Impervious surface	Eighty (80) percent, maximum
Height	Forty (40) feet maximum

BI – Business/Institutional district

Non-residential or mixed-use buildings

Area and bulk indicator	Minimum requirements
Building length	One hundred and fifty (150) feet
Building width	One hundred (100) feet
Front yard	Twenty five (25) feet
Side yard	Ten (10) feet on each side
Rear yard	Twenty (20) feet
Building coverage	Sixty (60) percent, maximum
Impervious surface	Eighty (80) percent, maximum
Building height	Five (5) stories or seventy (70) feet, maximum

INS – Institutional district

Area and bulk indicator	Minimum requirements
Lot Area	One (1) acre
Street frontage	One hundred (100) feet
Setback from exterior rd.	Seventy-five (75) feet
Setback from interior rd. or driveway	Twenty (20) feet
Setback from side and rear property lines	Forty (40) feet
Distance between buildings.	Forty (40) feet
Building height	Seventy five (75) feet maximum

IND – Industrial district

Area and bulk indicator	Minimum requirements
Lot Area	Seven thousand five hundred (7,500) square feet
Lot width at building line	Seventy five (75) feet
Front yard.	Thirty (30) feet
Side yard	Ten (10) feet on each side
Rear yard	Twenty (20) feet
Impervious surface	Seventy (70) percent maximum
Building height	Three (3) stories of forty-five (45) feet maximum

TOD – Transit Oriented Development district

Mid-rise apartment building

Area and bulk indicator	Minimum requirements
Density	Twenty (20) to thirty (30) units per acres
Height	Fifty- six (56) feet or four stories.
Building length	Fifty (50) feet
Building coverage	Sixty-five (65) percent, maximum
Impervious coverage	Ninety-five (95) percent. maximum
Front setback	Zero minimum, ten (10) feet maximum
Side setback	Three (3) feet minimum and thirty (30) feet maximum
Rear setback	Three (3) feet minimum and twenty (20) feet maximum

Non-residential buildings

Area and bulk indicator	Minimum requirements
Height	Two (2) stories minimum, four (4) stories or fifty-six (56) feet maximum
Building length	Thirty (30) feet
Building coverage	Sixty (60) percent, minimum, Eighty-five (85) percent maximum
Impervious coverage	Ninety-five (95) percent, maximum
Front setback	Zero (0) feet, minimum, ten (10) feet, maximum
Side setback	Five (5) feet minimum and thirty (30) feet, maximum
Rear setback	Five (5) feet minimum and twenty five (25) feet maximum

Mixed-use buildings

Area and bulk indicator	Minimum requirements
Height	Four (4) stories or fifty-six (56) feet, maximum
Building coverage	Seventy (70) percent, maximum
Impervious coverage	One Hundred (100) percent, maximum
Front setback	Zero (0) feet, minimum, ten (10) feet, maximum
Side setback	Zero (0) feet minimum and thirty (30) feet, maximum
Rear setback	Three (3) feet minimum and fifteen (15) feet maximum

Appendix C: Sign Design Guidelines

Sign Design Guidelines: The following design guidelines should be consulted prior to developing signs for any project.

1. Use a brief message – The fewer the words, the more effective the sign. A sign with a brief, succinct message is simpler and faster to read, looks cleaner, and is more attractive.
2. Avoid hard-to-read, overly intricate, faddish, and bizarre typefaces – These typefaces are difficult to read and reduce the sign's ability to communicate. Faddish and bizarre typefaces may look good today, but soon go out of style. The image conveyed may quickly become that of a dated and unfashionable business.
3. Use significant contrast between the background and letter or symbol colors – If there is little contrast between the brightness or hue of the message of a sign and its background, it will be difficult to read.
4. Avoid too many different colors on a sign – Too many colors overwhelm the basic function of communication. The colors compete with content for the viewer's attention. Limited use of the accent colors can increase legibility, while large areas of competing colors tend to confuse and disturb.
5. Scale – Place signs consistent with the proportions of scale of building elements within the façade. Within a building façade, the sign may be placed in different areas. A particular sign may fit well on a plain wall area but would overpower the finer scale and proportion of the lower storefront. A sign which is appropriate near the building entry may look tiny and out of place above the ground level.
6. Façades – Place wall signs to establish façade rhythm, scale, and proportion where such elements are weak. In many buildings that have a monolithic or plain façade, signs can establish or continue appropriate design rhythm, scale, and proportion.
7. Shape – Avoid signs with strange shapes. Signs that are unnecessarily narrow or oddly shaped can restrict the legibility of the message. If an unusual shape is not symbolic, it is probably confusing.
8. Carefully consider the proportion of letter area to overall sign background area – If letters take up too much sign, they may be harder to read. Large letters are not necessarily more legible than smaller ones. A general rule is that letters should not appear to occupy more than 75% of the sign face area.
9. Consider interior neon signs – Neon signs lend themselves to creative and exciting artistic expression. The use of neon signs inside a storefront can be used to attract attention and create a special ambiance.

10. Make signs smaller if they are oriented to pedestrians – The pedestrian-oriented sign is usually read from a distance of fifteen (15) to twenty (20) feet; the vehicle-oriented sign is viewed from a much greater distance. The closer a sign's viewing distance, the smaller that sign need be.

Appendix D: Green Building Guidelines

1. Developers are encouraged to employ the LEED (Leadership in Energy and Environmental Design) green building rating system during the site preparation and construction process.
2. The LEED rating system contains eight (8) key topics including:
 - a. Architecture and Design
 - b. Building Materials
 - c. Energy Use
 - d. Facility Management
 - e. Interiors
 - f. Land Use
 - g. Waste Management
 - h. Water Use
3. LEED features a platform of rating systems indicating four (4) levels of certified “green” buildings (Certified, Silver, Gold, and Platinum). The Commonwealth of Pennsylvania offers financial incentives for developers that employ “green” technology in their projects.
4. This effort to construct “green” buildings should be employed whenever possible, but greatest emphasis should be placed on buildings larger than five thousand (5,000) square feet and developments having more than ten (10) dwellings.

Appendix E: Zoning Illustrations

Figure 1: Yards and Street Terminology

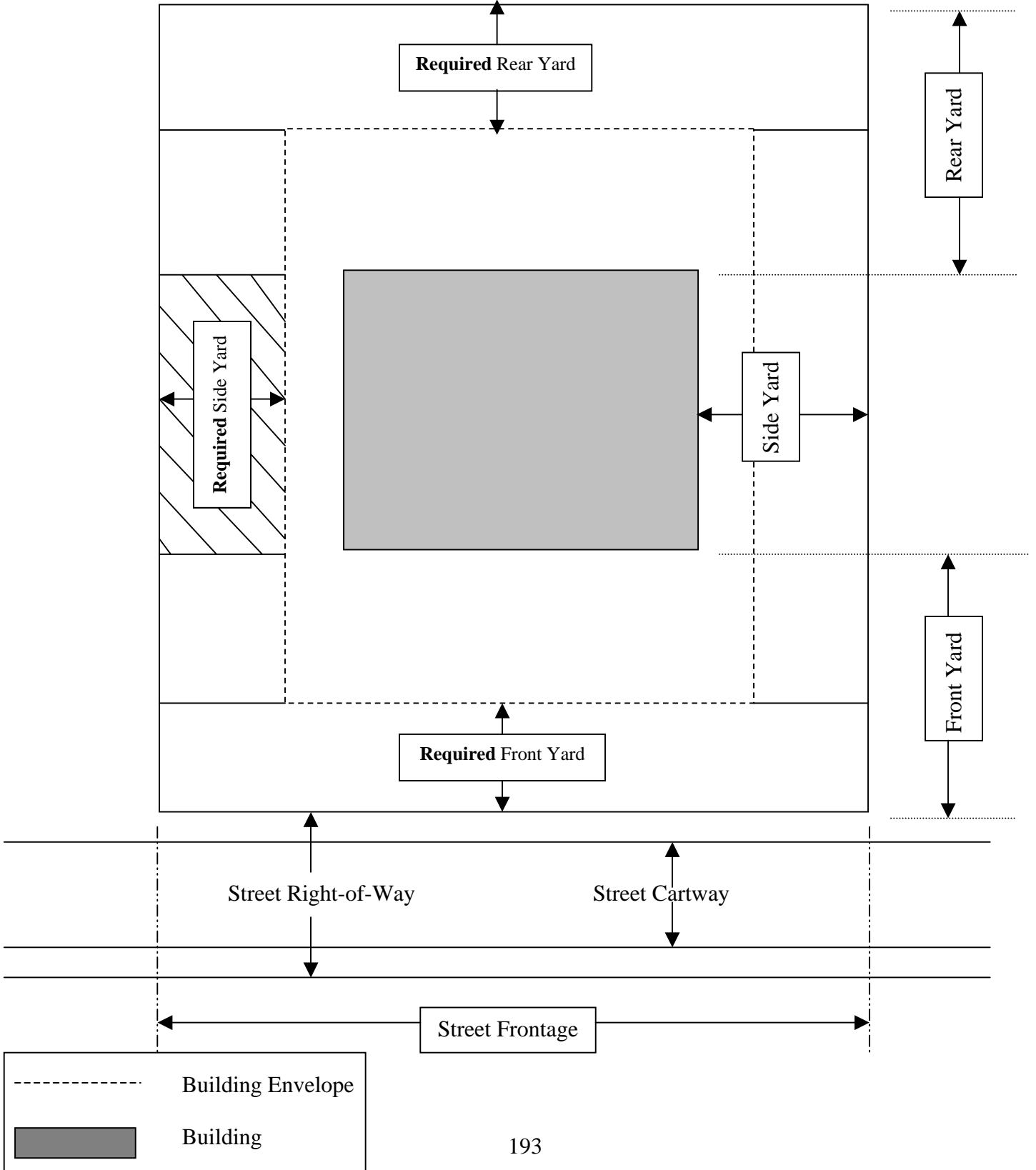


Figure 2: Setbacks and Lot Lines

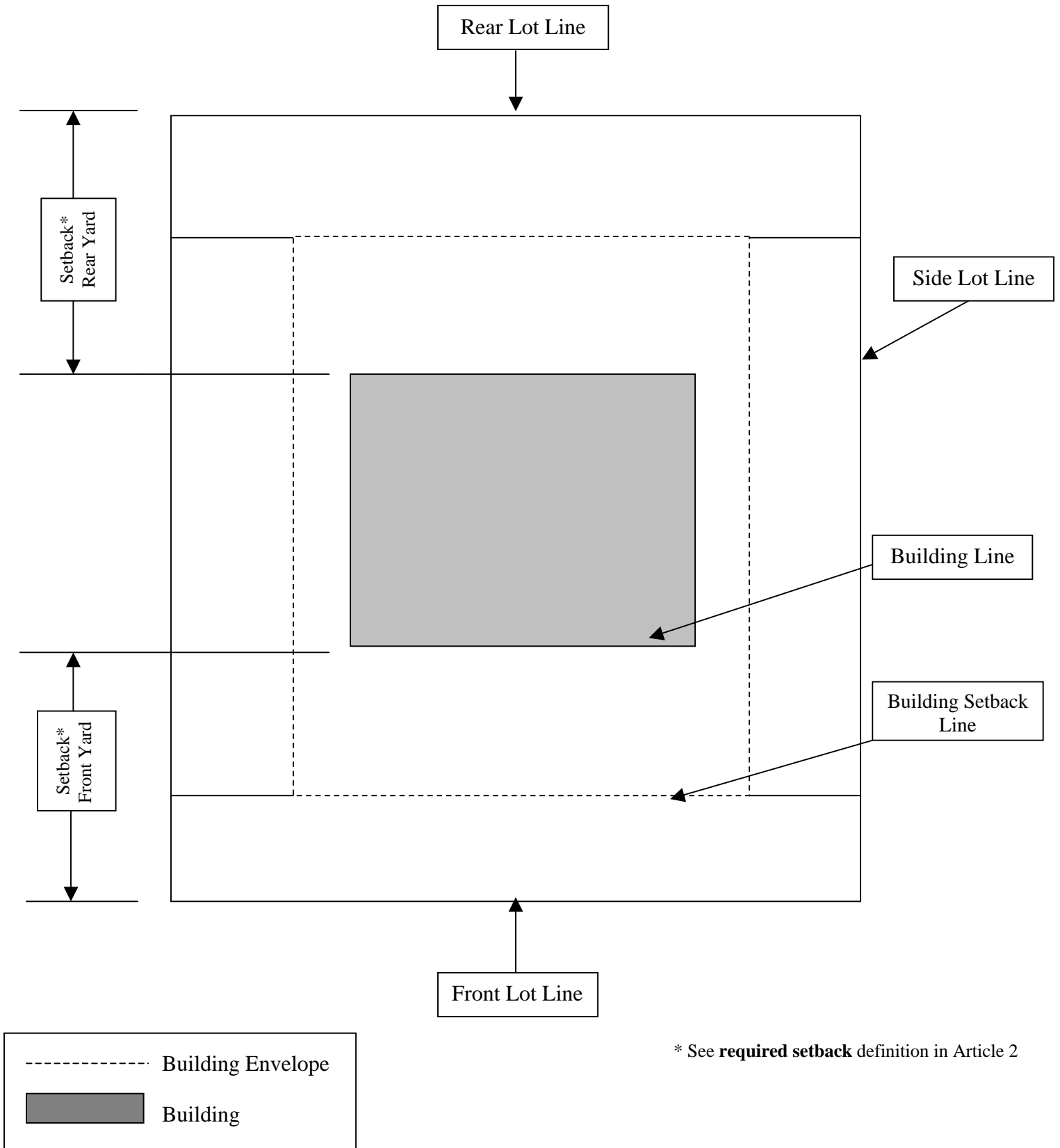
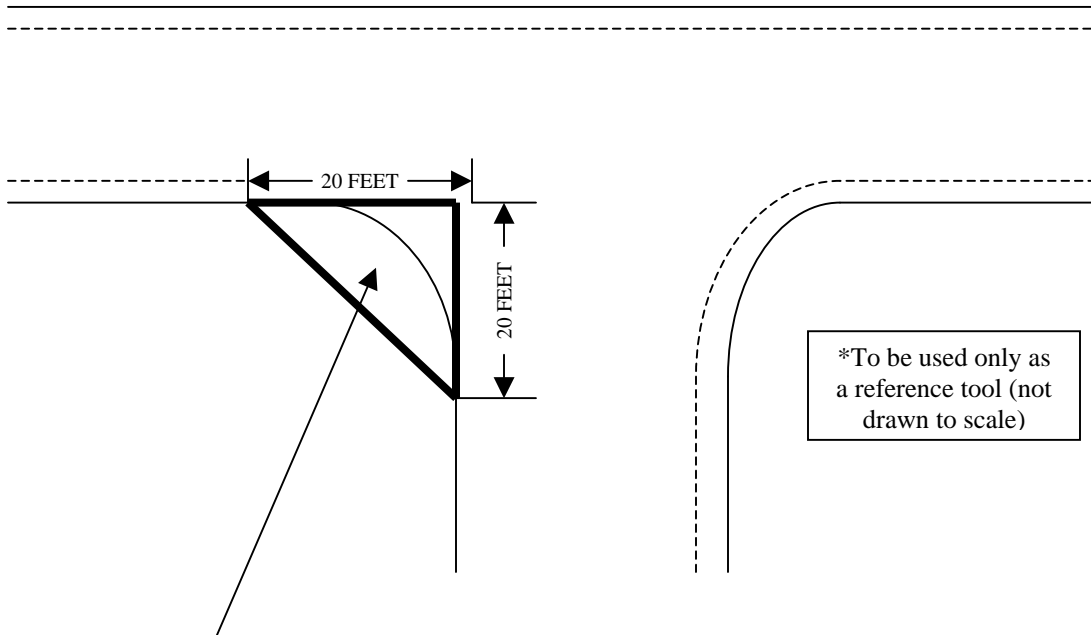
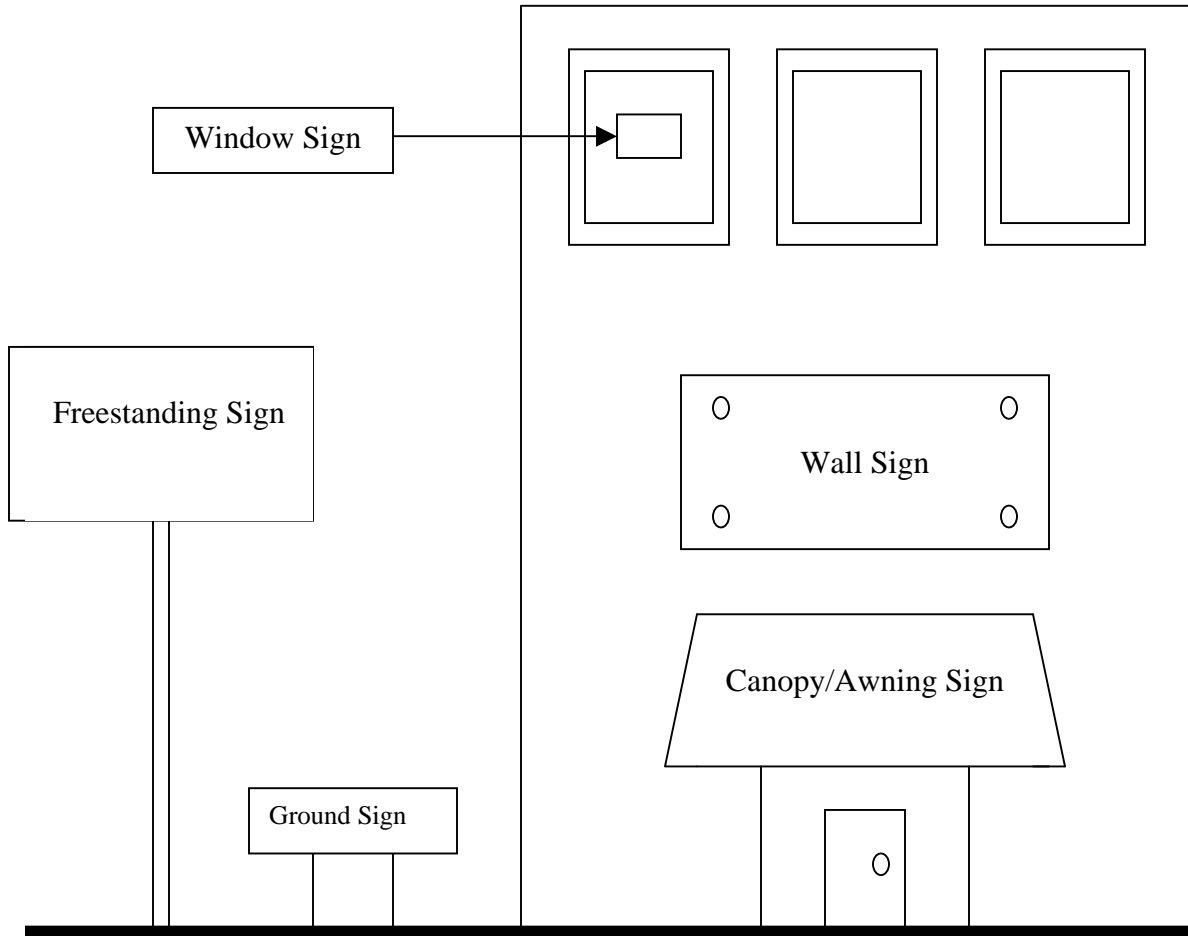


Figure 3: Sight Triangle at Street Intersections



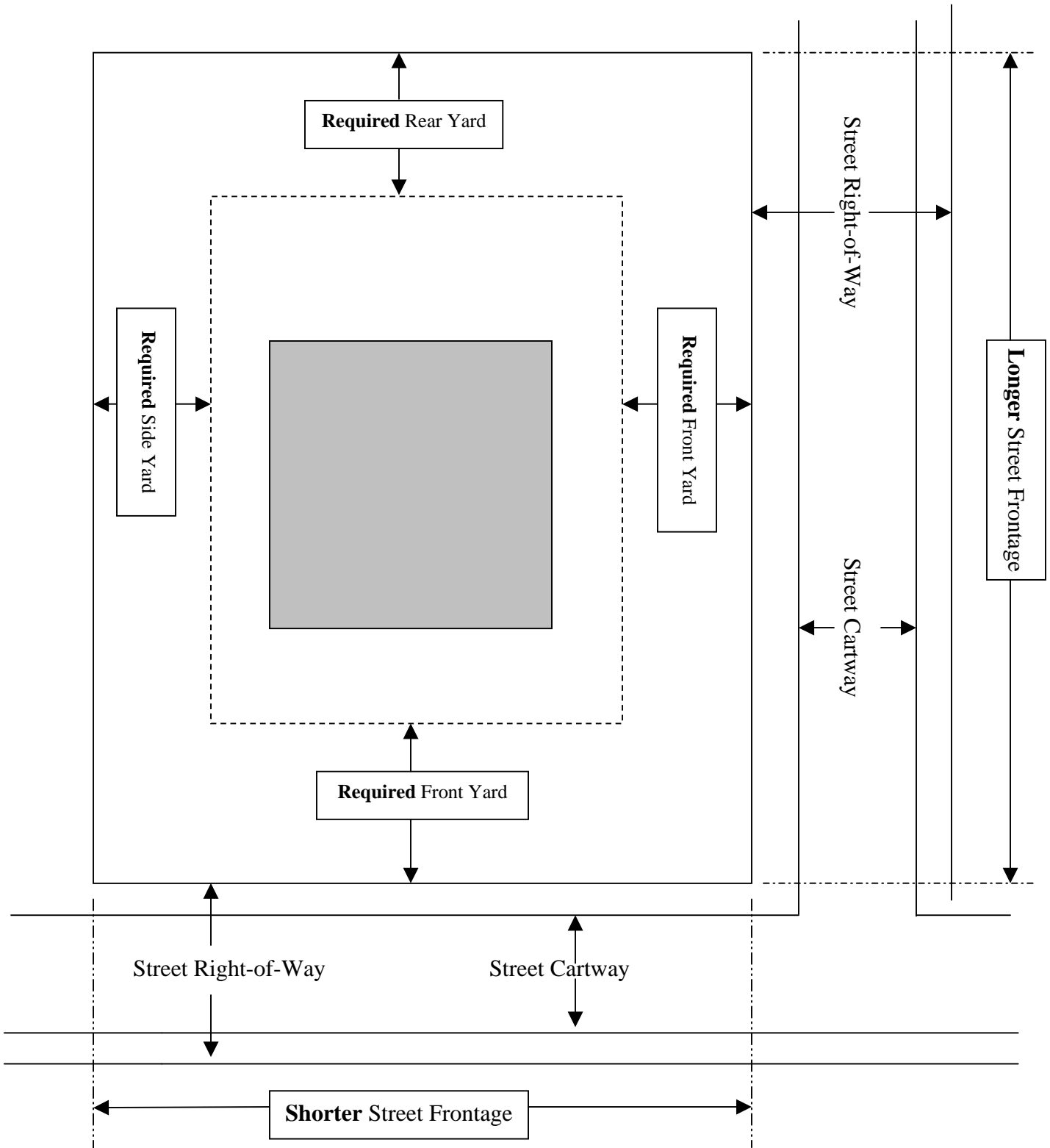
Where a lot is located at the intersection of two (2) or more streets, no obstruction of any kind (including hedges, trees, shrubs, or other growths) of a height greater than twenty-four (24) inches from the grade level of the adjacent street shall be maintained or permitted within a sight triangle, the legs of which shall be twenty (20) feet measured from the intersection of the street lines. Where a private alley meets an intersection, the legs of such sight triangle shall be ten (10) feet.

Figure 4: Permitted Signs



Signs subject to the applicable provisions of Article 15 and provisions regarding such signs in the specific zoning district they are located within.

Figure 5: Corner Lot Yards



* See definition for "LOT, CORNER" in Article 2, Definitions

