

ZONING

Chapter 124

ZONING

ARTICLE I
General Provisions

- § 124-1. Short title.
- § 124-2. Purpose.
- § 124-3. Interpretation.

ARTICLE II
Definitions

- § 124-4. Terms defined.
- § 124-5. Interpretation of certain words and terms.
- § 124-6. Interpretation of words and terms not defined.

ARTICLE III
Establishment of Districts

- § 124-7. Division of borough into districts.
- § 124-8. Types of districts.
- § 124-9. Zoning Map.
- § 124-10. Interpretation of district boundaries.
- § 124-11. Purpose and intent of districts.

ARTICLE IV
Use Regulations

- § 124-12. Applicability of regulations.
- § 124-13. Uses by right, special exceptions and uses not permitted.

PENNDDEL CODE

- § 124-14. Uses subject to other regulations.
- § 124-15. Preexisting conditional uses and special exceptions.
- § 124-16. Temporary accessory uses.
- § 124-17. Use regulations.

ARTICLE V Dimensional Requirements

- § 124-18. Purpose.
- § 124-19. District regulations in effect.
- § 124-20. Lot area and width regulations.
- § 124-21. Traffic visibility regulations.
- § 124-22. Front yard regulations.
- § 124-23. Side yard regulations.
- § 124-24. Rear yard regulations.
- § 124-25. Height regulations.
- § 124-26. Building coverage and floor area.
- § 124-27. Recreation space and swimming pools.

ARTICLE VI Performance Standards

- § 124-28. Compliance required.
- § 124-29. Environmental site standards.
- § 124-30. General performance standards.
- § 124-31. Residential performance standard subdivision:

ARTICLE VII Off-Street Parking and Loading

- § 124-32. Required off-street parking spaces.
- § 124-33. General regulations for off-street parking facilities.

ZONING

- § 124-34. Design standards.
- § 124-35. Off-street loading.
- § 124-36. Design and layout of off-street loading facilities.

ARTICLE VIII Sign Regulations

- § 124-37. Purpose.
- § 124-38. Scope and applicability.
- § 124-39. Definitions and general sign regulations.
- § 124-40. Signs in residential districts.
- § 124-41. Signs in commercial and professional districts.
- § 124-42. Signs in industrial districts.
- § 124-43. Signs in open recreation districts.
- § 124-44. Sign permits.
- § 124-45. Monitoring of signs.

ARTICLE IX Nonconformities

- § 124-46. Definitions.
- § 124-47. Continuation.
- § 124-48. Alteration or extension.
- § 124-49. Restoration.
- § 124-50. Abandonment.
- § 124-51. Changes.
- § 124-52. Displacement of conforming use.
- § 124-53. District changes.
- § 124-54. Registration of nonconforming uses.

PENNDDEL CODE

ARTICLE X
Administration

- § 124-55. Zoning Officer: appointment; powers and duties.
- § 124-56. Zoning permits required.
- § 124-57. Application requirements for zoning permits.
- § 124-58. Approval of subdivision or land development plan required.
- § 124-59. Life of a permit.
- § 124-60. Issuance of permits.
- § 124-61. Certificate of occupancy required.
- § 124-62. Issuance of certificate of occupancy.
- § 124-63. Fees for permits.

ARTICLE XI
Zoning Hearing Board

- § 124-64. Establishment and membership.
- § 124-65. Organization.
- § 124-66. Procedures before the Board.
- § 124-67. Functions of the Board.

ARTICLE XII
Amendments, Remedies and Penalties

- § 124-68. Power of amendment.
- § 124-69. Public hearings prior to amendment.
- § 124-70. Procedure for seeking curative amendments.
- § 124-71. Submission of amendments to the Bucks County Planning Commission.
- § 124-72. Violations and penalties.

§ 124-1

ZONING

§ 124-2

§ 124-73. Enforcement remedies.

§ 124-74. Complaints of violations

Table of Dimensional Requirements
Zoning Map

[HISTORY: Adopted by the Borough Council of the Borough of Pennel 5-6-74, approved 5-6-74. Section 124-72 amended at time of adoption of Code; see Ch. 1, General Provisions, Article I. Other amendments noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. 50.
Fire prevention — See Ch. 67.
Moving permits — See Ch. 81.
Plumbing — See Ch. 91.
Sewage disposal — See Ch. 97.
Sewers — See Ch. 99.
Streets and sidewalks — See Ch. 104.
Swimming and wading pools — See Ch. 108.
Motor-driven vehicles (unlicensed) — See Ch. 119.

ARTICLE I
General Provisions

§ 124-1. Short title.

This chapter shall be known and may be cited as the "Pennel Borough Zoning Ordinance of 1974."

§ 124-2. Purpose.

The purpose of this chapter is the promotion of the public health, safety, comfort, convenience, order and general welfare by:

- A. Encouraging the most appropriate use of land.
- B. Preventing the overcrowding of land.
- C. Conserving the value of land and buildings.

- D. Lessening congestion in the roads and streets.
- E. Avoiding undue congestion of population.
- F. Providing for adequate light and air.
- G. Securing safety from fire, panic and other dangers.
- H. Facilitating the adequate provision of transportation, water, sewerage, schools, parks and other facilities.
- I. Giving reasonable consideration, among other things, to the character of the district and its suitability for particular uses.

§ 124-3. Interpretation.

In interpreting and applying the provisions of this chapter, they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience, order and general welfare. Where the provisions of this chapter impose greater restrictions than those of any statute, other ordinance or regulation, the provisions of this chapter shall control. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than this chapter, the provisions of such statute, ordinance or regulation shall control.

ARTICLE II Definitions

§ 124-4. Terms defined.

Unless a contrary intention clearly appears, the following words and phrases shall have, for the purpose of this chapter, the meanings given in the following clauses:

ACCESSORY:

- A. ACCESSORY BUILDING — See "building."
- B. ACCESSORY USE — See "use."

ALTERATIONS — As applied to a building or structure, a change or rearrangement in the structural parts, or an

enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.

AREA:

- A. **LOT AREA** — The area contained within the property lines of individual parcels of land shown on a subdivision plan, excluding any area within a street right-of-way, existing or proposed, but including the area of any easement.
- B. **BUILDING AREA** — The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings, exclusive of uncovered porches, terraces and steps.
- C. **FLOOR AREA** — The sum of the areas of the several floors of a building structure, including areas used for human occupancy and basements, attics and penthouses, as measured from the exterior faces of the walls. It does not include cellars, unenclosed porches, attics not used for human occupancy or any floor space in an accessory building or in the main building intended and designed for the parking of motor vehicles, in order to meet the parking requirements of this chapter, or any such floor space intended and designed for accessory heating and ventilating equipment.
- D. **FLOOR AREA RATIO** — A measure of intensity of site use. It shall be calculated by dividing the total floor area on the site by the gross site area.

BASEMENT — A story partly underground, but having one-half ($\frac{1}{2}$) or more of its height, measured from floor to ceiling, above the average level of the adjoining ground. A basement shall be counted as a story, for the purpose of height measurement or determining square footage, only if the vertical distance between the ceiling and the average level of the adjoining ground is more than four (4) feet, or if used for business or dwelling purposes.

BUILDING — A structure having a roof which is used for the shelter or enclosure of persons, animals or property. The word "building" shall include any part thereof.

- A. **BUILDING, ACCESSORY** — A subordinate building located on the same lot as a principal building and clearly incidental and subordinate to the principal building. Any portion of a principal building devoted, or intended to be devoted, to an accessory use is not an accessory building.
- B. **BUILDING, PRINCIPAL** — A building in which is conducted, or is intended to be conducted, the principal use of the lot on which it is located.

BUILDING HEIGHT — A vertical distance measured from the front side of the mean elevation of the proposed finished grade at the street side of the building to the highest point of the roof for flat roofs, to the deck lines of mansard roofs and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

BUILDING SETBACK LINE — The rear line of the minimum front yards, as herein designed for each district, measured from the street line.

BUILDING COVERAGE — That percentage of the plot or lot area covered by the building area.

CELLAR — A story partly underground and having more than one-half ($\frac{1}{2}$) of its height, measured from floor to ceiling, below the average level of the adjoining ground. A cellar shall not be considered in determining the permissible number of stories or square footage, nor shall it be used for dwelling purposes.

CLUSTER DEVELOPMENT — See § 124-17A(10).

DENSITY — A measure of the number of dwelling units per unit of area. It shall be expressed in dwelling units per acre. The measure is arrived at by dividing the number of dwelling units by the gross site area.

DISTRICT — A zoning district as laid out on the Zoning Map' along with the regulations pertaining thereto.

¹ Editor's Note: The Zoning Map is included at the end of this chapter.

DORMITORY — A building occupied by and maintained exclusively for faculty, students or other such persons affiliated with a school, church, recreational or educational facility or other recognized institution, when regulated by such institution.

DWELLING:

- A. **DWELLING** — A building containing one (1) or more dwelling units.
- B. **DWELLING UNIT** — Any room or group of rooms located within a residential building and forming a single habitable unit, with facilities which are used, or intended to be used, for living, sleeping, cooking and eating by one (1) family.
- C. **SINGLE-FAMILY DETACHED DWELLING** — A dwelling having only one (1) dwelling unit from ground to roof, independent outside access and open space on all sides.
- D. **SINGLE-FAMILY SEMIDETACHED DWELLING or DUPLEX** — A dwelling having only one (1) dwelling unit from ground to roof, independent outside access and not more than one (1) wall in common with an adjoining dwelling.
- E. **SINGLE-FAMILY ATTACHED DWELLING** — A dwelling having only one (1) dwelling unit from ground to roof, independent outside access and not more than two (2) walls in common with adjoining dwellings.
- F. **MULTIFAMILY DWELLING** — A dwelling having three (3) or more dwelling units which are completely separated by party walls, but share outside access.

EASEMENT — A grant of the use of a parcel of land to the use of the public, a corporation or a person for a specified purpose.

ELECTRIC SUBSTATION — An assemblage of equipment for purposes other than generation or

utilization, through which electric energy in bulk is passed for the purposes of switching or modifying its characteristics to meet the needs of the general public.

FAMILY — One (1) or more persons related by blood, marriage or adoption, and in addition, any domestic servants or gratuitous guests thereof or a group of not more than five (5) persons who need not be so related, and in addition, domestic servants or gratuitous guests thereof, who are living together in a single nonprofit dwelling unit and maintaining a common household with single cooking facilities. A roomer, boarder or lodger shall not be considered a member of the family.

FENCE — Any structure constructed of wood, metal, wire mesh or masonry erected for the purpose of screening one property from another, either to assure privacy or to protect the property screened. For the purpose of the chapter, a masonry wall is considered to be a fence. Also for the purposes of this chapter, when the term "lot line" is used in relation to fences, it shall be synonymous with rear yard, side yard and front yard lines.

GASOLINE SERVICE STATION — Any premises used for supplying gasoline and oil, tires, accessories and services for automobiles, at retail direct to the motorist-consumer, including the making of minor repairs, the rental of automobiles, trucks not in excess of one (1) ton or T-tag chassis weight and U-Haul-type trailers pulled by passenger cars, but excluding:

- A. Spray painting.
- B. Body, fender and frame repairs.
- C. Complete recapping or retreading of tires.
- D. Outdoor storage and sales of motor vehicles.

IMPERVIOUS SURFACE — All buildings, parking areas, driveways, roads, sidewalks and other areas in concrete or asphalt. Additional areas may be determined by the Borough Engineer to be impervious within the meaning of this definition.

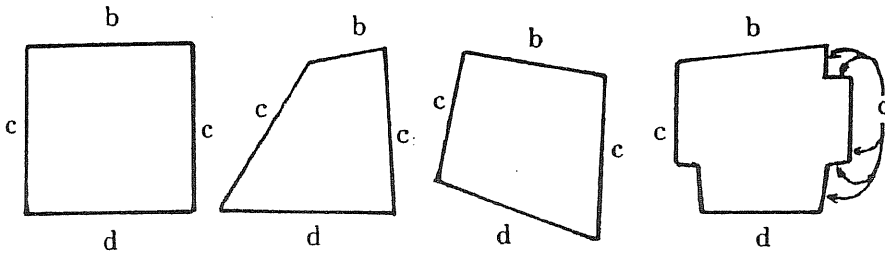
IMPERVIOUS SURFACE RATIO — A measure of the intensity of use of a piece of land. It is measured by dividing the total area of all impervious surfaces within the site by the gross site area.

LOT:

- A. **LOT** — A parcel of land used or set aside and available for use as the site of one (1) or more buildings and buildings accessory thereto or for any other purpose, in one (1) ownership and not divided by a street, nor including any land within the limits of a public or private way upon which said lot abuts, even if the ownership to such way is in the owner of the lot. A lot for the purpose of this chapter may or may not coincide with a lot of record.
- B. **LOT OF RECORD** — A lot which has been recorded in the Office of the Recorder of Deeds of Bucks County, Pennsylvania.
- C. **CORNER LOT** — A lot which has an interior angle of less than one hundred thirty-five degrees (135°) at the intersection of two (2) street lines. A lot abutting upon a curved street or streets shall be considered a corner lot if the tangent to the curve at the points beginning within the lot or at the points of intersection of the side lot lines with the street lines intersects at an angle of less than one hundred thirty-five degrees (135°).
- D. **THROUGH LOT** — An interior lot having frontage on two (2) parallel or approximately parallel streets.
- E. **DEPTH OF LOT** — The mean distance from the right-of-way line of the lot to its opposite rear line measured in the general direction of the side lines of the lot.
- F. **LOT WIDTH** — The distance measured between the side lot lines at the required building setback line. In a case where there is only one (1) side lot line, lot width shall be measured between such side lot line and the opposite rear lot line or street line.

LOT LINES:

- A. **LOT LINE** — Any boundary line of a lot.
- B. **LOT LINE, REAR** — Any lot line which is parallel to or within forty-five degrees (45°) of being parallel to a street line, except for a lot line that is itself a street line, and except that in the case of a corner lot the owner shall have the option of choosing which of the two (2) lot lines that are not street lines is to be considered a rear lot line. In the case of a lot having no street frontage or a lot of an odd shape, only the one (1) lot line farthest from any street shall be considered a rear lot line.
- C. **LOT LINE, SIDE** — Any lot line which is not a street line or a rear lot line.
- D. **STREET LINE** — See "street line."



Sample lot configurations: letters correspond to the above definitions.

MOBILE HOME — A dwelling unit manufactured in one (1) or more sections for repeated mobility; designed for long-term occupancy; containing sleeping accommodations, a flush toilet, a tub or shower bath and kitchen facilities, with plumbing and electric connections provided for attachment to outside systems; and designed to be transported after fabrication on its own wheels or on flatbed or other trailers; arriving at the site where it is to be occupied as a dwelling complete, including major appliances and furniture, and ready for occupancy except for minor and incidental unpacking and assembly operations. For purposes of this chapter, travel trailers are not considered as mobile homes.

NONCONFORMING STRUCTURE, LOT OR USE —
See § 124-46.

NURSING HOME — See § 124-17B(9).

OPEN SPACE — Land used for recreation, resource protection, amenity or buffers, freely accessible to all residents and protected by the provisions of this chapter and the Subdivision and Land Development Ordinance to ensure that it remains in such uses. "Open space" does not include land occupied by buildings, roads or road rights-of-way; nor does it include the yards or lots of single or multifamily dwelling units or parking areas as required by the provisions of this chapter. "Open space" shall be left in a natural state, except in the case of recreation uses which may contain impervious surfaces. Such impervious surfaces shall be included in the calculation of the impervious surface ratio.

OPEN SPACE RATIO — A measure of the intensity of land use. It is arrived at by dividing total amount of open space within the site by the site area.

PARKING — See Article VII.

PRINCIPAL:

- A. PRINCIPAL BUILDING — See "building."
- B. PRINCIPAL USE — See "use."

RIGHT-OF-WAY:

- A. RIGHT-OF-WAY — Land set aside for use as a street, alley or other means of travel.
- B. EXISTING RIGHT-OF-WAY — The legal right-of-way as established by the commonwealth or other appropriate governing authority and currently in existence.
- C. FUTURE RIGHT-OF-WAY — The right-of-way deemed necessary by the Bucks County Comprehensive Plan as appropriate to provide adequate width for future street improvements.

ROOMER, BOARDER OR LODGER — A person occupying any room or group of rooms forming a single habitable unit used, or intended to be used, for living and sleeping, but not for cooking or eating purposes, and paying compensation for lodging or board and lodging by prearrangement for a week or more at a time to an owner or operator. Any person occupying such room or rooms and paying such compensation without prearrangement or for less than a week at a time shall be classified for purposes of this chapter not as a "roomer, boarder or lodger," but as a guest of a commercial lodging establishment, such as a motel, hotel or tourist home.

SEWER:

- A. **PUBLIC SEWER** — Any municipal or privately owned sewer system in which sewage is collected from buildings and piped to an approved sewage disposal plant or central septic tank disposal system. It may also be referred to as "off-lot" or "off-site" sewer. This shall include capped sewers when installed to borough specifications.
- B. **PRIVATE SEWER** — An on-lot disposal system generally providing for disposal of effluent for only one (1) building or a group of buildings on a single lot.

SIGN — See § 124-39A.

SITE — A parcel or parcels of land which are intended to have one (1) or more buildings or intended to be subdivided into one (1) or more lots.

SITE AREA, GROSS — The total or gross area of a site, including all parcels of land to be subdivided or used for multiple uses, less any land lying within proposed street rights-of-way.

SPECIFIED ANATOMICAL AREAS [Added 10-2-78 by Ord. No. 78-4, approved 10-5-78] — Any of the following:

- A. Less than completely and opaquely covered human genitals or pubic region, buttocks and female breast below a point immediately above the top of the areola.

- B. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES [Added 10-2-78 by Ord. No. 78-4, approved 10-5-78] — Any of the following:

- A. Human genitals in the state of sexual stimulation or arousal.
- B. Acts of human masturbation, sexual intercourse or sodomy.
- C. Fondling or other erotic touching of human genitals, pubic region, buttocks or female breast.

STORY — That part of a building located between a floor and the floor or roof next above. The first story of a building is the lowest story having seventy-five percent (75%) or more of its wall area above grade level. A half-story is a story under a gable, hip or gambrel roof, the wall

(Cont'd on page 12415)

plates of which on at least two (2) opposite exterior walls are not more than two (2) feet above such story.

STREET — A public or private way used or intended to be used for passage or travel by vehicles. If private, such way must be used or intended to be used as the principal means of access to abutting lot or lots or to more than two (2) dwelling units on a lot on which a private way is exclusively used.

STREET LINE — The dividing line between the street and the lot. The street line shall be the same as the legal right-of-way, provided that where a proposed right-of-way width for a road or street has been established, that width shall determine the location of the street line.

STRUCTURE — A combination of materials assembled, constructed or erected at a fixed location, including a building and fence, the use of which requires location on the ground or attachment to something having location on the ground, but excluding driveways and parking lot areas.

TRAVEL TRAILER — A vehicular portable structure built on a chassis designed as a temporary dwelling for travel, recreation, vacation and other short-term uses, having a body width and length not exceeding Pennsylvania Commonwealth requirements.

USE — Any activity, occupation, business or operation carried on, or intended to be carried on, in a building or other structure or on a tract of land.

A. **USE, ACCESSORY** — A use located on the same lot with a principal use, and clearly incidental or subordinate to, and customary in connection with, the principal use.

B. **USE, PRINCIPAL** — The main use on a lot.

WATER:

A. **PUBLIC WATER** — Water brought from off the lot in pipes from a central water source. It may be municipally or privately owned, and may supply either a subdivision, development or large area of the borough.

- B. PRIVATE WATER — Water supplied to a building from an individual well on the lot on which the building is located.

YARD — An open space unobstructed from the ground up, on the same lot with a structure, extending along a lot line or street line and inward to the structure. The size of a required yard shall be measured as the shortest distance between the structure and a lot line or street line.

- A. YARD, FRONT — A yard between a structure and a street line and extending the entire length of the street line. In the case of a corner lot, the yards extending along all streets are front yards. In the case of a lot other than a corner lot that fronts on more than one (1) street, the yards extending along all streets are front yards.
- B. YARD, REAR — A yard between the principal structure and a rear lot line and extending the entire length of the rear lot line.
- C. YARD, SIDE — A yard between a structure and a side lot line extending from the front yard to the rear yard. In the case of a lot having no street frontage or a lot of odd shape, any yard that is not a front yard or a rear yard shall be considered a side yard.

§ 124-5. Interpretation of certain words and terms.

For the purpose of this chapter, words and terms used herein shall be interpreted as follows:

- A. Words used in the present tense include the future.
- B. The singular includes the plural.
- C. The word "person" includes a corporation, partnership and association as well as the individual.
- D. The word "lot" includes the word "plot" or "parcel."
- E. The term "shall" is mandatory.
- F. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged or designed to be occupied."

- G. The word "Commission" and the words "Planning Commission" always mean the Bucks County Planning Commission.
- H. The word "Council" or the words "Borough Council" always mean the Penndel Borough Council.
- I. The word "Board" or the words "Zoning Hearing Board" always mean the Penndel Borough Zoning Hearing Board.

§ 124-6. Interpretation of words and terms not defined.

Any word or term not defined herein shall be used with a meaning of standard usage.

ARTICLE III
Establishment of Districts

§ 124-7. Division of borough into districts.

- A. The Borough of Penndel is hereby divided into districts of different types, each type being of such number, shape, kind and area, and of such common unity of purpose and adaptability of use, that are deemed most suitable to carry out the objectives of this chapter.
- B. Every parcel of land and every building or other structure in the borough, except as otherwise provided by law or by ordinance, shall be subject to the regulations, restrictions and requirements specified for the district in which it is located.

§ 124-8. Types of districts.

The districts are established and designated as follows:

- R-1 District (Low Density Residential)
- R-2 District (Moderate Density Residential)
- R-3 District (Multifamily Residential)

- P District (Professional)
- RC District (Retail Commercial)
- SC District (Service Commercial)
- I District (Industrial)
- OR District (Open Recreation)
- MB District (Metropolitan Business) [Added 10-2-78 by Ord. No. 78-4, approved 10-5-78]

§ 124-9. Zoning Map. [Amended 10-2-78 by Ord. No. 78-4, approved 10-5-78]

Districts are bounded and defined as shown on the map entitled "Zoning Map of 1978," which accompanies and which, with all explanatory matters thereon, is hereby made a part of this chapter.¹

§ 124-10. Interpretation of district boundaries.

Where uncertainty exists with respect to the boundaries of the district as indicated on the Zoning Map, the following rules shall apply:

- A. Where district boundaries are indicated as approximately coinciding with the center lines of streets, highways, railroad lines or streams, such center lines shall be construed to be such boundaries.
- B. Where district boundaries are so indicated that they approximately coincide with lot lines, such lot lines shall be construed to be said boundaries.
- C. Where district boundaries are so indicated that they are approximately parallel to center lines of streets or highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Zoning Map.

¹ Editor's Note: The Zoning Map is included at the end of this chapter.

- D. Where district boundaries divide a lot, the location of such boundaries are deemed to be lines which connect two (2) identification points.

§ 124-11. Purpose and intent of districts.

- A. R-1 Residential 1 District. The purpose and intent of this district is to retain the character of existing single-family residential areas, to maintain the existing low residential density and to encourage the preservation of permanent open space by providing appropriate standards, to exclude activities incompatible with development and to create conditions conducive to carrying out the broad purposes of this chapter.
- B. R-2 Residential 2 District. The purpose and intent of this district is to retain the character and to maintain the existing medium residential density areas where single-family and multifamily homes are permitted, as well as to encourage serviceable and efficient land development, while providing for the preservation of permanent open space, and to create conditions conducive to carrying out the broad purposes of this chapter.
- C. R-3 Residential 3 District. The purpose and intent of this district is to provide appropriate areas for multifamily development in order to broaden the borough's housing base and, therefore, serve a greater variety of housing needs, to provide reasonable standards to prevent overcrowding of land, to regulate the density of population, to avoid undue congestion in the streets, to allow for the harmonious development of multifamily and other uses which are compatible with higher density residential development and to create conditions conducive to carrying out the broad purposes of this chapter.
- D. P Professional District. The purpose and intent of this district is to provide reasonable standards for the harmonious development of administrative, business and professional offices, health facilities, educational and religious institutions and other related uses, all of which

are necessary for service to borough residents; to provide standards which will encourage development of a character compatible with other adjacent uses and of such design to create minimum interference with the public streets; to provide adequate parking and to otherwise create conditions conducive to carrying out the broad purposes of this chapter.

- E. RC Retail Commercial District. The purpose and intent of this district is to provide areas for modern office, retail, personal service and related uses. Standards are included to promote the grouping of retail and service uses to help ensure an attractive setting for permitted land uses, to ensure adequate parking and to create conditions conducive to carrying out the broad purposes of this chapter.
- F. SC Service Commercial District. The purpose and intent of this district is to provide reasonable standards for the orderly development of highway-oriented businesses and commercial uses; to provide for the development of those businesses which, due to the nature of their activity, must most appropriately be located with adequate street frontages along major roads; to avoid undue congestion on the streets; to provide adequate parking and to otherwise create conditions conducive to carrying out the broad purposes of this chapter.
- G. I Industrial District. The purpose and intent of this district is to provide for the continuation and reasonable expansion of existing industries and the establishment of new industries within the existing industrial area; to ensure desirable and attractive industrial areas through the implementation of performance standards and help create conditions conducive to carrying out the broad purposes of this chapter.
- H. OR Open Recreation District. The purpose and intent of this district is to provide a variety of facilities for active and passive recreation and open areas for the enjoyment and benefit of all residents, to preserve the few remaining natural areas in the borough where it is possible and to otherwise create conditions conducive to carrying out the broad purposes of this chapter.

- I. MB Metropolitan Business District. The purpose and intent of this district is to provide appropriate area for adult entertainment establishments, adult bookstores, adult motion-picture theaters, adult mini motion-picture theaters, massage parlors, bathhouses, modeling studios, cabarets and artist body painting studios. It is recognized that some of these are uses which, because of their very nature, are recognized as having serious objectionable operational characteristics. Regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhoods, with special consideration being given to the effect on residential neighborhoods. All uses permitted in an Industrial District shall be permitted in the Metropolitan Business District. [Added 10-2-78 by Ord. No. 78-4, approved 10-5-78]

ARTICLE IV Use Regulations

§ 124-12. Applicability of regulations.

Except as provided by law or in this chapter, in each district no building, structure or land shall be used or occupied except for the purposes permitted in § 124-17 of this Article and for the zoning districts so indicated.

§ 124-13. Uses by right, special exceptions and uses not permitted.

- A. A use listed in § 124-17 is permitted by right in any district under which it is denoted by the letter "P," subject to all applicable requirements of this chapter and subject to the issuance of a zoning permit in accordance with Article X.
- B. A use listed in § 124-17 is permitted as a special exception in any district under which it is denoted by the letter "S," provided the Zoning Hearing Board, pursuant to express

standards and criteria set forth in § 124-17 and other applicable sections of this chapter, and to any other reasonable conditions the Board may establish, authorizes the issuance of a zoning permit in accordance with § 124-66E and Article X of this chapter.

- C. A use listed in § 124-17 is not permitted in any district under which it is denoted by the letter "N."

§ 124-14. Uses subject to other regulations.

- A. Uses permitted by right or by special exception shall be subject, in addition to use regulations, to such regulations of yard, lot size, lot width, building area, provisions for off-street parking and loading and such other provisions as are specified in other Articles hereof.
- B. In particular, the laws of the commonwealth and the regulations of the Bucks County Department of Health regarding water supply and waste disposal shall be adhered to.

§ 124-15. Preexisting conditional uses and special exceptions.

Any use existing on the effective date of this chapter which is classified as requiring a conditional use or a special exception in the district in which the land occupied by the use is located, and which was lawful at the time the use was established, shall be deemed to have been granted a conditional use subject to maintaining the character and extent of operations and structures existing on that date. Any application for change in use or structure shall be subject to the procedures specified in Article IX and Article X.

§ 124-16. Temporary accessory uses.

- A. No garage or other accessory building, partial structure or other temporary structure shall be erected or moved onto a lot and used for any dwelling purposes unless authorized

) § 124-16

ZONING

§ 124-16

by the issuance of a temporary zoning permit. Such permit shall clearly set forth that the structure proposed is intended for temporary dwelling purposes and that the

(Cont'd on page 12423)

M. C. ...

ZONING

§ 124-17

... is to be vacated upon the expiration of a specific time limit not to exceed two (2) years. On receipt of the zoning permit, the applicant shall certify that he has knowledge of the terms of the permit and the penalty that can be invoked for violation.

B. Nonconforming temporary buildings or uses incidental to a building development and reasonably required for such development may be granted temporary zoning permits according to the above procedures and regulations.

§ 124-17. Use regulations.

TABLE OF USE REGULATIONS

(To be used in conjunction with detailed descriptions in the remainder of this chapter.)

Note: Refer to § 124-13 for an explanation of the symbols.

Use	R-1	R-2	R-3	P	RC	SC	I	OR	MB
1 Single-family detached	P	P	P	P	N	N	N	N	—
2 Single-family detached-lot line	N	N	P	N	N	N	N	N	—
3 Single-family attached or duplex [Amended 8-4-86 by Ord. No. 86-4, approved 8-4-86]	N	N	P	N	N	N	N	N	—
4 Patio house	N	N	P	N	N	N	N	N	—
5 Multiplex	N	N	P	N	N	N	N	N	—
6 Atrium house	N	N	P	N	N	N	N	N	—
7 Townhouse	N	N	P	N	N	N	N	N	—
8 Garden apartments	N	N	P	N	N	N	N	N	—
9 Conversion	S	S	S	S	N	N	N	N	—
10 Cluster development	N	N	P	N	N	N	N	N	—
11 Rooming house	N	N	N	N	P	P	N	N	—
12 Dwelling in combination	N	N	N	P	P	P	N	N	—
13 Religious use	P	P	P	P	N	N	N	N	—
14 School	P	P	P	P	N	N	N	N	—

Use	R-1	R-2	R-3	P	RC	SC	I	OR	MB
15 Cultural facility	N	P	P	P	P	P	N	N	—
16 Auditorium, community centers, etc.	N	N	P	P	P	P	N	N	—
17 Day nursery, nursery school, etc.	N	S	S	S	N	N	N	N	—
18 Recreation facility, governmental	P	P	P	P	P	P	P	P	—
19 Recreation facility, non-governmental	N	N	S	S	P	P	S	S	—
20 Private club or lodge	N	N	S	S	P	P	N	N	—
21 Nursing home	N	S	S	N	N	S	N	N	—
22 Hospital	S	S	S	N	N	N	N	N	—
23 Medical center	N	N	S	S	N	N	N	N	—
24 Professional service	N	N	S	P	P	P	N	N	—
25 Business services, non-governmental	N	N	N	P	P	P	N	N	—
26 Business services, governmental	N	N	N	P	P	P	S	N	—
27 Health services	N	N	N	P	P	P	N	N	—
28 Veterinary services, kennels, stables	N	N	N	N	N	S	S	N	—
29 Trade or professional school, etc.	N	N	N	N	P	P	N	N	—
30 Retail shop	N	N	N	N	P	S	N	N	—
31 Bulk commercial	N	N	N	N	N	P	P	N	—
32 Personal service	N	N	N	N	P	P	N	N	—
33 Repair service	N	N	N	N	P	P	N	N	—
34 Eating place, sit-down	N	N	N	P	P	P	P	N	—
35 Eating place, drive-in/take-out	N	N	N	N	P	P	P	N	—
36 Mortuary or funeral home	N	N	S	S	N	P	N	N	—
37 Public entertainment facility	N	N	N	N	P	S	N	N	—
38 Motel, hotel, tourist home	N	N	N	N	P	P	N	N	—
39 Parking area or garage	N	N	N	N	P	P	P	N	—
40 Gasoline service station	N	N	N	N	N	P	N	N	—
41 Repair garage	N	N	N	N	N	P	N	N	—

§ 124-17

ZONING

§ 124-17

Use	R-1	R-2	R-3	P	RC	SC	I	OR	MB
42 Sale of auto accessories	N	N	N	N	P	P	N	N	—
43 Bus or taxicab terminal	N	N	N	N	S	P	N	N	—
44 School bus yard	N	N	N	N	N	P	P	N	—
45 Truck terminal	N	N	N	N	N	P	P	N	—
46 Railroad station, railway service	N	N	N	N	N	N	P	N	—
47 Communication facility	N	N	N	P	P	N	P	N	—
48 Supply utility	N	N	N	N	S	S	S	N	—
49 Petroleum product and gas substation	N	N	N	N	N	S	S	N	—
50 Sanitary utility	P	P	P	P	P	P	P	N	—
51 Fire station	S	S	S	P	P	P	P	N	—
52 Fire signal	P	P	P	P	P	P	P	P	—
53 Wholesale business and storage	N	N	N	N	P	P	P	N	—
54 Warehousing	N	N	N	N	N	N	P	N	—
55 Manufacturing	N	N	N	N	N	N	P	N	—
56 Laboratory for research	N	N	N	N	N	N	P	N	—
57 Contractor's office and storage	N	N	N	N	N	S	P	N	—
58 Home occupation	S	S	S	P	P	P	P	N	—
59 Residential accessory	P	P	P	P	P	P	P	N	—
60 Temporary structure or use	P	P	P	P	P	P	P	P	—
61 Accessory building	N	N	N	N	P	P	P	N	—
62 Outside storage	N	N	N	N	N	P	P	N	—
63 Outside display	N	N	N	N	S	S	N	N	—
64 Travel trailer storage	P	P	P	P	P	P	P	N	—
65 Off-street parking	P	P	P	P	P	P	P	P	—
66 Sign	P	P	P	P	P	P	P	P	—
67 Adult entertainment establishment [Added 10-2-78 by Ord. No. 78-4, approved 10-5-78]	N	N	N	N	N	N	N	N	P
68 Adult bookstore [Added 10-2-78 by Ord. No. 78-4, approved 10-5-78]	N	N	N	N	N	N	N	N	P

Use	R-1	R-2	R-3	P	RC	SC	I	OR	MB
69 Adult motion-picture theater [Added 10-2-78 by Ord. No. 78-4, approved 10-5-78]	N	N	N	N	N	N	N	N	P
70 Adult mini motion-picture theater [Added 10-2-78 by Ord. No. 78-4, approved 10-5-78]	N	N	N	N	N	N	N	N	P
71 Massage parlor [Added 10-2-78 by Ord. No. 78-4, approved 10-5-78]	N	N	N	N	N	N	N	N	P
72 Bathhouse [Added 10-2-78 by Ord. No. 78-4, approved 10-5-78]	N	N	N	N	N	N	N	N	P
73 Modeling studio [Added 10-2-78 by Ord. No. 78-4, approved 10-5-78]	N	N	N	N	N	N	N	N	P
74 Artist body painting studio [Added 10-2-78 by Ord. No. 78-4, approved 10-5-78]	N	N	N	N	N	N	N	N	P
75 Cabaret [Added 10-2-78 by Ord. No. 78-4, approved 10-5-78]	N	N	N	N	N	N	N	N	P

(Cont'd on page 12425)

A. Residential Uses. The following regulations shall apply to residential uses within the Borough of Penndel.

- (1) Use 1. Single-family detached dwelling.
- (2) Use 2. Single-family detached-lot line. In R-3 Districts such dwellings may be part of a cluster development as provided in Use 10, § 124-17A(10), and Article VI, Performance Standards. The building is set on one (1) of the side property lines. An easement for maintenance on the adjoining lot is one (1) of the requirements for this type of construction. Windows are not permitted on the lot line side of a dwelling.
- (3) Use 3. Single-family attached dwelling or duplex. In R-3 Districts such dwellings may be part of a cluster development as provided in Use 10, § 124-17A(10), and Article VI, Performance Standards.
- (4) Use 4. Patio house, provided that in R-3 Districts such dwellings must be part of a cluster development as provided in Use 10, § 124-17A(10), and § 124-31, Residential performance standard subdivision.
- (5) Use 5. Multiplex, provided that in R-3 Districts such dwellings must be part of a cluster development as provided in Use 10, § 124-17A(10), and § 124-31, Residential performance standard subdivision.
- (6) Use 6. Atrium house, provided that in R-3 Districts such dwellings must be part of a cluster development as provided in Use 10, § 124-17A(10), and Article VI, Performance Standards.
- (7) Use 7. Townhouse. In R-3 Districts such dwellings may be part of a cluster development as provided in Use 10, § 124-17A(10), and Article VI, Performance Standards. Design standards for townhouses are as follows:
 - (a) Each townhouse dwelling unit shall incorporate varied designs, architectural modes and setbacks and shall contain not less than three (3) nor more than eight (8) dwelling units joined by a common wall.

- (b) An overall structure of attached dwelling units shall not be permitted with one (1) common roof line or with equal front yard setbacks for all dwelling units. Similarly, the appearance of the front of the buildings shall have a distinction between dwelling units by varying the unit width or height, providing different exterior materials on the facade or changing the roof lines. Setbacks shall vary from one dwelling to the next so that each is offset from the adjoining unit by a minimum of two (2) feet.
 - (c) Existing natural features such as clusters of trees, brooks, streams or drainage channels shall be retained wherever practicable. These features shall be identified and contained on the topographical map submitted with the preliminary plan of the townhouse development.
 - (d) Parking.
 - [1] Design of parking areas shall conform to the requirements of Article VII of the Borough of Penn del Zoning Ordinance.
 - [2] Off-street parking spaces shall not contain direct access to public streets but shall be provided with access drives which shall be maintained clear of parked vehicles. Parking space shall be provided on or within the same complex or compound with the townhouse dwelling units to be served.
 - (e) A twenty-five-foot buffer yard shall be required around all boundaries of the site. This buffer shall meet the requirements of the Borough of Penn del Zoning Ordinance.
- (8) Use 8. Garden apartments, provided that in R-3 Districts such dwellings must be part of a cluster development as provided in Use 10, § 124-17A(10), and § 124-31, Residential performance standard subdivision.

- (a) Building standards. Maximum building size shall be restricted to no more than eight (8) family units in any one (1) continuous structure, and there shall not be more than four (4) family units in any unbroken apartment structure line. A setback of more than ten (10) feet shall be considered as an acceptable break in the apartment structure line. No more than two (2) floors or levels may be used for dwelling units or living quarters in any building. Each apartment will have a separate outside entrance.
- (b) Landscaping. Where side or rear lot lines of a multifamily dwelling development abut a residential district, an evergreen planting shall be provided along said side or rear lot lines. Maintenance of plant material shall be a continuing obligation of the owner of the property.
- (c) Building orientation. Minimum horizontal distance between facing walls of any two (2) buildings on one (1) lot or any one (1) building with facing walls:
- [1] Where two (2) facing walls contain a window or windows, there shall be three (3) feet of horizontal distance for each foot of average height of the facing wall of the building with the greatest height, but in no case less than sixty (60) feet horizontally.
 - [2] Between two (2) facing walls only one (1) of which contains a window or windows, there shall be one (1) foot of horizontal distance for each foot of average height of the facing wall of the building with greatest height, but in no case less than twenty-five (25) feet.
 - [3] Between facing walls neither of which contains a window or windows, there shall be fifteen (15) feet.
 - [4] There shall be fifteen (15) feet between corners of two (2) buildings where no exterior

wall of one (1) building lies in such a way that it can be intersected by a line drawn perpendicular to any exterior wall of other buildings, other than a line that results from colinear walls.

(d) Off-street parking design requirements.

- [1] All off-street parking lots and their access drives shall be at least twenty (20) feet from any principal building on the lot.
- [2] No one (1) area for off-street parking of motor vehicles shall exceed thirty (30) automobiles in capacity. Separate parking areas on a lot shall be physically separated from one another by eight-foot planting strips.
- [3] The provisions of § 124-17A(8)(d)[1] and [2] shall not apply if off-street parking is provided within the principal buildings on a lot or underground.

(9) Use 9. Conversion. Conversion of an existing building to a greater number of dwelling units, subject to the following provisions:

(a) Table of Dimensional Requirements.

	Minimum Unit Size (sq. ft.)	Lot Area Per Dwelling Unit		Parking Spaces (per dwelling unit)
		Residential (sq. ft.)	Others (sq. ft.)	
Efficiency	300	4,500	1,500	1.25
One-bedroom	400	6,000	2,000	1.75
Two-bedroom	500	7,500	2,500	2.00
Three-bedroom	600	9,000	3,000	2.00
Four-bedroom	700	11,500	3,500	2.25

- (b) The Zoning Hearing Board shall have the power to reduce the lot area per dwelling unit to not less than four thousand (4,000) square feet in the residential districts, if this reduction does not allow more than two (2) units in a structure.
 - (c) The average size of the dwelling units in the converted structure shall not be less than seven hundred (700) square feet in the residential districts and six hundred (600) square feet in all other districts.
 - (d) Stairways leading to the second or any higher floor shall be located within the walls of the building, wherever practical, and stairways and fire escapes shall otherwise be located on the rear wall in preference to either side wall and in no case on a front wall or side wall facing a street.
 - (e) Except as may be necessary for purposes of safety in accordance with the preceding Subsection A(9)(d), there shall be no major structural change in the exterior of the building in connection with the conversion, and after conversion the building shall retain substantially the same structural appearance it had before such conversion.
- (10) Use 10. Cluster development. Planned development of single-family detached, semidetached or attached dwellings on lots with modified dimensional requirements. Such developments are subject to the following provisions:
- (a) Detached, semidetached or attached single-family dwellings are permitted uses in the district in which such development is proposed.
 - (b) An amount of land shall be set aside as permanent usable open space as defined in § 124-4. Such open space shall:
 - [1] Either be dedicated to the borough, if acceptable to it, or be maintained by a

homeowners' association. A homeowners' association must comply with the provisions of Section 705(d) of the Pennsylvania Municipalities Planning Code (Act 247 of 1968).³

- [2] Be suitable for use as a park, playground, pedestrian accessway, school or other similar public purpose, or because of its topography, vegetation or other natural character be left open with no particular use assigned to it.
 - [3] Be suitable for the construction of single-family homes under normal subdivision procedures. If a portion of such development is unusable, either because of periodic flooding or for any other reason, then the portion of such development declared to be unusable shall be excluded from any calculation for permissible density and usable open space.
 - [4] Comprise at least twenty-five percent (25%) of the total development.
- (c) The minimum lot area required in R-3 Districts is four (4) acres.
 - (d) Refer to § 124-31 for residential performance standard subdivision regulations.
 - (e) The maximum density shall be five (5) units per acre.
- (11) Use 11. Rooming house. A building or part of a building occupied or intended to be occupied by two (2) or more roomers, boarders or lodgers, providing the minimum lot area per sleeping room shall be one thousand (1,000) square feet, notwithstanding other provisions of this chapter.
 - (12) Use 12. Dwelling in combination with an existing or permitted office or commercial use, providing the lot and parking requirements are met for both uses.

³ Editor's Note: See 53 P.S. § 10705(d).

B. Institutional, recreational and educational uses. The following regulations shall apply to institutional, recreational and educational uses within the Borough of Pennel:

- (1) Use 13. Religious use, including churches, synagogues, religious foundations or societies, plus associated convents, parish houses and other housing for religious personnel, subject to the following provisions:
 - (a) Minimum lot size shall be not less than one (1) acre.
 - (b) Maximum height restrictions shall not apply to church or synagogue buildings.
 - (c) There shall be direct access to an arterial or collector highway or primary access street.
- (2) Use 14. School, including religious and nonsectarian, denominational private or public school, not conducted as a private gainful business, subject to the following provisions.
 - (a) Minimum lot size shall be not less than two (2) acres.
 - (b) There shall be direct access to an arterial or collector highway or primary access street.
- (3) Use 15. Cultural facility, including art galleries, libraries or museums, open to the public or connected with a permitted educational use, and not conducted as a private gainful business.
- (4) Use 16. Auditorium, community center, adult education center or other similar facility operated by an educational, philanthropic or religious institution, subject to the following provisions:
 - (a) The use shall not be conducted as a private gainful business.
 - (b) No outdoor recreation area shall be located nearer to any lot line than the required front yard depth.

- (5) Use 17. Day nursery, nursery school, kindergarten or other agency operated as an enterprise giving day care to more than three (3) children who are not related to the operator of the agency. Such agencies must provide outdoor play areas which shall be sufficiently screened and sound-insulated so as to protect the neighborhood from inappropriate noise and other disturbance and satisfy all other requirements of the Pennsylvania Department of Public Welfare.
- (6) Use 18. Recreational facility owned or operated by the borough or other governmental agency.
- (7) Use 19. Recreational facility owned or operated by a nongovernmental agency, subject to the following additional provisions:
 - (a) The use shall not be conducted as a private gainful business.
 - (b) No outdoor active recreation area shall be located nearer to any lot line than the required front yard.
 - (c) Outdoor play areas shall be sufficiently screened to protect the neighborhood from inappropriate noise and other disturbance.
- (8) Use 20. Private club or lodge, subject to the following additional provisions:
 - (a) The use shall not be conducted as a private gainful business.
 - (b) The use shall be for members and guests only.
- (9) Use 21. Nursing home. A nursing home, also commonly known as a convalescent home, is a licensed establishment which provides full-time convalescent or chronic care, or both, for three (3) or more individuals who are not related by blood or marriage to the operator and who, by reason of chronic illness or infirmity, are unable to care for themselves. No surgical or obstetrical services shall be provided in such a home; a hospital or sanitarium shall not be

construed to be included in this definition; provided that:

- (a) A lot area of not less than two (2) acres is provided.
- (b) No more than one hundred (100) patients shall be accommodated at any one (1) time.
- (c) Landscaping and planting, including evergreens, shall be provided and maintained.

(10) Use 22. Hospital. A hospital, for the purpose of the chapter, is a licensed establishment which provides health services primarily for inpatient medical or surgical care of the sick or injured, including such related facilities as laboratories, outpatient departments, training facilities, central service facilities and staff offices, as an integral part of the establishment, provided that:

- (a) A lot area of not less than two (2) acres shall be required.
- (b) Landscaping and planting, including evergreens, shall be provided and maintained.

(11) Use 23. Medical center. A group of facilities providing health services such as medical research facilities, including laboratories, outpatient departments, training facilities, medical offices and central service facilities operated as an integral part of the facility, and commercial uses supplementary to it, provided that:

- (a) Lot and parking requirements are met for hospital, medical office and laboratory, Uses 19 and 24, §§ 124-17B(7) and C(1), to the extent to which each type is represented at the medical center.
- (b) Landscaping and planting are provided and maintained.

C. Business and office uses. The following regulations shall apply to business and office uses within the Borough of Pennadel.

- (1) Use 24. Professional service, limited to offices of physicians, lawyers, clergymen, teachers, dentists, architects, engineers, insurance agents, opticians and medical and related offices, which do not involve the actual storage, exchange or delivery of merchandise on the premises, provided that in R-2 Districts:
 - (a) The use shall have frontage on and access to a collector or arterial highway.
 - (b) Such use shall be carried on wholly indoors and within the principal building.
 - (c) There shall be no use of show windows or display or advertising visible outside the premises to attract customers or clients other than one (1) nonilluminated sign not exceeding four (4) square feet in area.
- (2) Use 25. Business service limited to banks and offices for real estate, stock and bond brokers, accountants, adjusters, appraisers, utility companies, provided that the additional provisions of Use 24, § 124-17C(1), are met.
- (3) Use 26. Business service limited to governmental offices.
- (4) Use 27. Health service limited to medical or dental offices, laboratories and clinics, provided that the additional provisions of Use 24, § 124-17C(1), are met.
- (5) Use 28. Veterinary office, animal hospital, kennel or stable, defined herein as any lot or building for the treatment, housing or boarding of small domestic animals such as dogs, cats, rabbits and birds. The minimum lot size for the keeping of larger animals such as cattle, hogs, pigs, horses, sheep, goats, burros and mules or any species of wildlife for financial gain or as domestic pets shall be two (2) acres.

- (6) Use 29. Trade or professional school, music or dancing schools.

D. Commercial uses. The following regulations shall apply to commercial uses within the Borough of Pennel.

- (1) Use 30. Retail shop. Stores for the retail sale of antiques, books, beverages, confections, drugs, dry goods, flowers, foodstuffs, gifts, garden supplies, hardware, household appliances, jewelry, notions, periodicals, stationery, tobacco, paint, wearing apparel and other similar goods, but not including stores requiring extensive outdoor display or which allow food or beverages to be consumed on or immediately about the premises.
- (2) Use 31. Bulk commercial. Stores for the sale of lumber, automobiles, agricultural machinery, boats or any other items requiring extensive outdoor display.
- (3) Use 32. Personal service, including barbershop, beauty parlor, laundry or cleaning agency, self-service laundry and wearing apparel.
- (4) Use 33. Repair service, including shops for appliances, watches, guns, bicycles, locks, etc.
- (5) Use 34. Eating place for the sale and consumption of food and beverages without drive-in or take-out service (service at table or sit-down counter facilities only).
- (6) Use 35. Eating place for the sale and consumption of food and beverages with drive-in or take-out service.
- (7) Use 36. Mortuary or funeral home, provided that the additional provisions of Use 24, § 124-17C(1), are met.
- (8) Use 37. Public entertainment facility. Activity operated as a gainful business, open to the public for the purpose of public entertainment or recreation, including, but not limited to, bowling alleys, motion picture theaters, health clubs, etc.; but not including outdoor facilities such as golf courses, driving ranges

or amusement parks. Adequate measures to prevent noise and other noxious influences from disturbing nearby residential properties must be taken.

- (9) Use 38. Motel, hotel, tourist home or building or group of buildings for the accommodation of transient guests, chiefly motorists, containing guest rooms for rent. Regulations, dimensional requirements, parking requirements and sign regulations pertaining to these uses are stated in the Borough of Pennadel Ordinance for Motel Districts rather than in the Articles of this chapter.

E. Automotive service uses. The following regulations shall apply to automotive service uses within the Borough of Pennadel.

- (1) Use 39. Parking area or garage, defined herein as a lot of record upon which the parking or storing of automotive vehicles is the primary use, provided that:
 - (a) Such area will be used for parking of cars of employees, customers or guests of existing establishments in the same district where subject parking area is proposed.
 - (b) No sale, rental, service or repair operation shall be performed.
 - (c) The parking or storage of trucks or trailers shall not be permitted.
 - (d) All parking areas shall meet the design standards for off-street parking included in the Bucks County Subdivision and Land Development Regulations.
 - (e) All parking lots must conform to the provisions of § 124-30H.
- (2) Use 40. Gasoline service station, subject to the following provisions:
 - (a) All activities, except those to be performed at the fuel pumps, shall be performed within a completely enclosed building.

- (b) Fuel pumps shall be at least twenty (20) feet from any street right-of-way.
 - (c) All automobile parts, dismantled vehicles and similar articles shall be stored within a building.
 - (d) Full-body paint spraying or body and fender work shall not be permitted.
- (3) Use 41. Repair garage, including paint spraying and body and fender work or carwashing facility, provided that all repair and paint work is performed within an enclosed building.
 - (4) Use 42. Sale of automotive accessories, parts, tires, batteries and other supplies, provided that installation of parts shall be in an enclosed building. Vehicle salvage activities which would include the dismantling and storage of vehicles and vehicle parts shall be within a completely enclosed building.
- F. Transportation facilities. The following regulations shall apply to transportation facilities within the Borough of Penn del.
- (1) Use 43. Bus or taxicab terminal.
 - (2) Use 44. School bus yard.
 - (3) Use 45. Truck terminal.
 - (4) Use 46. Railroad station, railway service.
- G. Utilities. The following regulations shall apply to utilities within the Borough of Penn del.
- (1) Use 47. Communication facility, including telephone or telegraph exchange, microwave relay station and radio or television broadcasting studio, provided that in P and RC Districts such use shall not include the storage of materials, trucks or repair facilities or housing of repair crews.
 - (2) Use 48. Supply utility, including water supply works and storage, electric substations, plus necessary rights-of-way and transmission lines, provided that:

- (a) Except in RC Districts, no public business office shall be operated in connection with such use.
 - (b) In no district shall any storage yard or storage building be operated in connection with such use unless such storage facility is essential to service customers in the district in which it is located.
 - (c) All transmission lines shall be underground.
 - (d) A seventy-five-foot buffer yard shall be provided along all property lines.
- (3) Use 49. Petroelum product and gas substation, provided that provisions of Use 48, § 124-17G(2)(c) and (d), above are met.
- (4) Use 50. Sanitary utility, including sewerage works, sewage pumping station plus associated collection line and right-of-way, but not including refuse dump, incinerator or sanitary landfill, provided that such facilities are intended to serve primarily residents of the Borough of Penndel.
- (5) Use 51. Fire station.
- (6) Use 52. Fire signal.
- H. Industrial uses. The following regulations shall apply to industrial uses within the Borough of Penndel.
- (1) Use 53. Wholesale business and storage, provided that:
- (a) In RC Districts, such uses shall be restricted to offices.
 - (b) In SC and I Districts, the storage provisions of Use 62, § 124-17I(5), are met.
- (2) Use 54. Warehousing, not including outdoor storage unless the provisions of Use 62, § 124-17I(5), are met.
- (3) Use 55. Manufacturing, including the production, processing, cleaning, printing, testing and distribution of materials, goods, foodstuffs and other products. Such manufacturing, processing or

assembling of small parts and products such as electronic instruments and devices, radios and phonographs, medical and surgical instruments, optical products, pharmaceuticals, toiletries, jewelry, mechanical instruments and other similar small parts and products.

- (4) Use 56. Laboratory for research testing or experimentation.
- (5) Use 57. Contractor's office and storage, including building, cement, electrical, heating, plumbing, masonry, painting and roofing contractors, provided that the storage provisions of Use 62, § 124-17I(5), are met.

I. Accessory uses. The following regulations shall apply to accessory uses within the Borough of Pennel.

- (1) Use 58. Home occupation. Activities customarily carried on in a dwelling unit which are clearly incidental and secondary to the use of the dwelling for residential purposes, provided that:
 - (a) The home occupation shall be carried on wholly indoors and within the principal building.
 - (b) There shall be no maintenance of a stock in trade, no use of show windows or display or advertising visible outside the premises to attract customers or clients other than home occupation announcement signs as permitted and regulated in Article VIII, and no exterior storage of materials.
 - (c) No alterations, additions or changes to the structure shall be permitted in order to accommodate or facilitate a home occupation.
 - (d) No articles shall be sold or offered for sale, except such as may be produced on the premises.
 - (e) No repetitive servicing by truck for supplies and materials shall be required.

- (f) The home occupation shall be carried on only by members of the immediate family residing in the structure.
- (2) Use 59.
 - (a) Residential accessory building, structure or use, including, but not limited to:
 - [1] Parking spaces for the parking of passenger automobiles; but excluding parking of commercial vehicles other than vehicles not exceeding one-half-ton loading capacity that are needed for travel to and from work by residents of the principal building and are completely enclosed within a building; and also excluding repairs, sale of gas and other such commercial uses.
 - [2] Structures, such as fences and walls.
 - [3] Buildings, such as storage sheds, bathhouses and private greenhouses.
 - [4] Private swimming pool, wherever constructed as a stationary or permanent structure or wherever temporarily erected for use, provided that the provisions of § 124-27B of this chapter regulating swimming pools are complied with.
 - [5] The keeping of one (1) roomer, boarder or lodger as an accessory use to any dwelling unit, if such roomer, boarder or lodger is within the principal residential building.
 - (b) Residential buildings, other than those for domestic servants and caretakers employed on the premises and for occasional gratuitous guests, are not to be considered residential accessory buildings, structures or uses.
 - (3) Use 60. Temporary structure or use. A temporary permit may be issued for structures or uses necessary

during construction or other special circumstances of a nonrecurring nature, subject to the following additional provisions.

- (a) The life of such permit shall not exceed six (6) months, renewable at three-month intervals.
 - (b) Such structure or use shall be removed completely upon expiration of the permit without cost to the borough.
- (4) Use 61. Accessory building or structure, or uses customarily incidental to the uses permitted in RC, SC and I Districts in connection with such uses, except outside storage, provided that any use accessory to a use permitted only under a special exception shall be established only if and as provided in such exception.
 - (5) Use 62. Outside storage, other than storage as a primary use of the land, necessary but incidental to the normal operation of a primary use.
 - (a) Such use shall be subject to the following provisions:
 - [1] No part of the street right-of-way, no sidewalks or other areas intended or designed for pedestrian use, no required parking areas and no part of the required front yard shall be occupied by outside storage.
 - [2] Outside storage areas shall occupy an area of less than one-half ($\frac{1}{2}$) the existing building coverage.
 - [3] Outside storage areas shall be shielded from view from the public streets.
 - [4] Trailers, with or without wheels attached, shall not be used as outside storage.
 - (b) Uses requiring more substantial amounts of land area for storage may be exempt from the provisions of §§ 124-17I(5)(a)[2] and [3] above when granted as a special exception by the

Zoning Hearing Board. Such uses shall be subject to the following additional provisions:

- [1] No more than twenty-five percent (25%) of the lot area shall be used in outdoor storage.
 - [2] Particular uses appropriate for consideration under this provision include, but are not limited to, bulk commercial, Use 31, § 124-17D(2); school bus yard, Use 44, § 124-17F(2); and truck terminals, Use 45, § 124-17F(3). Among the uses that shall not be considered appropriate for inclusion under this provision are retail shops and stores, Use 30, § 124-17D(1); repair shops for appliances, Use 33, § 124-17D(4); gasoline service station, Use 40, § 124-17E(2); sale of automotive accessories, Use 42, § 124-17E(4); wholesale business, Use 53, § 124-17H(1); warehousing, Use 54, § 124-17H(2); manufacturing, Use 55, § 124-17H(3) and contractor offices and shops, Use 57, § 124-17H(5).
- (6) Use 63. Outside display of goods, wares or merchandise, upon a fixture, table, machine or other device for the display and/or sale of merchandise, limited to the portion of the sidewalk adjacent to the inside line thereof, extending not more than twenty-four (24) inches toward the curblin, where the sidewalk is sufficiently wide so that a free and unencumbered walkway at least six (6) feet in width remains available for the use of pedestrians.
 - (7) Use 64. Travel trailer, storage of, subject to the following provisions:
 - (a) In all districts, no more than one (1) trailer shall be stored on a lot.
 - (b) Such trailers shall be owned by the occupant of the lot upon which the trailer is stored.
 - (c) Such trailers must be unoccupied.

- (d) The provisions for outside storage included in Use 62, § 124-17I(5), must be complied with.
 - (e) Provisions of § 124-17I(7)(a) and (b) above shall not apply to the storage of trailers as a permitted principal use.
 - (8) Use 65. Off-street parking subject to the provisions and requirements of Article VII.
 - (9) Use 66. Signs subject to the provisions and requirements of Article VIII.
- J. Metropolitan Business District uses. [Added 10-2-78 by Ord. No. 78-4, approved 10-5-78]
- (1) Use 67. Adult entertainment establishment. Any building or structure which contains or is used for commercial entertainment where the patron, directly or indirectly, is charged a fee to engage in personal contact with or allow personal contact by employees, devices or equipment or by personnel provided by the establishment or views a series of dance routines, strip performances or other gyrational choreography provided by the establishment which appeals to the prurient interest of the patron.
 - (2) Use 68. Adult bookstore. An establishment having a substantial or significant portion of its stock-in-trade, books, magazines and other periodicals which are distinguished or characterized by their emphasis on matters depicting, describing or relating to specified sexual activities or specified anatomical areas or an establishment with a segment or section devoted to the sale or display of such material.
 - (3) Use 69. Adult motion-picture theater. An enclosed building with a capacity of fifty (50) or more persons used for presenting material distinguished or characterized by an emphasis on matter, describing or relating to specified sexual activities or special anatomical areas for observation by patrons therein.

- (4) Use 70. Adult mini motion-picture theater. An enclosed building with a capacity of less than fifty (50) persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.
- (5) Use 71. Massage parlor. An establishment or business which provides the service of massage and body manipulation, including exercises, heat and light treatments of the body, and all forms and methods of physiotherapy, unless operated by a medical practitioner or professional physical therapist licensed by the state.
- (6) Use 72. Bathhouse. An establishment or business which provides the services of baths of all kinds, including all forms and methods of hydrotherapy, unless operated by a medical practitioner or professional therapist licensed by the state.
- (7) Use 73. Modeling studio. An establishment or business which provides the services of modeling for the purpose of reproducing the human body wholly or partially in the nude by means of photography, painting, sketching, drawing or otherwise.
- (8) Use 74. Artist body painting studio. An establishment applying paint or other substance, whether transparent to or on the human body when such body is wholly or partially nude.
- (9) Use 75. Cabaret. An establishment which features topless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators or similar entertainers.

§ 124-17

ZONING

§ 124-20

- (10) Use 76. Arcade. An establishment having seven (7) or more coin-operated amusement devices, including but not limited to video games, arcade games, pool tables and pinball machines. [Added 2-7-83 by Ord. No. 83-4, approved 2-7-83]

ARTICLE V
Dimensional Requirements

§ 124-18. Purpose.

The dimensional requirements for all zoning districts in the Borough of Penn del are summarized in the Table of Dimensional Requirements.⁴ The purpose of the summary is as a reference in making comparisons between dimensional requirements in the various districts. Covered in this Article are general dimensional requirements for special circumstances, applicable in all districts.

§ 124-19. District regulations in effect.

The regulations for each district pertaining to minimum site area, minimum lot area, minimum lot area per dwelling unit, minimum lot width, minimum front yard, minimum side yard, minimum rear yard, maximum height and maximum building coverage shall be as specified in this Article unless specifically stated for a particular use in the Use Regulations in Article IV. See the Table of Dimensional Requirements at the end of this chapter.

§ 124-20. Lot area and width regulations.

A. Lot area.

- (1) Where a minimum lot area is specified, no principal building or use shall be created or established on any lot of lesser area, except as may be permitted in § 124-19.

⁴ Editor's Note: See the Table of Dimensional Requirements at the end of this chapter.

- (2) The lot area and yards required for any new building or use shall not include any part of a lot that is required by any other building or use to comply with the requirements of this chapter. No required lot area and yard shall include any property, the ownership of which has been transferred subsequent to the effective date of this chapter, if such property was a part of the area required for compliance with the dimensional requirements applicable to the lot from which such transfer was made.
 - (3) Lot coverage shall not exceed the requirements specified in § 124-19 for the district involved.
- B. Minimum lot width. Where a minimum lot width is specified, no principal building shall be erected on any part of a lot which has a width less than specified, except as may be permitted by § 124-20C.
- C. Exceptions to minimum lot areas and lot widths.
- (1) The provisions of § 124-19 shall not prevent the construction of a single-family dwelling, provided that the yard requirements are observed, on any lot which was lawful when created and which prior to the effective date of this chapter was in separate ownership duly recorded by plan or deed.
 - (2) This exception shall not apply to any two (2) or more contiguous lots in a single ownership as of or subsequent to the effective date of this chapter in any case where a reparceling or replatting could create one (1) or more lots which would conform to the provisions of § 124-19.

§ 124-21. Traffic visibility regulations.

A. Traffic visibility across corners.

- (1) In any district, no structure, fence or planting shall be maintained between a plane four (4) feet above curb

(Cont'd on page 12445)