

level and a plane seven (7) feet above curb level so as to interfere with traffic visibility across the corner within that part of the required front or side yard which is within a triangle bounded by the curb or curbline and a straight line drawn between points on each lot ten (10) feet from the intersection of said curbs or curb lines, or extension thereof.

- (2) At each point where a private accessway intersects a public street or road, a clear-sight triangle of ten (10) feet measured from the point of intersection of the street line and the edge of the accessway shall be maintained, within which vegetation and other visual obstructions shall be limited to a height of not more than two (2) feet above the street grade.
- B. Front and side yards of corner lots. On a corner lot, the yard facing each street shall equal the required front yard for lots facing that street.
  - C. Spacing of nonresidential buildings on the same lot. Where two (2) or more main buildings for other than residential uses are proposed to be built upon property in one (1) ownership and deed, front, side and rear yards are required only at lot lines abutting other property.

§ 124-22. Front yard regulations.

- A. Front yard regulations. Where a minimum depth of front yard is specified in § 124-19, an open space of at least the specified depth shall be provided between the legal right-of-way, or the future right-of-way, wherever the latter exceeds the legal right-of-way, and the nearest point of any building or structure. Only landscaped areas, signs and necessary drives and walks shall be permitted in the required front yard.
- B. Projections into front yards. Ground story bays and porches not over one-half ( $\frac{1}{2}$ ) the length of the front wall may project into any front yard three and one-half ( $3\frac{1}{2}$ ) feet. Chimneys, flues, columns, sills and ornamental fea-

tures may project not more than three and one-half (3½) feet, and cornices and gutters not more than three and one-half (3½) feet, over a required front yard.

- C. Fences and terraces in front yards. Subject to § 124-21B, the provisions of § 124-19 shall not apply to front fences, hedges or walls not over four (4) feet high above the natural grade in the required front yard, nor to terraces, steps, uncovered porches or other similar features not over three (3) feet high above the level of the floor of the ground story.
- D. Exception to required front yard for certain accessory uses. Subject to §§ 124-21A and 124-39B(9), the front yard requirements of § 124-19 shall not apply to off-street parking facilities in R-1 and R-2 Districts.
- E. Front yard reduction. Where there is an existing building on each of two (2) lots adjacent on either side to a lot on which a proposed building is to be erected, where both such existing buildings have an alignment nearer to the street than the required front depth elsewhere specified in this chapter, and when both such existing buildings are within one hundred (100) feet of the proposed building, the average of the existing front yard depths of such adjacent lots shall be the minimum required front yard depth of the lot on which the proposed building is to be erected.

§ 124-23. Side yard regulations.

- A. Side yard requirements. Where a minimum width of side yard is specified in § 124-19, no building or structure shall be erected within the specified distance from either side lot line, except as permitted in § 124-23B.
- B. Projections into side yards. Bays, balconies, chimneys, flues and fire escapes may project into a required side yard not more than one-third (⅓) of its width, and not more than four (4) feet in any case. Ground story bays and porches not over one-half (½) the length of the side wall may project into any side yard three and one-half (3½) feet.
- C. Fences and terraces in side yards. Subject to § 124-21A, the provisions of § 124-19 shall not apply to fences, hedges

or walls not over four (4) feet high above the natural grade, or to terraces, steps, uncovered porches or other similar features not over three (3) feet high above the floor of the ground story.

**§ 124-24. Rear yard regulations.**

- A. Rear yard requirements. No building or structure shall be built within the minimum depth from the rear lot line specified in § 124-19, except as permitted in § 124-24B.
- B. Accessory garage structures within required rear yards. Required rear yards may be occupied by an accessory garage for accessory garage use and other permitted accessory buildings, structures or use, provided that:
  - (1) Such accessory building, structure or use shall be situated not less than three (3) feet from any party line or rear yard line, provided that the specified setback line is observed.
  - (2) Such accessory building, structure or use shall not exceed fifteen (15) feet in height measured from the garage floor to the highest point.
- C. Rear yard requirements for triangular lots. In the case of a triangular lot with no rear lot line, the distance between any point on the building and the corner of the lot farthest from the lot line shall be at least twice the minimum depth for side yards specified in § 124-19.

**§ 124-25. Height regulations.**

**A. Maximum height of buildings.**

- (1) No building shall exceed the maximum height of buildings specified in § 124-19, except as specified in § 124-25B.
- (2) Height shall be measured from the mean elevation of the proposed finished grade along the front building line 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.

- B. Height exceptions of maximum regulations. Height limits specified in § 124-19 may be exceeded by one (1) foot for each foot by which the width of the front, rear and side yards is increased beyond the minimum yard requirements, up to a maximum of forty-five (45).

**§ 124-26. Building coverage and floor area.**

**A. Lot coverage.**

- (1) The lot coverage is the maximum percent of the total land area which may be covered by the ground floor area of any building or buildings.
- (2) For any buildings or group of buildings on a lot, neither the building coverage nor the floor area requirements shall exceed the maximum percentiles specified in § 124-19.
  - (a) The floor area ratio is the maximum square foot amount of total floor area permitted for each square foot of land area.
  - (b) Where a maximum floor area ratio is specified in § 124-19, no development shall be permitted which exceeds the floor area permitted as specified.

**§ 124-27. Recreation space and swimming pools.**

- A. Recreation space. Recreation space is defined as the part or parts of a lot designed and developed for use by the occupants of the lot for recreation, gardens or leisure activities. Such spaces shall be effectively separated from automobile traffic and parking and readily accessible by all for whom they are required. Recreational spaces shall be at least twenty (20) feet away from any residential wall containing a window.

B. Swimming pools. The following standards shall govern the erection, construction, maintenance and use of in-ground and aboveground swimming pools, public or private, within any zone in the borough, except aboveground plastic wading pools which are not capable of containing twelve (12) inches or more of water in depth.

- (1) The words, terms or phrases listed below for the purposes of this chapter shall be defined as follows:

**ARTIFICIAL POOL** — Any pool, regardless of design or construction materials and of the permanency of its location, built, erected or used for the purpose of swimming or wading.

**PRIVATE SWIMMING POOL** — Any pool used and maintained for swimming purposes by an individual for use by his household and guests and located on a lot as an accessory use to a residence. Artificial or partially artificial pools, both above and below ground level, having a maximum depth greater than twelve (12) inches, shall be included.

**PUBLIC SWIMMING POOLS** — Any pool used and maintained by an individual, firm, corporation, club or association of persons for use by the public or members and their invitees or guests.

**WADING POOL** — Any artificial or partially artificial pool not designed or used for swimming, installed above or below ground level, having a maximum depth greater than twelve (12) inches.

- (2) It shall be unlawful to construct or maintain a private swimming pool, wading pool or public swimming pool, as herein defined, without having obtained a permit therefor in the manner hereafter described, except no permit shall be required for out-of-the-ground swimming pools and/or wading pools whose swimming surface is less than eighteen (18) inches above the ground level of the surrounding area, and in addition thereto, no permit shall be required for out-of-the ground swimming and/or wading pools whose

swimming and/or wading surface is from eighteen (18) inches to thirty-six (36) inches above the level of the surrounding ground, and the owners of this last-mentioned category, while no permit is needed, must register the presence of these type swimming pools and/or wading pools with the Borough Building Inspector. No fee shall be required for said registration.

- (3) Application for a permit for the construction of a swimming pool or wading pool shall be made to the Building Inspector. Each application shall be accompanied by a duplicate set of plans, specifications and plot plans of the property. The location of the pool on the property and with respect to adjoining property and road lines shall be shown, together with the location, height and type of fencing or walls or protective equipment and accessory buildings. No permit shall be issued until the plans and specifications and plot plans have been approved by the Building Inspector and approval has been certified on said plans.
- (4) Each swimming pool or wading pool shall be subject to an annual inspection by the Building Inspector.
- (5) The construction and design of all pools shall be such that the same can be maintained and operated as to be clean and sanitary at all times. The owner of every such pool shall be responsible to maintain said pool in such condition as to prevent breaks in the pool chassis or water from the pool from overflowing into adjacent public or private property. Public swimming pools shall be constructed, equipped and maintained in strict conformity with the current provisions of the swimming pool and the public health codes issued by the Commonwealth of Pennsylvania and the Bucks County Board of Health.
- (6) Swimming pools and wading pools shall be protected in accordance with one (1) of the following:

- (a) All swimming pools constructed with the swimming surface approximately level with the surrounding area must have a permanent, nonsolid-type protective fence erected and maintained in good condition in such a manner as to entirely enclose the area on which the swimming pool is located and to bar all reasonable and normal access to such pools, except through a substantial self-latching-type gate or gates.
- (b) All pools constructed or maintained out-of-the ground, whose swimming or wading surface is from one (1) to three (3) feet above the surrounding ground, must be covered with a plastic or cloth cover which extends beyond all edges of the pools and is of sufficient strength to support a weight of two hundred (200) pounds at its center when secured in position.
- (c) Swimming pools whose swimming or wading surface is situated thirty-six (36) inches or more above the surrounding ground in such a manner that they can be entered only by climbing a ladder are exempt from the above, but the ladder shall be of a removable construction and must be removed when the pool is not in use, or, in the case of a permanent platform, a gate shall be used to block the entrance to the swimming pool.
- (d) Protective fences required for all in-the-ground swimming or wading pools and all swimming or wading pools whose swimming or wading surface is one (1) foot or more above the surrounding ground must be at least four (4) feet in height and not of solid construction, shall have apertures or openings not larger, in the case of a picket-type fence, than three (3) inches, and, in the case of a wire fence or planting of shrubs, not more than eight (8) square inches. Ingress and egress to and from this enclosure shall be provided for by means of a gate or gates which shall be of a self-

latching type and which shall at all times when not attended or in use be secured by a suitable lock.

- (e) Purity tests. The waters of public swimming pools shall be tested for purity in accordance with the rules and regulations of the Bucks County Department of Health.
  - (f) Lifeguard protection. If persons other than the owner of a swimming pool and his family are admitted to the pool for a fee, adequate lifeguard protection must be provided.
  - (g) Recreational facilities. Picnic or general recreational facilities in conjunction with a swimming pool shall be considered an accessory use thereof, but shall not be located closer than fifty (50) feet to any lot line.
  - (h) Bathhouses and equipment. Bathhouses or clubhouses for the comfort and convenience of persons using a public swimming pool may be erected, provided that they shall not be closer than fifty (50) feet to any lot line. The sale or rental of equipment or accommodations in any such bathhouse or clubhouse shall be limited to such items as are customarily incidental to swimming and general recreation.
  - (i) Overhead electrical conductors. No overhead electrical conductors shall be installed within fifteen (15) feet of any swimming pool. All metal fences, enclosures or railings near or adjacent to a swimming pool to which bathers have access and which may become electrically alive as a result of contact with broken overhead conductors, or from any other cause, shall be effectively grounded.
- (7) No artificial lighting shall be installed, maintained or operated in such a manner as to be a nuisance or annoyance to neighboring property.

- (8) The owner and/or operator of every swimming pool or wading pool heretofore and hereafter constructed in the Borough of Penndel shall, at all times, comply with the provisions of this chapter and with the requirements of other pertinent borough ordinances relating to construction, location and sanitation. Any nuisance or hazard to health shall be abated or removed forthwith by such owner and/or operator upon receipt of written notice from the Building Inspector or other duly authorized borough authority.

**ARTICLE VI**  
**Performance Standards**

**§ 124-28. Compliance required.**

All uses and activities established after the effective date of this chapter shall comply with the following standards.

**§ 124-29. Environmental site standards.**

Standards for open space and environmental factors shall be as follows:

- A. Open waterways. No open waterways shall be developed or filled without the approval of the Pennsylvania Department of Environmental Resources.
- B. Alluvial soils. In areas not covered by floodplain studies, no alluvial soils as defined by Interim Soil Survey Report, Volume I and II, Soil Conservation Service, 1970, shall be developed or filled.
- C. Steep slopes. In areas of steep slopes, that is, slopes above eight percent (8%), not more than forty percent (40%) of such areas shall be developed and/or graded.
- D. Forests. Areas of forest or mature stands of trees are to be left intact where possible. In any event, no more than forty percent (40%) of such areas may be developed and/or cleared.

- E. Lakes, ponds or marshes. They shall be left intact. No development, filling, piping or diverting shall be permitted, except with the approval of the Borough Engineer.
- F. Stormwater. All developments shall limit stormwater runoff so that no more runoff is generated than that of the site in its natural condition. All runoff calculations shall be based on a one-hundred-year, twenty-four-hour storm. The method for such calculations shall be that contained in United States Department of Agriculture, Soil Conservation Engineering Field Manual, Notice 4 of April 30, 1971, as amended.
- G. Soil erosion and sedimentation. All developments shall protect streams, lakes and ponds from sedimentation and shall control erosion in accordance with the Clean Streams Law, P.L. 1987, Chapter 102,<sup>5</sup> except that in addition all developments shall submit an erosion control plan as part of the preliminary land development plan.

§ 124-30. General performance standards.

A. Noise.

- (1) Other than the operation of motor vehicles or other transportation facilities, operations involved in the construction or demolition of structures, emergency alarm signals or time signals, the sound level of any operation shall not exceed the decibel levels in the designated octave bands as stated below. The sound-pressure level shall be measured with a sound level meter and an octave band analyzer that conform to specifications published by the American Standards Association. [American National Standard Specification for Sound Level Meters, S1.4-1971, American National Standards Institute, Inc., New York, New York, and the American Standard Specification for an Octave, Half Octave, and Third Octave Band Filter Sets, S1.11-1966 (R 1971), American Standards Association, Inc., New York, New York, shall be used.]

<sup>5</sup> Editor's Note: See 35 P.S. § 691.1 et seq.

- (2) Sound-pressure levels shall be measured at the property line upon which the emission occurs. The maximum permissible sound-pressure levels for smooth and continuous noise shall be as follows:

Frequency Band (cycles per second)	Maximum Permitted Sound-Pressure Level (decibels)
0 - 150	67
150 - 300	59
300 - 600	52
600 - 1200	46
1200 - 2400	40
2400 - 4800	34
Above 4800	32

- (3) If the noise is not smooth and continuous or is radiated during sleeping hours, one (1) or more of the corrections below shall be added to or subtracted from each of the decibel levels given above.

**Type of Operation or Character of Noise      Corrections  
in Decibels**

Noise occurs between the hours of 10:00 p.m. and 7:00 a.m.      -3

Noise occurs less than 5% of any one-hour period      +5

Noise is of periodic character (hum, scream, etc.), or is of impulsive character (hammering, etc.). (In the case of impulsive noise, the correction shall apply only to the average pressure during an impulse, and impulse peaks shall not exceed the basic standards given above.)      -5

- B. Smoke. No smoke shall be emitted from any chimney or other source of visible gray opacity greater than No. 1 on

the Ringelmann Smoke Chart as published by the United States Bureau of Mines, except that smoke of a shade not darker than No. 2 on the Ringelmann Chart may be emitted for not more than four (4) minutes in any thirty (30) minute period.

C. Dust, fumes, vapors and gases.

- (1) The emission of dust, dirt, fly ash, fumes, vapors or gases which can cause any damage to human health, to animals or vegetation or to other forms of property, or which can cause any soiling or staining of persons or property at any point beyond the lot line of the use creating the emission, is herewith prohibited.
- (2) No emission of liquid or solid particles from any chimney or other source shall exceed three-tenths (0.3) grains per cubic foot of the covering gas at any point beyond the lot line of the use creating the emission. For measurement of the amount of particles in gases resulting from combustion, standard correction shall be applied to a stack temperature of five hundred degrees Fahrenheit (500° F.) and fifty percent (50%) excess air in stack at full load.

D. Heat. No use shall produce heat perceptible beyond its lot lines.

E. Odor. No use shall emit odorous gases or other odorous matter in such quantities 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-percent-response level of Table I, Odor Thresholds in Air, Research on Chemical Odors: Part I - Odor Thresholds for 53 Commercial Chemicals, October, 1968, Manufacturing Chemists Association, Inc., Washington, D.C.

F. Glare. No use shall produce a strong, dazzling light or a reflection of a strong, dazzling light beyond its lot lines.

G. Vibrations. No use shall cause earth vibrations or concussions detectable beyond its lot lines without the aid of instruments, with the exception of that vibration produced as a result of construction activity.

H. [Amended 10-2-78 by Ord. No. 78-4, approved 10-5-78] Buffer yards. Buffer yards are required in all SC Service Commercial, RC Retail Commercial, MB Metropolitan Business and I Industrial Districts along the district boundaries between themselves and residential districts; and for MB Metropolitan Business Districts, between it and any other district. No service commercial, retail commercial, metropolitan business or industrial uses shall hereafter be established, nor shall existing uses be expanded, unless they meet the following buffer yard regulations:

- (1) The buffer yard shall be measured from the district boundary line or from the near street line where a street serves as the district boundary line.
- (2) Buffer yards shall be not less than fifteen (15) feet in width in commercial districts and not less than thirty (30) feet in industrial districts.
- (3) The buffer yard may be coterminous with required front, side or rear yards, and in case of conflict, the larger yard requirements shall apply.
- (4) In all buffer yards, the exterior fifteen-foot width shall be planted with grass seed, sod or ground cover, and shall be maintained and kept clean of all debris, rubbish, weeds and tall grass.
- (5) No structure, parking, manufacturing or processing activity or storage of materials shall be permitted in the buffer yard.
- (6) All buffer yards shall include a dense screen planting of trees and shrubs or other plant materials, or both, to the full length of the lot line to serve as a barrier to visibility, airborne particles, glare and noise. Such screen planting shall be in accordance with the following requirements:
  - (a) Plant materials used in the screen planting shall be at least four (4) feet in height when planted and be of such species as will produce, within two (2)

years, a complete visual screen of at least eight (8) feet in height.

- (b) The screen planting shall be maintained permanently, and any plant material which does not live shall be replaced within one (1) year.
  - (c) The screen planting shall be so placed that at maturity it will not be closer than three (3) feet to any street or property line.
  - (d) In accordance with the provisions of § 124-21B, a clear-sight triangle shall be maintained at all street intersections and at all points where private accessways intersect public streets.
  - (e) The screen planting shall be broken only at points of vehicular or pedestrian access.
- (7) No screen planting shall be required along streets which form district boundary lines, provided that:
- (a) No outdoor processing or manufacturing activity and no outdoor storage of materials shall be so located as to be visible from the adjacent residential districts.
  - (b) Only the front of any proposed building shall be visible from the adjacent residential districts.
- (8) Prior to the issuance of any zoning permit, complete plans showing the arrangement of all buffer yards and the placement, species and size of all plant materials, and the placement, size, materials and type of all fences to be placed in such buffer yard, shall be reviewed by the Zoning Officer to ascertain that the plans are in conformance with the terms of this chapter.

#### I. Storage and waste disposal.

- (1) No highly flammable or explosive liquids, solids or gases shall be stored in bulk above the ground, except tanks or drums of fuel directly connecting with energy devices, heating or appliances located or operated on the same lot as the tanks or drums of fuel.

§ 124-30

ZONING

§ 124-30

- (2) All outdoor storage facilities for fuel, raw materials and products, and all fuel, raw materials and products stored outdoors, shall be enclosed by an approved safety fence.

(Cont'd on page 12459)

- (3) No materials or wastes shall be deposited upon a lot in such form or manner that they may be transferred off the lot by natural causes or forces; nor shall any substance which can contaminate a stream or watercourse or otherwise render such stream or watercourse undesirable as a source of water supply or recreation, or which will destroy aquatic life, be allowed to enter any stream or watercourse.
- (4) All materials or wastes which might cause fumes or dust, or which constitute a fire hazard, or which may be edible or otherwise attractive to rodents or insects, shall be stored outdoors only if enclosed in containers adequate to eliminate such hazards.

§ 124-31. Residential performance standard subdivision.

- A. Purpose. It is the purpose and intent of this section to provide a method for encouraging efficient and attractive residential design, at the same time protecting open space areas for recreation and natural resources.
- B. Use regulations. Residential dwellings (residential performance standard subdivisions). The following uses are permitted in residential performance standard subdivisions subject to the limitations in §§ 124-31C, D and E, which detail the performance standard criteria and regulate the mix of housing types. Residential performance standard subdivisions, sometimes referred to as "cluster housing," allow the grouping of dwelling units, making lot sizes more flexible, in exchange for prescribed minimum percentages of open space and maximum percentages of impervious surface.
- C. Permitted uses. The following are permitted uses in residential performance standard subdivisions:
  - (1) Single-family detached.
    - (a) A single-family residence on an individual lot with private yards on all four (4) sides of the house.

- (b) Lot area minimum, eight thousand (8,000) square feet.
  - (c) Lot area average, ten thousand (10,000) square feet.
  - (d) Maximum building coverage, thirty percent (30%).
  - (e) Floor area ratio, sixty percent (60%).
  - (f) Minimum yards: front, thirty-five (35) feet, side ten (10) feet, rear, forty (40) feet.
  - (g) Minimum lot width at setback, seventy (70) feet.
  - (h) Parking: two (2) off-street spaces per dwelling unit.
- (2) Single-family detached lot line.
- (a) A single-family residence on an individual lot, the building is set on one (1) of the side property lines. An easement for maintenance on the adjoining lot is one of the requirements for this type of construction. Windows on the lot line side of a dwelling are prohibited.
  - (b) Lot area average, eight thousand (8,000) square feet.
  - (c) Lot area minimum, six thousand five hundred (6,500) square feet.
  - (d) Maximum building coverage, thirty percent (30%).
  - (e) Maximum floor area ratio, sixty percent (60%).
  - (f) Minimum yards: front, twenty (20) feet, rear, forty (40) feet.
  - (g) Minimum lot width at setback lines, sixty-five (65) feet.
  - (h) Building spacing, thirty (30) feet.
  - (i) Parking: two (2) off-street parking spaces.

(3) Duplex.

(a) A duplex is a single-family semidetached dwelling unit having only one (1) dwelling unit from ground to roof and only one (1) wall in common with another dwelling unit.

(b) Table of Dimensional Requirements.

	Minimum Lot Area (sq. ft.)	Average Lot Area (sq. ft.)	Off-Street Parking Spaces	Minimum Lot Width At Building Setback (feet)
One-bedroom	3,200	3,600	1.75	36
Two-bedroom	3,600	4,000	2.00	40
Three-bedroom	4,000	4,500	2.00	40
Four-bedroom	4,200	4,700	2.25	45
Five-bedroom	4,500	5,000	2.50	45

(c) General.

[1] Maximum impervious surface, on lot: thirty hundredths (0.30).

[2] Floor area ratio: seventy hundredths (0.70).

[3] Building setback line: thirty (30) feet.

[4] Minimum side yard: ten (10) feet.

(4) Patio house.

(a) The patio house is a single-family detached or semidetached unit, with one (1) dwelling unit from ground to roof, having individual outside access. The lot shall be fully enclosed by a wall four (4) to six (6) feet in height. All living spaces, that is, living rooms, den and bedrooms, shall open into a major open area or patio.

## (b) Table of Dimensional Requirements.

	Minimum Lot Area (sq. ft.)	Average Lot Area (sq. ft.)	Off-Street Parking Spaces	Minimum Lot Width at Building Setback (feet)
One-bedroom	2,800	3,000	1.75	40
Two-bedroom	3,400	3,600	2.00	40
Three-bedroom	3,800	4,000	2.00	40
Four-bedroom	4,000	4,200	2.25	45
Five-bedroom	4,200	4,500	2.50	45

## (c) General.

- [1] Maximum impervious surface ratio, on lot: thirty-five hundredths (0.35).
- [2] Minimum patio area: sixty-five hundredths (0.65).
- [3] Maximum floor area ratio: sixty hundredths (0.60).
- [4] Maximum height: twenty-four (24) feet.
- [5] Minimum patio dimension: twenty (20) feet.

## (5) Multiplex.

- (a) The multiplex is an attached dwelling. It may be single-family attached or multifamily. All units have independent outside access. Units may be arranged in a variety of configurations, side by side, back to back or vertically. The essential feature is the small number of units attached. No more than five (5) units shall be attached in any group, and groups shall average four (4) units per structure.

## (b) Table of Dimensional Requirements.

	Minimum Lot Area Per Dwell- ing Unit (sq. ft.)	Average Lot Area Per Dwell- ing Unit (sq. ft.)	Off-Street Parking Spaces
Efficiency	800	1,000	1.25
One-bedroom	1,500	1,700	1.75
Two-bedroom	2,200	2,400	2.00
Three-bedroom	2,500	2,800	2.00
Four-bedroom	2,700	3,000	2.25

## (c) General.

- [1] Maximum impervious ratio, on lot: thirty hundredths (0.30).
  - [2] Minimum building setback line:
    - [a] Roads: thirty (30) feet.
    - [b] Parking areas: twenty (20) feet.
  - [3] Minimum building spacing: twenty-four (24) feet.
  - [4] Minimum lot area, for building: eight thousand (8,000) square feet.
  - [5] Minimum lot width, for building, at setback line: eighty (80) feet.
  - [6] Maximum height: three (3) stories.
- (6) Atrium house.
- (a) The atrium house is a single-family, attached, one-story dwelling unit with individual outside access. The lot shall be fully enclosed by a wall at least seven (7) feet high. A private yard, herein called an atrium, shall be included on each lot. All living spaces, that is, living rooms, den and bedrooms, shall open into the atrium.

## (b) Table of Dimensional Requirements.

	Minimum Lot Area (sq. ft.)	Average Lot Area (sq. ft.)	Off-Street Parking Space	Minimum Lot Width (feet)
One-bedroom	1,200	1,375	1.75	35
Two-bedroom	1,700	1,850	2.00	35
Three-bedroom	1,950	2,100	2.00	40
Four-bedroom	2,150	2,300	2.25	40
Five-bedroom	2,300	2,500	2.50	40

## (c) General:

- [1] Maximum impervious surface ratio, on lot: sixty-five hundredths (0.65).
- [2] Minimum atrium area: thirty-five hundredths (0.35).
- [3] Maximum floor area ratio: sixty-five hundredths (0.65).
- [4] Maximum height: twelve (12) feet.
- [5] Minimum atrium dimension: sixteen (16) feet.
- [6] Minimum atrium area: two hundred eighty-eight (288) square feet.
- [7] Minimum secondary atrium area: forty-eight (48) square feet.

## (7) Townhouse.

- (a) The townhouse is a single-family attached domicile with one (1) dwelling unit from ground to roof, having individual outside access. Rows of attached townhouses shall average four (4) dwelling units.

(b) Table of Dimensional Requirements.

	Minimum Lot Area (sq. ft.)	Average Lot Area (sq. ft.)	Off-Street Parking Spaces	Minimum Lot Width (feet)
One-bedroom	1,500	1,600	1.75	18
Two-bedroom	1,700	1,800	2.00	20
Three-bedroom	1,900	2,000	2.00	22
Four-bedroom	2,000	2,200	2.25	24
Five-bedroom	2,200	2,400	2.50	26

(c) General:

[1] Maximum impervious surface ratio, on lot: forty hundredths (0.40).

[2] Maximum floor area ratio: seventy-five hundredths (0.75).

[3] Minimum building setback:

[a] Street: thirty (30) feet.

[b] Parking area: twenty (20) feet.

[c] Pedestrian walk: fifteen (15) feet.

[4] Minimum building spacing: thirty (30) feet.

(8) Garden apartments.

(a) Garden apartments are multifamily buildings where individual dwelling units share a common yard area, which is the sum of the required lot areas of all dwelling units within the building. Garden apartments shall contain three (3) or more dwellings in a single structure.

## (b) Table of Dimensional Requirements.

	Average Apartment Size (sq. ft.)	Minimum Lot Area Per Dwell- ing Unit (sq. ft.)	Off-Street Parking Spaces
Efficiency	500	1,300	1.50
One-bedroom	655	1,750	1.75
Two-bedroom	950	2,000	1.75
Three-bedroom	1,125	2,250	2.00
Four-bedroom	1,330	2,550	2.25

## (c) General:

- [1] Minimum impervious surface ratio, on lot: fifty hundredths (0.50).
- [2] Maximum floor area ratio, on lot: forty-five hundredths (0.45).
- [3] Minimum lot size: one (1) acre.
- [4] Minimum building setback line:
  - [a] Street: fifty (50) feet.
  - [b] Parking: thirty (30) feet.
- [5] Maximum number of units per building: eight (8) dwelling units.
- [6] Building spacing: fifty (50) feet.
- [7] Minimum street frontage: one hundred (100) feet.
- [8] Maximum building height: twenty-five (25) feet.

D. Off-street parking. In situations where duplex, patio, atrium, townhouse or multiplex units are used, and where garages or driveways are used for off-street parking, an additional one-half (½) space of overflow off-street parking per dwelling unit shall be required.

- E. Performance standards for performance standard subdivision. Any landowner may choose to develop his site under the regulations set forth in this section, rather than those in § 124-19, Table of Dimensional Requirements. The developer shall then be governed by the provisions of this section, depending on the design, mix of units, shape, size and natural properties of the site.
- F. Dwelling unit mix. In order to achieve a balanced community, a mix of dwelling units is desirable. A minimum of two (2) types of dwelling units will be required, one (1) of which must be a single-family type, and the maximum percentage of any single type of dwelling unit shall be fifty percent (50%).

ARTICLE VII  
Off-Street Parking and Loading

§ 124-32. Required off-street parking spaces.

Off-street parking spaces shall be provided and satisfactorily maintained in accordance with the following provisions for each use defined in § 124-17 which, after the effective date of this chapter, is erected, enlarged or altered for use for any of the following purposes:

- A. Residential: two (2) spaces per dwelling unit.
- B. Rooming houses: one (1) space per three (3) beds.
- C. Institutional, recreational and educational: one (1) space per five (5) seats plus one (1) space per two (2) employees on the premises. In schools where fixed seats are not provided, one (1) space for every three hundred (300) square feet of floor area intended to be used by patrons, guests, members, clients or customers plus one (1) space per two (2) employees on the premises at any one (1) time.
- D. Nursing homes, hospitals and medical centers: one and one-half (1½) spaces for each patient bed, not including cribs and bassinets.
- E. Offices, including business, governmental and professional offices: one (1) off-street parking space for each one

hundred (100) square feet of total floor area plus one (1) additional space for each two (2) full-time employees.

*Amendment  
Repealed  
Dec 92-3*

F. Retail and consumer service.

(1) Retail store, personal service shop, equipment or repair shop, bank or other financial and lending institution, public garage, motor vehicle sale establishment: one (1) off-street parking space for each one hundred (100) square feet of gross floor area plus one (1) additional space for each two (2) full-time employees.

(2) Restaurant, cafe, tavern, nightclub, diner or similar place serving food or beverages: one (1) off-street parking space for each fifty (50) square feet of total floor area plus one (1) space for each two (2) full-time employees.

G. Mortuary or funeral home: one (1) off-street parking space for each four (4) seats provided for patron use, or at least one (1) off-street parking space for each fifty (50) square feet of gross floor area used or intended to be used in the operation of the establishment, whichever requires the greater number of off-street parking spaces, plus one (1) additional space for each full-time employee.

*Id.*

H. Motel, hotel or tourist home: one (1) space for each unit. In addition, Subsection G above shall be applicable for any eating place, including banquet facilities, on the premises.

I. Automotive service: one (1) space for every one hundred fifty (150) square feet of gross floor area plus one (1) space for every employee.

J. Transportation facilities: off-street parking spaces as the Zoning Hearing Board shall determine adequate to serve customers, patrons, visitors, employees and vehicles normally parked on the premises.

K. Communication facilities, supply and sanitary utilities: two (2) off-street parking spaces at each terminal or substation plus one (1) space for each full-time employee.

1d. { L. Fire station: six (6) off-street parking spaces for each fire truck where no community room is a part of the building; or where a community room is provided, two (2) off-street parking spaces for each fire truck plus one (1) off-street parking space for each three hundred (300) square feet of community room.

M. Wholesale, manufacturing or other industrial use: three (3) off-street parking spaces for every four (4) employees on the two (2) major shifts, but in no case less than one (1) off-street parking space for each five hundred (500) square feet of total floor area, plus one off-street parking space for each company vehicle normally stored on the premises.

1d. { N. Customary home occupation: one (1) off-street parking space in addition to spaces otherwise required.

1d. { O. Metropolitan Business Districts: one (1) off-street parking space for each fifty (50) square feet of gross floor area, plus one (1) off-street space for each two (2) full-time employees. [Added 10-2-78 by Ord. No. 78-4, approved 10-5-78]

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

A. Existing parking. Structures and uses in existence at the date of adoption of this chapter shall not be subject to the requirements of this Article so long as the kind or extent of use is not changed, provided that any parking facility now serving such structures or uses shall not in the future be reduced below such requirements.

B. Change in requirements. Whenever there is an alteration of a structure or a change or extension of a use which increases the parking requirements according to the standards of § 124-32, the total additional parking required for the alteration, change or extension shall be provided in accordance with the requirements of that section; provided, however, that when the use of the existing structure is changed or intensified without substantial addition to the structure, the additional parking normally required may be reduced or waived by special exception in

accordance with § 124-67D, if the Zoning Hearing Board finds that the provisions of § 124-32 are impracticable or would require destruction of important architectural or landscape elements.

- C. Conflict with other uses. No parking area shall be used for any use that interferes with its availability for the parking need it is required to serve.
- D. Continuing character of obligation.
  - (1) All required parking facilities shall be provided and maintained as long as the use exists which the facilities were designed to serve. Off-street parking facilities shall not be reduced in total extent after their provision, except upon the approval of the Zoning Hearing Board and then only after proof that, by reason of diminution in floor area, seating area, the number of employees or change in other factors controlling the regulation of the number of parking spaces, such reduction is in conformity with the requirements of this Article.
  - (2) Reasonable precautions shall be taken by the owner or sponsor of particular uses to assure the availability of required facilities to the employees or other persons whom the facilities are designed to serve. Such facilities shall be designed and used in such a manner as to at no time constitute a nuisance, hazard or unreasonable impediment to traffic.
- E. Joint use. Two (2) or more uses may provide for required parking in a common parking lot if the total space provided is not less than the sum of the spaces required for each use individually; provided, however, that the number of spaces required in a common parking facility may be reduced below this total by special exception under Article XI, if it can be demonstrated to the Zoning Hearing Board that the hours or days of peak parking needed for the uses are so different that a lower total will provide adequately for all uses served by the facility.

§ 124-33

ZONING

§ 124-33

- F. Fractional spaces. Where the computation of required parking space results in a fractional number, any fraction of the next highest number shall be counted as one (1).
- G. Location of parking spaces. Required off-street parking spaces shall be on the same lot or premises with the

(Cont'd on page 12471)

BOROUGH OF PENNDEL  
BUCKS COUNTY, PENNSYLVANIA

ORDINANCE NO. 92-3

AN ORDINANCE OF THE BOROUGH OF PENNDEL, COUNTY OF BUCKS, COMMONWEALTH OF PENNSYLVANIA, AMENDING CHAPTER 124, "ZONING" OF THE CODE OF THE BOROUGH OF PENNDEL BY REVISING SECTIONS OF ARTICLE VII, "OFF-STREET PARKING AND LOADING" AND ARTICLE VIII, "SIGN REGULATIONS"

WHEREAS, the Council of the Borough of Pennel, County of Bucks, Commonwealth of Pennsylvania is empowered to enact, amend and repeal zoning ordinances pursuant to the Act of December 21, 1988, P.L. 1329, No. 170, Section 45, 53 P.S. §10601 et seq.; and

WHEREAS, the Council of the Borough of Pennel has determined that it is necessary and desirable to amend Chapter 124, "Zoning" of the Code of the Borough of Pennel, in order to protect and promote the health, safety, morals and general welfare of the citizens of the Borough of Pennel; and

WHEREAS, the Council of the Borough of Pennel has determined that it is in the best interest of the citizens of the Borough of Pennel to amend Chapter 124 "Zoning" of the Code of the Borough of Pennel by revising certain sections of Article VII, "Off-Street Parking and Loading" and revising certain sections of Article VIII, "Sign Regulations" as more specifically set forth hereafter.

NOW, THEREFORE, the Council of the Borough of Pennel, Bucks County, Pennsylvania, does hereby ordain and enact the following:

Section 1. Chapter 124, Article VII of the Code of the Borough of Penndel is hereby amended by the deletion of Section 124-32E. In place of the said deleted Section, the following Sections 124-32E shall be inserted:

124.32.

E. Offices, including business, governmental and professional offices: one (1) off-street parking space for each two hundred fifty (250) square feet of total floor area plus one (1) additional space for each two (2) full-time employees.

Section 2. Chapter 124, Article VII of the Code of the Borough of Penndel is hereby amended by the deletion of Section 124-32F. In place of the said deleted Section, the following Sections 124-32F shall be inserted:

124.32.

F. Retail and consumer service.

(1) Retail store, personal service shop, equipment or repair shop, bank or other financial and lending institution, public garage, motor vehicle sale establishment: one (1) off-street parking space for each two hundred (200) square feet of gross floor area plus one (1) additional space for each two (2) full-time employees.

(2) Restaurant, cafe, tavern, nightclub, diner or similar place serving food or beverages: one (1) off-street parking space for each seventy-five (75) square feet of total floor area plus one (1) space for each two (2) full-time employees.

Section 3. Chapter 124, Article VII of the Code of the Borough of Penndel is hereby amended by the deletion of Section

124-17H. In place of the said deleted Section, the following Sections 124-17H shall be inserted:

124-17.

H. Motel, hotel or tourist home: one (1) space for each unit. In addition, Subsection F(2) above shall be applicable for any eating place, including banquet facilities on the premises.

Section 4. Chapter 124, Article VII of the Code of the Borough of Penndel is hereby amended by the deletion of Section 124-17L. In place of the said deleted Section, the following Sections 124-17L shall be inserted:

124-17.

L. Fire Station: six (6) off-street parking spaces for each fire truck where no community room is a part of the building; or where a community room is provided, one (1) off-street parking space for each fire truck plus one (1) off-street parking space for each one hundred fifty (150) square feet of community room.

Section 5. Chapter 124, Article VII of the Code of the Borough of Penndel is hereby amended by the deletion of Section 124-17N. In place of the said deleted Section, the following Sections 124-17N shall be inserted:

124.17.

N. Customary home occupation: two (2) off-street parking spaces in addition to spaces otherwise required.

Section 6. Chapter 124, Article VII of the Code of the Borough of Penndel is hereby amended by the deletion of Section

124-170. In place of the said deleted Section, the following Sections 124-170 shall be inserted:

124.17.

O. Metropolitan Business Districts: one (1) off-street parking space for each one hundred (100) square feet of gross floor area, plus one (1) off-street space for each two (2) full-time employees.

Section 7. Chapter 124, Article VIII of the Code of the Borough of Penndel is hereby amended by the deletion of Section 124.39B(8). In place of the aforesaid deleted section, the following sections shall be inserted:

Section 124-39B(8) Separate frontage. If an establishment has walls fronting on two (2) or more streets, the total sign area permitted for the particular use or building shall be equivalent to one (1) square foot of sign area for each one (1) foot length of wall of the building facing on the particular street where the sign will be located. The total area permitted cannot exceed the provisions of §124-41A(2).

Section 8. Chapter 124, Article VIII of the Code of the Borough of Penndel is hereby amended by the addition of Section 124-39(15) as follows:

124.39(15) All signs shall meet the design and construction requirements of the BOCA Basic Building Code. All electrical signs shall be manufactured in accordance with the Underwriters Laboratories specifications and shall bear the laboratory label.

Section 9. Chapter 124, Article VIII of the Code of the Borough of Penndel is hereby amended by the deletion of Section 124-41A(3). In place of the aforesaid deleted section, the fol-

lowing Section 124-41A(3) shall be inserted:

124-41A.

(3) Freestanding business signs, provided that:

(a) Only one (1) such sign shall be permitted on each property for each street frontage subject to the provisions of S124-39B(7).

(b) The area of any one (1) such sign shall not exceed one (1) square foot for each one (1) foot of lot frontage or forty (40) square feet, whichever is smaller.

(c) The maximum height of freestanding business signs shall not exceed sixteen (16) feet.

Section 10. Chapter 124, Article VIII of the Code of the Borough of Penndel is hereby amended by the addition of Section 124-42(C) as follows:

Section 124-41C. Shopping Center Signs.

(1) Area. Notwithstanding any requirements to the contrary contained in this Article, the area of a sign permitted for a shopping center shall be calculated as follows: one (1) square foot of sign area for each one (1) foot of property frontage or 100 square feet, whichever is less. For the purpose of this section, a shopping center shall be defined as three (3) or more retail shops (as permitted under Use 30) or personal service establishments (as permitted under Use 32), either connected or not connected, on the same lot.

(2) Addition Requirements. Any sign permitted under 124-41C(1) above shall be designed so that the respective sign areas for each tenant shall be equal in area. All such signs shall have two (2) base poles and shall be attached to the base poles with bolts that have a minimum size of six-and-three-quarters inches (6-3/4").

Section 11. Chapter 124, Article VIII of the Code of the Borough of Penndel is hereby amended by the addition of Section

124-44(E) as follows:

**Section 124-44E.** Effective January 1, 1993, all sign contractors performing services in the Borough shall be registered and licensed annually by the Borough. The amount of the license fee shall be determined by Resolution from time to time by the Council of the Borough of Penn del.

**Section 12:** Whenever the requirements of this Ordinance are in conflict with other requirements of the Codified Ordinances of the Borough of Penn del, the most restrictive, or those imposing the higher standards shall govern.

**Section 13:** The provisions of this Ordinance are severable. If any section, clause, sentence, part or provision thereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair any of the remaining sections, clauses, sentences, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Council of the Borough of Penn del that this Ordinance would have been enacted if such illegal, invalid or unconstitutional section, clause, sentence, part or provision had not been included herein.

This Ordinance shall become effective on the date adopted by the Borough Council.

ADOPTED by the Council of the Borough of Pennadel on this 3<sup>rd</sup>  
day of *November*, 1992.

Attest:

PENNDEL BOROUGH COUNCIL

*Marie C. Hammond*  
Secretary

*Edward Galgo*  
Chairman

Approved by Tony Poplawski, Mayor.

Dated: *11-3-92*

*Tony Poplawski*  
Tony Poplawski, Mayor