

§ 465-6 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ACCESSORY BUILDING

See "building, accessory."

ACCESSORY USE

See "use, accessory."

ADULT BOOKSTORE

An establishment having a substantial or significant portion exceeding 30% of square footage of floor space of its stock and trade in, or an establishment which, as one of its principal business purposes offers for sale, books, films, sexually related paraphernalia, videocassettes or magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, and in conjunction therewith has facilities for the presentation of adult entertainment for observation by patrons.

[Added 2-16-1999 by Ord. No. 899]

ADULT ENTERTAINMENT

[Added 2-16-1999 by Ord. No. 899]

- A. An exhibition of any adult-oriented motion pictures, meaning those distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.
- B. A live performance, display or dance of any type, which has any portion of the performance, any actual or simulated performance of specified sexual activities or exhibition and viewing of specified anatomical areas; removal of articles of clothing to appear unclothed or appearing unclothed; pantomiming, modeling or any other personal services offered customers of a specified sexual activity.

ADULT ENTERTAINMENT ESTABLISHMENT

[Added 2-16-1999 by Ord. No. 899; amended 5-21-2007 by Ord. No. 958]

- A. The term includes, without limitation, the following establishments when operated for profit, whether direct or indirect:
 - (1) Adult bookstores.

- (2) Adult motion-picture theaters.
 - (3) Adult entertainment.
 - (4) Any premises to which the public, patrons or members are invited or admitted and which are so physically arranged as to provide booths, cubicles, rooms, studios, compartments or stalls separate from the common areas of the premises for the purpose of viewing adult-oriented motion pictures, or where an entertainer provides adult entertainment to a member of the public, a patron or a member.
 - (5) An adult entertainment studio or any premises that are physically arranged and used as such, whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio or any other term of like import.
- B.** The term "booths, cubicles, rooms, studios, compartments or stalls," for purposes of defining adult-oriented establishments, does not mean enclosures which are private offices used by the owner, manager or persons employed on the premises for attending to the tasks of their employment, and which are not held out to the public for the purpose of viewing motion pictures or other entertainment for a fee, and which are not open to any persons other than employees.

ADULT MOTION-PICTURE THEATER

An enclosed building with any size capacity of persons which has a principal business purpose of exhibiting, presenting or selling 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.

[Added 2-16-1999 by Ord. No. 899]

ADULT-ORIENTED ESTABLISHMENT EMPLOYEE

Any and all persons, including independent contractors, who work in or at or render any service directly related to the operations of an adult oriented establishment.

[Added 2-16-1999 by Ord. No. 899]

ADULT-ORIENTED ESTABLISHMENT OPERATOR

A person, partnership, limited partnership, trust, limited liability company, unincorporated association, business trust, or any other association or corporation operating, conducting or maintaining an adult oriented establishment.

[Added 2-16-1999 by Ord. No. 899]

ALLEY

A right-of-way which provides secondary service access for vehicles to the side or rear of abutting properties.

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.

ANTENNA

A device used to collect or transmit telecommunication or radio signals, including panels, microwave dishes and single poles known as "whips."

ATTIC

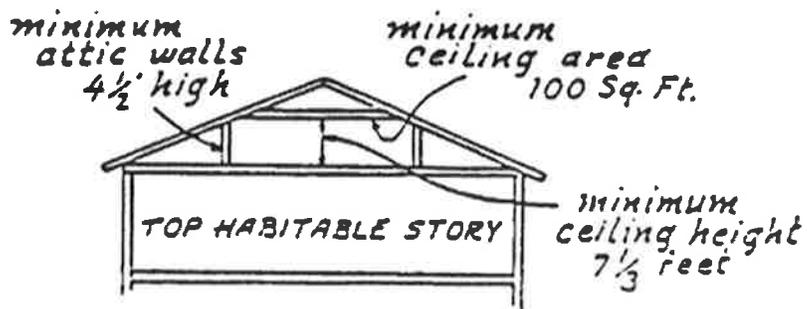
A. ATTIC

The space between the ceiling beams of the top habitable story and the roof rafters.

B. ATTIC, HABITABLE

An attic which has a stairway as a means of access and egress and in which the ceiling area at a height of 7 1/3 feet above the attic floor is no less than 100 square feet. Attic walls shall be no less than 4 1/2 feet high.

[Amended 10-18-2004 by Ord. No. 943]



BASEMENT

A story partly underground, but having 1/2 or more of its height (measured from floor to ceiling) below the average level of the adjoining ground. See also "cellar," "habitable floor," and "story."

[Amended 10-18-2004 by Ord. No. 943]

BED-AND-BREAKFAST

A residential structure occupied by a resident innkeeper or manager for the temporary lodging of guests for compensation and providing those guests such lodging services as maid service and accessory eating facilities for the serving of meals, subject to the additional regulations in §§ 465-17 and 465-18.

[Added 10-18-2004 by Ord. No. 943]

BOARD

Any body granted jurisdiction under a land use ordinance or under this chapter to render final adjudications.

BOARDER

See "roomer, boarder or lodger."

BOARDING HOUSE

See "rooming, boarding or lodging house."

BUFFER YARD

An area along the full length of a lot line (except where such would conflict with clear sight triangles as required by § 465-28) landscaped with grass, ground cover, shrubs, trees and/or flowering perennial plants, intended to serve as a visual screen and a barrier to glare and noise.

[Added 10-18-2004 by Ord. No. 943]

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.

BUILDING, ACCESSORY

A subordinate building located on the same lot as a principal building. Any portion of a principal building devoted or intended to be devoted to an accessory use is not an accessory building. Attached garages and carports are not accessory buildings.

[Amended 10-18-2004 by Ord. No. 943]

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 AREA

A. BUILDING AREA

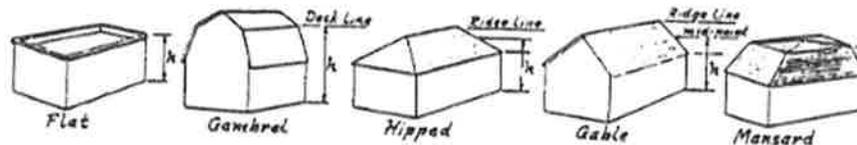
The aggregate of the maximum horizontal areas of all buildings on a lot, excluding cornices, unroofed porches, paved terraces, exterior steps, eaves and gutters.

B. BUILDING AREA COVERAGE

The percentage of the lot area covered by the building area.

BUILDING HEIGHT

A vertical distance measured from 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 and gambrel roofs, and to the mean height between eaves and ridge for gable and hip roofs.



BUILDING SETBACK LINE

The rear line of the minimum front yard, as herein designated, for each district measured from the future right-of-way. On a curved street the building setback line is a line measured so as to be parallel at all points to the future right-of-way.

BUS STATION

An open or sheltered terminal for loading and unloading bus passengers.
[Added 11-20-2006 by Ord. No. 954]

CELLAR

A story partly underground and having more than 1/2 of its height (measured from floor to ceiling) below the average level of the adjoining ground. See "basement," "habitable floor," and "story."

CONDOMINIUM OR COOPERATIVE

An ownership arrangement and not a land use, therefore it is allowed in any district and under the same restrictions as the residential land use that comprises it.

CONSUMER FIREWORKS

Any combustible or explosive composition or any substance or combination of substances intended to produce visible and/or audible effects by combustion and which is suitable for use by the public that complies with the construction, performance, composition and labeling requirements promulgated by the Consumer Products Safety Commission in 16 CFR (relating to commercial practices) or any successor regulation and which complies with the provisions for consumer fireworks, as defined in the American Pyrotechnics Association (APA) Standard 87-1, or any successor standard. The term does not include devices such as ground and handheld sparkling devices, novelties and toy caps.

[Added 11-21-2005 by Ord. No. 948]

CORNER STORE

A small commercial building that is typically located on the corner of two intersecting streets, which is typically in the range of 600 to 800 square feet, in which the sale of retail items is offered for the convenience of the neighborhood. The corner store typically serves persons within a 10-minute walk of the facility.

[Added 10-17-2005 by Ord. No. 947]

CURATIVE AMENDMENT

- A.** An amendment to this chapter which, when adopted by the Borough Council, cures a substantive defect.

- B.** An administrative proceeding involving a challenge, on substantive grounds, to the validity of this chapter or map. A curative amendment is a formal proceeding during which the affected landowner petitions the Borough Council by presenting an amendment to this chapter which will cure the alleged defect, together with a written request for a hearing, a short statement outlining the issues and grounds for the challenge, and plans describing the use or development proposed by the landowner. The Borough Council shall hear the arguments and decide the merits of the petition. The proceeding shall be conducted in accordance with the Pennsylvania Municipalities Planning Code, Act 247, § 609.1, and this chapter, § 465-72.

DECISION

Final adjudication of any board or other body granted jurisdiction under any land use ordinance or this chapter to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to the court of common pleas of the county and judicial district wherein the Borough lies.

DENSITY

A measure of the number of dwelling units per unit of area. It shall be expressed in dwelling units per acre. There are 43,560 square feet per acre of land.

DETERMINATION

Final action by an officer, body or agency charged with the administration of any land use ordinance or applications thereunder, except the following:

- A. The Borough Council;
- B. The Zoning Hearing Board; or,
- C. The Planning Commission, only if and to the extent the Planning Commission is charged with final decision on preliminary or final plans under the subdivision and land development or planned residential development ordinances.
Determinations shall be appealable only to the boards designated as having jurisdiction for such appeal.

DEVELOPMENT

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

DISPLAY FIREWORKS

Defined as more fully set forth in 27 CFR 555.11 (Meaning of terms), which is incorporated herein by reference.
[Added 11-21-2005 by Ord. No. 948]

DORMITORY

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

DWELLING

A building containing one or more dwelling units.

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 family.

EASEMENT

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

ENTERTAINER

A person who provides entertainment with an adult-oriented establishment, whether or not a fee is charged or accepted for entertainment and whether or not entertainment is provided as an employee or an independent contractor.

[Added 2-16-1999 by Ord. No. 899]

FAMILY

[Amended 3-19-2012 by Ord. No. 992]

- A. Any number of individuals, whether related or unrelated, living together on a nontransient basis as a single housekeeping unit and doing their cooking on the premises. The definition of "family" shall not apply to the occupants of a club, fraternity house, lodge or residential club.
[Amended 11-19-2012 by Ord. No. 994]
- B. Notwithstanding the definition in the preceding subsection, a family shall also be deemed to include any number of mentally or physically handicapped persons occupying a dwelling unit as a single, nonprofit housekeeping unit, if such occupants are handicapped persons as defined in Title VIII of the Civil Rights Act of 1968,[2] as amended by the Fair Housing Amendments Act of 1988. Such unrelated individuals shall have the right to occupy a dwelling unit in the same manner and to the same extent as any family unit as defined in Subsection A of this definition.

FIREWORKS

Any composition or device for the purpose of producing a visible or an audible effect for entertainment purposes by combustion, deflagration or detonation that meets the definition of 1.4G fireworks or 1.3G fireworks as set forth in the 2003 International Fire Code.

[Added 11-21-2005 by Ord. No. 948]

FLOOD

A temporary inundation of normally dry land areas.

FLOOD, ONE-HUNDRED-YEAR

A flood that, on the average, has a 1% chance of occurring in any given year; for the purposes of this chapter, the "regulatory flood."

FLOOD, REGULATORY

The flood which has been selected to serve as the basis upon which the floodplain management provisions of this and other ordinances have been prepared; for the purposes of this chapter, the "one-hundred-year flood."

FLOOD ELEVATION, REGULATORY

The one-hundred-year flood elevation.

FLOOD LINE, ONE-HUNDRED-YEAR

The line which represents the one-hundred-year flood.

FLOODPLAIN

(1) A relatively flat or low-lying area usually adjoining a stream or watercourse which is subject to partial or complete inundation; (2) an area subject to the unusual and rapid accumulation of runoff of surface waters from any source; and (3) for the purpose of this chapter the one-hundred-year floodplain as delineated by the most recent Flood Insurance Study.

FLOODPLAIN, ONE-HUNDRED-YEAR

The area of land which is likely to be inundated during a one-hundred-year flood.

FLOODWAY

The designated area of a floodplain required to carry and discharge flood waters of a given magnitude. For the purpose of this chapter, the floodway shall be capable of accommodating a flood of the one-hundred-year magnitude.

FLOOD FRINGE

That portion of the floodplain which can be regarded as suitable to accommodate limited building construction without significant effect upon one-hundred-year flood elevations.

FLOODWAY LINE

The line which represents the limits of the floodway.

FLOOR AREA, GROSS

The sum of the areas of the several floors of a building structure including areas used for human occupancy, 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 accessory buildings 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.

FLOOR AREA, LEASABLE

The floor area less the total area of all common areas including, but not limited to, hallways, rest rooms, storage rooms, elevators, and utility rooms.

FLOOR AREA RATIO

A measure of the intensity of land use, as determined by dividing the floor area by the site area.

FOOD PROCESSING FACILITY

A business establishment processing and packaging foods for human consumption and certain related products, including:

- A. Bakery products, sugar and confectionery products (except facilities that produce goods only for on-site sales with no wider distribution;
- B. Dairy products processing;
- C. Fats and oil products (not including rendering plants);
- D. Fruit and vegetable canning, preserving, and related processing;
- E. Grain mill products and by-products; and
- F. Meat, poultry, and seafood packaging and by-product processing (not including facilities that also slaughter animals.
[Added 6-19-2017 by Ord. No. 1016]

FOREST

Areas, groves or stands of mature or largely mature trees, greater than eight inches caliper, consisting of 10 individual trees covering an area of 1/4 of an acre or more.

GARAGE

[Added 10-18-2004 by Ord. No. 943]

A. DETACHED GARAGE

A subordinate accessory building on the same lot as the principal residential dwelling intended for the purpose of meeting the off-street parking requirements, sheltering vehicles for use by the legal occupant.

B. ATTACHED GARAGE

Attached to and a part of the principal residential dwelling and not considered an accessory building.

GREEN SPACE

The open space to be used for active or passive recreation, community gardens, or resource protection, all of which shall be deed restricted against future development, and subject to landscaping in accordance with a landscape plan. Green space areas shall be usable, easily identifiable and freely accessible to all residents and inhabitants.

[Added 10-17-2005 by Ord. No. 947]

HABITABLE ATTIC

See "attic, habitable."

HABITABLE BASEMENT

Any basement which meets the criteria for habitable space, which has a stairway as a means of ingress and egress, and in which the ceiling area at a height of 7-1/3 feet above the basement floor is no less than 100 square feet.

HABITABLE FLOOR

Any floor usable for living purposes which includes sleeping, eating, cooking, recreation, or any combination thereof. A floor used only for storage purposes is not a "habitable floor."

HABITABLE SPACE

Space in a structure for living, sleeping, eating, or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas are not considered habitable space.

IMPERVIOUS SURFACE

Those surfaces that do not absorb rain. All buildings, parking areas, driveways, roads and sidewalks, whether paved or not, patios, storage or garden sheds on concrete slabs, and any areas in concrete and asphalt shall be considered impervious surfaces within this definition. In addition, other areas determined by the Borough Engineer to be impervious within the meaning of this definition will also be classified as impervious surfaces.

[Amended 10-18-2004 by Ord. No. 943]

IMPERVIOUS SURFACE RATIO

A measure of the intensity of use of a tract of land. It is measured by dividing the total area of all impervious surfaces within the site by the site area.

INCIDENTAL

Of lesser importance, dependent and secondary to primary structure or use.

[Added 10-18-2004 by Ord. No. 943]

INSPECTOR

An employee of Morrisville Borough's Department of Inspections and Permits authorized and designated by the director of the department, an employee of Morrisville Borough's Police Department authorized by the commanding officer of the Police Department or other persons designated by the Council of Morrisville to inspect premises regulated under this chapter, to cooperate in taking the required actions authorized by this chapter where violations are found on a premises and to request correction of unsatisfactory conditions found on a premises.

[Added 2-16-1999 by Ord. No. 899]

KENNEL

Any building, yard, enclosure, premises, lot or grounds used for the keeping, raising, selling, breeding or boarding of four or more dogs, more than six months of age, not including household pets.

[Added 10-18-2004 by Ord. No. 943]

LANDSCAPED PLANTING AREA

An area landscaped with grass, ground cover, shrubs, trees and/or flowering perennial plants placed where required by this chapter and permanently maintained.

[Added 10-18-2004 by Ord. No. 943]

LAND USE

See "use."

LAKES AND PONDS

Natural or artificial bodies of water which retain water year-round. Artificial ponds and lakes may be created by dams or may result from excavation. The shoreline of such water bodies shall be measured from the maximum condition rather than from the permanent pool if there is any difference. For the purposes of this chapter, a lake shall be any such water body 2.5 acres or larger and a pond shall be all other bodies of water. This definition shall not include industrial waste lagoons.

LIVE-WORK UNITS

A combination of a dwelling unit and business space, such as a shop or office that is open to the public for retail trade or personal or professional services. Live-work units as provided in the RN use is a form of the use "dwelling in combination" as otherwise provided.

[Added 10-17-2005 by Ord. No. 947]

LODGER

See "roomer, boarder or lodger."

LODGING HOUSE

See "rooming," boarding or lodging house."

LOT

A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.

A. LOT OF RECORD

A lot which has been recorded in the Office of the Recorder of Deeds of Bucks County, Pennsylvania.

B. CORNER LOT

A lot which has an interior angle of less than 135° at the intersection of two 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 135°.

C. TRIANGULAR LOT

A lot having three lot lines, but which does not qualify as a corner lot.

D. THROUGH LOT

An interior lot having frontage on two 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 a direction parallel to the side lines of the lot. Lot depth for triangular lots shall be the mean distance from the street line to the point of intersection of the side yards.

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 side lot line, lot width shall be measured between such side lot line and the opposite rear lot line or street line.

LOT LINE

Any boundary line of a lot.

A. LOT LINE, STREET

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

B. LOT LINE, SIDE

Any lot line which is not a street lot line or a rear lot line. In the case of a triangular lot those lot lines other than the street lot line shall be considered side lot lines.

C. LOT LINE, REAR

Any lot line which is parallel to or within 45° of being parallel to a street lot line, except for a lot line that is itself a street lot line, and except that in the case of a corner lot the owner shall have the option of choosing which of the two lot lines that are not street lot 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 lot line farthest from any street shall be considered a rear lot line. Where there is only one lot line other than street lot lines, it shall be considered the rear lot line.



MARSH

See "wetlands and marshes."

MINOR

A person under 18 years of age.
[Added 2-16-1999 by Ord. No. 899]

MOBILE HOME

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

MOBILE HOME LOT

A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.

MOBILE HOME PARK

A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes.

MOTEL, HOTEL, TOURIST HOME

A building or a group of buildings for the accommodation of transient guests, containing guest rooms for rent.

MUNICIPAL AUTHORITY

A body politic and corporate created pursuant to the Act of May 2, 1945 (P.L. 382, No. 164), known as the "Municipalities Authority Act of 1945."

NATURAL LANDS

Land intended to be left in a natural state. Natural lands do not include land developed for active recreational uses, such as parks or playgrounds with play equipment, pavilions, or athletic fields, nor does it include land occupied by buildings, roads, or road rights-of-way, building yards or lots, or parking areas.

[Added 6-17-2002 by Ord. No. 920]

NO-IMPACT HOME-BASED BUSINESS

A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal

functions to or from the premises, in excess of those normally associated with residential use.

[Added 10-18-2004 by Ord. No. 943]

NOISE

The sound level generated by any operation, land use, or human activity.

A. CONTINUOUS NOISE

Any noise which is steady state, fluctuating, or intermittent with a recurrence greater than one time in any one hour interval.

B. IMPULSIVE NOISE

Any noise of short duration with an abrupt onset and rapid decay and an occurrence of not more than one time in any one hour interval.

NONCONFORMING LOT

A lot the area or dimension of which was lawful prior to the adoption or amendment of this chapter, but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption or amendment.

NONCONFORMING STRUCTURE

A structure or part of a structure manifestly not designed to comply with the use or extent of use provisions of this chapter or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of this chapter or amendment or prior to the application of this chapter or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

NONCONFORMING USE

A use, whether of land or of structure, which does not comply with the applicable use provisions in this chapter or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of this chapter or amendment, or prior to the application of this chapter or amendment to its location by reason of annexation.

NOVELTIES

Articles of trade having amusement value and whose appeal is often transitory, excluding consumer fireworks, display fireworks, fireworks classified as either Class C common fireworks or 1.4G fireworks or 1.3G fireworks.

[Added 11-21-2005 by Ord. No. 948]

OPEN SPACE

Land used for recreation, resource protection amenity, or buffers, is freely accessible to all residents, and is protected by the provisions of this chapter and Chapter 390, Subdivision and Land Development, 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 may 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 the total amount of open space within the site by the site area.

POND

See "lakes and ponds."

PUBLIC GROUNDS

Includes:

- A. Parks, playgrounds, trails, paths and other recreational areas and other public areas;
- B. Sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities;
- C. Publicly owned or operated scenic and historic sites; and
- D. Publicly owned or operated natural lands.
[Added 6-17-2002 by Ord. No. 920]

PUBLIC HEARING

A formal meeting held pursuant to public notice by the Borough Council or Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with this chapter.

PUBLIC MEETING

A forum held pursuant to notice under the Act of July 3, 1986 (P.L. 388, No. 84), known as the "Sunshine Act," 53 P.S. § 271 et seq.

PUBLIC NOTICE

Notice published once each week for two successive weeks in a newspaper of general circulation in the Borough. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than seven days from the date of the hearing.

RAIL STATION

An open or sheltered terminal for loading and unloading of train passengers.
[Added 11-20-2006 by Ord. No. 954]

REPORT

Any letter, review, memorandum, compilation or similar writing made by any body, board, officer or consultant other than a solicitor to any other body, board, officer or consultant for the purpose of assisting the recipient of such report in the rendering of any decision or determination. All reports shall be deemed recommendatory and advisory only and shall not be binding upon the recipient, board, officer, body or agency, nor shall any appeal lie therefrom. Any report used, received or considered by the body, board, officer or agency rendering a determination or decision shall be made available for inspection to the applicant and all other parties to any proceeding upon request, and copies thereof shall be provided at cost of reproduction.

RIGHT-OF-WAY

Land set aside for use as a street, alley, or other means of travel.

A. EXISTING RIGHT-OF-WAY

The legal right-of-way as established by the Commonwealth or other appropriate governing authority and currently in existence.

B. FUTURE RIGHT-OF-WAY

The right-of-way deemed necessary by the Morrisville Borough Comprehensive Plan as appropriate to provide adequate width for future use.

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 a room or rooms and paying such compensation without prearrangement 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 (motel, hotel, tourist home).

ROOMING, BOARDING, OR LODGING HOUSE

A building or part of a building (other than an institutional building) occupied or intended to be occupied by two or more roomers, boarders, or lodgers.

SEXUAL ACTIVITIES

The term does not include any of the following:
[Added 2-16-1999 by Ord. No. 899]

- A. Medical publications or films or bona fide educational publications or films.
- B. Any art or photography publications which devote at least 25% of the lineage of each issue to articles and advertisements dealing with subjects of art or photography.
- C. Any news periodical which reports or describes current events and which from time to time publishes photographs of nude or seminude persons in connection with the dissemination of the news.
- D. Any publications or films which describe and report different cultures and which from time to time publish or show photographs or depictions of nude or seminude persons when describing cultures in which nudity or seminudity is indigenous to the populations.

SHORT TERM LODGING

The occupancy of a dwelling unit or portion thereof, situated in a residential district, and not built as a hotel or motel, which is offered for temporary rental occupancy by transients.

SINGLE AND SEPARATE OWNERSHIP

The ownership of a parcel or tract of land by one or more persons, partnerships, or corporations, which ownership is separate and distinct from that of any adjoining parcel or tract of land.

SITE

A parcel or parcels of land intended to have one or more buildings or intended to be subdivided into one or more lots.

SITE AREA

The site area is determined by subtracting from the total site area the land area of existing and future road and utility rights-of-way, land area which is not contiguous or cut from the parcel by road or railroad, or land area shown in previous subdivisions or land

development plans as reserved from development for natural resources reasons such as floodplain lands.

SPECIAL EXCEPTION

A use permitted in a particular zoning district pursuant to the provisions of this chapter and Articles VI and IX of the Pennsylvania Municipalities Planning Code, 53 P.S. § 10601 et seq., and § 10901 et seq.

SPECIFIED ANATOMICAL AREAS

[Added 2-16-1999 by Ord. No. 899]

- A. Less than completely and opaquely covered:
 - (1) Human genitals or pubic region.
 - (2) Buttocks.
 - (3) Female breasts below a point immediately above the top of the areola.
- B. Human male genitals in a discernible turgid state, even if completely opaquely covered.

SPECIFIED SEXUAL ACTIVITIES

The term includes any of the following:

[Added 2-16-1999 by Ord. No. 899]

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

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 50% or more of its height and at least four feet of its wall area above finished grade level. A basement, as defined, shall be counted as a story. An attic, as defined, shall be counted as a story only if it meets the requirements for a habitable attic.

STREET

Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct or any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private.

STREETSCAPE

Refers to all the elements that constitute the physical makeup of a street or avenue and that, as a group, delineate its character. A streetscape includes building frontage, street paving and furniture, street tree planting, lighting and signage.

[Added 10-17-2005 by Ord. No. 947]

STRUCTURE

Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

SUBDIVISION

The division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development: Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

SUBORDINATE

Placed in and being secondary and auxiliary to primary structure or use.

[Added 10-18-2004 by Ord. No. 943]

SUBSTANTIAL IMPROVEMENT

Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either (a) before the improvement or repair is started, or (b) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing State or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

TELECOMMUNICATIONS EQUIPMENT BUILDING

The building in which electronic receiving, relay or transmitting equipment for a telecommunications facility is housed.

TELECOMMUNICATIONS FACILITIES

The equipment and structures involved in receiving or transmitting telecommunication or radio signals.

TOWER

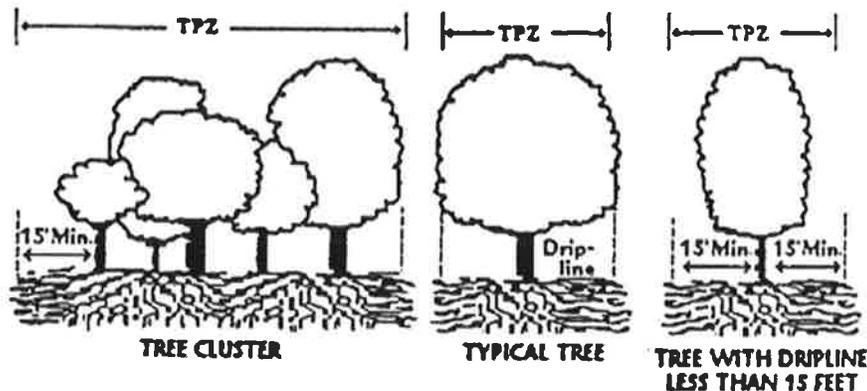
A structure that is intended to support equipment used to transmit and/or receive telecommunication or radio signals, including monopoles and lattice construction steel structures.

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 State requirements.

TREE PROTECTION ZONE (TPZ)

An area that is radial to the trunk of a tree in which no construction activity shall occur. The tree protection zone shall be 15 feet from the trunk of the tree to be retained, or the distance from the trunk to the dripline, whichever is greater. Where there is a group of trees or woodlands, the tree protection zone shall be the aggregate of the protection zones for the individual trees.



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.

USE, ACCESSORY

A use located on the same lot with a principal use and clearly incidental or subordinate to, and customarily in connection with, the principal use.

VARIANCE

Relief granted pursuant to the provisions of this chapter and Articles VI and IX of the Pennsylvania Municipalities Planning Code, 53 P.S. § 10101 et seq.

WALLS, FACING

Walls opposite to and parallel with one another or wall lines extending opposite walls which intersect at angles of less than 65°.

WETLANDS AND MARSHES

Areas where water stands for more than 30 days of the year and where characteristic vegetation has become established.

YARD

An open space unobstructed from the ground up, on the same lot with a structure, extending along a lot 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 exclusive of overhanging eaves, gutters or cornices.

YARD, FRONT

A yard between a structure and a street lot line and extending the entire length of the street lot 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 street, the yards extending along all streets are front yards.

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.

YARD, REAR

A yard between the principal structure and a rear lot line and extending the entire length of the rear lot line. In the case of a corner lot the owner shall have the opportunity to choose which of the two yards (other than the front yards) is the rear yard. In the case of an odd shaped lot where all yards but one are front yards, the remaining yard shall be considered a rear yard. See § 465-31 for alternate rear yard option.

§ 465-7 Community development objectives.

All regulations and requirements in Articles I through XI of this chapter including, but not limited to, the identification of districts, use regulations and dimensional requirements, and all amendments, shall be found to be in conformance with the following community development objectives, based upon and found in the Morrisville Borough Comprehensive Plan.

A. Residential areas.

- (1) To recognize the regional position of Morrisville as it relates to housing types and densities, yet preserve the values that make for a strong and healthy environment.
- (2) To preserve the sense of community and residential stability by maintaining sound areas for home ownership and to protect these areas from detrimental factors which tend to reduce owner occupancy, increase absentee ownership, and speculation.
- (3) To provide choices in the types of housing to meet the varied requirements of Morrisville residents and future residents.
- (4) To create levels of public services and improvement programs that will benefit all residential neighborhoods in the Borough.

B. Commercial areas.

- (1) To encourage the continued vitality of Morrisville's older centers and the revitalization of the Bridge Street Shopping District.
- (2) To encourage the concentration of shopping areas with compact patterns of development.
- (3) To encourage shopping areas which are convenient to use and to provide adequate parking and pedestrian circulation areas.
- (4) To provide for compatible uses in concentrated shopping areas.
- (5) To encourage a physically pleasing environment in the Borough's shopping areas.
- (6) To create a walkable, mixed-use downtown commercial areas which will ensure the provision of public amenities and usable public space.

C. Industrial areas.

- (1) To support efforts to make the region more sound for economic growth.

- (2) To encourage future industrial development within the Borough.
- (3) To promote the concentration of industrial development.
- (4) To maintain high standards with regard to performance and aesthetics.
- (5) To provide convenient and adequate transportation, trucking, rail access, and off-street parking for industries.

D. Community facilities.

- (1) To expand existing school facilities for future school needs.
- (2) To maintain and encourage increased cooperation in the use of school and Borough facilities.
- (3) To maintain and improve upon the level of standards for school facilities.
- (4) To preserve and maintain open space including natural lands within the Borough of Morrisville.
[Added 6-17-2002 by Ord. No. 920]

E. Streets and highways.

- (1) To provide adequate vehicular and pedestrian access to all parcels.
- (2) To minimize through traffic movements in residential areas.
- (3) To interconnect, as directly as possible, every part of residential areas with every other part of such areas.
- (4) To insure that minor traffic carrying streets and land development patterns do not detract from the efficiency of intersecting or bordering major traffic carrying streets and highways.
- (5) To insure that the planning, construction and regulation of streets in residential neighborhoods should clearly reflect their basic function of serving abutting property.
- (6) To reduce pedestrian-vehicular conflict points in the Borough.

§ 465-9 Types of districts.

[Amended 3-14-1984 by Ord. No. 788; 6-11-1985 by Ord. No. 801; 8-18-1986 by Ord. No. 816; 4-14-1987 by Ord. No. 823]

For the purpose of this chapter, the purpose and intent of each of Morrisville's districts is:

- A.** FD — Flood District. The purpose of this district is to prevent the loss of property and life, to prevent the creation of health and safety hazards, to prevent the disruption of commerce and governmental services and to render unnecessary the expenditure of public funds for flood relief and to prevent the impairment of the tax base by regulating land uses in the one-hundred-year floodplain. The Flood District is a special district which overlies and supersedes the rights granted to property owners in the other zoning districts established by this section. The Flood District is further divided into two zones: the Floodway Zone and the Flood Fringe Zone.

 - (1)** FW — Floodway Zone. The Floodway Zone is that area of the Flood District required to carry and discharge the waters of a one-hundred-year flood without increasing the water surface elevation at any one point more than one foot above existing conditions.
 - (2)** FF — Flood Fringe Zone. The Flood Fringe Zone is an area on the fringe of the Flood District where minor grade changes, minor disturbance of the land, and construction can be tolerated without significant effect on the ability of the floodway to carry the water of a one-hundred-year flood.
- B.** R-1 Residential District. The purpose and intent of this district is to retain the character of existing single-family residential areas and to maintain the existing low residential density by providing appropriate standards. Additional purposes for the establishment of this district are to exclude activities incompatible with residential development and to create conditions conducive to carrying out the broad purposes of this chapter.
- C.** R-2 Residential 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 homes are permitted. Excluding activities incompatible with residential development and creating conditions conducive to carrying out the broad purposes of this chapter are additional reasons for the establishment of this district.
- D.** R-2A Residential District. The purpose and intent of this district is to retain the character of existing medium residential density areas where a variety of housing types exist, where the conversion of many single-family detached homes into apartments or nonresidential land uses has taken place, and where little developable land exists. To promote standards which will permit the continuation of existing, new and other compatible land uses and to create conditions conducive to carrying out the broad purposes of this chapter.
- E.** R-3 Residential District. The purpose and intent of this district is to retain and maintain the character and density of residential areas where a variety of housing types are

permitted. Additional purposes for the establishment of this district are to establish development standards which permit nonresidential development to become a harmonious and appropriate part of intensive residential areas and to create conditions conducive to carrying out the broad purposes of this chapter.

- F.** R-4 Residential 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. Reasonable standards are provided to prevent overcrowding of land, to regulate the density of population, to avoid undue congestion in the streets and to allow for the harmonious development of apartments, townhouses and other uses which are compatible with higher density residential development. Creating conditions conducive to carrying out the broad purposes of this chapter is an additional reason for the establishment of this district.
- G.** C-1 Central Commercial District. The purpose and intent of this district is to provide attractive, compact areas for retail, office, service and professional service activities, to prevent uses which would detract from or be incompatible with retail and service uses, to provide for a walkable and livable central commercial area through incorporation and regulation of certain mixed residential and commercial use properties, to protect the character of adjacent residential areas through buffer requirements, to prevent the overcrowding of the land through the application of minimum area and yard requirements, and to otherwise create conditions conducive to carrying out the broad purposes of this chapter.
- H.** C-2 Shopping Center District. The purpose and intent of this district is to provide areas for modern shopping centers, to protect adjacent residential areas through the application of buffer yards and screening requirements and to otherwise create conditions conducive to carrying out the broad purposes of this chapter.
- I.** C-3 Neighborhood Commercial District. The purpose and intent of this district is to provide areas for freestanding commercial activities, to promote standards which allow the orderly conversion of land uses, to protect adjacent residential areas through the application of buffer yards and to otherwise create conditions conducive to carrying out the broad purposes of this chapter.
- J.** C-4 Downtown District. The purpose of this district is to permit and encourage the redevelopment of this area to allow for small-scale office and retail uses, with off-street parking and pedestrian connections to nearby retail and residential areas.
[Amended 11-20-2006 by Ord. No. 954]
- K.** CS-1 Community Service District. The purpose of this district is to provide for the orderly growth of community services within the Borough, to provide reasonable standards for development and to otherwise create conditions conducive to carrying out the broad purposes of this chapter.
[Amended 6-17-2002 by Ord. No. 920]

- L.** CS-2 Community Service Natural Lands Preservation District. The purpose of this district is to provide for the protection and preservation of natural lands for the benefit of all Borough residents.
[Added 6-17-2002 by Ord. No. 920]
- M.** L-I Light Industrial District. The purpose and intent of this district is to permit and encourage light industrial development that will be so located as to constitute an appropriate part of the physical development of the Borough, to provide minimum standards for the development and operation of light industry, to prohibit uses which would be incompatible with the uses permitted in the district and to otherwise create conditions conducive to carrying out the broad purposes of this chapter.
- N.** I-1 Industrial District. The purpose and intent of this district is to permit and encourage industrial development that will be so located as to constitute an appropriate part of the physical development of the Borough, to provide minimum standards for the development and operation of industries, to prohibit uses which would be incompatible with the uses permitted in the district and to otherwise create conditions conducive to carrying out the broad purposes of this chapter.
[Amended 11-20-2006 by Ord. No. 954]
- O.** I-2 Industrial/Technology District. The purpose of this district is to accommodate a mix of offices, flex space, parking, transit access and fabricating/assembly space for technology and biotechnology businesses and related offices. Size and use limits preclude large warehouse or storage facilities. No retail uses or warehousing uses are permitted.
[Added 11-20-2006 by Ord. No. 954]
- P.** NPEH — Non-Profit Elderly Housing District. The purpose and intent of this district is to encourage and enable the construction of multifamily dwellings for elderly and handicapped persons pursuant to § 202 of the National Housing Act, as amended, to be sponsored, owned and operated by charitable nonprofit corporations. NPEH districts shall be classified as residential districts for purposes of this chapter.
- Q.** P-1 Professional District. The purpose and intent of this use district is to provide areas for commercial activities limited to business offices, medical offices, medical centers, and accessory professional/business activities while protecting adjacent residential use districts and areas from the more permissive uses of other commercial districts, and otherwise to create conditions conducive to carrying out the broad purposes of this chapter. Where not otherwise specified, P-1 Districts shall be subject to all of the terms and conditions otherwise provided for C-3 Commercial Districts under this chapter.
- R.** RN Riverview Neighborhood District. This district is established to foster the redevelopment of underutilized lands along the Delaware River into comprehensively planned, pedestrian-oriented neighborhoods. This is to be accomplished by promoting a variety of land uses, housing types and density, and by requiring skillful architectural and landscape design in creating buildings and green spaces. This district is also created to

avoid the negative impacts of suburban sprawl by minimizing infrastructure costs, traffic congestion and environmental degradation.
[Added 10-17-2005 by Ord. No. 947]

§ 465-17 Land Use Regulations

A. Residential land uses.

- (1) (A1) Single-family detached dwelling. A dwelling designed for and used for occupancy exclusively by one family having only one dwelling unit from ground to roof and having independent outside access and open space on all sides.
 - (a) Dimensional standards for permitted housing types shall be in accordance with the requirements of this section.
- (2) (A2) Cluster development. A planned development of single-family detached, two-family detached or duplex dwellings on lots with modified dimensional requirements.

"Performance developments."

 - (a) Minimum density, open space and impervious surface standards shall be no less than the standards found in Table 465-18, Table of Dimensional Requirements.¹
 - (b) Buffer yards no less than 15 feet in width shall be provided in accordance with the standards presented in § 465-15M, Buffer yards.
 - (c) Open space shall be laid out and maintained in accordance with § 465-16, Open space standards.
- (3) (A3) Two-family detached dwelling. A dwelling having two dwelling units with one dwelling located above the other, independent outside access, and open space on all sides.
- (4) (A4) Duplex or twin dwelling. A dwelling having two dwelling units arranged side-by-side with only one dwelling unit from ground to roof, independent outside access, and any portion of only one wall in common with an adjoining dwelling.
- (5) (A5) Performance development. A development which permits a variety of housing types subject to a series of performance standards. The performance development requires the provision of open space and limits the density and impervious surfaces. See Table 465-18²
 - (a) Yards. The yard requirements found in Subsection F of this section shall be applied to the individual lots proposed in the performance

¹ Table 465-18 is included at the end of this chapter.

² Table 465-18 is included at the end of this chapter.

development. Buffer yards shall be required around all the boundaries of a performance development site, in accordance with § 465-15M, and shall be considered as part of the minimum open space requirement.

- (b) Streets. All access streets shall have minimum rights-of-way of 50 feet.
- (c) An amount of land shall be set aside as permanent usable open space and shall:
 - [1] Be suitable for use as a park, playground, pedestrian accessway, 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.
 - [2] Either be dedicated to the Borough if acceptable to them, or to be maintained according to the ownership provisions of § 465-16, Open space standards.
- (d) Parking. The requirements of § 465-38 shall be the minimum standards for parking.
- (e) Dwelling unit mix.

Number of DU's in Development	Minimum No. of DU Types	Max. % any Type	Min. % any Type
30 or less	1	100	20
31 or more	2	60	15

- (f) Dimensional standards. The following housing types are permitted subject to Article V, the above-stated performance standards, and the dimensional requirements as indicated.
[Amended 11-18-2002 by Ord. No. 924]

- [1] Single-family detached dwelling.
 - [a] A dwelling designed for and used for occupancy exclusively for one family, having only one dwelling unit from ground to roof and having independent outside access and open space on all sides.
 - [b] Requirements:
 - [i] Lot area minimum per dwelling unit: 5,800 square feet.

- [ii]** Lot area average per dwelling unit: 6,000 square feet.
- [iii]** Maximum building coverage: 15%.
- [iv]** Minimum yards:
 - [A]** Front: 20 feet.
 - [B]** Side: 6/16 feet.
 - [C]** Rear: 25 feet.
- [v]** Minimum lot width at building setback line: 50 feet.
- [vi]** Parking: two off-street parking spaces.

[2] Single-family detached; lot line.

- [a]** A single-family detached dwelling on an individual lot; the building is set on one side of the side property line. A maintenance easement on the adjoining lots is part of the requirement for this type of construction. Windows on the lot line side of a dwelling are not permitted.
- [b]** Requirements:
 - [i]** Lot area minimum per dwelling unit: 5,600 square feet.
 - [ii]** Lot area average per dwelling unit: 5,800 square feet.
 - [iii]** Maximum building coverage: 15%.
 - [iv]** Minimum yards:
 - [A]** Front: 20 feet.
 - [B]** Rear: 20 feet.
 - [v]** Minimum lot width at building setback line: 50 feet.
 - [vi]** Minimum building spacing: 20 feet.
 - [vii]** Parking: two off-street parking spaces.

[3] Duplex dwelling.

[a] A duplex is a dwelling having only one dwelling unit from ground to roof and only one wall in common with another dwelling unit.

[b] Table of dimensional requirements.

	Minimum Lot Area/DU	Average Lot Area/DU	Off-Street Parking	Minimum Lot Width at Building Setback
	(square feet)	(square feet)	(spaces/unit)	(feet)
1 bedroom	3,200	3,600	1.75	36
2 bedroom	3,600	4,000	2.00	40
3 bedroom	4,000	4,500	2.00	40
4 bedroom	4,200	4,700	2.25	45
5 bedroom	4,500	5,000	2.50	45

NOTES:

General:

Building setback line: 20 feet.

Minimum side yard: 10 feet.

Minimum rear yard: 20 feet.

[4] Multiplex dwelling.

[a] The multiplex dwelling may be a variation of the duplex dwelling, townhouse or garden apartment that meets the following criteria. In general, all units have independent outside access; but this is not necessary. Units may be arranged in a variety of configurations: side by side or back to back. The essential feature is the small number of units attached. No more than five units shall be attached in any group, and groups shall average four units per structure. Multiplex dwelling units shall not exceed two stories in height.

[b] Table of dimensional requirements.

	Minimum Lot Area/DU	Average Lot Area/DU	Off-Street Parking
	(square feet)	(square feet)	(spaces/unit)
1 bedroom	1,500	1,700	1.75
2 bedroom	2,200	2,400	2.00
3 bedroom	2,500	2,800	2.00
4 bedroom	2,700	3,000	2.25

NOTES:

General:

Minimum building setback lines:

Street: 20 feet.

Parking area: 20 feet.

Minimum building spacing: 24 feet.

[5] Townhouse.

[a] The townhouse is a dwelling with one dwelling unit from ground to roof, having individual outside access. Rows of townhouses shall average seven dwelling units per building with no more than eight dwelling units per building in any one row. A townhouse may have common walls with two other dwelling units.

[b] Table of dimensional requirements.

	Minimum Lot Area/DU	Average Lot Area/DU	Off-Street Parking	Minimum Lot Width
	(square feet)	(square feet)	(spaces/unit)	(feet)
1 bedroom	1,500	1,600	1.75	18
2 bedroom	1,700	1,800	2.00	20
3 bedroom	1,900	2,000	2.00	22
4 bedroom	2,000	2,200	2.25	24

5 bedroom 2,200 2,400 2.50 26

NOTES:

General:

Minimum building setback lines:
Street: 20 feet.

Parking area: 20 feet.

Pedestrian walk: 15 feet.

Minimum building spacing: 30 feet.

[c] Rows of townhouse dwelling units shall not be permitted with one 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 height or width of the unit, providing different exterior materials on the facade, or changing the roof lines. Setbacks shall vary from one dwelling unit to the next so that each is offset from the adjoining unit by a minimum of two feet.

[6] Two-family detached dwelling.

[a] A two-family detached dwelling is a dwelling unit having a common floor or ceiling with another dwelling, having independent outside access and open space on all sides.

[b] Table of dimensional requirements.

	Min. Lot Area	Avg. Lot Area/DU	Off-Street Parking	Minimum Lot Width
	(square feet)	(square feet)	(spaces/unit)	At Building Setback
				(feet)
1 bedroom	6,400	3,600	1.75	36
2 bedroom	7,200	4,000	2.00	40
3 bedroom	8,000	4,500	2.00	40
4 bedroom	8,400	4,700	2.25	45
5 bedroom	9,000	5,000	2.50	45

NOTES:

General:

Building setback line: 20 feet.

Minimum side yard: 10 feet.

Minimum rear yard: 50 feet.

[7] Patio house.

[a] The patio house is a dwelling with one dwelling unit from ground to roof, having individual outside access. The lot shall be fully enclosed by a wall at least seven feet high. All living spaces, i.e., living rooms, den, and bedrooms, shall open onto a major open area or patio. A patio house may have one wall in common with one other dwelling unit. A two-car garage measuring no more than 10 feet high may occupy the front yard.

[b] Table of dimensional requirements.

	Minimum Lot Area/DU (square feet)	Avg. Lot Area/DU (square feet)	Off-Street Parking Spaces	Min. Lot Width (feet)
1 bedroom	2,800	3,000	1.75	40
2 bedroom	3,400	3,600	2.00	40
3 bedroom	3,800	4,000	2.00	40
4 bedroom	4,000	4,200	2.25	45
5 bedroom	4,200	4,500	2.50	45

NOTES:

General:

Maximum impervious surface ratio (on lot): 0.50%.

Minimum patio area ratio (to lot area): 0.50%.

Maximum height: 24 feet.

Minimum patio dimension: 20 feet.

Minimum building spacing: 20 feet.

Minimum building setback: 20 feet.

[8] Atrium house.

[a] The atrium house is a one story high dwelling with individual outside access. The lot shall be fully enclosed by a wall at least seven feet high. A private yard, herein called an atrium, shall be included on each lot. All living spaces, i.e., living rooms, den and bedrooms, shall open onto the atrium. The atrium house may have common walls with two other dwelling units. Rows of atrium dwelling units shall average seven dwelling units per building with no more than eight dwelling units per building. A two-car garage measuring no more than 10 feet high may occupy the front yard.

[b] Table of dimensional requirements.

	Min. Lot Area/DU (square feet)	Avg. Lot Area/DU (square feet)	Off-Street Parking Spaces	Min. Lot Width (feet)
1 bedroom	1,200	1,375	1.75	35
2 bedroom	1,700	1,850	2.00	35
3 bedroom	1,950	2,100	2.00	40
4 bedroom	2,150	2,300	2.25	40
5 bedroom	2,300	2,500	2.50	40

NOTES:

General:

Maximum impervious surface ration (on lot): 0.65%.

Minimum atrium area ratio (to lot area): 0.35%.

Maximum height: 12 feet.

Minimum atrium dimension: 16 feet.

Minimum building spacing: 30 feet.

Minimum building setback: 20 feet.

- (6) (A6)** Garden apartment. A multifamily dwelling having three or more units and having not more than three stories.
 - (a)** Buffer yards. Buffer yards shall be required around all the boundaries of a site for garden apartments. The minimum buffer yard for a garden apartment is 20 feet. The buffer yard shall meet all the requirements of § 465-15M.
 - (b)** Building design standards. Maximum building size shall be restricted to no more than 24 family units in any one continuous structure, and there shall not be more than 12 family units in any unbroken apartment structure line. A setback of more than 10 feet shall be considered as an acceptable break in the apartment structure line. No more than three floors or levels may be used for dwelling units or living quarters in any building.
 - (c)** Building orientation. The minimum horizontal distance between facing walls of any two buildings on one lot or any one building with facing walls shall be as follows:

- [1] Where both facing walls contain windows there shall be three feet of horizontal distance for each one foot of average height of the facing wall of the building with the greatest height, but in no case less than 60 feet.
 - [2] In all other cases there shall be one foot of horizontal distance for each one foot of average height of the facing wall of the building with the greatest height, but in no case less than 25 feet.
- (d) Off-street parking design requirements.
- [1] All off-street parking lots and their access drives shall be at least 20 feet from any principal building on the lot.
 - [2] No one area for off-street parking of motor vehicles shall exceed 20 automobiles in capacity. Separate parking areas on a lot shall be physically separated from one another by ten-foot planting strips. The provisions of § 465-17A(6)(d)[1] and [2] shall not apply if off-street parking is provided within the principal buildings or underground.
 - [3] Ingress and egress to an off-street parking lot shall be taken only from a primary access street collector road or arterial highway as designated on the enclosed street classification map. Where an apartment building is located on the corner of two streets of different classification, ingress and egress shall be taken not less than 80 feet from the property line corner, measured from the centerline of the driveway entrance and always from the street of lower classification. This provision shall apply even if the street of lower classification is not a primary access street, collector road or arterial; provided, that the other street is a primary access street, collector road or arterial highway.
 - [4] The Borough Council may require ingress and egress on a second street if this will contribute to safety or lessen congestion.
 - [5] Maximum densities found in Table 465-18³ may be increased 10% if not less than 50% of the required off-street parking is provided within the principal buildings, underground or in a parking structure.
- (7) (A7) Midrise apartment. A multifamily dwelling of four or more stories, containing 12 or more dwelling units, not having party walls forming a complete separation between individual dwellings but having a single common entrance and hallway system and provided with an elevator. Such multiple dwellings shall be subject to the following provisions:

³ Table 465-18 is included at the end of this chapter.

- (a) Buffer yards. Buffer yards shall be required around all the boundaries of a site for midrise apartments. The minimum buffer yard for midrise apartments is 25 feet. The buffer yard shall meet all the requirements of § 465-15M.
 - (b) Building orientation. The provisions of § 465-17A(6)(c) shall apply to midrise apartments.
 - (c) Off-Street parking design requirements. The provisions of § 465-17A(6)(d) shall apply to all midrise apartments.
- (8) (A8) Senior citizens housing. A multifamily dwelling of more than three stories which is designed and used for Federally assisted or State assisted housing for the elderly as defined in national housing legislation, the Pennsylvania Housing Finance Agency Law or similar Federal or State statutes, or for other subsidized housing for the elderly sponsored by a nonprofit organization.
 - (a) Buffer yards. Buffer yards shall be required around all the boundaries of a site for senior citizens housing. The minimum buffer yard for senior citizens housing is 25 feet. The buffer yard shall meet all the requirements of § 465-15M.
 - (b) Building orientation. The provisions of § 465-17A(6)(c) shall apply to all senior citizens housing.
 - (c) Off-street parking design requirements. In order to prevent the establishment of a greater number of parking spaces than are actually required, the Borough Council, after consulting with the Borough Planning Commission and Borough Engineer, may permit a deferment of parking requirements if the following conditions are satisfied:
 - [1] The design of the parking lot must provide for the full requirement of one parking space for every two dwelling units.
 - [2] The Borough Council may agree to defer construction of 30% of the full requirement.
 - [3] The deferred parking area shall not include areas for required buffer yards, setbacks, or areas which would otherwise be unsuitable for parking spaces due to the physical characteristics of the land or other requirements of this chapter. This parking area which is reserved shall be located and have characteristics so as to provide amendable open space should it be determined the additional parking spaces are not required. The developer shall provide a landscaping plan for the deferred area with the land development plan.

- [4] Prior to the issuance of a building permit, the developer shall enter into a written agreement with the Borough Council that, one year after the building is 95% occupied, the additional parking spaces shall be provided at the developer's or owner's expense should they be determined necessary to satisfy the need of the senior citizens' housing development.
 - [5] Upon reaching agreement, the developer or owner shall post a performance bond or other securities to cover the expense of a traffic study to be undertaken by a registered traffic engineer of the Borough Council's choosing who shall determine the advisability of providing the full parking requirement. With recommendations of the traffic engineer, the Borough Engineer and the Borough Planning Commission, the Borough Council shall determine if the additional spaces shall be provided by the developer or if the area shall remain as open space.⁴
- (9) (A9) Rooming house. A dwelling used for the housing of two roomers, boarders, lodgers or tourists is subject to the following conditions:
 - (a) Fire detection devices approved by the Underwriters Laboratories which signal the existence of smoke or heat shall be installed in all sleeping rooms, and stairwells and also near heating equipment and flammable liquids storage areas. The signal shall be loud enough to awaken sleeping guests.
 - (b) Rooming houses of more than two stories in height shall be equipped with an emergency fire escape constructed of nonflammable materials.
 - (c) The lot area per room shall not be less than 500 square feet in addition to the lot area required for the principal dwelling. NOTE: Facilities for more than two roomers, boarders, lodgers or tourists shall be considered commercial facilities and shall fall under § 465-17D(11).
 - (10) (A10) Dwelling in combination with a Permitted Commercial Use. One dwelling unit that is part of the structure, which includes one nonresidential use, under one ownership.
 - (a) Nonresidential use shall include C2 Business Office, D2A Downtown Commercial Retail and D3 Downtown Personal Service.
 - (b) The residential unit cannot be located on the first floor of the building.
 - (c) The total area of residential uses shall not exceed 60 percent of the total building area.

⁴ Original Subsection A(A9), Conversion, which immediately followed this subsection, was repealed 11-18-2002 by Ord. No. 924.

- (11) (A11) Mobile home. A single-family detached dwelling as defined in Article II, which is designed for and used for occupancy exclusively by one family having only one dwelling unit from ground to roof and having independent outside access and open space on all sides.
- (12) (A12) Farmstead. A single-family detached dwelling together with barns, other accessory buildings and land used for agricultural production.
- (13) (A13) No-impact home-based business.
[Added 10-18-2004 by Ord. No. 943]
- (a) The business activity shall be compatible with the residential use of the property and surrounding residential uses.
 - (b) The business shall employ no employees other than family members residing in the dwelling.
 - (c) There shall be no display or sale of retail goods and no stockpiling of inventory of a substantial nature.
 - (d) There shall be no outside appearance of a business use including, but not limited to, parking, signs or lights.
 - (e) The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
 - (f) The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
 - (g) The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
 - (h) The business may not involve any illegal activity.
 - (i) Such permission shall not supersede any deed restriction, covenant or agreement restricting the use of land, nor any master deed, bylaw or other document applicable to a common interest ownership community.
- (14) (A14) Bed-and-breakfast.
[Added 10-18-2004 by Ord. No. 943]
- (a) Permitted only in a single-family detached dwelling.

- (b) No alteration of the appearance of the building to detract from its principal purpose as a residential structure, except for safety purposes. There shall be one off-street parking space provided for each guest room and one off-street parking space provided for each employee, resident manager or owner; and any other applicable borough or state regulations.
 - (c) The minimum lot size shall be the same as that required of a single-family dwelling in the zoning district in which this premises is located.
 - (d) No guest shall be housed for more than 14 consecutive nights; there shall be no monthly rates for rental or rooms nor shall dwelling be used as a permanent residence for guest tenants. Only the bona fide owner of the property or full-time manager may reside permanently or full-time at site
 - (e) No more than five guest rooms, accommodating maximum total of 10 persons shall be provided.
 - (f) Breakfast shall be the only meal served. This service must occur before 11:00 a.m. Meals shall only be offered to registered guests, and no guest room shall have its own separate cooking facility:
 - (g) Other amenities including, but not limited to, swimming pools, porches, decks or activities shall be limited to registered guests only.
 - (h) All local and state regulations regarding all applicable permits and building/zoning permits and licenses must be complied with.
 - (i) The applicable sign requirements of this chapter shall also apply.
 - (j) All guests shall be required to register upon arrival, stating their names, current residence address and the license number, make and model of vehicle.
 - (k) Common space area for living-room and dining-room facilities for guests shall be provided, and onsite kitchen facilities meeting Department of Health regulations for guest food preparation. One full bathroom with sanitary and bathing facilities shall be provided for every two guest rooms.
- (15) (A15) Riverview Neighborhood (RN)** A planned development of residential and business uses shall be allowed as provided for herein and in the Table of Land Uses⁵, subject to the following provisions:
[Added 10-17-2005 by Ord. No. 947]
- (a) Key design elements.

⁵ The Table of Land Uses, Table 465-17, is included at the end of this chapter.

- [1]** Neighborhoods shall promote a more compact, integrated and sustainable development pattern, and shall have the following key design elements:
 - [a]** Core and peripheral areas. Core areas are intended to serve a mix of nonresidential and residential uses in a compact, seamless arrangement. Peripheral areas are more residentially oriented, permitting only supporting nonresidential uses, such as corner stores and small offices at key neighborhood locations.
 - [b]** Mix of uses. Combines residential, civic, recreational, commercial, and green space uses in a diversified, planned setting. A mix of uses also encourages first floor retail with second floor dwellings and/or offices and live-work units to create walkable, energetic neighborhoods.
 - [c]** Building types. Focuses on buildings designed by type not solely by function, to allow for adaptations and changes in use (e.g., from dwelling to shop to work place to civic). Building types are most appropriate when they express the regional style and do not attempt to mimic architectural themes inappropriate to the locality.
 - [d]** Park and green space land. Parks and green space anchor the neighborhood and provide public gathering places. Parks and green space in their natural state provide a balance with the built environment; they can be distributed within the neighborhood or provide a green edge of green space to help shape the neighborhood.
 - [e]** Network system of interconnecting streets. A good street network organizes a block and pattern of lots, integrates with lanes, alleys, neighborhood streets, and links to pedestrian and other transportation systems. The width of streets should be designed to create outdoor rooms between street trees and buildings.
 - [f]** On-street, parallel parking. Provides a separator between vehicular and pedestrian traffic and promotes effective traffic calming by slowing down the speed of vehicles, especially along narrower streets.
 - [g]** Shallow setbacks. Shallow setbacks help to create "outdoor rooms," with two- to three-story buildings that are typically

from 60 to 85 feet across from one another. Shallow setbacks promote a human scale relationship for the pedestrian by allowing easy access to entrances from the sidewalk.

- [h]** Front porch/portico/entry. Serve as a transition element from the private realm of the building to public realm of the sidewalk and street. They provide shade, create a cozy space to sit, read, relax, and provide an outdoor room to greet and socialize with neighbors.
 - [i]** Sidewalks/crosswalks/paths/walkways. A human scale transportation network that links uses, buildings, neighborhoods and communities together and provides close to home opportunities for exercise.
 - [j]** Street and shade trees. Provide the canopy plane to provide a wall and ceiling to the outdoor room. Street and shade trees provide shade in the summer, reduce glare and heat from the pavement, filter out air pollutants, reduce noise and increase property values.
 - [k]** Street infrastructure. Includes pedestrian-scaled fences hedges, walls, street lamps, benches, gazebo, pavilion, pergola, monuments or like features.
 - [l]** Public access to the Delaware River. Pedestrian access to the Delaware River waterfront in the form of a riverwalk or other public facilities, allowing the public to enjoy the river's resources.
- (b)** Use and development type regulations.
- [1]** Development types. Permitted uses shall be based on the initial tract size. A minimum tract size of 10 acres is required under the provisions of the RN District.

 - [a]** Core area. Tract size 25 or more acres.
 - [b]** Peripheral area. Tract size 10 to 25 acres.
 - [2]** The following uses shall be permitted under core area and peripheral area, provided that all detailed design standards of § 465-A(15)(d), (e) and (f) are met:

- [a]** Core area. Core area shall permit a mix of uses as required in the use mix portion of this chapter.
 - [i]** Adaptive reuse of existing buildings, including multifamily residential, live-work units as described in § 465-17A(15)(b)[2][a][iv], and indoor entertainment and recreation facilities (D13).
 - [ii]** Civic uses such as library or museum (B4), community center buildings (B5), day nursery (B6), government sponsored recreation (B7), municipal park (B13), natural land preserve (B14), and walking trail (B15).
 - [iii]** Small commercial buildings, limited to uses such as retail shop (D2) (corner store, bakery, gift shop, newsstand or flower shop), financial establishment (D4), restaurant (D5) (coffee shop, cafe, bistro or deli) which are permitted under § 465-17D of this chapter, travel agency, barber, and full-service salon and spa, which may include nail salon services, but may not be wholly devoted to nail salon services, of less than 3,000 square feet of gross floor area per use or leasehold, provided that they are designed to be compatible with and limited to the convenience of the surrounding neighborhood.
 - [iv]** Live-work units, subject to the following conditions:
 - [A]** Occupations permitted include accountants; architects; artists and artisans; attorneys; computer software and multimedia-related professionals; consultants; engineers; fashion, graphic, interior and other designers; insurance, real estate and travel agents; photographers and similar occupations.
 - [B]** No portion of live/work unit may be separately rented or sold as a commercial space for a person or persons not living on the premises, or as a residential space for a person or persons not working on the premises.

- [C] Each live-work unit shall have adequate and clearly defined working space, constituting not less than 50% of the gross floor area of the live-work unit. Each unit must also be equipped with an enclosed bathroom containing a bathroom sink, water closet and shower, and kitchen with stove and oven.
- [D] A maximum of one employee (other than the unit owner) may be permitted to work in the unit at any given time.
- [E] Live-work units must comply with the general performance standards of § 465-15 for residential districts.
- [F] A minimum of one off-street loading area shall be provided for every 50,000 gross square feet of space occupied by live-work units. No off-street loading area shall be required for any live-work building that contains less than 5,000 gross square feet of space occupied by live-work units.
- [v] A range of dwelling-unit types including owner-occupied multifamily, single-family attached, single-family and semidetached units.
- [vi] Offices limited to uses permitted under § 465-17C of this chapter, medical office (C1) or business office (C2), provided that they are designed to be compatible with the residential neighborhood.
- [vii] Water-related recreational uses, including fishing piers, marinas and boat rentals, subject to the design requirements of § 465-A(15)(e)[2].
- [viii] Home occupation (I1), in accordance with § 465-17H.
- [ix] No-impact home-based business (A13), in accordance with § 465-17A.
- [b] Peripheral area. Peripheral area shall be a residentially oriented neighborhood, but shall permit nonresidential uses as permitted in the use mix portion of this chapter.

- [i]** A range of dwelling-unit types including owner-occupied multifamily, single-family attached, single-family, and semidetached units.
 - [ii]** Small commercial buildings, limited to uses such as retail shop (D2) (corner store, bakery, gift shop, newsstand, or flower shop) financial establishment (D4), restaurant (D5) (coffee shop, cafe, bistro, or deli) which are permitted under § 465-17D of this chapter, travel agency, barber and full-service salon and spa, which may include nail salon services, but may not be wholly devoted to nail salon services, of less than 2,000 square feet of gross floor area per use or leasehold, provided that they are designed to be compatible with and limited to the convenience of the surrounding neighborhood.
 - [iii]** Offices limited to uses permitted under § 465-17C of this chapter, medical office (C1) or business office (C2), provided that they are designed to be compatible with the residential neighborhood.
 - [iv]** Live-work units, subject to the conditions in § 465-17A(15)(b)[2][a][iv].
 - [v]** Home occupation (I1), in accordance with § 465-17H.
 - [vi]** No-impact home-based business (A13), in accordance with § 465-17A.
- [3]** The following uses shall be permitted as accessory uses in both core areas and peripheral areas:
 - [a]** Accessory uses that are clearly incidental to the uses permitted by right, such as parking, residential accessory structures or nonresidential accessory structures, provided that storage sheds are not permitted; and further provided that all accessory structures meet all setback requirements of principal buildings and structures.
 - [b]** Temporary outdoor dining area, as an accessory use to small commercial buildings, provided that the use is located within sidewalk areas that are 15 feet in width or

greater, seating is provided for not more than 12 customers and the following conditions are met:

- [i] Outdoor dining areas shall have a continuous, unobstructed pathway five feet in width between the seating area and any obstacle (e.g., tree pole, post, sign, or planting area).
 - [ii] No sidewalk dining area shall be situated within five feet of any pedestrian crossing, fire hydrant, driveway, curblin, or in a manner which visually obstructs vehicular traffic sightlines, traffic control devices or signs.
 - [iii] No outdoor dining area may be permanently located within the sidewalk area by means of a raised platform, fence, wall or other structures or enclosed by a fixed wall.
 - [iv] No outdoor speakers or music shall be allowed.
 - [v] Outdoor tables, chairs, furniture and decorative items shall be of uniform design and shall be removed from public property November 1 through March 31.
 - [vi] Provisions shall be made for adequate litter and trash control including the provision and maintenance of trash receptacles. The outdoor area shall be kept clean and free of debris at all times.
 - [vii] Restaurant service equipment shall not be permitted outdoors.
 - [viii] The seating shall not obstruct any entry or exit way of the building or adjacent buildings.
 - [ix] Hours of sidewalk use are limited from 7:00 a.m. to 10:00 p.m.
 - [x] Provision shall be made for appropriate lighting which will not disturb adjacent property or affect traffic on adjacent rights-of-way.
- [4] All dwellings shown on the initial approved plan shall not be converted to nonresidential use.

(c) Use composition, dwelling unit composition, and density.

[1] Core area.

[a] Use composition. Nonresidential development in the core area shall comprise at least 25% of the total tract area and may comprise up to 45% of the total tract area exclusive of the area of perimeter street rights-of-way, subject to the following:

[i] Commercial uses, inclusive of live-work units, shall comprise from 10 to 18% of the total tract area.

[ii] Civic uses, as defined above [not including government sponsored recreation (B7), municipal park (B13), natural land preserve (B14) and walking trail (B15)] shall comprise from 2% to 7% of the total tract area.

[iii] Office uses shall comprise from 13 to 20% of the total tract area.

[b] Dwelling unit composition. A mix of dwelling unit types shall be achieved, using the following minimum or maximum percentages:

[i] Owner-occupied multifamily: 25% minimum to 60% maximum of total units.

[ii] Single-family attached: 10% minimum to 45% maximum.

[iii] Single-family semidetached: 5% minimum to 30% maximum.

[iv] A maximum of 10% of the above units may function as live-work units, with the exception of adaptive reuse of existing buildings, where the reuse of an existing building, at the discretion of Borough Council, may provide up to a 20% bonus of live-work units above the 10% maximum.

[2] Peripheral area.

[a] Use composition. Nonresidential development in the peripheral area shall comprise a maximum of 5% of the

- [e] Rear yard: eighteen-foot minimum.
 - [f] In the case where individual lots are not created, such as a condominium development, an equivalent lot area, lot width and yard dimensions shall apply.
 - [g] Maximum building height: 35 feet or approximately 2 1/2 stories.
- [6] Single-family attached dwellings.
 - [a] Minimum lot area: 1,800 square feet.
 - [b] Minimum lot width at the minimum building setback line: 20 feet.
 - [c] Front or side yard from a street or alley: fourteen-foot minimum; twenty-five-foot maximum.
 - [d] Building separation: The end units of a row of single-family attached buildings shall be separated by a minimum of 15 feet.
 - [e] Rear yard: eighteen-foot minimum.
 - [f] In the case where individual lots are not created, such as a condominium development, an equivalent lot area, lot width and yard dimensions shall apply.
 - [g] Maximum building height: 35 feet or approximately 2 1/2 stories.
 - [h] The ground floor shall be at least two feet above sidewalk grade for privacy purposes.
- [7] Multifamily dwellings.
 - [a] Maximum building length: 120 feet.
 - [b] (Reserved)⁶
 - [c] Front or side yard from a street or alley: nine-foot minimum; twenty-foot maximum.

⁶ Former Subsection A(15)(d)[7][b], which provided for a minimum dwelling unit size of 900 square feet, was repealed 11-19-2012 by Ord. No. 994.

- [d]** Building separation: twenty-foot minimum for buildings with residential uses only; zero feet for mixed-use buildings.
 - [e]** Front or side yard from streets along the tract perimeter: ten-foot minimum; thirty-foot maximum.
 - [f]** Maximum building height: 65 feet or approximately six stories, including parking decks. Stories above the third story must be set back 10 feet from the first three stories.
- [8]** Small commercial buildings.
 - [a]** Minimum lot area: 5,000 square feet.
 - [b]** Minimum lot width: 45 feet.
 - [c]** Front or side yard from a street or alley: nine-foot minimum; twenty-foot maximum.
 - [d]** Front or side yard from streets along the tract perimeter: ten-foot minimum; thirty-foot maximum.
- [9]** All other nonresidential uses.
 - [a]** Minimum lot area: 10,000 square feet.
 - [b]** Minimum lot width at the minimum building setback line: 65 feet.
 - [c]** In the case where individual lots are not created, such as a condominium development, an equivalent lot area and lot width shall apply.
 - [d]** Front or side yard from a street or alley: nine-foot minimum; twenty-foot maximum.
 - [e]** Front or side yard from streets along the tract perimeter: ten-foot minimum; thirty-foot maximum.
 - [f]** Maximum building height: 65 feet or approximately six stories, including parking decks. Stories above the third story must be set back 10 feet from the first three stories.

[10] Building coverage.

[a] Maximum overall site building coverage: 35%.

[11] Impervious surface coverage.

[a] Maximum overall site impervious surface coverage: 70%.

(e) Detail design standards.

[1] Green space requirements.

[a] A variety of green spaces shall be designed to complement residential and nonresidential development. A minimum of 20% of the total site area shall be designated as green space, exclusive of any stormwater management facilities or areas.

[b] Green space shall take on the form of a public square, park, parklet, green, playfield, playground, buffer, resource protection area or approved landscaped area, in accordance with a landscape plan. At least 7.5% of the total site area shall be devoted to parks, greens, playgrounds and squares.

[c] Green spaces shall be at least 2,000 square feet in area in order to count toward the 20% minimum requirement.

[d] Green space shall be owned and maintained in a form that is in accordance with § 465-16, Open space standards. All green space shall be subject declaration of covenants, easements and restrictions in a form that is acceptable to the Borough Solicitor.

[2] Riverfront design requirements.

[a] For all proposals located adjacent to the Delaware River, an average setback of 300 feet from the riverbank (at its mean high tide) shall be required, with a minimum setback of 100 feet. Excepting permitted water-related uses permitted under § 465-17A(15)(b)[2][a][vii], areas within this setback shall remain in 100% green space. For green space areas within the riverfront setback, only 25% of this land shall count toward the 20% total site requirement of § 465-17A(15)(e)[1][a].

- [b]** Where permitted water-related uses are proposed, 70% of areas located within the required setback shall remain in usable green space. A maximum of 30% of this area may comprise private or public water-related uses.
- [c]** For all permitted water-related uses, an area of public access shall be designated, provided that such public access can be designed or located so as to be compatible with the proposed use. The public access area shall be parallel to the high tide line, shall be located not more than 100 feet distant from the high tide line, and shall be of a width suitable to permit public viewing of the water. Regardless of its location, the public access shall be connected to a public street by a public right-of-way having a minimum width of five feet. Areas dedicated to public access do not count against the green space requirement of § 465-17A(15)(e)[2][b].

[3] Streets, alleys and accessways.

- [a]** Streets, alleys and accessways shall form an interconnected vehicular circulation network to the maximum extent possible. The street network shall be connected to the existing streets, unless the Planning Commission determines that topography, requirements of traffic circulation or other considerations make such connections impractical.
- [b]** All streets shall be sufficient in width to provide for on-street parking on at least one side. An on-street parking space shall measure at least eight feet wide by 22 feet long when parallel to the curbline.
- [c]** Streets with on-street parking on one side shall be 28 feet in width (with two ten-foot travel lanes, and one eight-foot parking bay).
- [d]** Streets with on-street parking on both sides shall be 36 feet in width (with two ten-foot travel lanes, and two eight-foot parking bays).
- [e]** Alleys shall be provided to enable buildings to be placed closer to the street and move vehicular access to the rear of buildings to the maximum extent possible, moving garage doors and curb cuts away from the frontage streetscape.

- [f] Alleys that are two-way and proposed for dedication to the Borough shall be at least 16 feet in width. Alleys that are two-way and not proposed for dedication to the Borough may be reduced to 14 feet in width.
 - [g] Alleys that are one-way and not proposed for dedication shall be at least 12 feet in width.
 - [h] All one-way accessways and driveways shall be at least nine feet in width.
- [4] Curb cuts, driveways, and garages.
- [a] Garages, driveways and/or parking lots shall not be the dominant aspect of the building design and/or the streetscape as viewed from the street.
 - [b] To the maximum extent possible as determined by Borough Council, garages shall be accessed from an alley. In those places where alleys are not possible to service development as determined by Borough Council, curb cuts may be permitted, provided that the garage door is recessed at least 18 feet from the front facade; and further provided that no more than 10% of the total number of dwelling units are accessed by such curb cuts.
 - [c] Where garages are accessed from an alley and a parking apron is provided perpendicular to an alley, such garage shall be 18 feet from the edge of the alley.
 - [d] Where garages are accessed from an alley and a parking apron is provided parallel to an alley, such garage shall be eight feet from the edge of the alley.
 - [e] Garages for residential dwelling units shall meet one of the following design options, listed in the order of preference for the neighborhood:
 - [i] The garage is rear entry, such that garage doors are on the opposite side of the house from the front facade, preferably accessed from an alley.
 - [ii] The garage is located behind the rear facade of the house. Such garage may be detached from or attached to the dwelling, and the garage doors may face any direction.

- [iii]** The garage is front-entry and recessed at least 18 feet from the front facade (excluding any porches or decks) of the building. When residential garages face a street, the garage shall comprise no more than 25% of the total area of the front facade elevation of a dwelling unit, measured from ground level to the lower edge of the roof. A garage door facing a street shall not exceed a width of 12 feet.
- [iv]** The garage is side entry, such that garage doors are perpendicular or radial to the street that the front facade faces.

[5] Sidewalks and pathways.

[a] Core area.

- [i]** Any block with building(s) of three stories or more in height shall have sidewalks of at least 15 feet in width (including areas for street trees).
- [ii]** Sidewalks of at least five feet in width shall be constructed and maintained along all other streets.

[b] Peripheral area.

- [i]** Sidewalks of at least five feet in width shall be constructed and maintained along all streets.
- [ii]** Pathways of at least five feet in width shall be constructed and maintained to link to existing off-site pathways and to enhance the use of green areas as required by Borough Council.

[6] Street trees and other landscaping.

- [a]** Street trees suitable for urban conditions of small or medium height as listed in Street Tree Factsheets, Penn State College of Agricultural Sciences, shall be planted along all streets in a minimum four-foot diameter planting area at a maximum average spacing of 30 feet on center. The trees shall have a minimum caliper of 2 1/2 inches at the time of planting.
- [b]** Trees shall be arranged and maintained at intersections and alley entrances to provide adequate visibility, avoiding

conflicts between vehicles, bicycles and pedestrians as recognized by American Association of State Highway and Transportation Officials Guidelines.

- [7]** Buildings and neighborhood design.
 - [a]** Commercial and office use.
 - [i]** Blank walls shall not be permitted along any exterior wall facing a street, parking area or walking area. Exterior walls in these locations shall have architectural treatments that are the same as the front facade, including consistent style, materials, fenestration and details.
 - [ii]** The ground floor shall have door(s) and windows, covering at least 50% of the front facade. Dwelling units can be constructed above the ground floor.
 - [b]** Civic uses.
 - [i]** Civic buildings should be located at prominent locations or serve as landmarks in the neighborhood, particularly at such focal points as the end of a street axis.
 - [c]** Residential uses.
 - [i]** Single-family attached dwelling units should have an area for an entry or front stoop and landscaping between the building and sidewalk.
- [8]** Parking and parking lots.
 - [a]** Parking shall be located on-street to the maximum extent possible to maintain the streetscape appearance, and to serve as an insulator between moving vehicles and pedestrians walking along the adjoining sidewalks.
 - [b]** Parking lots shall be located to the rear or sides of buildings. Side parking lots shall account for no more than 25% of parking, and shall be screened from sidewalks by a combination of pedestrian-level walls, fences, trees or landscaping.

- [c]** Parking facilities shall not be the dominant aspect of the building design and/or the streetscape as viewed from the street. Parking lots shall not abut a street intersection, the front yards of multifamily, civic buildings, shall not be adjacent squares or parks (unless providing parking for such parks), and shall not occupy space which terminates a T-intersection within the district or similar prominent point.
- [d]** Live-work units shall have the parking ratio as required for a dwelling, as provided in Article VI, Off Street Parking and Loading.
- [e]** Parking ratios for all other uses shall also be in accordance with Article VI, Off Street Parking and Loading. However, if Article VI imposes an excessive standard, the applicant can reduce this requirement through joint use provision of § 465-39E.
- [f]** In the case of commercial or office uses which have shop fronts adjacent to streets, the on-street parking directly in front of the lot shall count toward fulfilling the parking requirement.
- [g]** All parking areas shall incorporate landscaping such as shade trees or similar elements.
- [9]** Off-street loading areas, outdoor storage and trash disposal areas.

 - [a]** Nonresidential uses shall meet the following requirements:

 - [i]** All loading areas and loading docks shall be located to the sides and rears of buildings. Loading docks shall not be visible from public streets.
 - [ii]** Outdoor storage or display of materials shall not be permitted.
 - [iii]** Trash disposal areas shall be located within buildings or within an opaque screened area that completely hides the trash and is located to the side or rear of the building. All outdoor trash disposal areas shall be set back at least 25 feet from residential property lines.

(f) Other requirements.

- [1]** All buildings within the development shall be served by a public water supply and public centralized sewage disposal system.
- [2]** All public utility lines and similar facilities servicing the proposed development and its area shall be installed underground and electric transformers shall be installed underground or within the walls of a completely enclosed building.
- [3]** If the development is to be carried out in phases, each phase shall be so planned that the intent of this chapter shall be fully complied with at the completion of any phase. Any phased development shall be fully described and defined on the subdivision or land development plan.
- [4]** All streets and alleys whether public or private shall have a right-of-way. The right-of-way width for alleys may be the same width as the paved area.

(g) Relationship to other ordinance provisions.

- [1]** The regulations in this § 465-17A(17) shall take precedence over other provisions of this chapter to the extent that this § 465-17A(17) specifies additional or varied requirements. Otherwise all applicable sections of this chapter and Chapter 390, Subdivision and Land Development, shall apply.

(16) (A16) Live-Work Unit. A live-work unit is a combination of a dwelling unit and business space, such as a shop or office that is open to the public for retail trade or personal or professional services subject to the following conditions:

- (a)** Occupations permitted include: accountants, architects, artists and artisans, attorneys, computer software and multimedia related professionals, consultants, engineers, planners, fashion, graphic or interior and any other designers, insurance, real estate and travel agents, photographers, and similar occupations.
- (b)** Each live-work unit shall have adequate and clearly defined working space, constituting a maximum of 50 percent of the gross floor area of the live-work unit. Each unit must also be equipped with a kitchen with a stove and oven, and an enclosed bathroom containing a bathroom sink, toilet, and shower. The working and living spaces must be occupied entirely by the owner or renter and cannot be individually leased or sold.
- (c)** A maximum of four employees (the unit owner and three employees) may be permitted to work in the unit at any given time.

- (d) A live-work unit may be in a separate building by itself or in a building with a combination of other uses. When combined with other uses in a mixed-use building, it is considered a residential use.

17) (A17) Mixed-Use Structure. A building with nonresidential uses and/or residential amenity uses on the ground floor and multifamily residential uses on one or more upper levels. In a mixed-use building, commercial, office, and/or residential uses shall be permitted in a building on one lot. Permitted commercial and office uses shall be limited to the following:

- (a) Permitted commercial and office uses shall be limited to the following:

- A16 Live-Work Unit
- A10 Dwelling in Combination with a Permitted Commercial Use
- C1 Medical Office
- C2 Business Office
- D2A Downtown Commercial Retail
- D3 Downtown Personal Service
- D5 Restaurant
- D6 Fast Service Eating Establishment
- D12 Cultural and Entertainment
- D17 Market
- D18 Brewery, Winery, or Distillery
- D19 Tavern, Wine Bar, or Brewpub

- (b) Where residential and office uses are proposed, they shall be on the second and third floors of a mixed-use structure, if possible. Nonresidential uses shall be on the first and second floors only. Residential uses shall occupy at least 75 percent of the second floor of mixed-use buildings.
- (c) All permitted uses associated with a mixed use shall be conducted within a completely enclosed building unless expressly authorized. This requirement does not apply to required parking or loading areas, automated teller machines or outdoor seating.
- (d) The applicant shall demonstrate that adequate parking is available on- and off-street to serve a mixed-use structure, in accordance with parking requirements of Section 465-43.
- (e) This does not include a hookah lounge, vape store, or retail stores where more than 25 percent of sales are from tobacco or tobacco-related products.

B. Institutional, recreational, and educational uses.

(1) (B1) Place of worship.

- (a)** Housing for religious personnel shall meet the minimum requirements of the appropriate housing type in the district.
- (b)** Buffer yards shall be provided in accordance with § 465-15M, Buffer yards.
- (c)** Parking shall be provided in accordance with § 465-38, Off-street parking requirements.

(2) (B2) School; public, private, religious, denominational, sectarian and non-sectarian. Not conducted as a private gainful business.

- (a)** Housing for students, faculty or personnel must meet the standards for housing in the district in which the housing is located.
- (b)** Buffer yards shall be provided in accordance with § 465-15M, Buffer yards.

(3) (B3) School; trade or commercial. Such as a music or dancing school.

- (a)** Parking shall be provided in accordance with § 465-38, Off-street parking requirements.
- (b)** Buffer yards shall be provided in accordance with § 465-15M.

(4) (B4) Library or Museum. Art galleries, libraries or museums, open to the public or connected with a permitted educational use and not conducted as a private gainful business.

- (a)** Buffers shall be provided in accordance with Section 465-15.M., Buffer yards, where this use abuts a residential district.

(5) (B5) Community center, adult education center, or other similar facility. Operated by an educational, philanthropic, or religious institution subject to the following additional provisions:

- (a)** The use shall not be conducted as a private gainful business.
- (b)** Outdoor play areas shall be sufficiently screened in accordance with § 465-15M(3) and (4) and sound insulated so as to protect the neighborhood from inappropriate noise and other disturbance.

- (6) (B6) Day nursery, nursery school, kindergarten, or other agency giving day care to children. Subject to the following additional provisions in residential districts:
- (a) The use shall be conducted in a building designed for residential occupancy.
 - (b) Outdoor play areas shall be sufficiently screened in accordance with § 465-15M(3) and (4) and sound insulated so as to protect the neighborhood from inappropriate noise and other disturbance.
- (7) (B7) Recreational facility owned or operated by the Borough or other government.
- (8) (B8) Recreation facility owned or operated by a non-government 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 minimum front yard required by Table 465-18⁷ for the district in which the facility is located.
 - (c) Outdoor play areas shall be sufficiently screened in accordance with § 465-15M(4) and (5) and sound insulated so as to protect the neighborhood from inappropriate noise and other disturbance.
- (9) (B9) 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 only.
 - (c) Off-street parking shall be provided in accordance with § 465-38.
 - (d) Buffer yards shall be provided in accordance with § 465-15M.
- (10) (B10) Orphanage, halfway house, nursing home, or other licensed establishment for the care of sick, aged, crippled, or convalescent persons. Subject to the following additional provisions:
- (a) A lot area of not less than one acre shall be required.
 - (b) A lot area of not less than 500 square feet per bed shall be required for establishments providing long term care.

⁷ Table 465-18 is included as an attachment to this chapter.

- (c) Buffer yards shall be provided on the side and rear lot lines, be at least 10 feet in width and meet the requirements of § 465-15M.
 - (d) The term "halfway house" means a facility which provides community living arrangements for persons with emotional, alcohol or drug-related problems and who are receiving rehabilitative therapy and/or counseling. The residents live in a facility for a short period of time, usually three to 12 months. This use shall not include roomers, boarders, lodgers, members of a family [except those protected as suffering from a "handicap" under the provisions of Section 3602(h) and Section 3604 of the Fair Housing Act⁸ or any use otherwise defined, described or regulated in this chapter. [Added 11-19-2012 by Ord. No. 994]
- (11) (B11) Medical center. A group of facilities providing health services such as hospitals, health clinics, medical research facilities including accessory medical research laboratories, outpatient departments, training facilities, medical offices of more than three doctors, central service facilities operated as an integral part of the facility and commercial uses supplementary to it. Provided:
- (a) Lot and parking requirements are met for hospital, medical office and laboratory (Uses B11 and C1) to the extent to which each type is represented at the medical center.
 - (b) Ten-foot buffer yards shall be provided on the side and rear lot lines of all medical centers. Buffer yards shall meet the requirements of § 465-15M.
 - (c) Vehicular access shall be located within 500 feet of an intersection of a collector or arterial street as illustrated on the Highway Classification Map, amended.
- (12) (B12) Municipal administrative facility. Owned or operated by the Borough or any Borough board, municipal authority, commission or agency.
- (13) (B13) Municipal park. Owned or operated by the Borough, or any Borough board, municipal authority, commission or agency.
- (14) (B14) Natural land preserve. Land intended to be left in a natural state, subject to the following additional provisions:
[Added 6-17-2002 by Ord. No. 920]
- (a) The use shall not be conducted as a private gainful business.
 - (b) The Morrisville Environmental Advisory Council shall develop criteria for the establishment of any naturalizing, landscaping, erosion control, fencing or walls; such criteria shall not allow structures which are

⁸ See 42 U.S.C. §§ 3602(h) and 3604, respectively.

disruptive to plants or wildlife, and shall only provide for safe access and prevention of encroachment.

- (c) All naturalizing, landscaping, erosion control, fencing and wall plans must be reviewed by the Morrisville Environmental Advisory Council, which shall supply a recommendation on any such plan for Borough Council approval.
- (d) Naturalizing, landscaping, erosion control, fencing and wall plans shall only be implemented if needed to preserve and protect the plant or wildlife habitat, to remove invasive species that if unchecked could threaten the natural character of the land, to facilitate the propagation of native species, or to protect endangered species.
- (e) All signs, as defined in § 465-44 of this chapter, must be reviewed by the Morrisville Environmental Advisory Council, which shall supply a recommendation on any such sign for Borough Council approval.
- (f) The Morrisville Environmental Advisory Council shall develop design criteria for signs in natural lands.
- (g) Signs are not to exceed the following:
 - [1] One sign communicating park name at each entrance, which shall be no larger than three square feet;
 - [2] One sign communicating rules at each entrance, which shall be no larger than two square feet; and
 - [3] Appropriate species and trail markers.

- (15) (B15) Walking trail. A path, not to exceed 10 feet in width or 8% in grade, created by clearing existing vegetation. All such trails must be left in a natural state. Non-native plants or man-made materials may not be used for walking trails in the CS-2 District. Notwithstanding the foregoing requirements, all walking trails must comply with the Americans With Disabilities Act, if applicable.
[Added 11-18-2002 by Ord. No. 924]

C. Office land uses.

- (1) (C1) Medical Office. Office of no more than three licensed practitioners, working at the same time, for medical or dental examination or treatment of persons as outpatients. Uses may include: chiropractic services, physical therapy, or massage therapy by massage therapists with certification from the National Certification Board for Therapeutic Massage and Bodywork or other recognized national certification board approved by Council.

- (a) In the NPEH District, the use shall be located within 500 feet of a primary, collector, or arterial street, as shown on the attached Highway Classification Map, which is part of this Chapter.
 - (b) In the NPEH District, such use shall be carried on wholly indoors and within the principal building.
 - (c) In the NPEH District, there shall be no use of show windows or display or advertising visible outside of the premises to attract customers or clients other than one sign, illuminated only by a spotlight, not exceed 4 square feet in area attached to the building freestanding. Freestanding signs shall be set back a minimum of 3 feet from the lot line and shall not exceed 6 feet in height.
- (2) (C2) Business Office. Offices for lawyers, architects, engineers, insurance agents, brokers, or other professional or business offices which do not involve the actual storage, exchange or delivery of merchandise on the premises.
 - (a) This use shall be carried on wholly indoors and within the principal building.
 - (b) There shall be no use of show windows or display visible outside the premises to attract customers or clients.

D. Commercial land uses.

- (1) (D1) Shopping center. A neighborhood, community or regional shopping center, pre-planned and designed on a site of at least five acres as a complex of related structures and circulation patterns. Permitted uses include C1, C2, D2, D3, D4, D5, D8, D12, E5.
 - (a) Off-street parking design requirements.
 - [1] Parking requirements for a shopping center shall be 5.5 spaces per 1,000 square feet of floor area (gross), as defined in § 465-6.
 - [2] No one area for off-street parking of motor vehicles shall exceed 20 automobiles in capacity. Separate parking areas on a lot shall be physically separated from one another by ten-foot planting strips as described in § 465-40.
 - (b) Buffer yards. Buffer yards shall be required between all site boundaries of a shopping center and the boundary lines of all R-1, R-2, R-2A, R-3, and R-4 Districts. The minimum buffer yard for a shopping center is 25 feet.

The buffer yard shall meet all the requirements of § 465-15M.

- (2) (D2) Retail shop and stores. Selling apparel, books, beverages, confections, drugs, dry goods, flowers, foodstuffs, furniture, gifts, hardware, toys, household appliances, jewelry, notions, periodicals, shoes, stationery, tobacco, paint, records, cards, novelties, hobbies, art supplies, music, luggage, sporting goods, pets, floor covering, garden supplies, and/or fabrics.
- (3) (D2A) Downtown Commercial Retail. Retail shop selling apparel, books, non-alcoholic beverages, baked goods, confections, drugs, dry goods, flowers, foodstuffs, furniture, gifts, hardware, toys, household appliances, jewelry, notions, periodicals, shoes, stationary, paint, cards, novelties, hobbies, art supplies, music, luggage, sport goods, pets, floor covering, garden supplies, and/or fabrics. This use shall not include a shop in excess of 2,500 square feet of floor area.

 - (a) Conversions of existing buildings are permitted.
 - (b) This does not include a hookah lounge, vape store, or retail stores where more than 25 percent of sales are from tobacco or tobacco-related products.
- (4) (D3) Downtown Personal Service. Establishments engaged in providing services involving the care of a person or apparel, such as barber, beautician, dry cleaning, shoe repair, or tailor. A Downtown Personal Service business shall not include massages, psychic readings, body piercing, branding, or tattooing, which are defined and regulated herein as Use D3A Limited Personal Service.
- (5) (D3A) Limited Personal Service. A retail facility offering massages, psychic readings, body piercing, branding or tattooing of persons, and similar uses.
- (6) (D4) Financial Establishment. Such as banks, savings and loan associations, and/or credit unions. Drive-through and drive-up service is prohibited except as Use I11 Accessory Drive-Through.
- (7) (D5) Restaurant. An establishment used for the purpose of furnishing meals to the public which are to be consumed within the building or place of business, with limited take-out service and where waiters and/or waitresses serve all food and beverages to patrons, but does not include drive-through, drive-up, or walk-up window service, which are prohibited.

 - (a) Outdoor collection stations shall be provided for garbage and trash removal. These stations shall be located to the near of the structure and shall be screened from view and landscaped.
 - (b) The sale of alcoholic beverages must be incidental to the sale and

consumption of food.

- (8) (D6) Fast service eating establishment. A fast service eating establishment is an eating establishment in which the principal business is the sale of foods and/or beverages to the consumer in a ready-to-consume state for consumption either within the restaurant building or for carry-out with consumption off premises. A fast service eating establishment shall conform to the following conditions:
- (a) A traffic impact analysis of the proposal shall be prepared by a traffic engineer or traffic planner. The study shall identify existing traffic levels on the street, project traffic generated by the restaurant, identify potential problems created by restaurant generated traffic, propose solutions to control and provide safe access to the site, and maintain an acceptable level of service on the frontage street.
 - (b) Drive-through and drive-up service is prohibited, except as use I11 Accessory Drive-Through.
 - (c) A pedestrian walkway shall be provided between an existing sidewalk and the entrance to the restaurant. If there is no sidewalk, one shall be provided along the streets frontage.
 - [1] All fast food restaurants shall provide a trash storage area which is designed and constructed to be screened from the street and adjacent properties, to prevent trash from blowing from the area and to permit safe and easy removal of the trash.
 - [2] There shall be no storage other than trash outside of the restaurant.
 - [3] Vending machines, if provided, shall be placed within the restaurant.
 - (d) Lighting.
 - [1] All portions of the parking area shall be adequately lighted during after-dark operating hours.
 - [2] All light standards shall be located on the raised parking islands or planting areas and not on the parking surface.
 - [3] The lighting facilities shall be planned, erected, and maintained so the light is confined to the property and will not cast direct light or glare upon adjacent properties or public rights-of-way.
 - (e) In addition to the planting in required buffer yards, all areas of the site not paved shall be landscaped with a mixture of trees, shrubs, and ground

cover. Trees in these planting areas shall be a size and type consistent with the Borough's street tree and buffer planting lists. The plant material should be located so as to accomplish one or more of the following purposes: screening, retard storm water runoff, direct or restrict pedestrian access, define spaces, provide shade, complement and enhance the building, etc.

[1] Trash receptacles shall be provided outside the restaurant for patron use.

[2] When this use is adjacent to or on the same lot with a group of commercial facilities, it shall use the common access with the other business establishments and not have separate access to the abutting collector or arterial street.

(9) (D7) Drive-in eating establishment. For the sale and consumption of food and beverages with fewer than 10 table or counter spaces.
[Amended 11-18-2002 by Ord. No. 924]

(10) (D8) Repair shop. For appliances, watches, guns, bicycles, or locks.

(11) (D9) Upholsterer and cabinet maker.

(12) (D10) Mortuary.

(a) Such use shall be buffered from nearby residential uses in accordance with the criteria found in § 465-15M, Buffer yards.

(b) Such use shall meet the requirements of § 465-38, Off-street parking.

(13) (D11) Motel, hotel, or tourist home. Containing guest rooms for rent.

(14) (D12) Cultural and Entertainment. A facility or venue providing entertainment in the form of a performance. A performance shall be defined as an entertainment event in the form of stage, musical, movies, concert, dance, ballet, and/or legitimate playbook-length and similar artistic productions. This shall not include adult business.

(a) The maximum building footprint for Cultural and Entertainment use shall not exceed 8,000 square feet of floor area, indoor and outdoor areas, devoted to the use.

(b) If food and beverages are served, all requirements for restaurants and outdoor eating shall be met, if applicable.

- (15) (D13) Indoor entertainment and recreation facilities. Operated as a gainful business including bowling alleys and skating rinks, but excluding the land uses described in § 465-17D(14).
- (16) (D13A) Game rooms, arcades and other land uses which feature coin-operated electronic games.
- (a) Game rooms and arcades shall not be located within 500 feet of a school, church, residence or other game rooms or arcades.
 - (b) Signs advertising game rooms, etc., shall be no larger than 10 square feet and shall be limited to one flushmounted building sign.
 - (c) One sign announcing "no loitering" shall be posted on each face of the building which is accessible to the public. Such signs shall be no larger than one square foot, each.
 - (d) Security shall be detailed on the premises during the hours of operation to enforce the "no loitering" restriction.
[Amended 2-16-1999 by Ord. No. 899]
 - (e) The downtown parking exemption shall not apply to game rooms and arcades and the requirements of §§ 465-38, 39 and 40 shall be met.
 - (f) A special buffer yard of five feet shall be provided around the entire property. Such buffer yard shall fulfill the requirements of § 465-15M.
 - (g) Game rooms and arcades shall be contained and insulated in such a way to attain a noise level of no more than 60 dBA, measured from the inside edge of the sidewalk and from the other side and rear property lines.
 - (h) Game rooms, etc. shall be operated no earlier than 11:00 a.m. and no later than 9:00 p.m.
- (17) (D14) Outdoor entertainment and recreation facilities. Operated as a gainful business, including golf driving ranges, miniature golf, go-cart tracks, drive-in movies and similar amusements.
- (a) Such use shall meet the requirements of § 465-15M, Buffer yards, except that such yard shall be 25 feet in width.
 - (b) Such use shall meet the requirements of § 465-38, Off-street parking.
- (18) (D15) Lumber yard.

(19) (D16) Animal kennel. Including breeding, grooming and sale of animals and the office of veterinarians. Kennel areas shall either be contained inside a building properly insulated for sound, or shall be at least 500 feet from the nearest residence.

(20) (D17) Market. An activity that is generally described as a building equipped with rooms, booths, stalls, and tables where a variety of goods or services are offered for sale by multiple sellers, business, and/or vendors.

(a) The following individual uses are permitted in a market use

- D2A Downtown Commercial Retail
- D3 Downtown Personal Service
- D6 Fast Service Eating Establishment
- D12 Cultural and Entertainment, subject to conditional use approval
- D18 Brewery, Winery, or Distillery

(b) The following accessory uses are permitted in a market use:

- I12 Accessory Outdoor Dining/Drinking Area
- I13 Accessory Brewing

(c) Maximum floor area for individual uses/businesses/vendors in a market use shall not exceed 400 square feet.

(21) (D18) Brewery, Winery, or Distillery. An establishment licensed by and in compliance with the Pennsylvania Liquor Control Board having a principal use consisting of those activities consistent with the production, tasting, and sale of beer, wine, spirits, or other alcoholic beverages. Those activities may include, but not necessarily be limited to, brewing, fermenting, distilling, denaturing, redistilling, recovering, rectifying, blending and reusing of alcohol and liquor.

(a) The maximum floor area of space devoted to serving the customers shall be 1,500 square feet. Floor area devoted to serving the customer shall include any area for customer access and circulation, for the display of products including floor area devoted to counters, tables, display cases, preparing products for customers and similar purposes. Floor area not included in the area devoted to serving the customer would include display area outside the building or structure as well as inside floor area for storage and processing of beer, wine, or spirits where customer access is restricted, except for instructional tours.

(b) Any sales of food shall be clearly incidental to the primary use consisting of alcohol sales.

(c) All outdoor eating/drinking and service areas shall be in accordance with the requirements of use I12 Accessory Outdoor Dining/Drinking Area.

- (22) (D19) Tavern, Wine Bar, Brewpub.** An establishment that serves food and alcoholic beverages for consumption on premises and is licensed by the Pennsylvania Liquor Control Board. Beer, wine, brewed or fermented on-site or offsite for distribution and consumption. The sale of food shall be incidental to the primary use consisting of alcohol sales. All outdoor dining and service areas shall be in accordance with the requirements of Use I12 Accessory Outdoor Dining/Drinking Area.
- (a)** The maximum building footprint for Tavern, Wine Bar, Brewpub use shall not exceed 10,000 square feet of floor area, indoor and outdoor areas (including outdoor dining areas) devoted to the use.
 - (b)** Use of any outdoor area for games, sports or competitions shall be allowed by permit. The proposed use shall be permitted only if the activities take place in the rear yard of the property and have no effect on surrounding properties. No activities shall be permitted that result in noise, trash, light or other disturbances on surrounding or nearby properties. Any outdoor dining area shall not encroach onto any sidewalk adjacent to the use.
- (23) (D20) Medical Marijuana Dispensary** A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, who holds a permit issued by the Department of Health under the Medical Marijuana Act to dispense medical marijuana. The term does not include a Health Care Medical Marijuana Organization under Chapter 19 of the Medical Marijuana Act.
- (a)** A Medical Marijuana Dispensary shall provide proof of permit issued by the Department of Health and shall at all times maintain a valid, accurate, and up to date permit with the Department of Health. Should permit be revoked or not renewed at any time, any special exception shall immediately become void.
 - (b)** A Medical Marijuana Dispensary shall at all times operate in compliance with all Department of Health regulations pertaining to such facilities.
 - (c)** A Medical Marijuana Dispensary shall not be operated or maintained on a parcel within 1,000 feet, measured by a straight line in all directions, without regard to intervening structures or objects, from the nearest point on the property line of a parcel containing a public, private or parochial school, daycare center. Nor shall a Medical Marijuana Dispensary be located closer than 1,000 feet from another Medical Marijuana Dispensary or from a Medical Marijuana Grower/Processor.
 - (d)** A Medical Marijuana Dispensary must operate entirely within an indoor, enclosed, and secure facility. No exterior sales, and no sidewalk displays,

shall be permitted. No drive-through, drop-off, or pick-up services shall be permitted.

- (e) A Medical Marijuana Dispensary may not operate on the same site as a Medical Marijuana Grower/Processor.
- (f) A Medical Marijuana Facility shall be limited to hours of operation from 8:00 AM until 8:00 PM, seven days a week.
- (g) A Medical Marijuana Dispensary shall submit a disposal plan to, and obtain approval from the Police Chief. Medical marijuana remnants and by-products shall be disposed of according to an approved plan, and shall not be placed within an exterior refuse container.
- (h) There shall be no emission of dust, fumes, vapors or odors which can be seen, smelled, or otherwise perceived from beyond the lot line for the property where the Medical Marijuana Dispensary is operating.
- (i) No one under the age of eighteen (18) shall be permitted in a Medical Marijuana Dispensary, unless accompanied by a caregiver as required under Section 506 of the Medical Marijuana Act.
- (j) No use of medical marijuana shall be permitted on the premises of a Medical Marijuana Dispensary.
- (k) A Medical Marijuana Dispensary shall submit a security plan to, and obtain approval from the Police Chief. The Medical Marijuana Grower/Processor shall demonstrate how it will maintain effective security and control. The security plan shall specify the type and manner of 24-hour security, tracking, recordkeeping, record retention, and surveillance system to be utilized in the facility as required by Section 1102 of the Medical Marijuana Act and as supplemented by regulations promulgated by the Department of Health pursuant to the Medical Marijuana Act.
- (l) A Medical Marijuana Dispensary shall provide proof of a contract with a private security company, and shall be staffed with/monitored by security personnel twenty-four (24) hours a day and seven (7) days a week.
- (m) A Medical Marijuana Dispensary shall submit a site plan for approval by the Borough Engineer and a Floor Plan for approval by the Borough Building Code Official. The floor plan shall identify internal security measures. All medical marijuana product, byproduct, and waste shall be stored in an interior secure vault or receptacle in such a manner as to protect against improper dissemination.

E. Automotive service land uses.

- (1) (E1) Residential parking garage or parking area. Subject to the following provisions:**

 - (a)** Such use shall be solely for the storage of cars of residents in nearby buildings.
 - (b)** Such use shall be permitted Only when necessary to provide off-street parking for such vehicles.
 - (c)** Such use shall meet all of the design standards of Article VI.
[Amended 11-18-2002 by Ord. No. 924]
- (2) (E2) Nonresidential parking garage or parking area. Subject to the following provisions in residence districts:**

 - (a)** Such lot shall only serve permitted uses in the district where the parking lot is located.
 - (b)** No sales or service operations shall be performed.
 - (c)** Such lot shall be within 300 feet of the principal use served.
 - (d)** Such lot shall meet all of the design standards of Article VI, Off-Street Parking and Loading.
[Amended 11-18-2002 by Ord. No. 924]
- (3) (E3) 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 15 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 painting, spraying or body and fender work shall be prohibited.
- (4) (E4) Vehicle sales, rental, repair, servicing, washing, paint spraying or storage of automobiles, trucks, buses, travel trailers and/or heavy equipment.
[Amended 11-18-2002 by Ord. No. 924]**
- (5) (E5) Automotive accessory sales. Including parts, tires, batteries, supplies, and incidental installation of parts, but not including general repair functions or body and fender work, such as listed under Subsection E(4).**

F. Utilities, communications, transportation.

- (1) (F1)** Electric transformer station, water or sewer pumping station or automatic telephone exchange.
[Amended 11-18-2002 by Ord. No. 924]
- (2) (F2)** Fire station.
- (3) (F3)** Hazardous fuels substation. provided:

 - (a)** Such use shall be primarily designed to serve customers in the Borough of Morrisville.
 - (b)** All off-site transmission lines and lines which fall within the buffer yard shall be located underground.
 - (c)** A seventy-five-foot buffer yard, meeting the requirements of § 465-15M shall be provided along all property lines.
- (4) (F4)** Bus station.
[Amended 11-20-2006 by Ord. No. 954]
- (5) (F5)** Telecommunications facilities. Telecommunications facilities shall be subject to the provisions of this chapter and the specific criteria listed below:

 - (a)** The applicant shall present a site plan showing the following items:

 - [1]** Locations of all existing uses and proposed telecommunications facilities.
 - [2]** Elevations of any existing uses and proposed telecommunications facilities.
 - [3]** Vehicular access, fencing and any easements for access and utilities.
 - (b)** The applicant shall demonstrate that the proposed telecommunications facility and tower are designed and shall be constructed in a manner consistent with all applicable industry standards; and the surrounding area will not be adversely affected by support structure failure, falling ice or other debris; and electromagnetic fields or radio frequency interference are within the limitations of the latest editions of standards set by the following oversight organizations:

 - [1]** The American National Standards Institute (ANSI-C95.1, as amended) and ANSI-222E manual; as amended.

- [2] The Institute of Electrical and Electronic Engineers (IEEE-C95.1, as amended).
 - [3] The National Council on Radiation Protection and Measurements (NCRP).
 - [4] The International Radiation Protection Association (IPRA). In addition, all towers and support structures shall be fitted with anticlimbing devices, as approved by industry standards.
- (c) The tower structure and its method of installation shall be designed by a registered engineer and certified by that registered engineer to be structurally sound and able to withstand wind and other loads in accordance with accepted engineering practice. Towers and antennas shall be designed to withstand wind gusts of at least 100 miles per hour.
 - (d) The applicant shall submit certification from a structural engineer that the structural capacity of any existing building or structure on which the antenna is proposed to be mounted is adequate to withstand wind and other loads associated with the antenna's location.
 - (e) The applicant shall demonstrate that the height of the tower for the telecommunications facility is the minimum height necessary for the service area.
 - (f) A soil report complying with the standards of Appendix I: Geotechnical Investigations, ANSI/EIA 222-E, as amended, shall be submitted to document and verify the design specifications of the foundation for the tower and anchors for the guy wires, if used.
 - (g) A telecommunications facility not mounted on an existing building or structure shall be subject to the minimum lot area, side, rear and front setbacks and height as prescribed for structures in the zoning district, but in no case less than 25 feet from all property lines, whichever is greater. Such requirements shall apply to the area needed to accommodate the tower, antennae, guy wires, if used, the equipment building, security fence and buffer planting. Guy wire ground anchors required to support any such structure or tower must not be located in any required side, rear or front yards.
 - (h) An antenna which is proposed to be mounted on an existing building or structure other than an existing communications tower shall not exceed the height of the building or structure by more than 20 feet.
 - (i) If title to the land on which the communications facility is located is conveyed to the owner of the facility, the land remaining with

the principal lot shall continue to comply with the minimum lot area for the district.

- (j) The applicant shall design the tower to be as compatible as reasonably possible with the surrounding area, including, where appropriate, disguising the tower to resemble a tree, church steeple or other structure.
- (k) No antenna or tower structure shall be illuminated, except as may be required by the Federal Aviation Administration (FAA) or the Federal Communications Commission (FCC).
- (l) No sign or other structure shall be mounted on the tower structure, except as may be required or approved by the FCC, FAA or other governmental agency.
- (m) Tower structures supporting antenna shall be painted silver or have a galvanized finish or may be painted green up to the height of adjacent trees in order to reduce visual impact.
- (n) An antenna may not be located on a building or structure that is listed on a historic register or is located in a historic district.
- (o) Buffer plantings shall be located around the perimeter of the security fence and communications equipment building. The need for additional buffer yard treatment shall be evaluated.
- (p) Unless the communications facility is located on a building, the tower structure or the entire property on which the tower structure is located shall be completely enclosed by an eight foot high security fence.
- (q) The telecommunications facility shall be fully automated and unattended on a daily basis and shall be visited only for periodic maintenance or emergency repair.
- (r) Any addition of an antenna or modification of an existing antenna shall require submission of a new application for use approval in accordance with the provisions of this subsection.
- (s) In January of each year, the operator shall provide verification to the Borough Zoning Officer that there have been no changes in the operating characteristics of the essential communications facility as approved at the time of the use application, including, at a minimum:
 - [1] Direction of the signal.
 - [2] Frequency, modulation and class of service.

- [3] Transmission and maximum effective radiated power.
- [4] Manufacturer, type and model of equipment.
- [5] Height of the antenna.
- [6] Name, address and emergency telephone number for the operator.
- [7] Copy of current FCC license.

- (t) In order to reduce the number of antenna support structures needed in the Borough, all towers and support structures shall be designed to permit accommodation of future users, including other telecommunications companies and police, fire and emergency services. Furthermore, the applicant shall document that other existing structures are not available for antenna support.
- (u) The applicant shall demonstrate that owners of all tall structures within a 1/4 mile radius of the site proposed have been contacted for permission to install antennae on those aforesaid tall structures and permission for installation was denied even when customary rental prices were offered.
- (v) The applicant shall demonstrate that other telecommunication licensees have been contacted with the objective of encouraging colocation of licensed antennae on the proposed tower.

- (6) (F6) Municipal utilities. Owned or operated by the Borough, or any Borough board, municipal authority, commission or agency.
 - (a) Transmission facilities shall be underground or screened from view from any public street.
 - (b) Such utilities shall be primarily designed to serve customers in the Borough of Morrisville.
 - (c) Buffer yards shall be provided in accordance with § 465-15M, Buffer yards.

- (7) (F7) Rail station.
[Added 11-20-2006 by Ord. No. 954]

G. Industrial land uses.

- (1) (G1) Wholesale business and storage in a roofed structure.

- (2) (G2) Warehousing. Not including outdoor storage unless the provisions of Use I9 are met.
- (3) (G3) General manufacturing, production, processing, cleaning, assembly, machining, testing and distribution of materials, goods, food stuffs, and products.
- (4) (G4) Yard for storage, sale and distribution of ice, coal, fuel oil or building materials. All such yards shall be enclosed by a fence at least six feet in height. Such fence shall provide a visual screen when viewed from any direction. See also Use I9.
- (5) (G5) Laboratory. For research, testing and experimentation.
- (6) (G6) Contractor offices and shops such as building, cement, electrical, heating, masonry, painting, and roofing provided that in the C-3 District any outdoor storage of materials shall be completely screened from view.
- (7) (G7) Truck depot, rail terminal or port facility, such as staging areas where materials, supplies or products are transferred from one vehicle to another. Incidental warehousing is included within this definition.
- (8) (G8) Craftsman's shop. Including plumbing shop, carpentry shop or custom shop.
- (9) (G9) Printing, publishing, binding. Development, marketing and production of printed works such as books, magazines and newspapers, through the use of traditional typesetting methods.
[Amended 5-21-2007 by Ord. No. 958]
- (10) (G10) Adult entertainment establishments.
[Added 2-16-1999 by Ord. No. 899; amended 5-21-2007 by Ord. No. 958; 8-11-2009 by Ord. No. 979]
 - (a) All such establishments are permitted in the I-2 and I-1 Zoning Districts and shall be located no less than 60 feet from any public or private school, church, residential use, any child- or elder-care facility and any other religious, institutional or educational use, any recreational or park lands or use, any indoor or outdoor athletic or cultural use, any indoor or outdoor entertainment establishment or use, or any other use by persons under the age of 18.
 - (b) No persons under the age of 18 years of age shall be permitted to patronize such establishment or observe any specific sexual activities or materials, nor shall any materials distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas be sold, lent, distributed, exhibited, shown or given to any minor.

- (c) The hours of operation of such establishments, if not governed by the laws of the Commonwealth of Pennsylvania or of the United States, shall be from Sunday through Thursday, 12:00 noon to 10:00 p.m.; from 12:00 noon to 12:00 midnight on Friday; and from 12:00 noon to 2:00 a.m. on Saturday.
 - (d) Buffer yards shall be provided in accordance with § 465-15M, Buffer yards.
 - (e) Minimum yards (setbacks) table of dimensional requirements shall be:
 - [1] Front: 35 feet.
 - [2] Side: 35/35 feet.
 - [3] Rear: 35 feet.
 - (f) Signage advertisement and requirements shall be as governed by those within the I-1 and I-2 Zoning Districts.
 - (g) During all hours of operation, at least one employee shall be posted at each public entrance to the adult entertainment establishment in order to verify that none of the patrons seeking to enter the facility are under the age of 18 years (or 21 years old if alcohol is being served with the adult entertainment facility). The area of the property at which the age of the patrons is verified shall be situated such that no specified anatomical areas or specified sexual activities are visible.
 - (h) The business shall be equipped with operational security cameras, which shall be used at all times to monitor all parking areas on the property and all public areas of the building (with the exception of restrooms).
- (11) (G11) Electronic printing, publishing, binding. Development, marketing and production of electronic versions of books and periodicals, as well as website blogs.
[Added 5-21-2007 by Ord. No. 958]
- (12) (G12) Fireworks sales. Selling consumer fireworks, display fireworks, Class C fireworks, 1.4G fireworks and/or 1.3G fireworks.
[Added 11-21-2005 by Ord. No. 948; amended 5-21-2007 by Ord. No. 958]
- (a) Such use shall not be located within 500 feet of any premises selling alcoholic liquors, alcohol, malt or brewed beverages for consumption on or off premises.
 - (b) Such use shall not be located within 500 feet of any local or state park.

- (c) Any building containing quantities of 1.4G fireworks for sale exceeding 50 pounds shall be no closer than 100 feet to any building, state highway, railway, local street or alley, or utility right-of-way including, but not limited to, natural gas line.
 - (d) All land development plans for construction, use or renovation of an existing building for the purpose of selling fireworks shall be reviewed by the Code Enforcement Officer for compliance with all required fire safety codes including, but not limited to, the International Fire Code, and his comments and/or report shall be copied to the official Borough-designated fire company.
 - (e) No temporary structures including, but not limited to, tents, canopies or travel trailers shall be erected or used for the sale and/or storage of fireworks at any time.
 - (f) Table of dimensional requirement, minimum yards (setbacks) shall be:
 - [1] Front: 35 feet.
 - [2] Side: 35/35 feet.
 - [3] Rear: 35 feet.
 - (g) Buffer yards shall be provided in accordance with § 465-15M, Buffer yards.
 - (h) Storage of fireworks shall be permitted only as an accessory use to the sale of fireworks on premises.
- (13) (G13) Flex space. Combining office and manufacturing/research uses.
[Added 11-20-2006 by Ord. No. 954; amended 5-21-2007 by Ord. No. 958]
- (14) (G14) Food processing facility.
[Added 6-19-2017 by Ord. No. 1016]
- (a) A food processing facility shall not generate odor, noise, smoke, dust or any other objectionable environmental conditions.
 - (b) All food processing activities shall be in compliance with Bucks County Health Department regulations and all applicable state and federal regulations and shall be conducted completely indoors.
 - (c) The Bucks County Health Department and the Borough Zoning Officer reserve the right and shall be permitted to inspect operations and facilities without prior notice.

- (d) Loading areas/docks shall be screened in accordance with the regulations set forth in this chapter.
 - (e) No outdoor storage shall be permitted on a lot on which a food processing facility is located.
 - (f) The provisions of § 465-38P shall govern required off-street parking spaces for a food processing facility.
 - (g) The provisions of § 465-41A shall govern required off-street loading berths for a food processing facility.
- (15) (G15) Medical Marijuana Grower/Processor. A person, including a natural person, corporation, partnership, association, trust, or other entity, or any combination thereof, who holds a permit issued by the Department of Health under the Medical Marijuana Act to grow and process medical marijuana. The term does not include a Health Care Medical Marijuana Organization under Chapter 19 of the Medical Marijuana Act.
- (a) A Medical Marijuana Grower/Processor shall provide proof of permit issued by the Department of Health and shall at all times maintain a valid, accurate, and up to date registration with the Department of Health. Should registration be revoked or not renewed at any time, any special exception approval shall immediately become void.
 - (b) A Medical Marijuana Grower/Processor shall at all times operate in compliance with all Department of Health regulations pertaining to such facilities.
 - (c) A Medical Marijuana Grower/Processor shall not be operated or maintained on a parcel within 1,000 feet, measured by a straight line in all directions, without regard to intervening structures or objects, from the nearest point on the property line of a parcel containing a public, private or parochial school or a daycare center. Nor shall a Medical Marijuana Grower/Processor be located closer than 1,000 feet from another Medical Marijuana Grower/Processor or Medical Marijuana Dispensary.
 - (d) A Medical Marijuana Grower/Processor must operate entirely within an indoor, enclosed, and secure facility.
 - (e) A Medical Marijuana Grower/Processor may not operate on the same site as a Medical Marijuana Dispensary.
 - (f) A Medical Marijuana Grower/Processor shall submit a disposal plan to, and obtain approval from the Police Chief. Medical marijuana remnants

and by-products shall be disposed of according to an approved plan, and shall not be placed within an exterior refuse container.

- (g) There shall be no emission of dust, fumes, vapors or odors which can be seen, smelled, or otherwise perceived from beyond the lot line for the property where the Medical Marijuana Grower/Processor is operating.
- (h) No one under the age of eighteen (18) shall be permitted in a Medical Marijuana Grower/Processor.
- (i) No retail sales of medical marijuana shall be permitted on the premises of a Medical Marijuana Grower/Processor.
- (j) No use of medical marijuana shall be permitted on the premises of a Medical Marijuana Grower/Processor.
- (k) A Medical Marijuana Grower/Processor shall submit a security plan to, and obtain approval from the Police Chief. The Medical Marijuana Grower/Processor shall demonstrate how it will maintain effective security and control. The security plan shall specify the type and manner of 24-hour security, tracking, recordkeeping, record retention, and surveillance system to be utilized in the facility as required by Section 1102 of the Medical Marijuana Act and as supplemented by regulations promulgated by the Department of Health pursuant to the Medical Marijuana Act.
- (l) A Medical Marijuana Grower/Processor shall contract with a private security company, and the Grower/Processor shall be staffed with/monitored by security personnel twenty-four (24) hours a day and seven (7) days a week.
- (m) A Medical Marijuana Grower/Processor shall submit a site plan for approval by the Borough Engineer and a Floor Plan for approval by the Borough Building Code Official. The floor plan shall identify internal security measures. All medical marijuana product, byproduct, and waste shall be stored in an interior secure vault or receptacle in such a manner as to protect against improper dissemination.

H. Accessory uses.

- (1) (II) A home occupation for gain. A home occupation is an activity that:
 - (a) Is customarily carried on in a dwelling unit.
 - (b) Is clearly incidental and secondary to the use of the dwelling for residential purposes.

(c) Conforms to the following regulations:

- [1] The home occupation shall be carried on wholly indoors and within the principal building.
- [2] There shall be 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.
- [3] There shall be no exterior storage of materials.
- [4] No external alterations, additions or changes to the structure shall be permitted in order to accommodate or facilitate a home occupation.
- [5] No articles shall be sold or offered for sale except such as may be produced on the premises.
- [6] No repetitive servicing by truck for supplies and materials will be permitted. The term "repetitive" shall mean more than two truck visits per week, for the purposes of this section.
- [7] The home occupation shall be carried on only by members of the immediate family residing in the dwelling unit plus not more than one additional employee.
- [8] The floor areas devoted to a home occupation shall not be more than 33% of the ground floor area of the principal residential structure.
- [9] Additional off-street parking spaces shall be provided as indicated in § 465-38.
- [10] Among the uses that shall not be interpreted to be a home occupation are the following: animal hospital, barber shop, beauty parlor, mortuary, restaurant, rooming, boarding, or lodging house, retail or wholesale store.

(d) In particular, a home occupation includes, but is not limited to, the following: art studio, professional office of a lawyer, engineer, clergyman, architect, writer, or accountant.

- (2) (I2) Residential accessory uses. Including noncommercial greenhouses, tool shed, private garage, swimming pool or similar accessory structure, and other accessory uses customarily incidental to a permitted use and not normally conducted as an independent principal use; and not intended for the use by anyone other than the

owner/occupant of the residential principal building, 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. Attached garages and carports are considered part of the principal building and are subject to the dimensional requirements of the principal building.

[Amended 10-18-2004 by Ord. No. 943]

- (3) (I3)** Fences, walls and landscaping materials. Subject to the traffic visibility requirements and provisions in § 465-28.
- (4) (I4)** Nonresidential off-street parking. Subject to the following provisions:

 - (a)** The parking areas must meet the provisions and requirements of Article VI.
[Amended 11-18-2002 by Ord. No. 924]
 - (b)** Buffer yards in accordance with § 465-15M shall be required at least 35 feet deep along all rear lot lines and at least 10 feet deep along all side lot lines in residential districts.
- (5) (I5)** Signs. Subject to the provisions and requirements of Article VII.
[Amended 11-18-2002 by Ord. No. 924]
- (6) (I6)** Accessory retail and office uses. Retail and consumer service uses and office uses in the R-3 and R-4 Districts (unless the provisions of Uses C1 and C2 above are applicable, in which case they shall prevail), subject to the following provisions:
[Amended 11-18-2002 by Ord. No. 924]

 - (a)** The supplying of any of the following convenience goods and services, entirely at retail, shall be considered accessory uses to a garden apartment, midrise apartment or senior citizen housing.

 - [1]** Groceries and related goods.
 - [2]** Baked goods.
 - [3]** Drugs or cosmetics with or without an incidental soda fountain or lunch counter.
 - [4]** Barbering.
 - [5]** Beautician services.
 - [6]** Self-service laundry and dry cleaning pickup station.
 - [7]** Tobacco or news.

[8] Shoe repair.

[9] Tailoring.

[10] Restaurant.

(b) The net floor area used for sales, services and offices shall not exceed 20% of the total floor area in any garden apartment, midrise apartment or senior citizen housing.

(c) The parking requirements of § 465-38G and I shall apply to such commercial uses, in addition to the parking required for the primary use.

(7) (I7) Temporary accessory uses. The Zoning Hearing Board may grant a special exception for a nonconforming temporary building or use incidental to a construction project or other special circumstances of a nonrecurring nature when such building or use is reasonably required for such project.

(a) Such special exception shall be granted for an initial period of not more than one year from the date that the special exception was granted, and in the case of a building, only upon application accompanied by a bond and a bill of sale to the Borough to be effective in case the building is not removed prior to the expiration date of the special exception authorization.

(b) Such special exception authorization may be renewed annually by the Zoning Hearing Board for an aggregate period of not more than three years.

(8) (I8) Nonresidential accessory uses. Accessory buildings or structures, or uses customarily incidental to the uses permitted in P-1, C-1, C-2, C-3, C-4, L-I and I Districts in connection with such uses, except outside storage. Any use accessory to a use permitted only under a special exception shall be established only if and as provided in such exception.

[Amended 11-18-2002 by Ord. No. 924]

(9) (I9) Outside storage or display.

(a) Outside storage or display, other than storage as a primary use of the land, necessary but incidental to the normal operation of a primary use, subject to the following additional 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 or display.

[2] Outside storage and display areas shall occupy an area of less than 1/2 the existing building coverage.

[3] Outside storage and display areas shall be shielded from view from the public streets and adjoining residential properties by a fence at least six feet in height.⁹

(10) (I10) Travel trailer and boats. Storage or parking subject to the following provisions:

(a) In all districts, no more than one trailer or boat shall be stored on a lot.

(b) Such trailers or boats must be unoccupied.

(c) The provisions for outside storage included in § 465-17H(9)(a)[1] and [2] must be complied with.

(d) Subsection H(10)(a) and (b) above shall not apply to the storage of trailers or boats as a permitted principal use.

(11) (I11) Accessory Drive-Through. Any vehicle-related commercial facilities in which a service is provided or goods, food, or beverage are sold, to the operator of, or passengers in, a motor vehicle without the necessity of the operator or passengers disembarking from the vehicle. This use includes drive-up service in which a vehicle parks or idles in a designated space to receive service. Drive-throughs shall be accessory uses to the principal uses D4 Financial Establishment and D6 Fast Service Eating Establishment.

(a) General Standards

[1] The drive-through facility shall be designed so as not to impede or impair vehicular and pedestrian traffic movements or exacerbate the potential for pedestrian/vehicular conflicts.

[2] Drive-throughs located on pad sites in existing shopping centers shall have circulation patterns that are integrated with that of the center.

[3] Hours of operation shall be set as a condition of the conditional use permit.

(b) Location Standards

⁹ Original Subsection (I9)(b), which immediately followed this subsection, was repealed 11-18-2002 by Ord. No. 924.

- [1] Drive-through uses may not be located across a street from residential zoning districts unless separated by an arterial street.

(c) Setbacks and Landscaping

- [1] The drive-through use shall be screened from adjacent residential land uses by screening vegetation.
- [2] Landscape buffering shall be placed between the drive-through lanes and adjacent properties.

(d) Stacking Distance

- [1] A stacking area is to be provided for cars waiting for drive-through service, which will be no less than six (6) car lengths.

(e) Setbacks

- [1] Overhead canopies shall be set back 10 feet from any street right-of-way property line and 20 feet from any residential property line. The total height for any overhead canopy shall not exceed 20 feet.
- [2] Service areas and stacking lanes must be set back at least 10 feet from all lot lines.

(f) Application Requirements

- [1] A traffic impact study shall be submitted to provide information which will be used to determine the necessary stacking area and the impacts of the proposal upon local traffic circulation. The TIS shall address the following issues:
 - [a] Nature of the product or service being offered
 - [b] Method by which product or service is being offered
 - [c] Time required to service a typical customer
 - [d] Arrival rate for patrons
 - [e] Peak demand hour
 - [f] Anticipated vehicular stacking required

[g] Anticipated traffic generation

- (12) (I12) Accessory Outdoor Dining/Drinking Area. An outdoor dining and food service area is an accessory use to the principal uses consisting of (insert restaurant uses here) and are subject to the following requirements:
- (a) The outdoor dining area shall be limited to 800 square feet in area.
 - (b) The outdoor dining area shall be open to the sky with the exception that it may have a retractable awning or umbrella and may contain furniture, including tables, chairs, and planters that are easily portable and that can be moved inside the principal structure.
 - (c) The outdoor dining area may not occupy areas that are required by the establishment to meet the parking requirements of this chapter.
 - (d) Location of outdoor dining areas:
 - [1] No outdoor dining or food service shall be permitted within the right-of-way of any street or within the sidewalk area or outside of the building setback lines for the structure.
 - [2] Outdoor dining areas shall not interfere with vehicular or pedestrian traffic patterns.
 - [3] Outdoor dining areas must provide an unobstructed pedestrian clear zone of at least 5 feet in width, provided between the edge of curb and the edge of the adjacent building or edge of an outdoor dining area in those areas deemed appropriate by the borough. Tables, chairs, umbrellas, service equipment, and planters shall be kept out of the unobstructed pedestrian clear zone.
 - [4] A temporary or seasonal designed barrier element is encouraged to ensure a clear demarcation of these spaces. The height of such a barrier shall be no greater than 36 inches and constructed of a solid durable material easily anchored and removed in the paved space.
 - (e) No outdoor service shall be provided before 7:00 AM or after 11:00 PM on Friday and Saturday, and before 7:00 AM or after 9:00 PM on Sunday through Thursday.
 - (f) No outdoor use area shall interfere with safe pedestrian and vehicular traffic on or in the vicinity of the principal use.

(13) (I13) Accessory Brewing. Brewing operations licensed by the Pennsylvania Liquor Control Board conducted as an accessory use in conjunction with use D5 Restaurant.

- (a)** The brewing operations at the premises shall be secondary to the primary use.
- (b)** No more than 50 percent of the total gross floor area of the establishment shall be used for the brewing operations including, but not limited to, the brew house, boiling and water treatment areas, bottling and keging lines, conditioning tanks and serving tanks.

TABLE 465-18

District	Permitted Land Uses	Minimum Site Area	Areas (square feet) Lot Area Per DU	Maximum Density (DU/acre)	Minimum Open Space (percent)	Maximum Impervious Surface Area	Minimum Yards (Setbacks) (feet)				Maximum Height
							Lot Width	Front	Side	Rear	
C1	A10 Dwelling in combination	7,000	2,500	-	-		50 feet	-	- ¹⁰	10 ¹⁰	40 feet
	A16 Live-work unit	10,000	-	40 ¹²	-	100 percent	50 feet	-	- ¹⁰	- ¹⁰	2 story min./4 story max. (50 feet)
	A17 Mixed-use structure	10,000	-	40 ¹²	-	100 percent	50 feet	-	- ¹⁰	- ¹⁰	2 story min./5 story max. (65 feet)
	Any other permitted land use	5,000	-	-	15 percent	85 percent	50 feet	-	- ¹⁰	10 ¹⁰	40 feet

Additional permitted densities may be achieved (up to a maximum of 80 units per acre), in accordance with Density Bonus Provisions of Section 465-38.1.L.

§ 465-38.1 C-1 Central Commercial District Development Standards and Requirements

A. Pedestrian Design Standard.

- (1) Sidewalks are required along all street frontages with a minimum width of 5 feet for new construction and 3 feet for planting and utility areas along the curb line.
- (2) Sidewalks are required to connect to the street frontage to all front building entrances, parking areas, central open space, and any other destination that generates pedestrian traffic. Sidewalks shall connect to existing sidewalks on abutting tracts and other nearby pedestrian destination points and transit stops.
- (3) The sidewalk pattern shall continue across driveways.
- (4) On public streets, sidewalks shall be located between the curb and the right-of-way.
- (5) All sidewalks shall be designed with consideration to pedestrian traffic and shall provide adequate and reasonable access for the safe and convenient movement of physical handicapped persons in accordance with Section 228 of the 1973 Highway Safety Act.
- (6) Handicap ramps shall be provided at all intersections with sidewalks.

B. Surface Parking Design.

- (1) Vehicular Access to surface parking shall be from an alley or side street, where possible.
- (2) Pedestrian Access
 - (a) Safe provisions for pedestrian access to and through a parking lot shall be required.
 - (b) Surface parking areas and pedestrian walkways connecting to them shall be well-lit.
- (3) Location of Surface Parking
 - (a) Surface parking shall be located to the rear of the principal building or to the side
 - (b) Parking shall be set back 10 feet from the legal right-of-way.
 - (c) Surface parking shall not be permitted immediately adjacent to the intersection on lots that are at the intersections of collector or arterial

roads.

(4) Interconnected Parking Areas

- (a)** Parking areas on abutting nonresidential lots shall be interconnected by access driveways.
- (b)** Each nonresidential lot shall provide cross access easements for its parking areas and access driveways guaranteeing access to adjacent lots.
- (c)** Interconnections shall be logically placed and easily identifiable to ensure convenient traffic flow.

C. Massing.

- (1)** Buildings shall be similar in height and size or articulated and subdivided into massing that is more or less proportional to adjacent structures and maintains the existing architectural pattern.
- (2)** Buildings must have at least a 3-5 foot variation in depth in all street facades for every 50 feet of continuous façade. Such breaks shall be met through the use of bay windows, porches, porticos, building extensions, recessed doorways, and other architectural treatments.

D. Building Design Standards.

- (1)** The maximum building footprint of nonresidential buildings shall not exceed 20,000 square feet.
- (2)** Where a lot has frontage on two or more streets, the front façade of the primary building on the lot shall face the street with the higher classification.
- (3)** Development shall be designed to protect and preserve the character of the downtown it encompasses by employing design, scale, materials, and architecture that is consistent with the existing architectural context. Architecture of proposed buildings shall be reviewed and approved by the borough as part of the land development, review process. Architectural drawings, including all building elevations, shall be submitted to the borough for each proposed building structure, addition, and/or renovation.

E. Walls and Windows.

- (1)** With respect to nonresidential or mixed-use buildings, blank walls shall be not permitted along any exterior wall facing a street, parking area, or walkway. Exterior walls in these locations shall have architectural treatments that are the

same as the front façade, including consistent architectural style, materials, colors, fenestration, and details.

- (a) At least four of the following treatments shall be provided: Masonry, concrete, cornice, projecting metal canopy, decorative tilework, trellis with planting, medallions, opaque or translucent glass, artwork, vertical/horizontal articulation, and lighting fixtures.
- (2) Smoked, reflective, or black glass in windows is prohibited.
- (3) The ground floor front facades of buildings visible from the pedestrian view shall consist of a minimum of 60 percent window area and a maximum of 75 percent, with views provided through these windows into the business. Ground floor windows shall be a maximum of 12 to 20 inches above the sidewalk.
- (4) Upper story windows of front facades shall not be boarded or covered and shall comprise a minimum of 35 percent window area in the façade above the ground floor and a maximum of 75 percent.

F. Streetscape Improvements.

- (1) All development shall include uniform sidewalks, landscaping and street trees, street lighting, benches, bike racks, directional and wayfinding signage, and appropriate access management to ensure safe and convenient circulation.
- (2) The temporary sale of merchandise may be permitted only as a seasonal sale or a seasonal sidewalk sale and shall be permitted within the first 4 feet of space adjacent to the building. Outdoor sales are permitted for a period not to exceed three consecutive days and 10 days each month. No merchandise shall be placed on the sidewalk or shall impede the flow of vehicular or pedestrian circulation on the site.

G. Exterior Lighting.

- (1) All exterior lighting shall be designed to prevent glare onto adjacent properties.
- (2) Pedestrian pathways need to be clearly marked and well lit.
- (3) The height of fixtures shall be a maximum of 20 feet for parking lots and 14 feet for pedestrian walkways.
- (4) No glare or direct light source shall be visible beyond lot lines. This applies to all pole-mounted lights, building mounted lights, sign lights, walkway lights, and any other type of illumination. No light shall shine directly into windows or onto streets and driveways off the premises. These standards shall not apply in addition to lights that are temporarily displayed during holiday seasons.

- (5) A minimum level of one foot-candle of light shall be maintained. Lighted standards shall be located not less than five feet from the paving of parking spaces, drives, or streets.
- (6) Uniform street lighting shall be maintained along Bridge Street. Period lighting is required in accordance with the Renaissance Building Light Standard.

H. Refuse Areas. The storage of refuse shall be provided inside the building or within an outdoor area enclosed by either walls or opaque fencing. Any refuse area outside of the building shall be designed to be architecturally compatible with the building, shall not be located in the front of the building, and be entirely screened by a fence or enclosure which is at least 6 feet high.

I. Screening.

- (1) All wall-mounted mechanical, electrical, communication, and service equipment shall be screened from public view by parapets, walls, fences, landscaping, or other approved means.
- (2) All rooftop mechanical equipment shall be concealed by or integrated within the roof form or screened from view at ground level of nearby streets.
- (3) Parking lots visible from a street shall be continuously screened by a 3-foot high wall/fence or plantings. Parking lots adjacent to a residential use shall be continuously screened by a 6-foot high wall/fence or plantings. Screenings shall include: hedges, installed 36 inches in height, or mixed planting or wall sections with no wall break of more than 9 feet.
- (4) Service and loading areas must be visually screened from street and pedestrian ways. Loading docks shall not be on Bridge Street, but to the side and rear of the building.

J. Urban Garden Standards.

- (1) Minimum size required is 300 square feet.
- (2) An urban garden shall be located where it is visible and accessible to the public from either a public sidewalk or pedestrian connection.
- (3) 60 percent of the garden shall be of plant materials, such as trees, vines, shrubs, and seasonal flowers with year round interest. All trees shall be 3.5 inches in caliper.
- (4) A water feature is encouraged.
- (5) One seating space is required for each 30 square feet of the garden.

K. Public Amenities.

- (1) Public amenities shall be provided which are consistent with the purpose of the district as reasonably determined by the Borough Council during the land development review process.
- (2) For each nonresidential land development of 15,000 square feet or greater in the C-1 Central Commercial District, public space shall be designed as part of the development or use.
- (3) Public spaces shall be visible and accessible from adjacent roadways and shall be a minimum of 5 percent of the site area.
- (4) Public spaces include plazas, urban gardens, courtyards, pocket parks, outdoor eating areas, and seating areas.

L. Density Bonus Provisions. Density bonus provisions apply only to Use A16 Live-Work Unit and Use A17 Mixed-Use Building. Density bonuses are cumulative up to 80 units per acre.

Feature	Density Bonus
<p>Structured Parking One public parking space shall be provided per private nonresidential parking space provided.</p>	+40 units/acre
<p>Preservation of a historic structure or façade on the development site Must follow the Secretary of the Interior’s Standards for Rehabilitation</p>	+10 units/acre
<p>Public Plaza, Square, Courtyard Minimum 500 square feet. Shall be located where it is visible and accessible from either a public sidewalk or pedestrian connection; 30 percent of the area shall be landscaped with trees, shrubs, and mixed plantings with year-round interest. One seating space is required for each 30 square feet of public area. Shall not be used for parking, loading, or vehicular access (excluding emergency vehicle access).</p>	+20 units/acre
<p>Green Roof The green roof shall cover at least seventy percent (70%) of the net roof area (the total gross area minus areas covered by mechanical equipment). Green roofs shall be designed and installed under the direction of a professional with demonstrated expertise in green roof design and construction. Vegetation must be maintained for the life of the building. The green roof shall conform to the best available technology standards, such as those published by LEED.</p>	+10 units/acre
<p>Alternative Energy Sources Install a solar, wind, or geothermal power generation facility that is designed to provide at least fifteen percent (15%) of the expected annual energy use for the building. The facility shall be designed and installed under the</p>	+10 units/acre

direction of a professional with demonstrated expertise in the design and construction of such facilities.	
<p>Green Building Design</p> <p>Applicant must submit letter of intent communicating commitment to achieve LEED-NC or EB Silver Rating or similar standard on their building. Within 90 days of receiving the final Certificate of Occupancy, the applicant must submit documentation that demonstrates achievement of a LEED Silver Rating or similar standard.</p>	+20 units/acre
<p>Street Improvements</p> <p>The provision of these elements are to the satisfaction of Borough Council. No more than one bonus per category may be accumulated.</p> <p>Street Infrastructure. Must provide three of the following:</p> <ul style="list-style-type: none"> • Decorative banners/flags • Street planters • Bench • Trash receptacle • Decorative paving • Bicycle parking for at least 5 bicycles • Bicycle repair station <p>Landscaping, Lighting, and Decorative Features. Must provide two of the following:</p> <ul style="list-style-type: none"> • Additional planting area • Decorative building lighting • Decorative architectural treatments • Raised planting bed • Public art/mural • Trellis • Awning <p>Public Amenities. Must provide one of the following:</p> <ul style="list-style-type: none"> • Water feature • Balconies (a minimum of 2 balconies per 50 horizontal feet per floor above the ground floor) • Urban garden • Roof garden (must cover 25 percent of the roof area) • Clock tower • Electric car charging station • Any other amenity approved by Borough Council 	+2 units/acre
<p>Permeable Surface</p> <p>The design of permeable surfaces must permit the infiltration of stormwater to the satisfaction of the borough engineer.</p>	+2 units/acre
	+5 units/acre
	+3 units/acre per 400 square feet provided, for

	a maximum density bonus of 6 units/acre
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