

**ORDINANCE NO. \_\_\_\_\_**  
**ORDINANCE OF THE BOROUGH OF MEDIA ADOPTING**  
**NEW ZONING ORDINANCE**

**WHEREAS**, the Borough Council of the Borough of Media desires to adopt a new comprehensive zoning ordinance that is designed to preserve and enhance the Borough's traditional and historic character.

**WHEREAS**, the Borough's Comprehensive Plan adopted in 2015 directed the Borough to move towards form-based zoning in residential districts.

**WHEREAS**, the Borough undertook a comprehensive analysis of existing land uses and zoning regulations and produced, with public review and comment, a Technical Analysis dated January 26<sup>th</sup>, 2022 that found that several areas of the current zoning ordinance are detrimental to the health, safety, and/or welfare of the community, including:

1. The current lot standards generally encourage lots that are larger than existing lots.
2. The "R" districts have lot standards that make a large number of properties non-conforming.
3. Despite the prevalence of single-family housing units in the R-1 and R-2, approximately 10% of lots are two- to four-unit structures. As a result, many residents may live in multi-family housing despite being in single-family predominant neighborhoods.
4. Given current market conditions and the existing zoning ordinance, relatively few lots are susceptible to change.
5. The R-1 through R-4 zones generally permit large homes relative to what currently exists. This is especially true for detached and semi-attached single-family as well as two-family homes. This is due to several factors including: (a) zoning does not place any restrictions on roof type. This allows for flat roof buildings to be constructed, which allows for the maximum build-out; (b) the lot standards permit a high building coverage ratio; (c) the minimum lot requirements are substantially larger than the existing lot sizes.
6. Current standards for more compact residential development have: (a) Setback standards that are not consistent with the existing character of the community; (b) different front yard setbacks than other permitted typologies, which encourage development that is not context-sensitive; (c) front yard setbacks that encourage front yard parking, something that participants have overwhelmingly felt detracts from the character of the community.
7. Standards for multi-family development allow for a very wide range of forms which creates a very low level of predictability which increases the chance that new development will detract from existing character.
8. In the "R" zones, the minimum impervious coverage standards encourage property owners to build front yard parking.
9. The definition of "Common Open Space" does not make it clear whether areas within setbacks can be counted towards the open space requirements. There are no standards for the quality of common open space.

**WHEREAS**, the Borough undertook an extensive community engagement process to identify the goals of the zoning amendments and to identify those qualities that contributed to, or detract from, the health, safety, and/or welfare of the community that included:

1. Stakeholder meetings with key community and civic organizations, landowners, and development interests in the community.
2. Presentations to the community, which were recorded and placed on the Borough's website, that informed participants about the fundamentals of zoning regulations, form-based zoning, open space and zoning, and affordable housing and zoning.

3. A “walk & talk” tour with residents during which time participants toured the Borough staff and its consultant’s staff to discuss issues and opportunities in residential neighborhoods.
4. A survey that allowed participants to identify key issues and opportunities in the current zoning ordinance as well as articulate their desires for what the zoning ordinance should address, among other topics.
5. A workshop that was publicly noticed and open to the public where participants were able to identify key characteristics that contributed to, or detracted from, the quality of the community.
6. Multiple presentations to Borough Council that were publicly noticed and open to the public. Presentations included summaries of the findings from the technical analysis, the public engagement process, and the proposed approach to hybrid form-based zoning in residential districts.
7. A presentation to a joint session of the Planning Commission and Borough Council, which was publicly noticed and open to the public, to present the first draft of the zoning ordinance revisions.
8. An “office hours” meeting whereby members of the public could schedule a time to meet with the Borough’s consultant to discuss the proposed zoning ordinance and recommend changes.

**WHEREAS**, the community engagement process found that the Borough should protect the health, safety, and welfare of the community by changing the zoning ordinance to, among other goals, promote the production of development that:

1. Matches and re-enforces the surrounding community context.
2. Is smaller and more affordable than that which is currently encouraged in the zoning ordinance.
3. Is pedestrian-oriented and contributes to the walkable character of the community.
4. Has trees, high-quality landscaping, and high-quality open spaces, where appropriate.
5. Is more diverse than the types of development permitted under the existing ordinances.
6. Has certain unifying architectural elements that stitch together the varied development typologies.
7. Is authentic and does not incorporate fake architectural components that are unusable by the building’s inhabitants.
8. Has high-quality social spaces that allow for community interaction.
9. Minimizes the externalities of parking to the greatest extent possible.

**NOW THEREFORE, IT IS HEREBY ORDAINED AND ENACTED** by the Borough Council of the Borough of Media as follows:

#### **Section 1. Amendment to Chapter 311 of the Code of the Borough of Media.**

Chapter 311 of the Code of the Borough of Media, entitled “Zoning” is hereby amended by deleting the existing text of such Chapter in its entirety and substituting in lieu thereof the text of the bound booklet entitled “Borough of Media Zoning Ordinance, 2023”, a copy of which is attached hereto as Exhibit “A” and incorporated herein, which amends the Zoning Ordinance of the Borough of Media, and a) dividing Media Borough, Delaware County, Pennsylvania into Districts with varying regulations; b) permitting, prohibiting, regulating and determining the uses of land, watercourses and other bodies of water, the size, height, bulk, location, erection, construction, repair, expansion, razing, removal and use of structures, the areas and dimensions of land and bodies of water to be occupied by uses and structures, as well as yards and other open areas to be left unoccupied; c) establishing the maximum density and intensity of uses; d) providing for the administration and enforcement of this Ordinance in accordance with the Pennsylvania Municipalities Planning Code, including provisions for special exceptions and variances to be administered by a Zoning Hearing Board; and e) establishing provisions for the protection of certain natural features.

#### **Section 2. Short Title**



This Zoning Ordinance of the Borough of Media, as amended by the Ordinance attached hereto as Exhibit "A" shall be known and be cited as the "Borough of Media Zoning Ordinance" of 2023.

### **Section 3. Severability.**

It is hereby declared to be the legislative intent that if a court of competent jurisdiction declares any provisions of this Ordinance to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Ordinance shall continue to be separately and fully effective. The Borough Council hereby declares that it would have passed this Ordinance and each section or part thereof, other than any part declared invalid, if it had advance knowledge that any part would be declared invalid. If the entire Zoning Ordinance should be declared invalid, then the Borough of Media Zoning Ordinance that was in effect immediately prior to the enactment of this new Zoning Ordinance shall automatically be re-instated as the Zoning Ordinance for the Borough of Media.

### **Section 4. Procedural Defects in Enactment**

Allegations that this Ordinance or any amendment was enacted in a procedurally defective manner shall be appealed as provided in State law.

### **Section 5. Repealer.**

Any other Borough ordinances or resolutions or parts thereof that were adopted prior to this Ordinance that are clearly in direct conflict with this Ordinance are hereby repealed to the extent of such conflict.

**Section 6. Effective Date.** This ordinance shall be effective immediately following its adoption.

**ENACTED AND ORDAINED**, by the Borough of Media, Delaware County, Pennsylvania, this 20th day of April, 2023.

**BOROUGH OF MEDIA**

Attest:

\_\_\_\_\_  
PRESIDENT OF COUNCIL  
BRIAN C. HALL

\_\_\_\_\_  
SECRETARY  
BRITTANY N. FORMAN

Approved this 20<sup>th</sup> day of April, 2023.

\_\_\_\_\_  
MAYOR  
ROBERT A. McMAHON

# **Exhibit A**

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BOROUGH OF

# MEDIA ZONING ORDINANCE

For Adoption on April 20, 2023



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# Article A. General Provisions

## Article A-I. General Provisions

### § 311.A-1. Title.

This chapter shall be known and may be cited as the "Borough of Media Zoning Ordinance of 1989."

### § 311.A-2. Legislative intent.

The zoning regulations and districts set forth in this chapter are designed to achieve the following purposes:

- A. To promote, protect and facilitate one or more of the following: the public health, safety, morals, general welfare; coordinated and practical community development; proper density of population; civil defense, disaster evacuation, and national defense facilities; the provision of adequate light and air; police protection, vehicle parking and loading space, transportation, water, sewerage, schools, public grounds and other public requirements; as well as
- B. To prevent one or more of the following: overcrowding of land, blight, danger and congestion in travel and transportation; loss of health, life or property from fire, flood, panic or other dangers; and
- C. To advance the purposes and goals of the Borough as set forth in the Media Borough Comprehensive Plan Update, adopted September 18, 1986.

### § 311.A-3. Organization.

The following ordinance is organized into several sections:

- A. Section 311.A. includes the general provision of the ordinance, including definitions.
- B. Section 311.B. includes the **Borough's Hybrid Form-Based Code** that is applicable to all development in the following districts: R-1, R-2, R-3, R-4, and Office. The standards in this section specifically apply to those districts unless otherwise stipulated. The standards established in other sections may apply to development in these districts.
- C. Section 311.C. includes the standards applicable to all sections not identified above including the following zones: Municipal, Educational, Recreational and Community Use District (MERC), Retail-Office-Apartment District (ROA), Highway Business-Office District (HBO), Industrial District (I) as well as the Industrial Performance Standards.
- D. Section 311.D includes standards applicable to all overlay districts including: TND-1 - Traditional Neighborhood Design Overlay District; HR - Historic Resources Overlay District; and the L ROA - Light Retail-Office-Apartment Overlay District; and the Steep Slope Conservation Overlay District.
- E. Section 311.E includes standards which are applicable to one or more districts and includes parking, sign, and supplemental regulations, among others.
- F. Section 311.F includes standards which govern the administration of this ordinance, including the Zoning Hearing Board.

### § 311.A-4. Establishment of districts.

*[Amended 1-15-2004 by Ord. No. 984; 7-19-2007 by Ord. No. 1031; 11-20-2008 by Ord. No. 1051; 10-21-2010 by Ord. No. 1077; 6-21-2012 by Ord. No. 1094]*

For the purposes of this chapter the Borough of Media is hereby divided into the following zoning districts:

- A. R-1 - Residential District
- B. R-2 - Residential District



- C. R-3 - Residential District
- D. R-4 - Residential District
- E. MERC - Municipal, Educational, Recreational and Community Use District
- F. O - Office District
- G. ROA - Retail-Office-Apartment District
- H. HBO - Highway Business-Office District I — Industrial District
- I. TND-1 - Traditional Neighborhood Design Overlay District
- J. HR - Historic Resources Overlay District
- K. L ROA - Light Retail-Office-Apartment Overlay District
- L. Steep Slope Conservation Overlay District

#### **§ 311.A-5. Establishment of controls.**

- A. Minimum and uniform regulations. The regulations set forth in this chapter within each district shall be minimum regulations and shall apply uniformly to each class or kind of structures or land.
- B. Proposed uses and structures. In all zoning districts, after the effective date of this chapter, any new building or other structure or any tract of land shall be constructed, developed, and used only in accordance with the regulations specified herein, except where a variance has been authorized by the Zoning Hearing Board in accordance with Article XVII of this chapter.
- C. Existing uses and structures. In all districts, after the effective date of this chapter, any existing building or other structure or any tract of land which is not in conformity with the regulations of the district in which it is located shall be deemed to be nonconforming and subject to the regulations of Article XVIII of this chapter.

#### **§ 311.A-6. Zoning Map.**

The zoning district locations and boundaries are those that exist on the legally adopted Official Zoning Map, a copy of which is attached hereto and made a part of this Zoning Chapter. The original Zoning Map shall be kept on file in the office of the Borough Secretary. Whenever changes are made in the boundaries or other matter included on the said Zoning Map, such changes in the map shall be made within five days after the amendment has been approved by Borough Council.

#### **§ 311.A-7. Boundary tolerances.**

Where a district boundary line divides a lot held in single and separate ownership at the effective date of this chapter, the regulations of the less restricted district shall extend over the portion of the lot in the more restricted district a distance of not more than 25 feet from the district boundary.

#### **§ 311.A-8. Floodplain regulations.**

*[Amended 1-20-1994 by Ord. No. 870; 8-15-1996 by Ord. No. 903]*

All structures, land areas and/or premises which are located in areas identified as floodplain by the National Flood Insurance Program are subject to the regulations of the Media Floodplain Ordinance, as amended.<sup>2</sup>

#### **§ 311.A-9. Stormwater management.**

Stormwater management in those portions of the Borough within the Ridley Creek watershed shall conform to the standards and criteria of the Ridley Creek Stormwater Management Plan, as regulated by the Ridley Creek Stormwater Management Ordinance, as now in effect or as later adopted.

### **§ 311.A-10. Interpretation.**

In the interpretation and application of the provisions of this chapter, the said provisions shall be held to be the minimum requirements for the promotion and protection of the public health, welfare and safety. In the case that this chapter is in conflict with any other statute, ordinance or regulation, the more restrictive statute, ordinance or regulation shall be controlling.

### **§ 311.A-11. Repealer.**

The existing zoning regulations, Ordinance No. 625 of 1973, as amended, are hereby repealed.

## **Article A-II. Definitions**

### **§ 311.A-1. Interpretation of language.**

Unless otherwise expressly stated, the following words and phrases shall be construed throughout this chapter to have the meaning indicated herein. The singular shall include the plural, and the plural shall include the singular. The phrase "used for" includes the phrase "arranged for," "designed for," "intended for," "maintained for" or "occupied for." The word "building" shall include the word "structure." The present tense shall include the future tense. The words "shall" and "will" are mandatory and not discretionary, and the word "may" is permissive.

### **§ 311.A-2. § 311-12. Definition of terms.**

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

**ABANDONMENT** — The cessation of a use of a property, land and/or structures by the owner for a period of at least one year.

**ACCESSORY STRUCTURE** — A subordinate structure, the use of which is clearly incidental to that of the principal building on the same lot or to the use of the land. Tool sheds shall be considered accessory structures.

**ACCESSORY USE** — A use of land or of a building or a portion thereof customarily incidental and subordinate to the principal use and located on the same lot.

**ACCESSORY DWELLING UNIT (ADU)** - A secondary residential living unit on the same parcel as a principal housing unit. The ADU provides complete independent living facilities for one or more persons. An ADU is (1) owned by the owner of the principal dwelling; (2) contains complete HOUSEKEEPING FACILITIES; and (3) does not share HOUSEKEEPING FACILITIES with any other use. It may take various forms: a detached unit; a semi-attached unit; a unit that is part of an accessory structure, such as a detached garage; or a unit that is totally integrated into the primary residence.

**ACCESSORY WORK UNIT (AWU)** - A secondary detached or semi-detached building on the same parcel as a principal housing unit. The AWU provides space for the occupant of the principal housing unit to perform activities permitted within the zone, such as no-impact home-based business activities, hobbies, and crafts. An ADO is (1) owned by the owner of the principal dwelling; (2) does NOT contain any HOUSEKEEPING FACILITIES including but not limited to bathrooms, kitchens, and bedrooms.

**ADULT ARCADE** — Any place to which the public is permitted or invited wherein coin operated or slug operated or electronically, electrically or mechanically controlled still or motion producing devices are maintained to show images to five or fewer persons per machine at any one time or where the image is so displayed over distinguished or characterized by depicting or describing specified sexual activities or specified anatomical areas. [Added 6-16-1994 by Ord. No. 871]

ADULT CABARET, ADULT DANCE HALL, ADULT CLUB, ADULT BAR, ADULT TAVERN, NIGHTCLUB, RESTAURANT OR SIMILAR COMMERCIAL ESTABLISHMENT — Offering adult entertainment; any cabaret, dance hall club, tavern, bar, nightclub, restaurant or similar commercial establishment offering entertainment used for presenting material distinguished or characterized by an emphasis on matter depicting or describing specified sexual activities or specified anatomical areas, for observation by patrons therein whether or not liquor is sold on the premises. Such presentation or material may be live or through films, motion pictures, video cassettes, slides or other photographic reproduction depicting or describing specified sexual activities or specified anatomical areas. **[Added 6-16-1994 by Ord. No. 871]**

ADULT ENTERTAINMENT — Live or non-live entertainment containing specified sexual activities or displaying or presenting specified anatomical areas. This definition is a broad overall definition which includes the activities adult cabaret, adult dance hall, adult club, adult bar, adult tavern, adult materials sales, adult mini motion picture theater, adult motion picture theater, and peep shows as part of its definition for adult entertainment. **[Added 6-16-1994 by Ord. No. 871]**

ADULT MATERIALS SALES **[Added 6-16-1994 by Ord. No. 871]** — Book, video, magazine sales, other printed matter, photographs, films, motion picture video or production slides or other visual representation and/or rentals where either the materials, advertising or the displays or the signs in or out of the locations offer written material showing, displaying, used for presenting material distinguished or characterized by an emphasis on matter depicting or describing specified sexual activities or specified anatomical areas, for observation by patrons therein. This does not apply to the availability for sale of any material displayed in such a way that only the name of the book or magazine appears.

Instruments, devices or paraphernalia which are used for presenting material distinguished or characterized by an emphasis on matter depicting or describing specified sexual activities or specified anatomical areas.

Such a commercial establishment as listed in Subsections A and B may have other principal business purposes that do not involve the offering for sale or rental of material depicted or describing specified sexual activities or specified anatomical areas and still be characterized as adult material sales. Such other business purposes will not serve to exempt such commercial establishments from being categorized as adult material sales so long as one of its principal business purposes is the offering for sale or rental for consideration in specified materials used for presenting material distinguished or characterized by an emphasis on matter depicting or describing specified sexual activities or specified anatomical areas.

ADULT MINI MOTION PICTURE THEATER — Any enclosed, or semi-enclosed, or unenclosed building which houses a commercial establishment with the capacity for less than 50 persons used for presenting material distinguished or characterized by an emphasis on matter depicting or describing specified sexual activities or specified anatomical areas, for observation by patrons therein. **[Added 6-16-1994 by Ord. No. 871]**

ADULT MOTEL — A hotel, motel or similar commercial establishment which offers accommodation to the public for any form of consideration; provides patrons of closed circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproduction which are used for presenting material distinguished or characterized by an emphasis on matter depicting or describing specified sexual activities or specified anatomical areas. **[Added 6-16-1994 by Ord. No. 871]**

ADULT MOTION PICTURE THEATER — Any enclosed, or partially enclosed, or unenclosed building which houses a commercial establishment with the capacity of 50 or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting or describing specified sexual activities or specified anatomical areas, for observation by patrons therein. **[Added 6-16-1994 by Ord. No. 871]**

ALLEY — A public way affording a secondary means of vehicular access to abutting property, and not intended for general traffic circulation. Its primary functions are to provide access to the rear of abutting lots, to enable buildings to be located closer to the street and thereby enhance the streetscape character by moving garage

doors and curb cuts away from the frontage street. *[Amended 2-19-2015 by Ord. No. 1116]*

**ALTERATION** — A change or rearrangement in the structural parts or in the means of egress from a building or an enlargement, whether by extending the building or increasing building height.

**ALTERATION, VISUAL** — Any change that results in a significant change in the visual appearance of a building as viewed from any street or sidewalk.

**APPLICANT** — A person who applies by filling out an application for a permit for an adult entertainment business. **[Added 6-16-1994 by Ord. No. 871]**

**ARCHITECTURAL CONSISTENCY** – When the design of one building is substantially similar to the design of a reference building or to an architectural style. This may include similar forms, fenestrations, materials, details, or other attributes as certified by a registered architect and/or demonstrated through adherence to standards found in architectural publications from reputable sources, including the American Institute of Architects, among others. When determining the architectural consistency of building components, windows, doors, or other architectural details to either reference buildings or reference styles, consistency may be determined based on the form, shape, relative size, material, or other details.

**AWNINGS (FIXED OR RETRACTABLE)** — A metal framework attached to the frame of a building with a flexible material covering, without any vertical members supporting it at grade level. **[Added 8-15-1996 by Ord. No. 903]**

**BANK** — A financial institution organized primarily for the purpose of lending and receiving money and the accounts and deposits of which are insured by an agency of the federal government. Credit Unions are considered banks. **[Amended 12-16-1999 by Ord. No. 938]**

**BED-AND-BREAKFAST** — A use that provides overnight accommodation and may provide a single morning meal and afternoon tea for a limited number of transient guests for compensation either in more than one room or to more than two persons at any one time. **[Added 11-20-2008 by Ord. No. 1051-2008; amended 7-20-2017 by Ord. No. 1126-2017]**

**BILLBOARD** — An off-premises sign displaying changeable or permanent advertising copy which pertains to a business organization, event, person, place, service or product not principally located or sold on the premises upon which said sign is located and which is supported by one or more uprights upon the ground with or without braces and not attached to a building or structure. **[Added 1-20-2000 by Ord. No. 940]**

**BOROUGH** — Media Borough, Delaware County, Commonwealth of Pennsylvania. **[Added 11-20-2008 by Ord. No. 1051-2008]**

**BUILDING** — Any structure used or intended for supporting or sheltering any use or occupancy.

**BUILDING COVERAGE** — The aggregate of the horizontal cross-sectional areas of all buildings on a lot and excluding only such projections as are permitted in required yards in § 311-61.

**BUILDING HEIGHT** — The lesser of the vertical distance measured from the average level of the ground as provided by the BOCA building regulations surrounding the structure or from the average level of the ground at the center line(s) of the public street(s) abutting the property, to the highest point of the roof for flat roofs and to the ridge for gable, hip and gambrel roofs; provided that chimneys, spires, towers, mechanical penthouses, tanks, antennas and similar projections of the building not intended for human occupancy shall not be included in calculating the height. In the event the property is on a corner, the lesser vertical distance is measured at the center line of each street to the same highest point described in the prior sentence. This definition is to be used to determine the building height in each zoning district. **[Amended 1-15-2004 by Ord. No. 984]**

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

**BUILD-TO LINE** — The line which defines the placement of the building from the street on which the building fronts. The build-to line of the building forms the street wall line. On a corner lot, the build-to line is located on each side of a lot abutting a street. A build-to line may have a recess or projection up to four feet in order to promote variations of building placement on a block. **[Added 7-19-2007 by Ord. No. 1031]**

**BUSINESS** — A legal commercial or mercantile activity engaged in as a means of livelihood or income as defined by the Federal Internal Revenue Code. **[Added 6-19-2003 by Ord. No. 973]**

**CANOPY** — A metal framework attached to the frame of a building with a flexible material covering, partially or fully supported by vertical members bearing at grade level. **[Added 8-15-1996 by Ord. No. 903]**

**CARTWAY** — The minimum paved area of a public or private street within which vehicles are permitted.

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

**CERTIFICATION** — A department and/or agency of the Borough after inspection of the premises for adult entertainment writes a report to the Code Enforcement Officer regarding compliance or noncompliance. **[Added 6-16-1994 by Ord. No. 871]**

**CERTIFIED ARBORIST** – An arborist who has been certified by International Society of Arboriculture or, to the satisfaction of the Borough of Media, meets the work experience and demonstrated expertise equivalent to someone with the same certification.

**CHURCH** — A building or group of buildings, including customary accessory buildings, designed or intended for organized religious services.

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

**CODE ENFORCEMENT OFFICER** — A duly appointed official empowered to administer and enforce the Zoning Chapter and other Borough ordinances.

**COMMERCIAL ACTIVITY** — Of or relating to the legal buying, selling, or trading of a product or products for the purpose of a means of livelihood or income as defined by the Federal Internal Revenue Code. **[Added 6-19-2003 by Ord. No. 973]**

**COMMON OR SHARED DRIVEWAY** — A driveway for the use of two parcels or lots under separate or common ownership and that driveway is located on one or both properties. **[Added 7-15-2004 by Ord. No. 994]**

**COMMUNITY DAY-CARE CENTER** — A facility providing day care and early child educational services to seven or more children at any one time where the child-care areas are not being used as family residence. **[Added 3-5-2020 by Ord. No. 1139]**

**COMMUNITY-OWNED DRIVEWAY** — A single driveway that serves more than two multiple dwelling units in the same community. The ownership and/or maintenance of the community driveway shall be the legal responsibility of all owners of the dwellings units as set forth in the deeds of the properties and/or any joint homeowners' agreements. **[Added 7-15-2004 by Ord. No. 995]**

**COMMUNITY-OWNED PARKING AREA** — A multiple off-street parking area that serves more than two multiple dwelling units for the use and enjoyment for all dwelling units in the same community. The ownership and/or maintenance of the community parking area shall be the legal responsibility of all owners of the dwellings units as set forth in the deeds of the properties and/or any joint homeowners' agreements. **[Added 7-15-2004 by Ord. No. 995]**

**COMMUNITY RESIDENCE FACILITY, FAMILY-BASED** — A residential facility licensed by the appropriate agency and used as living quarters by persons requiring special care, and by their adult supervisors. A family-based community residence facility is specifically designed to create a residential environment for the following types of individuals: developmentally disabled, mentally ill, physically handicapped, elderly, dependent children or similar types of individuals who are unable to live without supervision. This definition does not include facilities for the mentally retarded.

**COMMUNITY RESIDENCE FACILITY, PHYSICALLY AND/OR MENTALLY**

**DISABLED** — A residential facility licensed by the appropriate agency and used as living quarters by persons requiring special care and by their adult supervisors. A community residence facility for the physically and/or mentally disabled is specifically designed to create a residential environment for the physically and/or mentally disabled. **[Amended 8-15-1996 by Ord. No. 903]**

**COMMUNITY USE FACILITIES** — The facilities which provide for various community services such as health, education, safety, leisure and like needs and the locations at which these services are provided. Typical community facilities include: schools, parks and recreational areas, libraries, hospitals and other health-care facilities, fire protection, police, ambulance and rescue services and postal services.

**COMPREHENSIVE PLAN** — The Media Borough Comprehensive Plan, as may be amended from time to time, including maps, tables and text which constitute a guide for local decisions regarding land use, housing, circulation, parking and community facilities in Media Borough.

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

**CONSTRUCT or CONSTRUCTION** — The erection of a new building, structure or object upon a site. **[Added 11-20-2008 by Ord. No. 1051-2008]**

**CONVERSION** — A change in the use of a building; for example, the change of a single-family dwelling to a multifamily dwelling which may include an efficiency apartment or the change of a retail use to office use. Such change may be accomplished without subdivision or the introduction of a new owner. Where the use and dimensional regulations of this chapter permit, such conversion may be accomplished by appropriate alteration upon the issuance of a land development approval and the issuance of the necessary permits. **[Amended 7-15-2004 by Ord. No. 995]**

**COUNCIL** — The Media Borough Council. **[Added 11-20-2008 by Ord. No. 1051-2008]**

**COURTYARD SPACES** — A type of plaza, surfaced primarily with decorative pavers, and typically enclosed by buildings. **[Added 2-19-2015 by Ord. No. 1116]**

**DAY-CARE CENTER** — A facility which provides supplemental parental care and supervision and/or instruction to more than six children during the entire or any portion of the day.

**DECK or OPEN DECK** — A flat floored roofless structure without walls adjoining a house or building that is usually constructed of wood or wood-type products and is elevated above the ground. **[Added 5-20-2004 by Ord. No. 989]**



DEMOLITION or DEMOLISH — The razing or destruction, whether entirely or partially, in an amount in excess of 25% of the facade area or floor area of an historic resource. Demolition includes the removal of an historic resource from its site. **[Added 11-20-2008 by Ord. No. 1051-2008]**

DENSITY — The maximum number of dwelling units per gross acre.

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

DEVELOPMENT — The division of a parcel of land into two or more lots; any man-made changes to land, including but not limited to the construction, reconstruction, erection, conversion, structural alteration, relocation or enlargement of any structure; and mining, excavation, landfill, filling or other land disturbance.

DISPLAY — To place, present or exhibit. **[Added 6-19-2003 by Ord. No. 973]**

DRIVEWAY — A privately owned vehicular access with a single entry from a public or private street or road to a parking area contained on a lot or property, the use of which is limited to persons residing on or otherwise using or visiting the parcel upon which such driveway is located. Driveways shall not be the sole part of said lot or parcel of land that contacts the public or private street or road. That portion of a lot or parcel of land which abuts a public or private street or road and is used as a driveway shall not be considered as part of the required area and bulk requirements and/or setbacks for any zoning district. **[Added 7-15-2004 by Ord. No. 994]**

DWELLING — A building designed for residential use.

DWELLING, MULTIFAMILY (APARTMENTS) — A building designed and used exclusively as a residence for three or more families living independently of one another.

DWELLING, SINGLE-FAMILY ATTACHED (TOWNHOUSE) — A single-family

attached dwelling within a building with not less than three and not more than five such dwellings. Each such dwelling has at least one party wall in common with other dwellings in the same row; a townhouse. If only two townhouses are built with a common party wall, they are considered single-family semidetached homes (twin). **[Amended 1-15-2004 by Ord. No. 984]**

DWELLING, SINGLE-FAMILY DETACHED — A building designed for and occupied exclusively as a residence for only one family and having no party wall in common with an adjacent building and having yard areas on all four sides.

DWELLING SINGLE-FAMILY SEMIDETACHED (TWIN) — A building designed for and occupied exclusively as a residence for only one family, having one party wall in common with an adjacent building and having yard areas on three sides. If only two townhouses are built with a common party wall, they are single family semidetached homes (twin). **[Amended 1-15-2004 by Ord. No. 984]**

DWELLING, TWO-FAMILY DETACHED (DUPLEX) — A building designed for and occupied exclusively as a residence for two families living independently of each other with one family living wholly or partly over the other and having no party wall in common with an adjacent building; a duplex. "Living partly over another family" is defined as sharing parts of the structure such as but not limited to stairs and hallways, but not bathroom or kitchen facilities. "Detached" is defined as where the two-family structure, identified in this definition, is not attached to another structure with or without another family or families. **[Amended 1-15-2004 by Ord. No. 984]**

DWELLING UNIT — One or more rooms designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities provided within the dwelling unit for the exclusive use of

a single family maintaining a household.

**EASEMENT** — The grant of one or more of the property rights by the property owner to and/or for the use of the public, a corporation or another person or entity.

**EFFICIENCY APARTMENT** — A one-room apartment that contains a small kitchen and bathroom. An efficiency apartment shall be a use by right or use by special exception where zoning permits residential conversions or multifamily dwellings (apartments.) The area and bulk regulations, including minimum square footage per unit requirements, for these districts shall apply to efficiency apartments as they do for residential conversions or multifamily dwellings (apartments.) **[Added 7-15-2004 by Ord. No. 995]**

**END-ON-END PARKING** — A parking arrangement designed and/or used so as to allow the parking of abutting rows of vehicles in a parking area serving a commercial or office use in a manner that the vehicles in the interior row have no direct, unimpeded access to the street or alley and must traverse parking spaces in the exterior row to exit the parking area. The vehicle in the exterior row must be moved in order to allow the vehicle in the interior row to exit the parking area. Not more than two such parallel rows shall be permitted. See Illustration 2. **3**

**ESTABLISHMENT** **[Added 6-16-1994 by Ord. No. 871]** — The opening or commencement of any adult entertainment as a new business; The conversion of an existing business, whether or not an adult entertainment, to an adult entertainment business; The additions of any adult entertainment business to any other existing adult entertainment business; or The relocation of any adult entertainment business.

**FAÇADE** — The outside face of the building given special architectural treatment. **[Added 6-19-2003 by Ord. No. 974]**

**FACADE ENHANCEMENT** — Occurs when the rear of the building has been improved with substantial architectural detailing of a pent eave, pilaster, cornice, arch, column, porch, balcony, or like-type feature or the rear entrance has been enhanced with landscape detailing including a brick courtyard wall, wrought-iron fence, pergola, espalier, trellis, arbor, or like-type feature. Whether an enhancement meets the substantial requirement shall be reviewed by and determined by the Code Enforcement Officer. **[Added 6-19-2003 by Ord. No. 974]**

**FAMILY** — Any number of individuals living together as a single housekeeping unit when said individuals are related by blood, marriage or adoption, including foster children, plus not more than two boarders, two roomers or two lodgers; or no more than five single, unrelated individuals living together as a single housekeeping unit with single kitchen facilities. This definition shall not apply to domestic servants or occupants of a community residence facility, club, lodge, fraternity, boardinghouse or similar use. **[Amended 7-20-2017 by Ord. No. 1126-2017]**

**FINANCIAL INSTITUTION** — An institution (other than a bank) that is organized primarily for the purpose of investing and trading of stocks, bonds and other investments and the accounts of which are not insured by an agency of the federal government. **[Added 12-16-1999 by Ord. No. 938]**

**FLAG LOT** — Any lot not meeting the minimum lot width requirement at the property boundary and/or at the street line and which includes an elongated extension to connect the bulk of the said lot to a street is a flag lot. **[Added 7-15-2004 by Ord. No. 994]**

**FLOOD, ONE-HUNDRED YEAR** — A flood that, on the average, is likely to occur only once every 100 years, that is one that has a one-percent likelihood of occurring each year, but may occur more than once in any one-hundred-year period.

**FLOODPLAIN** — A land area adjoining a river, stream, watercourse or other body of water, which area is



subject to partial or complete inundation; an area subject to the unusual and rapid accumulation of surface waters from any source.

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

- A. Basement space, if it meets the requirements of a building story as defined in this section.
- B. Elevator shaft, stairwell and attic space providing headroom of six feet or more.
- C. The floor areas of roofed terraces, exterior balconies, breezeways or porches where over 50% of the perimeter is enclosed.
- D. Any floor space used for dwelling purposes no matter where located within a building.

**FLOOR AREA, NET** — The total of all floor areas of a building, excluding stairwells and elevator shafts, corridors, vestibules, toilet rooms, equipment rooms, interior vehicular parking or loading; and all floors below the first or ground floor, except when used or intended to be used for other than storage or mechanical purposes.

**FLOOR AREA, SALES OR CUSTOMER SERVICE** — That portion of floor area devoted exclusively to selling or display of merchandise or service of customers or patrons.

**FRONTAGE** (see Street Frontage, Illustration 14) — That side of a lot abutting on a street. On a corner lot the frontage is the side where the main entrance is located.

**FUNERAL HOME** — A building used for the preparation of the deceased for burial or cremation and the display of the deceased and ceremonies connected therewith.

**GARAGE, PRIVATE** — A building accessory to a principal building, used principally for automobile storage and in which no business, service or industry whether connected directly or indirectly with motor vehicles is conducted.

**GARAGE, PUBLIC** — A building, or portion thereof, other than a private customer and employee garage or private residential garage, used primarily for the parking and storage of vehicles and available to the general public.

**GREEN COURT** — A green space that may be located within the interior of a property in the TND-1 Overlay District, without having direct frontage on a street. **[Added 2-19-2015 by Ord. No. 1116]**

**GREEN SPACE** — The open space in the TND-1 Overlay District intended to be used as space for public access, in the form of a courtyard, green court, neighborhood green, plaza, or other like type pedestrian gathering area. **[Added 2-19-2015 by Ord. No. 1116]**

**GROUND COVER** — A substance, either living or nonliving, that forms a dense covering to prevent soil erosion or weed growth.

**GYMNASIUM** — A room on building equipped for gymnastics and/or other sports. **[Added 8-15-1996 by Ord. No. 903]**

**HABITABLE FLOOR AREA** — The net floor area of a structure. **[Added 6-19-2003 by Ord. No. 973]**

**HERITAGE TREE** – Any tree that is equal to or exceeds 24 inches diameter at breast height.

**HOUSEKEEPING FACILITIES** – Facilities that are customarily associated with a housing unit, including but not

limited to, bathrooms, kitchens, and bedrooms.

**HISTORIC RESOURCE** — Any building, structure, site or object listed in the Historic Sites Survey, except for buildings, structures, sites or objects located within the Historic Districts established by the Borough pursuant to Ordinance No. 638-B, or any successor or amending ordinance thereto, where such buildings, structures, sites or objects are governed by and subject to a review process before the Borough's Historic Architectural Review Board and Council. **[Added 11-20-2008 by Ord. No. 1051-2008]**

**HISTORIC RESOURCE MAP** — The official municipal map, maintained by the Borough, indicating the locations of historic resources situated in the Borough. The map is buttressed by the Historic Sites Survey and any supplements and amendments thereto. **[Added 11-20-2008 by Ord. No. 1051-2008]**

**HISTORIC RESOURCE OVERLAY DISTRICT** — An official list and map comprised of historic resources regulated by this amendment as part of the Media Borough Zoning Code. **[Added 11-20-2008 by Ord. No. 1051-2008]**

**HISTORIC SITES SURVEY** — The Media Borough Historic Sites Survey as prepared by the Delaware County Planning Department, dated November 1990, as updated from time to time either by the Delaware County Planning Department or by the Borough in accordance with the provisions of § 311-149 herein **[Added 11-20-2008 by Ord. No. 1051-2008]**

**HISTORIC STRUCTURE** — Any building or structure which is historically or architecturally significant.

**IMPERVIOUS SURFACE** — **[Added 5-15-2008 by Ord. No. 1047; amended 1-20-2011 by Ord. No. 1082]**

- A. A surface that prevents the infiltration of water into the ground. Impervious surfaces include, but are not limited to, any structure and accessory structure building footprints, parking areas, driveway areas, decks, walkways, patios and swimming pools; provided, however, that for the purpose of calculating impervious surface in any R residential zoning district, the following improvements shall not be included:
- (1) An accessory structure footprint of up to 120 square feet provided that the accessory building is placed upon a stone recharge bed of six inches of clean three-quarters-inch stone that extends a minimum of two feet past the roof eaves of the accessory structure.
  - (2) Walkways four feet or less in width necessary to access the primary structure from the street or to connect off-street parking areas located upon the lot with the primary structure.
  - (3) An off-street parking area of up to two parking spaces measuring a maximum of nine feet wide by 18 feet deep each, provided that the parking spaces:
    - (a) Comply with stormwater management ordinance requirements; and
    - (b) Do not generate stormwater flow detrimental to adjacent properties.
  - (4) Uncovered decks with a footprint including access stairs not exceeding the greater of 10% of the principal structure footprint or 120 square feet, provided that:
    - (a) Such decks will have spacing between the floor boards of in between 1/4 inch and 3/8 inch to allow stormwater drainage through the deck; and
    - (b) The ground surface beneath the deck shall be provided with a stormwater management facility designed to manage two inches of rain applied over the square footage of the deck.
  - (5) Additions to the principal structure of less than 100 square feet where the stormwater from the addition is managed by installation of either a rain barrel or the planting of a tree with a minimum caliper of at least two inches.
- B. In all instances above in which a stormwater management solution is required, the applicant may petition the zoning officer for approval of an alternative that meets the requirements of Chapter 251 of the

Borough Code.

**INFILL DEVELOPMENT** — New development, adaptive re-use of buildings, redevelopment, and the like. [Added 7-19-2007 by Ord. No. 1031]

**LAND DEVELOPMENT** — The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving a group of two or more buildings or the division or allocation of land between or among two or more existing or prospective occupants and properties by means of, or for the purpose of, streets, common areas, leaseholds, condominiums, building groups or other features, including a subdivision of land. [Amended 7-18-2002 by Ord. No. 958]

- A. Minor land development. The following criteria shall constitute a minor land development for the purposes of this chapter:
- B. The cost of the proposed development does not exceed \$250,000; and
- C. The intended development or modification of a site, or use and occupancy of any existing structure or change of use group will create a minimal impact upon traffic, drainage, visual image, landscaping, buffering, lighting or other elements described within the purposes of this chapter; and/or
- D. The additions to existing nonresidential building is less the 5,000 gross square feet and does not exceed more than a twenty-five-percent increase in the size of the existing building; and/or
- E. The proposal is only a parking lot expansion.
- F. Major land development. Any proposed land development that shall not meet the criteria of a minor land development shall be considered a major land development.

**LANDSCAPED PLANTING AREA** — An area landscaped with grass, ground cover, shrubs, trees and/or flowering perennial plants placed where required by the Zoning Chapter and permanently maintained. Shrubs, trees and flowering perennial plants in mulched planting beds shall occupy a minimum of 50% of the square footage of the landscaped planting area. [Amended 8-15-1996 by Ord. No. 903]

**LANDSCAPING PLAN** — A plan for the installation and maintenance of plantings.

**LIVING AREA** - The interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.

**LOADING SPACE, OFF-STREET** — A space in a building or on a lot which is accessible from the public street system for the temporary use of vehicles while loading or unloading merchandise, materials or passengers.

**LOGO** — A symbol, word or phrase used in advertising that is not a proper name, or company name. [Added 8-15-1996 by Ord. No. 903]

**LOT** — A parcel of land on which a main building and any accessory buildings are or may be placed, together with the required open spaces and setbacks.

**LOT AREA** — The total horizontal area within the lot lines of a lot. **LOT, CORNER** — A lot bounded on at least two sides by streets.

**LOT LINE** — A line of record bounding a lot which line divides one lot from another lot or from a public or private street or any other public space.

**LOT LINE, FRONT** (See Illustration 15) — The line separating the lot from the street right-of-way.

**LOT LINE, REAR** (See Illustration 1) — The lot line opposite and most distant from the front lot line.

**LOT LINE, SIDE** (See Illustration 1) — Any lot line not a front or rear lot line.

**LOT, MINIMUM AREA OF** — The smallest lot area established by the Borough Zoning Chapter on which a use or structure may be located in a particular district.

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

**MEDICAL MARIJUANA ACT** — Act 16 of 2016, 35 P.S. § 10231.101. et seq. **[Added 7-20-2017 by Ord. No. 1127-2017]**

**MEDICAL MARIJUANA DISPENSARY** — A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which is registered with and permitted by the Department of Health of the Commonwealth of Pennsylvania 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. **[Added 7-20-2017 by Ord. No. 1127-2017]**

**MEDICAL MARIJUANA GROWER/PROCESSOR** — A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which is registered with and permitted by the Department of Health of the Commonwealth of Pennsylvania 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. **[Added 7-20-2017 by Ord. No. 1127-2017]**

**MINIMUM AVERAGE LOT SIZE** - The average (mean) size of all the lots in a subdivision. No lot within a subdivision may be more than 10% larger or smaller than the Minimum Average Lot Size.

**MIXED USE** — The development of a tract of land or a building with two or more different uses such as, but not limited to, retail, office or residential.

**MOTEL (including inn or hotel)** — A building or group of buildings containing five or more guest rooms, without cooking facilities of any kind, especially designed for the temporary lodging of transient guests. Such establishments shall provide guests with customary hotel services such as maid service and the furnishing and laundering of linen. Eating and drinking facilities may be an accessory use to the motel or inn.

**MULTITENANT BUILDING** — A single building containing two or more commercial uses and having no more than one common primary public entrance. **[Added 8-15-1996 by Ord. No. 903]**

**MUNICIPAL USE** — A use conducted by the Borough or a Borough authority, such as parks, playgrounds and other recreational, cultural and conservation areas, the sites for sewage treatment and other public facilities.

**MURAL** — A painting on a wall, or self-supported structure. **[Added 8-15-1996 by Ord. No. 903]**

**NEGLECTED VEHICLE** — Any motor vehicle as defined by the Commonwealth of Pennsylvania Vehicle Code and its amendments, with any of the following, but not limited to: a flat tire, broken windows, without one or more wheels, the vehicle raised up off its wheels by mechanical or other means, a vehicle which cannot be readily driven and/or moved or cannot pass a state inspection, that is parked on the public or private street or upon private property for a period of 24 hours or more or on a property, and/or parcel of land and/or a lot for continuous period of 10 or more days. **[Added 5-20-2004 by Ord. No. 988]**

**NEIGHBORHOOD GREEN** — An open space and green space amenity in the TND-1 Overlay District, typically 2,000 square feet in size and greater and typically used for passive recreation, around which buildings have frontage. **[Added 2-19-2015 by Ord. No. 1116]**

**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 6-19-2003 by Ord. No. 973]**

**NONCONFORMING LOT** — A lot, the area, dimensions or location of which were lawful prior to the adoption, revision or amendment of this chapter but which fails by reason of such adoption, revision or amendment to conform to the present requirements of the zoning district in which it is located.

**NONCONFORMING STRUCTURE** — A structure, the size, dimensions or location of which were lawful prior to the adoption, revision or amendment of this chapter but which fails by reason of such adoption, revision or amendment to conform to the present requirements of the zoning district in which it is located.

**NONCONFORMING USE** — A use or activity which was lawful prior to the adoption, revision or amendment of this chapter but which fails by reason of such adoption, revision or amendment to conform to the present requirements of the zoning district in which it is located.

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

**NUDITY or STATE OF NUDITY** — The appearance of the specified anatomical areas without any coverings on the body area. **[Added 6-16-1994 by Ord. No. 871]**

**OBJECTOR** — Any person that has filed written objections to the issuance of a demolition permit pursuant to § 311-144D of this article. **[Added 11-20-2008 by Ord. No. 1051-2008]**

**OFFICE** — A room or group of rooms used for conducting the affairs of a business, profession, service, industry or government.

**OPEN SPACE** — Natural, cultivated or landscaped areas restricted to natural resource conservation, recreation, buffer or other uses.

**OPEN SPACE, PROGRAMED** — Open space that is specifically designed for passive or active recreation.

**OPEN SPACE, COMMON** — A parcel or parcels of land or an area of water, or a combination of land and water within a land development or subdivision, designed and intended for the use or enjoyment of residents or occupants thereof, not including streets, off-street parking areas and areas set aside for public facilities.

**ORNAMENTAL FENCES** - Fences that are made from ornamental iron, steel, or wood which create a high-quality and attractive boundary that enhances the appearance of a property or garden. Ornamental fences do not include plastics, vinyl, or aluminum, among other materials.

**PARK** — A tract of land designated and used by the public primarily for recreation of an active or passive nature.

**PARKING SPACE** — A paved area used for the parking of one motor vehicle. The size of such space shall be as required in Article XIII.

**PARTY WALL** — A common, shared wall between two separate structures or dwelling units.

**PATIENT** — An individual seeking, awaiting, receiving or under medical care and treatment. **[Added 6-19-2003 by Ord. No. 973]**

**PEDESTRIAN GATHERING AREA** — A green space in the TND-1 Overlay District that is built and maintained with amenities such as benches, landscaping, planters, and lighting. **[Added 2-19-2015 by Ord. No. 1116]**

**“PEEP” SHOWS** — Any enclosed, or semi-enclosed, or unenclosed building/enclosure which houses a commercial establishment with the capacity for one person used for presenting material distinguished or characterized by an emphasis on matter depicting or describing specified sexual activity or specified anatomical areas for observation by parties therein. **[Added 6-16-1994 by Ord. No. 871]**

PENNSYLVANIA MUNICIPALITIES PLANNING CODE — Pennsylvania Act 247

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

**PERFORMANCE STANDARDS** — A set criteria or limits relating to nuisance elements which a particular use or process may not exceed. These standards are listed in Article XI of this chapter.

**PERMIT** — Written governmental permission issued by the Code Enforcement Officer empowering the holder thereof to do some act not forbidden by law, but not permitted without such authorization.

**PERMITTEE AND/OR LICENSEE** — A person or persons who has a permit and/or license to operate an adult entertainment has been issued, as well as the individual or individuals listed as an applicant on the application for permit and/or license. **[Added 6-16-1994 by Ord. No. 871]**

**PERSON** — An individual, proprietorship, partnership, corporation, association or other legal entity. **[Added 6-16-1994 by Ord. No. 871]**

**PICKUP, DELIVERY OR REMOVAL TRAFFIC** — Includes but is not limited to the

U.S. Postal, any or one of the private delivery services, (i.e., UPS, Federal Express, etc.), moving and or transport companies. **[Added 6-19-2003 by Ord. No. 973]**

**PLANTED BUFFER** — A strip of evergreen plantings (shrubs and/or trees), or a mix of both evergreen plantings and up to 50% deciduous plantings, which at the time of planting are of the minimum height required by the Zoning Chapter. The number of individual specimens required for a planted buffer is determined by dividing by 15 the total linear feet of the property line along which the buffer is to be installed. In the case of a fractional result, the number of specimens shall be rounded up to the next highest whole number. Stems of individual specimens may not be separated by more than 20 linear feet at the time of planting. Each individual specimen shall be provided a minimum of 20 square feet of previous planting area. The planted buffer is intended to provide visual beauty, reduce noise and dust and provide a partial visual screen. Such buffers will be permanently maintained so as to continue to provide its purposes. **[Amended 8-15-1996 by Ord. No. 903]**

**PLANTED VISUAL SCREEN** — A strip of evergreen trees and/or shrubs adjacent to the boundary of a property which, at the time of planting, are of the minimum height required by the Zoning Chapter and which shall be of sufficient density to constitute an effective visual screen, and thereby give visual protection to abutting properties. Such screens shall consist of branched plants with horizontal dimensions equal to at least 50% of the required height. Each individual specimen may be planted no more than eight feet away from its adjoining specimens, measured stem to stem. Dense evergreens which shall be planted not farther than eight feet. Each specimen shall be allotted a minimum of 20 square feet of previous planting area adjacent to and including its root mass. Such screens shall be permanently maintained and will continue to provide a visual screen from the ground to the height required by the Zoning Chapter. **[Amended 8-15-1996 by Ord. No. 903]**

**PLAZA** — An open space and green space amenity in the TND-1 Overlay District, typically 500 to 2,000 square feet in size and typically used for passive recreation, that provides a space for benches, lighting, shade trees, other landscaping, and a decorative paver surface. **[Added 2-19-2015 by Ord. No. 1116]**

**PLUM STREET PEDESTRIAN MALL** — The blocks of Plum Street between Baker Street and Front Street. **[Added 8-16-2007 by Ord. No. 1035]**

**PRIMARY FACADE** — The facade of a building where the front entrance door is located. On a corner lot, there shall be two primary facades. **[Added 7-19-2007 by Ord. No. 1031]**

**PRINCIPAL BUILDING OR USE** — A building or use which is the main building or use on a lot as distinguished



from a building or buildings related to an accessory, incidental or subordinate use. The main or primary purpose for which land, a building, or a structure or the use thereof is designed, arranged or intended.

**PRIVATE STREET OR ROAD** — A street or road that is not owned by the Borough or a municipality but is owned by private land owner. **[Added 7-15-2004 by Ord. No. 994]**

**PRIVATE SWIMMING POOL** — Any body of water, tank, pond or other receptacle for water containment, whether indoors or outdoors, in or above ground, even if portable or temporary, having a depth at any point of 18 inches or more, or containing over 750 gallons of water, which is used, or intended to be used, for swimming or bathing by the owner, resident or occupant and their guests. A private swimming pool is considered an accessory use to a residence under this chapter.

**PUBLIC STREET OR ROAD** — A street or road that is owned by the Borough. **[Added 7-15-2004 by Ord. No. 994]**

**PUBLIC UTILITY BUILDINGS** — Any structure owned by a public utility, as defined herein. **[Added 8-15-1996 by Ord. No. 903]**

**RAMP, ACCESSIBLE** — Passageway or structure with a running slope no greater than 1:20. **[Added 8-15-1996 by Ord. No. 903]**

**RECREATION, ACTIVE** — Leisure time activities, usually of a more formal nature and performed with others, often requiring equipment and taking place at prescribed places, sites or fields, e.g., tennis, basketball, baseball, softball and other court or field games. **[Amended 2-19-2015 by Ord. No. 1116]**

**RECREATION AREA** — Land designated and equipped for the conduct of leisure time activities such as games, sports and other customary and usual active recreational activities.

**RECREATION, PASSIVE** — Any leisure time activity not considered active, e.g., hiking, walking, picnicking, sitting, etc. **[Amended 2-19-2015 by Ord. No. 1116]**

**REDEVELOPMENT** — The re-use, alteration, enlargement or extension of a building by 33 1/3% or more of the gross floor area of the building. **[Added 7-19-2007 by Ord. No. 1031]**

**RELEASE RATE PERCENTAGE** — The percentage of predevelopment water runoff that may leave the site after development.

**REMOTE LOT PARKING** — Any parking space(s) located on a particular lot which are intended to satisfy the parking requirements of a building or use located on another lot, not adjacent to the former lot, and no more than 400 feet distant from former lot, and located within the same zoning district as the former lot. **[Added 8-15-1996 by Ord. No. 903]**

**RENTAL STORAGE FACILITY** — Any structure or group of structures designed and used for the leasing of storage space.

**RESTAURANT, DRIVE-THROUGH (FAST FOOD)** — Any premises used for the sale of food, refreshments and nonalcoholic beverages, whose design or method of operation includes the serving of food and beverages in disposable containers and in which food or beverages are not normally delivered to the customer's table by an employee of the restaurant. Such restaurant shall also include the delivery of food and beverages directly from the restaurant to the customer in his or her motor vehicle.

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

**RESTAURANT WALK-UP** — Any premises used for the sale, dispensing and/or serving of food, refreshments or beverages where the customer has the food, refreshments or beverages delivered directly through a service window outside the restaurant building. **[Added 8-15-1996 by Ord. No. 903]**

**RETAIL STORE** — An establishment offering goods for sale to the general public

**RIGHT-OF-WAY** — A strip of land acquired by reservation, dedication, prescription, condemnation or other legal manner and occupied or intended to be occupied by a road, crosswalk, electric transmission line, oil or gas pipeline, water line, watercourse or similar uses.

**ROOF, LOW SLOPED** - A roof with a pitch of 5:12 or less but not including a flat roof.

**ROOF, FLAT** - A roof that has a sloping plane equal to or less than 2:12.

**SATELLITE ANTENNA** — An antenna together with all attachments and parts, the purpose of which is to receive communication from orbiting satellites.

**SCHOOL** — A place where instruction is given in a field, or fields, of study. **[Added 8-15-1996 by Ord. No. 903]**

**SEMINUDE or SEMI-NUDITY** — State of dress in which clothing partially covers areas of the body, including portions of the body covered by supporting straps or devices. **[Added 6-16-1994 by Ord. No. 871]**

**SETBACK** (See Illustration 1) — **6** The distance between the street right-of-way line or a lot line and the principal building on a lot.

**SEXUAL ENCOUNTER CENTER** **[Added 6-16-1994 by Ord. No. 871]** — A business or commercial enterprise that as one of its primary business purposes offers for any form of consideration:

- A. Physical contact in the form of wrestling or tumbling between persons of opposite sex; or
- B. Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or seminude.

**SHOPPING CENTER** — A single building containing three or more commercial uses, each use having their own primary public entrance. **[Added 8-15-1996 by Ord. No. 903]**

**SHORT-TERM RENTAL** - A dwelling unit, or portion thereof, that is offered or provided to a guest for a fee for fewer than thirty consecutive nights. They are commonly referred to as vacation rentals. They are a form of tourist or transient accommodations.

**SIDEWALK** — A concrete or brick paved area not less than four feet wide generally paralleling the cartway of the street and used as a pedestrian walkway.

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

**SIGN, A-FRAME** — A portable sign no larger than 30 inches by 48 inches permitted in the ROA District only and having two separate surfaces meeting at the top to form an “A” and supported on these surfaces (i.e., having no pole). Such sign may contain information relating to the business to which it pertains, and such information may be changed periodically.

**SIGN, ANIMATED** — A sign or any device used or designed to attract attention by visual means through the movement or semblance of movement by mechanical, electrical or natural means.



SIGN, AWNING — A roof-like structure that serves as shelter or is ornamental which identifies a business name and address.

SIGN, BILLBOARD — A permanent sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located. Billboards are frequently, although not always, larger than 20 square feet, with some being several hundred square feet in size.

SIGN, DIGITAL BILLBOARD — A billboard without moving parts whose content may be changed by electronic process through the use of intermittent light or lights, including, without limitation, light-emitting diodes (LED), liquid crystal display, and plasma image display. **[Added 6-21-2012 by Ord. No. 1095]**

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

SIGN, DIRECTLY ILLUMINATED — A sign which is designed to emit artificial light through transparent or translucent material from a source of light within or upon such sign.

SIGN, EXEMPT — A sign which is exempt from the requirements of this chapter and which may be erected without a local sign permit.

SIGN, FREESTANDING — A sign supported by a freestanding column or other support(s) located in or upon the ground and not attached to a building.

SIGN, GROUND — A freestanding sign, other than a pole sign, in which the entire bottom is in contact with or close to the ground. **[Added 7-19-2007 by Ord. No. 1031]**

SIGN, INDIRECTLY ILLUMINATED — A sign which is designed to be illuminated by artificial light from a source adjacent to and outside of the sign in such manner that the source of light is not directly visible from the street, public sidewalk or adjacent

properties.

SIGN, MENU BOARD — A sign which depicts the menu of food or drink for sale at an eating or drinking establishment.

SIGN, NAMEPLATE — A sign indicating only the name and/or profession and address of a person or persons residing on the premises or legally occupying the premises.

SIGN, OFFICIAL — A sign erected by the state, county, Borough or other legally constituted governmental, public or quasi-public body.

SIGN, PERMANENT — A sign which is constructed of durable, weather resistant material and which is intended to be displayed for a long period of time, normally more than one year. All permanent signs must receive a sign permit prior to their erection and must be reviewed by the Art and Architectural Commission.

SIGN, POLITICAL — A sign which indicates the name, cause or affiliation of a person seeking public office or on which reference is made to an issue for which a public election or referendum is scheduled to be held.

SIGN, PROJECTING — A sign mounted to a wall or other vertical building surface, other than a wall sign, which projects more than 12 inches from the wall or surface to which it is mounted.

SIGN, ROOF — A sign erected on, above, or projecting above the eave, roof or parapet of any building.

**SIGN, SIDEWALK, SANDWICH BOARD** — A movable sign which is not secured or attached permanently to the ground.

**SIGN, TEMPORARY** — A sign intended to be displayed for a relatively short period of time, not more than one month, or a sign designed for the placement of removable letters and symbols which announce events of short duration. Such signs are frequently labeled “banners” and can be constructed from paper, cloth, plastic, canvas, plywood or other lightweight material. [Amended 2-18-1993 by Ord. No. 857]

**SIGN, TIME AND TEMPERATURE** — A sign or portion of a sign whose sole purpose is to indicate the time and/or temperature.

**SIGN, WALL** — A sign posted on, painted on, suspended from or otherwise affixed to a wall or vertical surface of a building which sign does not project more than 12 inches from the wall or vertical surface to which it is attached.

**SIGN, WINDOW** — A sign attached, affixed or painted on a window or door.

**SPECIAL EXCEPTION** — A function of the Zoning Hearing Board in accordance with the provisions of Article XVII, § 311-109B, whereby the Zoning Hearing Board hears and decides requests for uses, stipulated in this chapter as uses permitted by special exception, in accordance with express standards and criteria. In granting a special exception, the Zoning Hearing Board shall determine that the proposed use would not be injurious to the public interest, and may attach such reasonable conditions and safeguards, in addition to those expressed in this chapter to implement the purposes of this chapter.

**SPECIFIED ANATOMICAL AREAS** [Added 6-16-1994 by Ord. No. 871] —

- A. Less than completely and opaquely covered;
- B. Human genitals, pubic region; anus;
- C. Buttocks; or
- D. Female breast(s) below a point immediately above the top of the areola and/or female breast(s) partially or completely covering the areola; or
- E. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

**SPECIFIED SEXUAL ACTIVITIES** [Added 6-16-1994 by Ord. No. 871] —

- A. Human genitals in state of sexual stimulation or arousal;
- B. Acts or simulated acts of human masturbation, sexual intercourse, sodomy or oral copulation;
- C. Fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breast(s); or
- D. Excretory functions as part of or in connection with any of the activities set forth in Subsections A through C above.

**STORY** — That part of the building included between the upper surface of a floor and the floor or roof next above. This term shall apply to basements if used for the principal use.

**STREET** — A public or private right-of-way, serving as a means of vehicular and pedestrian travel, furnishing access to three or more abutting lots or dwellings or other uses within a land development, and used to provide space for the installation of improvements such as sewers, telephone, gas and electric lines, other utilities, street trees and sidewalks. For the purposes of this chapter, the Plum Street Pedestrian Mall shall be deemed to be and shall constitute a street. [Amended 8-16-2007 by Ord. No. 1035]

**STREET, PRIMARY** - The street towards which adjacent primary structures are oriented.

**STREET, SECONDARY** - The street towards which adjacent primary structures are NOT oriented.

**STREET LINES (STREET RIGHT-OF-WAY LINE)** — The ultimate line to which a street can be developed.

**STREETSCAPE** — The space formed by buildings adjoining the street, which is embellished with sidewalks, street trees, streetlights, curbs, on-street parking, and cartways. The streetscape is framed by buildings, which create the “outdoor room” character of the street. [Added 7-19-2007 by Ord. No. 1031]

**STREET WALL** — The wall of a building adjoining a sidewalk at the edge of the street right-of-way; or approved architectural or landscaping elements at least 30 inches but not more than 42 inches in height, such as walls, pillars, colonnades, fences, and hedges, in lieu of a building wall when an existing building is already set back from the street wall line. A street wall shall extend the entire length of the edge of Baltimore Avenue right-of-way, except where curb cuts, driveways and pedestrian access is provided. [Added 7-19-2007 by Ord. No. 1031]

**STRUCTURE** — Any man-made object or improvement with a stationary location on land or water.

**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, conveyance or other transfer of ownership, building or development. This definition also includes the combination of two or more lots, tracts or parcels. [Amended 7-18-2002 by Ord. No. 958]

- A. Minor subdivision. The following criteria shall constitute a minor subdivision for the purposes of this chapter:
- B. The cost of the proposed subdivision does not exceed \$250,000; and
- C. The subdivision proposal, shall propose to divide one existing lot into two lots, both of which comply with the applicable dimensional requirements of the zoning district in which the existing lot is located; and
- D. The existing lot has sufficient frontage on an existing, improved public street to satisfy the application Borough of Media requirements for lot frontage and access to a public street for both proposed lots; and
- E. The existing lot has not been a part of an approved subdivision proposal during the five years previous to the current application; and
- F. The proposed subdivision shall not require new road construction, road improvements, or the extension of existing public utility lines; and
- G. The proposed subdivision shall not involve significant stormwater and/or erosion control issues, as determined by the Code Enforcement Officer and Borough Engineer.
- H. Major subdivision. Any proposed subdivision that shall not meet the criteria of a minor subdivision shall be considered a major subdivision.

**SUBSTANTIAL** — Considerable in quantity which is 25% or greater than as normally associated with residential use. [Added 6-19-2003 by Ord. No. 973]

**THROUGH-LOT** — A lot which abuts two streets and is not a corner lot; the property owner shall select one side abutting a street to be the front yard, consistent with other uses prevailing on the same block. [Added 8-15-1996 by Ord. No. 903]

**TRADITIONAL BUILDING** — A building constructed prior to 1950 in Media Borough, typically two or three stories in height, adjoining or located close to the sidewalk. [Added 7-19-2007 by Ord. No. 1031]

**TRANSFER OF OWNERSHIP OR CONTROL** [Added 6-16-1994 by Ord. No. 871]— Includes:

- A. The sale, lease or sublease of a business;

- B. The transfer of securities which constitutes a controlling interest in the business whether by sale, exchange or similar means; or
- C. The establishment of a trust, gift or other similar device which transfers the ownership or control of the business except for transfer by a bequest or other operation of law upon the death of a person possessing the ownership or control.

USE — The purpose or activity for which land or buildings are designed, arranged, constructed or intended, or for which land or buildings are occupied or maintained.

USE, PERMITTED — Any use allowed in a zoning district and subject to the limitations and restrictions of that zoning district.

UTILITY, PRIVATE — A closely regulated private enterprise with an exclusive franchise for providing a public service.

UTILITY, PUBLIC — Any agency which under public franchise or ownership or under certificate of convenience or necessity, provides the public with electricity, gas, heat, steam, communications, rail transportation, water, sewage collection, or other similar service, with the exception of “wireless communication facilities” as defined herein. **[Amended 5-21-1998 by Ord. No. 928]**

VARIANCE — Permission or authorization of the Zoning Hearing Board to deviate from or modify the provisions of this chapter when the literal enforcement of same would create an unnecessary hardship. Variances may be granted pursuant to provisions of § 311-109A of this chapter and the provisions of Articles IX of the Pennsylvania Municipalities Planning Code, Act 247, as amended.

YARD — The open, unoccupied space on the same lot with a building, open and unobstructed from the ground to the sky, except for accessory structures and projections permitted in § 311-61.

YARD, FRONT — An open space extending the full width of the lot, the depth of which is the horizontal distance between the front lot line and the principal building.

YARD, REAR — An open space extending the full width of the lot, the depth of which is the horizontal distance between the rear lot line and the principal building.

YARD, REQUIRED — The open space between a lot line and the buildable area within which no building shall be located, except for accessory structures and projections permitted in § 311-61.

YARD, SIDE — An open space extending from the front yard to the rear yard, the width of which is the horizontal distance between the side lot line and the principal building.

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# Article B. Hybrid Form-Based Code

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# Overview

## ARTICLE B-I

### 311.B-1. **Intent**

- A.** The following hybrid form-based code is intended to institute a mixture of form-based and euclidean (traditional) zoning in the residential districts that will:
- (1)** Promote the construction and renovation of housing that protects and enhances the high-quality character of the community.
  - (2)** Ensure that when new housing is built, it will be of a size and character consistent with existing housing in the community.
  - (3)** Promote the production of housing that is affordable to those making at or below the Area Media Income.
  - (4)** Promote the maintenance of the rich variety of housing types and historic homes that contribute to Media's unique community character.
  - (5)** Allow for the expansion of existing homes while limiting the potential for widespread demolition of homes to construct larger, more expensive housing.
  - (6)** Permit the construction of a variety of housing types that are consistent with the character of the community.
  - (7)** Ensure that residential buildings include several unifying features that allow the Borough to support a variety of housing typologies while maintaining a high-quality public realm.
  - (8)** Ensure that when various building components (such as porches, porticos, bay windows, and dormers) are constructed, they are useful to their building occupants and contribute to a high-quality public realm.
  - (9)** Promote the creation of high-quality open spaces, where appropriate.
  - (10)** Promote the planting of street trees and high-quality, landscaped yards that include new trees and vegetation.
  - (11)** Protect and promote the Borough's multi-modal transportation network, especially its walkable street system.
  - (12)** Reduce the negative impact of parking on the public realm while ensuring sufficient supply of parking to meet the needs of residents.

### 311.B-2. **Background**

- A.** The standards of this zoning ordinance were developed after extensive community engagement that included stakeholder meetings, informational presentations, public workshops, surveys, and public hearings.



### 311.B-3. About this Hybrid Form-Based Code

**A. This zoning ordinance is, in many ways, no different than a traditional Euclidean zoning ordinance with a few exceptions:**

- (1) This ordinance includes a *Building Forms* section, which is not typically included in Euclidean ordinances. This section includes specific standards for different building typologies based on the specific impacts those typologies will have on the surrounding community.
- (2) Uses are permitted based on whether or not they occupy a permitted Building Form. Thus a permitted use must meet two criteria: it must be permitted in the zone and be permitted within the Building Form. All permitted uses are permitted in at least one building form.
- (3) Many of the bulk and area standards (such as setbacks) that are traditionally regulated by zone are regulated in the *Building Forms* section of this ordinance.
- (4) This ordinance includes standards for setbacks and lot coverage that are dependent on the width of the lot and the size of the lot, respectively. These “dynamic standards” ensure that housing on lots of different sizes within the same zone are treated equitably.

### 311.B-4. How to Use this Ordinance

The following page provides a step by step guide to navigating the Hybrid Form-Based Code. The guide identifies the common topics and/or standards and where they can be found in the code.

Projects are likely subject to standards in other Articles of the Zoning Ordinance not specifically regulated in the Hybrid Form-Based Code. The following table identifies where such standards can be found:

Topic / Standard	Location
Sidewalks and curb	<b>Article E-I. Supplemental Regulations</b>
Fences and walls	<b>Article E-I. Supplemental Regulations</b>
Lighting	<b>Article E-I. Supplemental Regulations</b>
Refuse	<b>Article E-I. Supplemental Regulations</b>
Satellite antennas	<b>Article E-I. Supplemental Regulations</b>
Conversions	<b>Article E-I. Supplemental Regulations</b>
Driveways on existing developed residential properties	<b>Article E-I. Supplemental Regulations</b>
Parking ratios	<b>Article E-III. Parking Regulations</b>
Signs	<b>Article E-IV. Signs</b>

## How to Use this Ordinance

	Topic / Standard	Location
<b>STEP 1: Consult the Zoning Map</b> <i>Find your property on the <a href="#">Zoning Map</a> and determine which zone it is in. The Zoning Map is available as an appendix to this document and in the Borough offices.</i>	Which zone controls a property	<b>Zoning Map</b>
<b>STEP 2: Review standards for the appropriate zoning district</b> <i>Each district includes a list of permitted uses, permitted building forms, coverage ratios, and permitted building height. District standards are covered in Article B-III through Article B-VII. Accessory Dwelling Units are permitted by zone and have additional regulations in two other sections.</i>	Permitted / Prohibited Uses	<b>Zoning District</b> (Articles B-III through B-VII)
	Permitted Building Forms	<b>Zoning District</b> (Articles B-III through B-VII)
	Accessory Uses (except Accessory Dwelling Units)	<b>Zoning District</b> (Articles B-III through B-VII)
	Accessory Dwelling Units	<b>Accessory Dwelling Units</b> (Articles B-XV)  <b>Building Form - ADU External</b> (Articles B-VIII - §311-58)
	Coverage Ratios	<b>Zoning District</b> (Articles B-III through B-VII)
<b>STEP 3: Review the standards for the appropriate Building Form</b> <i>Each Building Form has its own setback and layout standards. Using the definitions in Article B-VIII, identify the Building Form that most closely matches your type and follow the regulations for that type.</i>	Permitted Building Height	<b>Zoning District</b> (Article )
	Setbacks	<b>Building Form</b> (Articles B-VIII)
	Building Regulations (e.g. width, depth, etc.)	<b>Building Form</b> (Articles B-VIII)
	Required, Permitted, and Prohibited Building Components Elements and Roofs	<b>Building Form</b> (Articles B-VIII)
<b>STEP 4: Review additional standards applicable to all projects</b> <i>There are several sections that apply to all applications using the Hybrid Form-Based Code. Consult these standards to understand what will be required of your project.</i>	Parking Design and Location Standards	<b>Parking Location and Design</b> (Articles B-IX)
	Parking Ratios	<b>See Article E-III - Parking Regulations</b>
	Standards for Stoops, Porches, Bay Windows, etc.	<b>Building Components</b> (Articles B-IX)
	Building Design	<b>Design Guidelines</b> (Articles B-XI)  <b>Design Standards</b> (Articles B-XII)
	Open Space Design	<b>Open Space Standards</b> (Articles B-XIII)
	Landscaping Standards	<b>Open Space Standards</b> (Articles B-XIV)

# Standards & Measurements

## ARTICLE B-II

### 311.B-5. Applicability

- A. The following standards and measurements shall apply to the hybrid form-based code sections of this Zoning Ordinance, including the R-1, R-2, R-3, R-4, and Office Districts.

### 311.B-6. Figures and Photos

Figures and photos are intended to help illustrate the intent and requirements of the text. In the case of a conflict between the text of this Ordinance and any figure or photos, the text governs.

### 311.B-7. Primary Streets and Front Lot Lines

- A. Where a property sits on a corner, the primary street shall be the street that is the longest of the two streets and the secondary street shall be the shorter of the two.
- B. Corner lots have two front lot lines and two side lot lines with no rear lot line.

### 311.B-8. Lot Width

- A. Lot width shall be the horizontal distance between the side lot lines measured at right angles to the lot depth at the building line. It shall be measured as the length of the front lot line of a lot, except as follows:
- (1) For a flag lot, only the 'pole' or 'post' portion of the lot is used to measure lot width. Flag lots are strongly discouraged.
  - (2) For irregular shaped lots with non-parallel side lot lines, the lot width shall be measured at the Build-to Line, as illustrated in [Figure 1. Lot width, irregular shape](#). Where no Build-to Line can be established, 20 feet from the front lot line shall be used to establish lot width.

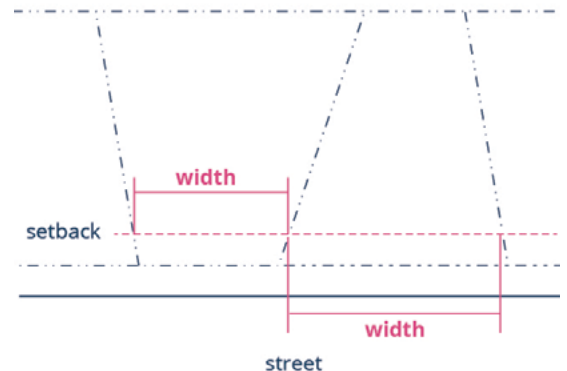
### 311.B-9. Lot Depth

Lot Depth is measured distance between the midpoint of the primary front lot line and the midpoint of the rear lot line or to the most distant point on any other lot line where there is no rear lot line.

### 311.B-10. Building Height

- A. Building height shall be the lesser of the vertical distance measured from the average level of the ground as provided by the BOCA building regulations surrounding the structure OR from the average level of the ground at the center line(s) of the public street(s) abutting the property, to the highest point of the roof for flat roofs and to the ridge for gable, hip and gambrel roofs. In the event the

Figure 1. Lot width, irregular shape



property is on a corner, the lesser vertical distance is measured at the center line of each street to the same highest point.

- B. For properties built on a slope greater than 5%, the height of the building shall step down, following the slope of the land as illustrated in *Figure 2. Building Height on Slope > 5%*. Height will be determined in a maximum of 12 foot intervals.
- C. Chimneys, spires, towers, mechanical penthouses, tanks, antennas and similar projections of the building not intended for human occupancy shall not be included in calculating the height.
- D. When calculating the percentage of buildings on the same side of the street for the purposes of determining whether an exception to the 28 foot height requirement is permitted, the applicant shall divide the number of homes that exceed 28 feet by the total number of homes. They shall round down to the nearest whole number and exclude empty lots and the subject property from the calculation. For example, if 3 of 7 homes exceed 28 feet, then 42.857% would be calculated as 42%.

#### 311.B-11. Setbacks

Subject to the limitations set forth in *Article E-I Supplemental Regulations*, setbacks calculations shall exclude Building Components such as porches, stoops, and bay windows as well as any encroachment such as overhanging eaves, gutters, cornices, and steps.

#### 311.B-12. Build-to Line

- A. The Build-to Line line is equal to the median of all setbacks along the same side of the street. Where an even number of lots exist on the same side of the street, add the two middles and divide by 2. See *Figure 3. Build-to Line Calculation*.
- B. If the subject lot is a corner lot, the property shall have two Build-to Lines lines. See *Figure 4. Build-to Line, Corner*.
- C. Applicants may elect to use the setback of an adjacent property as the Build-to Line if it is further from curb than the Build-to Line.
- D. If there are two or fewer buildings on the same side of the street, the following setbacks shall be used:

Zone	Setback
R-1	25'
R-2	20'
R-3	15'
R-4	15'
Office	15'

#### 311.B-13. Build-to Line Occupancy

- A. The Build-to Line Occupancy shall mean the line to which a percentage of a building's front facade must be constructed. It is

Figure 2. Building Height on Slope > 5%

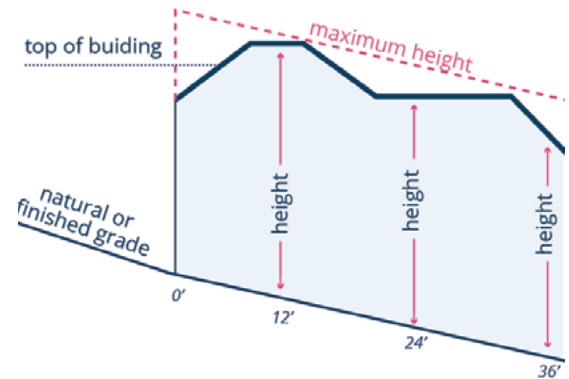
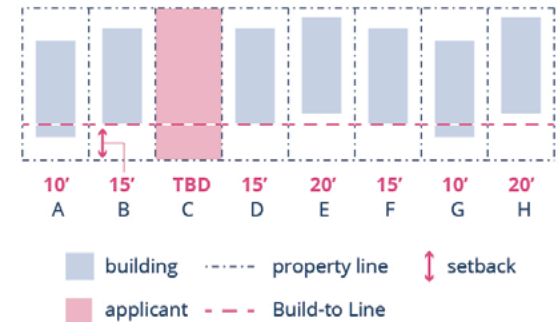


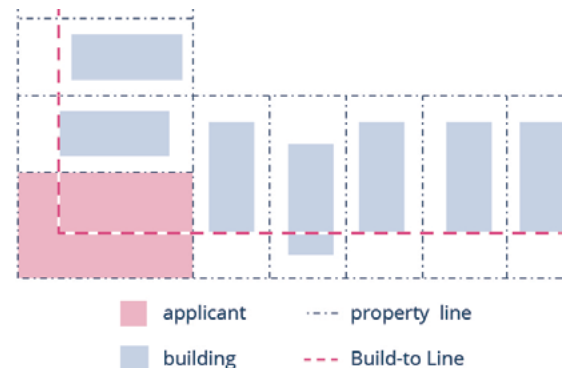
Figure 3. Build-to Line Calculation



Property	Setback
A	10'
G	10'
B	15'
D	15'
F	15'
E	20'
H	20'

Median

Figure 4. Build-to Line, Corner



calculated by measuring the width of the facade that occupies the Build-to Line and dividing it by the total width of the building that is visible to the Build-to Line. See *Figure 5. Build-to Line Occupancy Calculation*.

- (1) The width shall exclude Building Components and encroachments.
  - (2) Attached parking that faces the Build-to Line shall be excluded from all calculations and must comply with the parking setback standards established elsewhere in the ordinance.
- B.** Buildings are permitted to be set back one (1) foot on the interior side of the Build-to Line to address site specific issues without having to seek relief so long as no portion of the building, including any encroachment or Building Component, would extend beyond the property line.

#### 311.B-14. Building Placement

The facade of a principal building must be built at or in front of any maximum front setback for each story of a building. The facade of upper stories may not project forward of the facade of the ground story except through the use of Building Components.

#### 311.B-15. Building Separation

- A.** A principal building must be separated from any other principal building on the same lot or on an abutting lot by the building separation distance specified for each building form.
- B.** Building separation is measured from the face of the exterior walls of a principal or accessory building, excluding a party wall.
- C.** Building components, such as bay windows, are not exempt from the separation requirement.
- D.** The structural walls of window wells are exempt for separation requirement so long as they do not extend more than one foot above grade.

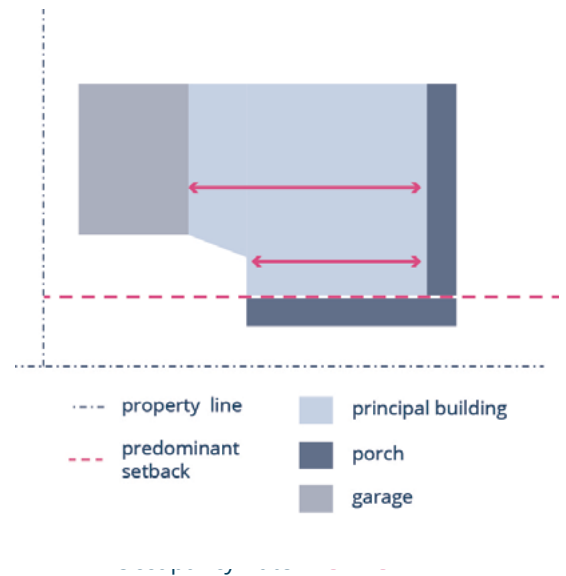
#### 311.B-16. Parking Setback

- A.** On principal streets, parking setbacks shall be measured from the Build-to Line.
- B.** On all other streets, parking setbacks shall be measured from the lot line.
- C.** The parking setback shall never be less than the build-to line setback.

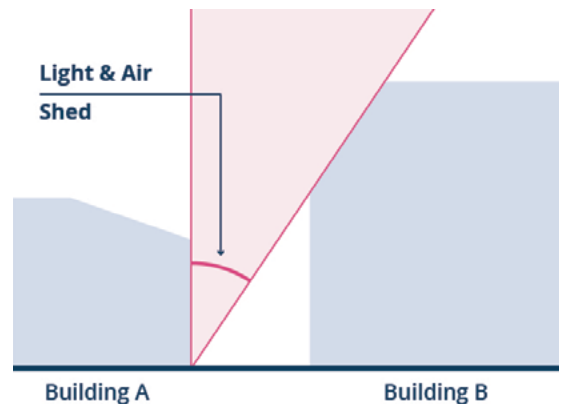
#### 311.B-17. Light & Air Shed

The Light & Air Shed is measured from the base of a principal dwelling unit and extends vertically along the facade of the building, excluding Building Components or encroachments as illustrated in *Figure 6. Light & Air Shed Diagram*. A 45 degree Light & Air Shed includes all areas

**Figure 5. Build-to Line Occupancy Calculation**



**Figure 6. Light & Air Shed Diagram**



within the space created when a line is extended 45 degrees off the building facade.

### 311.B-18. Facade Exposure

The Facade Exposure Ratio is measured as ratio of the sum of the proposed setback (**PS**) on the applicant's property and the required setback (**RS**) of the adjacent property to the length of the side facade (**SF**). The length of the side facade shall be measured perpendicular to the front property line, as illustrated in § Figure 7. Facade Exposure.

$$(PS + RS) : SF \text{ (e.g. 2:1)}$$

### 311.B-19. Minimum Lot Size

For the purpose of lot subdivision or lot consolidation, the minimum lot size for any lot covered under the Hybrid Form-Based Code shall be calculated as follows:

- A.** The size of all steep slopes (**SS**), wetlands (**W**), and other areas (**OA**) that are prohibited from development by ordinance, law, deed restriction, or other means shall be totaled and subtracted from the total lot area (**TLA**). This shall be the Total Developable Area (**TDA**), as illustrated in the following formula:

$$TLA - (SS + W + OA) = TDA$$

*Example: 100,000 s.f. of Total Lot Area (TLA) minus 17,000 s.f. of steep slopes (SS), wetlands (W) and other areas (OA) equals 83,000 of Total Developable Area.*

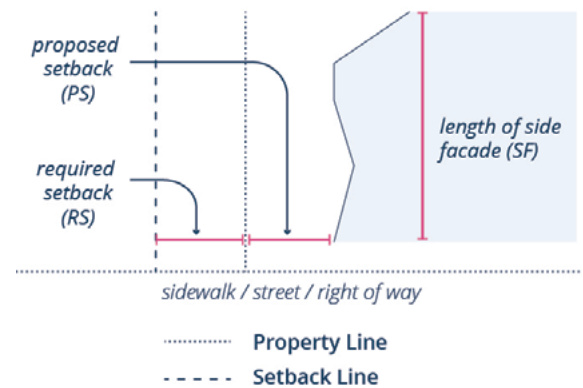
- B.** The Median Surrounding Lot Size (**MSLS**) shall be calculated for all lots that are
- (1) Within 200 feet of any parcel line of the subject property.
  - (2) Not the subject property.
  - (3) Within the same zone as the subject property or properties. Where no other properties within 200 feet are within the same zone as the subject property, the calculation shall include all properties within 200 feet.
- C.** The Total Developable Area (**TDA**) shall be divided by the Median Surrounding Lot Size (**MSLS**) and rounded down to the nearest whole number to determine the Maximum Number of Lots (**MNL**) which may be created by subdivision and/or lot consolidation as illustrated in the following formula:

$$TDA / MSLS = MNL$$

*Example: 83,000 s.f. of Total Developable Area divided by 10,000 s.f. Median Surrounding Lot Size equals 8.3 lots which may be subdivided (rounded to 8).*

- D.** Each resulting lot shall comply with the Minimum Average Lot Size (**MALS**).

Figure 7. Facade Exposure



# R1 Zoning District

## ARTICLE B-III

### 311.B-20. Legislative intent

The purpose of this article is to protect, maintain and preserve the existing low density residential development in the district; to provide for adequate open space between houses to ensure a desirable living environment; to support a walkable urban environment; to promote community amongst neighbors; and to permit continued development consistent with existing housing types and lot sizes.

### 311.B-21. By right uses and special exceptions

A. Building forms and uses are permitted or prohibited together. Any use or building form not specifically permitted in the *Table of Permitted Uses and Special Exceptions* is prohibited.

#### B. Table of Permitted Uses and Special Exceptions

USE	BUILDING FORM												
	Detached House	Semi-Detached House	Attached House	ADU, External	TwoPlex	Courtyard Building	Flats, Micro	Flats, Small	Flats, Medium	Flats, Medium-Large	Flats, Large	Residential Multi-Plex	Flex
Residential													
(1) 1 unit	●	⊙	X	X	X	X	X	X	X	X	X	●	○
(2) 2 units	⊙	X	X	X	X	X	X	X	X	X	X	-	⊙
(3) 3 to 4 units	X	X	X	X	X	X	⊙	X	X	X	X	-	⊙
(4) 5 to 19 units	X	X	X	X	X	X	⊙	⊙	X	X	X	-	⊙
(5) 20 to 50 units	X	X	X	X	X	X	⊙	⊙	X	X	X	-	⊙
(6) Accessory unit	●	X	X	●	X	X	X	X	X	X	X	-	X
Non-Residential													
(7) Community residence facility	●	X	X	X	X	X	X	X	X	X	X	-	○
(8) Church or other places of workshop*	X	X	X	X	X	X	X	X	X	X	X	-	○
(9) Municipal or public use	X	X	X	X	X	X	X	X	X	X	X	-	○
(10) Passive recreation	X	X	X	X	X	X	X	X	X	X	X	-	○

\* including rectory or parish house

● permitted ○ special exception (type 1) ⊙ special exception (type 2) X explicitly prohibited - not applicable

#### C. Special Exception Criteria



- (1) All special exceptions are subject to the provisions of *Article F-III Zoning Hearing Board* as well as any specific conditions listed in this section.
- (2) Uses identified as Special Exceptions (Type 2) in *Table of Permitted Uses and Special Exceptions* are permitted only if they meet the following criteria:
  - (a) The structure was in existence prior to April 6, 2023.
  - (b) The property was being used for the special exception purpose prior to April 6, 2023.
  - (c) The property has not been abandoned for any period since April 6, 2023.
  - (d) The application meets all standards established in *Article B-VIII Building Forms* and elsewhere in this ordinance.

### 311.B-22. Permitted accessory uses

- A. Off-street parking space or private garage.
- B. Utility/tool shed and similar accessory structure.
- C. Private swimming pool and other recreational use.
- D. Fence, when erected and maintained subject to the requirements of *Article E-I Supplemental Regulations*.
- E. Any accessory use on the same lot with and customarily incidental to any of the uses permitted above and not detrimental to the neighborhood.
- F. Accessory Work Units for the use of no-impact home-based businesses that do not measure more than 20 feet in any horizontal direction and which are subject to all provisions of § 311.E-6.
- G. No-impact home-based business or commercial activity administered or conducted as an accessory use that is clearly secondary to the use as a residential dwelling and must satisfy the following requirements:
  - (1) The business activity shall involve 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.
  - (2) The business activity shall be compatible with the residential use of the property and surrounding residential uses.
  - (3) The business shall have no on-site employees other than people residing in the dwelling.
  - (4) There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
  - (5) There shall be no outside appearance of a business use, including, but not limited to parking, signs, lights, or storage.
  - (6) The business activity may not use any equipment or process that creates noise, vibration, glare, fumes, odors, or electrical or electrical interference, including interference with radio or television reception, that is detectable in the surrounding area.
  - (7) The business activity may not generate any solid waste or sewage discharge in volume or type that is not normally associated with residential use.
  - (8) The business activity including but not limited to storage of inventory shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
  - (9) The business may not involve any illegal activity.

## R1 ZONING DISTRICT

### 311.B-23. Lot standards

- A.** Building forms and lots are permitted or prohibited together. Any lot or building form not specifically permitted in the *Table of Permitted Lots and Building Forms* is prohibited. A building form must also be permitted with a use in the *Table of Permitted Uses and Special Exceptions* to be permitted. Subdivision and consolidation of lots within this zone are subject to [§ 311.B-19. Minimum Lot Size](#).

#### B. Table of Permitted Lots and Building Forms

	Lot Width in Feet	Min.	-	30	40	50	60	70	80
		Max.	29	39	49	59	69	79	+
Minimum Lot Depth (Feet)			110	110	110	110	110	110	110
(1)	Detached House		●	●	●	●	●	●	●
(2)	Semi-Detached House		●	●	●	●	●	●	●
(3)	Attached House		X	X	X	X	X	X	X
(4)	Accessory Dwelling Unit, External		●	●	●	●	●	●	●
(5)	TwoPlex		X	X	X	X	X	X	X
(6)	Courtyard Building		X	X	X	X	X	X	X
(7)	Flats, Micro		X	X	X	X	●	●	●
(8)	Flats, Small		X	X	X	X	X	●	●
(9)	Flex		X	X	X	X	X	X	X

● permitted X prohibited

### 311.B-24. Lot coverage ratios

- A.** Lot coverage ratios shall be determined based on the subject property's lot size as identified in the following table.

#### B. Table of Coverage Ratios

	Lot Size in Square Feet	Min.	0	2,250	3,750	5,250	6,750	8,250	9,750	11,250	12,750	14,250	15,750
		Max.	2,249	3,749	5,249	6,749	8,249	9,749	11,249	12,749	14,249	15,749	+
(1) Building Coverage, Principal Structure		35%	30%	30%	23%	19%	16%	14%	13%	12%	11%	10%	
(2) Building Coverage, Accessory Structures		12%	11%	10%	10%	9%	8%	8%	7%	6%	6%	5%	
(3) Impervious Coverage, Non-Building		20%	27%	20%	17%	14%	12%	11%	10%	9%	8%	8%	
(4) Impervious Coverage, Total		55%	69%	60%	50%	42%	36%	33%	30%	27%	25%	23%	

### 311.B-25. Setbacks and building standards

- A. Setbacks and Building Standards shall meet the standards established for the appropriate building form as prescribed in *Article B-VIII - Building Forms*.

**311.B-26. Building Height**

- A. No building shall have a height exceeding 28 feet or a maximum of two and a half (2 1/2) stories above grade, whichever is the lesser, unless otherwise stipulated in this section.
- B. A building may have a height of up to 35 feet with a maximum of three stories above grade, if the zoning officer determines that one of the following conditions is met:
  - (1) The building exceeded 28 feet before April 6, 2023.
  - (2) At least 50% of the buildings on the same side of the Primary Street exceeded 30 feet, calculated in accordance with *§ 311.B-10. Building Height*.
  - (3) No portion of the building falls within a 30% Light & Air Shed (see *§ 311.B-103. Landscaping*) as measured from the base of any principal use on adjacent properties where the adjacent property's principal building height is 28 feet or less.
  - (4) The roofline has a minimum roof pitch of 5:12 and a maximum roof pitch of 12:12.

# R-2 Zoning District

## ARTICLE B-IV

### 311.B-27. Legislative intent

The purpose of this article is to protect, maintain and preserve the existing low-medium density residential development in the district; to provide for adequate open spaces between dwellings to ensure a desirable living environment; and to permit continued development with a variety of uses, including two-unit dwellings.

### 311.B-28. By right uses and special exceptions

A. Building forms and uses are permitted or prohibited together. Any use or building form not specifically permitted in the *Table of Permitted Uses and Special Exceptions* is prohibited.

#### B. Table of Permitted Uses and Special Exceptions

USE	BUILDING FORM												
	Detached House	Semi-Detached House	Attached House	ADU, External	TwoPlex	Courtyard Building	Flats, Micro	Flats, Small	Flats, Medium	Flats, Medium-Large	Flats, Large	Residential Multi-Plex	Flex
Residential													
(1) 1 unit	●	●	⊙	X	X	X	X	X	X	X	X	●	○
(2) 2 units	⊙	⊙	X	X	X	X	X	X	X	X	X	-	⊙
(3) 3 to 4 units	X	X	X	X	X	X	⊙	X	X	X	X	-	⊙
(4) 5 to 19 units	X	X	X	X	X	X	⊙	⊙	X	X	X	-	⊙
(5) 20 to 50 units	X	X	X	X	X	X	⊙	⊙	X	X	X	-	⊙
(6) Accessory unit	●	●	●	●	X	X	X	X	X	X	X	-	X
Non-Residential													
(7) Community residence facility	●	X	X	X	X	X	X	X	X	X	X	-	○
(8) Church or other places of workshop*	X	X	X	X	X	X	X	X	X	X	X	-	○
(9) Municipal or public use	X	X	X	X	X	X	X	X	X	X	X	-	○
(10) Passive recreation	X	X	X	X	X	X	X	X	X	X	X	-	○

\* including rectory or parish house

● permitted ○ special exception (type 1) ⊙ special exception (type 2) X explicitly prohibited - not applicable

### C. Special Exception Criteria

- (1) All special exceptions are subject to the provisions of *Article F-III Zoning Hearing Board* as well as any specific conditions listed in this section.
- (2) Uses identified as Special Exceptions (Type 2) in *Table of Permitted Uses and Special Exceptions* are permitted only if they meet the following criteria:
  - (a) The structure was in existence prior to April 6, 2023.
  - (b) The property was being used for the special exception purpose prior to April 6, 2023.
  - (c) The property has not been abandoned for any period since April 6, 2023.
  - (d) The application meets all standards established in *Article B-VIII Building Forms* and elsewhere in this ordinance.

#### 311.B-29. Permitted accessory uses.

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

#### 311.B-30. Lot standards

- A.** Building forms and lots are permitted or prohibited together. Any lot or building form not specifically permitted in the *Table of Permitted Lots and Building Forms* is prohibited. A building form must also be permitted with a use in the *Table of Permitted Uses and Special Exceptions* to be permitted. Subdivision and consolidation of lots within this zone are subject to [§ 311.B-19. Minimum Lot Size](#).

### B. Table of Permitted Lots and Building Forms

	Lot Width in Feet	Min.	-	30	40	50	60	70	80
		Max.	29	39	49	59	69	79	+
Minimum Lot Depth (Feet)			100	100	100	100	100	100	100
(1)	Detached House		●	●	●	●	●	●	●
(2)	Semi-Detached House		●	●	●	●	●	●	●
(3)	Attached House		X	X	X	X	X	X	X
(4)	Accessory Dwelling Unit, External		●	●	●	●	●	●	●
(5)	TwoPlex		X	X	X	X	X	X	X
(6)	Courtyard Building		X	X	X	X	X	X	X
(7)	Flats, Micro		X	X	X	X	●	●	●
(8)	Flats, Small		X	X	X	X	X	●	●
(9)	Residential Multi-Plex		X	X	X	X	X	X	🚫
(10)	Flex		X	X	X	X	X	X	X

● permitted   ● permitted on some lots (see form standards)   X prohibited

**311.B-31. Lot coverage ratios**

- A.** Lot coverage ratios shall be determined based on the subject property's lot size as identified in the following table.

**B. Table of Coverage Ratios**

	Lot Size in Square Feet	Min. Max.	0	2,200	3,300	4,400	5,500	6,600	7,700	8,800
			1,549	3,299	4,399	5,499	6,599	7,699	8,799	+
(1) Building Coverage, Principal Structure			45%	35%	28%	23%	20%	18%	16%	18%
(2) Building Coverage, Accessory Structures			40%	19%	13%	11%	10%	9%	8%	7%
(3) Impervious Coverage, Non-Building			20%	13%	24%	23%	20%	18%	16%	15%
(4) Impervious Coverage, Total			65%	65%	65%	55%	50%	45%	40%	40%

**311.B-32. Setbacks and building standards**

Setbacks and Building Standards shall meet the standards established for the appropriate building form as prescribed in [Article B-VIII - Building Forms](#).

**311.B-33. Building Height**

- A.** No building shall have a height exceeding 28 feet or a maximum of two and a half (2 1/2) stories above grade, whichever is the lesser, unless otherwise stipulated in this section.
- B.** A building may have a height of up to 35 feet with a maximum of three stories above grade, if the zoning officer determines that one of the following conditions is met:
- (1) The building exceeded 28 feet before April 6, 2023.
  - (2) At least 50% of the buildings on the same side of the Primary Street exceeded 30 feet, calculated in accordance with [§ 311.B-10. Building Height](#).
  - (3) No portion of the building falls within a 30% Light & Air Shed (see [§ 311.B-17. Light & Air Shed](#)) as measured from the base of any principal use on adjacent properties where the adjacent property's principal building height is 28 feet or less.
  - (4) The roofline has a minimum roof pitch of 5:12 and a maximum roof pitch of 12:12.

# R-3 Zoning District

## ARTICLE B-V

### 311.B-34. Legislative intent

The purpose of this article is to protect, maintain and preserve the existing medium density development in the district; to provide for adequate standards and open spaces to assure that proposed development will produce a desirable living environment and not create excessive traffic; and to provide for continued development with a variety of uses, including townhouse, two-unit, and multi-unit dwellings not to exceed six (6) units.

### 311.B-35. By right uses and special exceptions

A. Building forms and uses are permitted or prohibited together. Any use or building form not specifically permitted in the *Table of Permitted Uses and Special Exceptions* is prohibited.

#### B. Table of Permitted Uses and Special Exceptions

USE	BUILDING FORM												
	Detached House	Semi-Detached House	Attached House	ADU, External	TwoPlex	Courtyard Building	Flats, Micro	Flats, Small	Flats, Medium	Flats, Medium-Large	Flats, Large	Residential Multi-Plex	Flex
<b>Residential</b>													
(1) 1 unit	●	●	●	X	X	X	X	X	X	X	X	●	○
(2) 2 units	●	●	●	X	X	X	X	X	X	X	X	●	○
(3) 3 to 6 units	X	X	X	X	●	●	●	●	X	X	X	-	○
(4) 7 to 19 units	X	X	X	X	X	X	X	⊙	⊙	X	X	-	⊙
(5) 20 or more units	X	X	X	X	X	X	X	⊙	⊙	X	X	-	⊙
(6) Accessory unit	●	●	●	●	X	X	X	X	X	X	X	-	X
<b>Non-Residential</b>													
(7) Community residence facility	●	X	X	X	X	X	X	X	X	X	X	-	○
(8) Church or other place of worship*	X	X	X	X	X	X	X	X	X	X	X	-	○
(9) School, day-care center or similar use,	X	X	X	X	X	X	X	X	X	X	X	-	○

\* including rectory or parish house

● permitted ○ special exception (type 1) ⊙ special exception (type 2) X explicitly prohibited - not applicable

#### C. Special Exception Criteria

- (1) All special exceptions are subject to the provisions of *Article F-III Zoning Hearing Board* as well as any specific conditions listed in this section.
- (2) Uses identified as Special Exceptions (Type 2) in *Table of Permitted Uses and Special*



## R-3 ZONING DISTRICT

*Exceptions* are permitted only if they meet the following criteria:

- (a) The structure was in existence prior to April 6, 2023.
- (b) The property was being used for the special exception purpose prior to April 6, 2023.
- (c) The property has not been abandoned for any period since April 6, 2023.
- (d) The application meets all standards established in *Article B-VIII Building Forms* and elsewhere in this ordinance.

### 311.B-36. Permitted accessory uses

- A. All accessory uses permitted in the R-1 Residential District.
- B. Laundry, contained within the building, for the exclusive use of the residents of an apartment house.
- C. Recreational facilities, for the exclusive use of the residents of an apartment building or their guests.
- D. Refuse collection center for multi-unit buildings, that shall be accessible to a public street and screened from public view by a wall, fence or hedge.
- E. Any accessory use on the same lot with and customarily incidental to any of the uses permitted above and not detrimental to the neighborhood.

### 311.B-37. Lot standards

- A. Building forms and lots are permitted or prohibited together. Any lot or building form not specifically permitted in the *Table of Permitted Lots and Building Forms* is prohibited. A building form must also be permitted with a use in the *Table of Permitted Uses and Special Exceptions* to be permitted. Subdivision and consolidation of lots within this zone are subject to [§ 311.B-19. Minimum Lot Size](#).

#### B. Table of Permitted Lots and Building Forms

	Lot Width in Feet	Min.	-	20	30	40	50	60	70	100
		Max.	19	29	39	49	59	69	99	+
Minimum Lot Depth (Feet)			100	100	100	100	100	120	120	120
(1)	Detached House		●	●	●	●	●	X	X	X
(2)	Semi-Detached House		●	●	●	●	●	X	X	X
(3)	Attached House		●	●	●	●	●	X	X	X
(4)	Accessory Dwelling Unit, External		●	●	●	●	●	X	X	X
(5)	TwoPlex		X	X	X	X	X	●	●	●
(6)	Courtyard Building		X	X	X	X	X	X	🚫	●
(7)	Flats, Micro		X	X	X	●	●	●	●	●
(8)	Flats, Small		X	X	X	X		X	●	●
(9)	Residential Multi-Plex		X	X	X	X	X	X	X	🚫
(10)	Flex		X	X	X	X	X	●	●	●

● permitted ◐ permitted on some lots (see form standards) X prohibited

**311.B-38. Lot coverage ratios**

- A.** Lot coverage ratios shall be determined based on the subject property's lot size as identified in the following table.

**B. Table of Permitted Uses and Special Exceptions**

	Lot Size in Square Feet	Min. Max.	0	2,000	3,000	4,000	5,000	8,500	12,000
			1,999	2,999	3,999	4,999	8,499	11,999	+
(1)	Building Coverage, Principal Structure		55%	55%	40%	30%	20%	35%	20%
(2)	Building Coverage, Accessory Structures		20%	14%	12%	10%	10%	7%	5%
(3)	Impervious Coverage, Non-Building		30%	30%	30%	25%	20%	23%	18%
(4)	Impervious Coverage, Total		80%	80%	80%	65%	50%	65%	43%

**311.B-39. Setbacks and building standards**

- A.** Setbacks and Building Standards shall meet the standards established for the appropriate building form as prescribed in [Article B-VIII - Building Forms](#).

**311.B-40. Building height**

- A.** No building shall have a height exceeding 28 feet or a maximum of two and a half (2 1/2) stories above grade, whichever is the lesser, unless otherwise stipulated in this section.
- B.** A building may have a height of up to 35 feet with a maximum of three stories above grade, if the zoning officer determines that one of the following conditions is met:
- (1) The building exceeded 28 feet before April 6, 2023.
  - (2) At least 50% of the buildings on the same side of the Primary Street exceeded 30 feet, calculated in accordance with [§ 311.B-10. Building Height](#).
  - (3) No portion of the building falls within a 30% Light & Air Shed (see [§ 311.B-17. Light & Air Shed](#)) as measured from the base of any principal use on adjacent properties where the adjacent property's principal building height is 28 feet or less.
  - (4) The roofline has a minimum roof pitch of 5:12 and a maximum roof pitch of 12:12.

# R-4 Zoning District

## ARTICLE B-VI

### 311.B-41. Legislative intent

The purpose of this article is to protect, maintain and preserve the existing medium-high density residential development in the district; to provide for adequate standards and open spaces to assure that proposed development will produce a desirable living environment and not create excessive traffic; and to provide for continued development with a variety of uses, including townhouses and multi-unit dwellings.

### 311.B-42. By right uses and special exceptions

A. Building forms and uses are permitted or prohibited together. Any use or building form not specifically permitted in the *Table of Permitted Uses and Special Exceptions* is prohibited.

#### B. Table of Permitted Uses and Special Exceptions

USE	BUILDING FORM												
	Detached House	Semi-Detached House	Attached House	ADU, External	TwoPlex	Courtyard Building	Flats, Micro	Flats, Small	Flats, Medium	Flats, Medium-Large	Flats, Large	Residential Multi-Plex	Flex
Residential													
(1) 1 unit	●	●	●	X	X	X	X	X	X	X	X	●	○
(2) 2 units	●	●	●	X	●	X	X	X	X	X	X	●	○
(3) 3 to 6 units	X	X	X	X	●	●	●	●	X	X	X	●	○
(4) 7 to 19 units	X	X	X	X	X	X	X	●	●	X	X	●	○
(5) 20 or more units	X	X	X	X	X	X	X	●	●	●	X	●	○
(6) Accessory unit	●	●	●	●	X	X	X	X	X	X	X	-	X
Non-Residential													
(7) Community residence facility	●	X	X	X	X	X	X	X	X	X	X	-	○
(8) Church or other place of worship*	X	X	X	X	X	X	X	X	X	X	X	-	○
(9) School, day-care center or similar use,	X	X	X	X	X	X	X	X	X	X	X	-	○

\* including rectory or parish house

● permitted ○ special exception (type 1) ⊙ special exception (type 2) X explicitly prohibited - not applicable

### C. Special Exception Criteria

- (1) All special exceptions are subject to the provisions of *Article F-III Zoning Hearing Board* as well as any specific conditions listed in this section.
- (2) Uses identified as Special Exceptions (Type 2) in *Table of Permitted Uses and Special Exceptions* are permitted only if they meet the following criteria:
  - (a) The structure was in existence prior to April 6, 2023.
  - (b) The property was being used for the special exception purpose prior to April 6, 2023.
  - (c) The property has not been abandoned for any period since April 6, 2023.
  - (d) The application meets all standards established in *Article B-VIII Building Forms* and elsewhere in this ordinance.

### 311.B-43. Permitted accessory uses

- A.** All the accessory uses as provided in § 311.B-36 in the R-3 Residential District..

### 311.B-44. Lot standards

- A.** Building forms and lots are permitted or prohibited together. Any lot or building form not specifically permitted in the *Table of Permitted Lots and Building Forms* is prohibited. A building form must also be permitted with a use in the *Table of Permitted Uses and Special Exceptions* to be permitted. Subdivision and consolidation of lots within this zone are subject to § 311.B-19. *Minimum Lot Size*.

### B. Table of Permitted Lots and Building Forms

	Lot Width in Feet	Min.	-	20	30	40	60	100
		Max.	19	30	39	59	99	+
Minimum Lot Depth (Feet)			110	110	110	110	110	110
(1)	Detached House		●	●	●	●	X	X
(2)	Semi-Detached House		●	●	●	●	X	X
(3)	Attached House		●	●	●	●	X	X
(4)	Accessory Dwelling Unit, External		●	●	●	●	X	X
(5)	TwoPlex		X	X	X	●	●	●
(6)	Courtyard Building		X	X	X	X	X	🚫
(7)	Flats, Micro		X	X	X	●	●	●
(8)	Flats, Small		X	X	X	X	X	●
(9)	Flats, Medium		X	X	X	X	X	●
(10)	Residential Multi-Plex		X	X	X	X	X	🚫
(11)	Flex		X	X	X	X	X	●

● permitted   ◐ permitted on some lots (see form standards)   X prohibited

**311.B-45. Lot coverage ratios**

Lot coverage ratios shall be determined based on the subject property's lot size as identified in the following table.

**A. Table of Coverage Ratios**

	Lot Size in Square Feet	Min.	0	2,000	3,000	4,000	6,000	10,000
		Max.	1,999	2,999	3,999	5,999	9,999	+
(1)	Building Coverage, Principal Structure		55%	55%	40%	30%	20%	35%
(2)	Building Coverage, Accessory Structures		20%	14%	12%	10%	10%	7%
(3)	Impervious Coverage, Non-Building		30%	30%	30%	25%	20%	23%
(4)	Impervious Coverage, Total		80%	80%	80%	65%	50%	65%

**311.B-46. Setbacks and building standards**

Setbacks and Building Standards shall meet the standards established for the appropriate building form as prescribed in [Article B-VIII - Building Forms](#).

**311.B-47. Bulk standards****A. Building Height**

- (1) No building shall have a height exceeding 35 feet with a maximum of three (3) stories above grade.

# Office District

## ARTICLE B-VII

### 311.B-48. Legislative intent

The purpose of this article is to protect, maintain and preserve the existing medium-high density residential development in the district; to provide for adequate standards and open spaces to assure that proposed development will produce a desirable living environment and not create excessive traffic; and to provide for continued development with a variety of uses, including townhouses, two-unit and multi-unit dwellings.

### 311.B-49. By right uses and special exceptions

A. Building forms and uses are permitted or prohibited together. Any use or building form not specifically permitted in the *Table of Permitted Uses and Special Exceptions* is prohibited.

#### B. Table of Permitted Uses and Special Exceptions

USE	BUILDING FORM												
	Detached House	Semi-Detached House	Attached House	ADU, External	TwoPlex	Courtyard Building	Flats, Micro	Flats, Small	Flats, Medium	Flats, Medium-Large	Flats, Large	Residential Multi-Plex	Flex
<b>Residential</b>													
(1) 1 unit	●	●	●	X	X	X	X	X	X	X	X	●	○
(2) 2 units	●	●	●	X	X	X	●	●	X	X	X	●	○
(3) 3 to 6 units	X	X	X	X	X	X	●	●	X	X	X	-	○
(4) 7 to 19 units	X	X	X	X	X	X	X	X	X	X	X	-	X
(5) 20 or more units	X	X	X	X	X	X	X	X	X	X	X	-	X
(6) Accessory unit	●	●	●	X	X	X	X	X	X	X	X	-	X
<b>Non-Residential</b>													
(7) Office	●	●	●	X	X	X	X	X	X	X	X	-	○
(8) Mixed use	●	●	●	X	X	X	●	●	X	X	X	●	X
(9) Municipal use	X	X	X	X	X	X	X	X	X	X	X	-	X
(10) Bed-and-breakfasts	●	●	●	X	X	X	●		X	X	X	●	○
(11) Club or lodge	X	X	X	X	X	X	X	X	X	X	X	-	○
(12) Public Parking Garage	X	X	X	X	X	X	X	X	X	X	X	-	○
(13) Community day-care centers	⊙	⊙	⊙	X	X	X	X	X	X	X	X	⊙	⊙
(14) School, day-care center or similar use	X	X	X	X	X	X	X	X	X	X	X	-	○

\* including rectory or parish house

● permitted ○ special exception (type 1) ⊙ special exception (type 2) X explicitly prohibited - not applicable

### C. Additional Requirements for Uses by Right

- (1) Bed-and-breakfasts shall contain no more than four bedroom units, with at least one off-street parking space per bedroom unit plus one additional off-street parking space for the owner/manager of such bed-and-breakfast establishment on the same parcel.
- (2) Bed-and-breakfast establishment shall have no more than one sign, that shall be a wall or monument sign with an area not to exceed the respective limitations set forth in **Article E-IV Sign Regulations**. Such sign shall be composed of stone, brick, wood or metal and not vinyl. Such sign shall not be internally lit.

### D. Special Exception Criteria

- (1) Uses identified as Special Exceptions (Type 1) in *Table of Permitted Uses and Special Exceptions* are permitted only if they meet the following criteria:
  - (a) The structure was in existence prior to April 6, 2023.
  - (b) The property was being used for the special exception purpose prior to April 6, 2023.
  - (c) The property has not been abandoned for any period since April 6, 2023.
  - (d) The application meets all standards established in **Article B-VIII Building Forms** and elsewhere in this ordinance.
- (2) Uses identified as Special Exceptions (Type 2) in *Table of Permitted Uses and Special Exceptions* are permitted only if they meet the following criteria:
  - (a) The applicant has all applicable licenses and approvals from the Commonwealth of Pennsylvania Department of Public Welfare and any other agencies having jurisdiction over day-care centers.
  - (b) A fence of not less than four feet in height shall be placed around all outdoor play areas.
  - (c) Each facility shall provide for the discharge and pickup of children on a driveway, approved parking area or directly in front of the entrance to the facility, and such area shall be free from traffic hazards to children. The drop-off area should be designed in such a way that pedestrians do not cross vehicular traffic lanes in any parking area or driveway.
  - (d) Signage shall comply with all regulations otherwise applicable in the Office District.
  - (e) All pedestrian pathways shall be adequately lit for safety and security

### 311.B-50. Permitted accessory uses

- A. Cafeteria and recreational facilities for employers.
- B. Storage within a completely enclosed structure in conjunction with a permitted use.
- C. Parking.
- D. Any accessory use on the same lot with and customarily incidental to any of the uses permitted above and consistent with the immediate surrounding area.

### 311.B-51. Conversions

Conversions are permitted in accordance with **§ 311.E18 Conversions**.



### 311.B-52. Lot standards

- A.** Building forms and lots are permitted or prohibited together. Any lot or building form not specifically permitted in the *Table of Permitted Lots and Building Forms* is prohibited. A building form must also be permitted with a use in the *Table of Permitted Uses and Special Exceptions* to be permitted. Subdivision and consolidation of lots within this zone are subject to [§ 311.B-19. Minimum Lot Size](#).

#### B. Table of Permitted Lots and Building Forms

Lot Width in Feet	Min.	-	20	30	40	60	100
	Max.	19	30	39	59	99	+
Minimum Lot Depth (Feet)		110	110	110	110	110	110
(1) Detached House		●	●	●	●	X	X
(2) Semi-Detached House		●	●	●	●	X	X
(3) Attached House		●	●	●	●	X	X
(4) Flats, Micro		X	X	X	●	●	●
(5) Flats, Small		X	X	X	X	X	●
(6) Residential Multi-Plex		X	X	X	X	X	●
(7) Flex		X	X	X	X	X	●

● permitted X prohibited

### 311.B-53. Lot coverage ratios

Lot coverage ratios shall be determined based on the subject property's lot size as identified in the following table.

#### A. Table of Coverage Ratios

		square footage of lot							
		Min.	-	2,200	3,300	4,400	5,500	6,600	7,700
		Max.	2,199	3,299	4,399	5,499	6,599	7,699	-
(1)	Building Coverage, Principal Structure	90%	85%	75%	50%	50%	50%	50%	50%
(2)	Impervious Coverage, Total	100%	100%	100%	95%	90%	85%	80%	

### 311.B-54. Setbacks and building standards

Setbacks and Building Standards shall meet the standards established for the appropriate building form as prescribed in [Article B-VIII - Building Forms](#).

### 311.B-55. Bulk standards

#### A. Building Height

- (1) No building shall have a height exceeding 35 feet with a maximum of three (3) stories above grade unless otherwise stipulated in this section.

# Building Forms

## ARTICLE B-VIII

### 311.B-56. Building forms

#### A. Legislative intent

- (1) This section sets forth the standards applicable to the development of each building form. These standards supplement the standards for each zone that the building forms are allowed within. These standards are intended to ensure development reinforces and enhances Media's community character and promote the health, safety, and welfare of the community.
- (2) All uses permitted in a zone are not permitted in all building forms. To determine which building forms and uses are permitted together, see the appropriate zone standards.

#### B. Applicability

- (1) The requirements of this Section shall apply to all proposed development with the R-1, R-2, R-3, R-4, and Office Zones and shall be considered in combination with the standards for the applicable zone.
- (2) Building forms are defined using the definition and accompanying images (Section A in each form). The applicable building form shall be selected using the definition. The accompanying images provide context for the definition. Where the two conflict, the written language shall take precedent. The form standards shall not be used to define the building form.
- (3) The names of the building form shall not limit uses within a building form. For example, a detached house may be permitted to have non-residential uses within it, such as a restaurant or office.
- (4) Where more than one definition may apply, the less intensive building form that is permitted in the zoning district shall be used.

#### C. General

- (a) Building forms are comprised of the main massing of a building and various additional building components and roofs.
- (b) The main massing is the primary and the most important portion defining a building form. The main massing of each building form is regulated using dimensional standards that differ for each type.
- (c) Building Components are accessory elements attached to the main massing that increase the buildings usefulness. Each building component has dimensional standards that must be met.
- (d) Building Components provide an important means for achieving variety and individuality in design and are permitted as indicated for each Building form.

# 311.B-57. Detached House

## A. Definition

A building designed as a residence having no party wall in common with an adjacent building and having yard areas on all four sides. Detached Houses may contain up to 2 units if permitted within the zone.



## B. Required, Permitted, and Prohibited Building Components Elements and Roofs

All buildings covered by this section shall include the required **Building Components** unless less than 50% of the properties on the same side of the street lack the specified building element. All building components are permitted on facades that face rear-yards and facades not visible from a public right-of-way.

Building Component			Roof Type		
(1)	Balcony, Front	○	(9)	Clerestory Roof	○
(2)	Bay Window	○	(10)	Gable (All)	○
(3)	Dormer	○	(11)	Gambrel	○
(4)	Entry Canopy	○	(12)	Hipped (All)	○
(5)	Portico	○	(13)	Hip and Valley	○
(6)	Porch	●	(14)	Flat / Low Sloped	⊙
(7)	Porch, Engaged	○	(15)	Mansard	○
(8)	Stoop	○	(16)	Shed	X

● required    ○ permitted    ⊙ subject to § 311.B-101    X prohibited

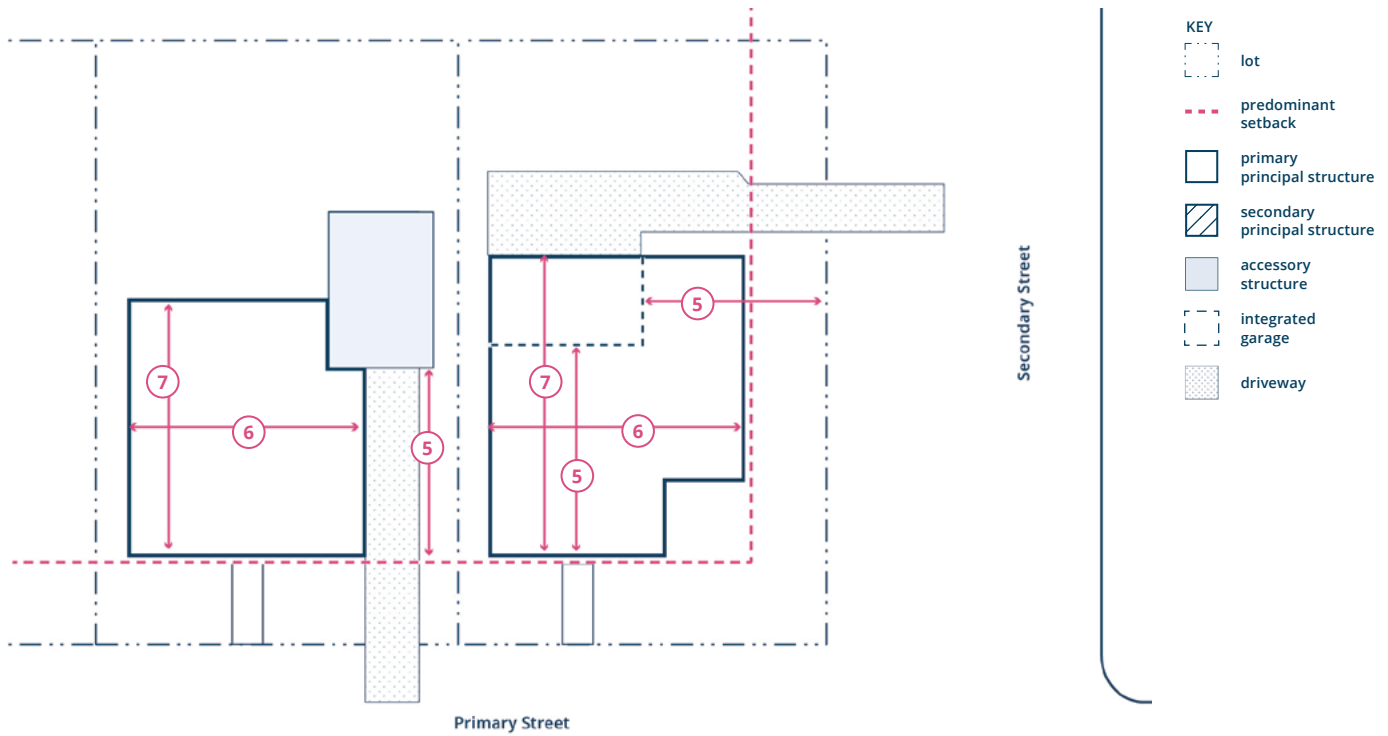
## Permitted Zones

This summary does not supersede the *Tables of Permitted Uses and Special Exceptions* within each zone.

R-1	R-2	R-3
R-4	O	

■ permitted in zone  
□ not permitted in zone or permitted by special exception only

## DETACHED HOUSE



### C. Layout Standards

Lot Width	Min.	0	20	30	40	50	60	70	80
	Max.	19	29	39	49	59	69	79	+
<b>Side Setbacks</b>									
(1) Individual		1'	1'	1'	3'	5'	6'	6'	10'
(2) Total		5'	6'	8'	13'	18'	20'	20'	26'
<b>Rear Setback</b>									
(3) R1 & R2 Zones		20'	20'	20'	20'	20'	20'	20'	20'
(4) R3 & R4 Zones		15'	15'	15'	15'	15'	15'	15'	15'
<b>Parking Setbacks</b>									
(5) Parking Setback		20'	20'	20'	20'	20'	20'	20'	20'
<b>Building Regulations</b>									
(6) Width, Maximum		-	-	30'	35'	40'	45'	50'	60'
(7) Depth, Maximum		75'	75'	75'	75'	75'	75'	75'	75'
(8) Build-to Line Occupancy, Minimum		90%	90%	90%	75%	65%	60%	55%	45%
(9) Build-to Line Occupancy, Maximum		100%	100%	100%	100%	90%	80%	75%	70%



## 311.B-58. Semi-Detached House

### A. Definition

A building designed as a residence having one party wall in common with an adjacent building, having yard areas on three sides, and having separate entrances for each structure. Semi-Detached Houses may contain up to 2 units if permitted within the zone. Individual setback standards apply to existing homes that occupy their own lot. Project standards apply to all new construction and properties where site features are under shared ownership or control.



### B. Required, Permitted, and Prohibited Building Components Elements and Roofs

All buildings covered by this section shall include the required **Building Components** unless less than 50% of the properties on the same side of the street lack the specified building element. All building components are permitted on facades that face rear-yards and facades not visible from a public right-of-way.

Building Component			Roof Type		
(1)	Balcony, Front	○	(9)	Clerestory Roof	○
(2)	Bay Window	○	(10)	Gable (All)	○
(3)	Dormer	○	(11)	Gambrel	○
(4)	Entry Canopy	○	(12)	Hipped (All)	○
(5)	Portico	○	(13)	Hip and Valley	○
(6)	Porch	●	(14)	Flat / Low Sloped	⊙
(7)	Porch, Engaged	○	(15)	Mansard	○
(8)	Stoop	○	(16)	Shed	X

● required    ○ permitted    ⊙ subject to § 311.B-101    X prohibited

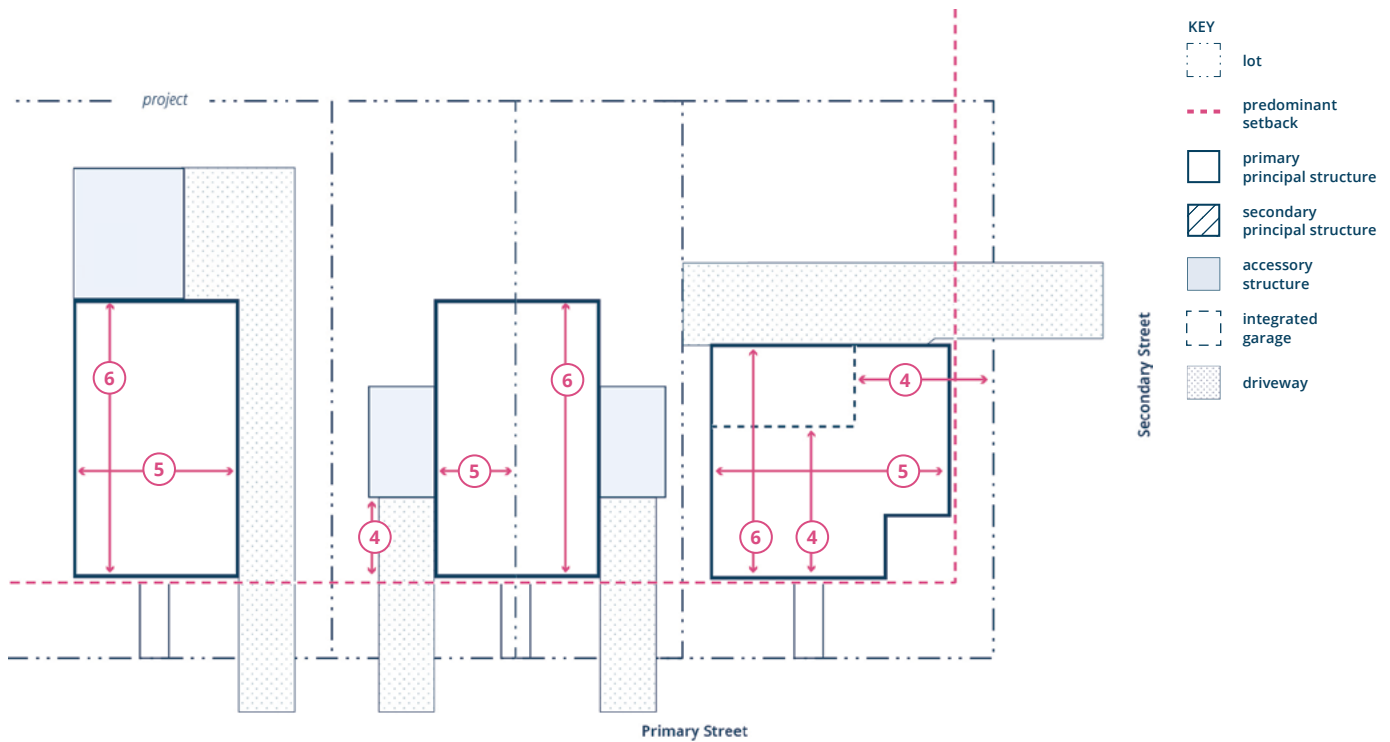
### Permitted Zones

This summary does not supersede the *Tables of Permitted Uses and Special Exceptions* within each zone.

R-1	R-2	R-3
R-4	O	

■ permitted in zone  
 □ not permitted in zone or permitted by special exception only

## SEMI-DETACHED HOUSE



### C. Layout Standards

		Individual				Projects			
Lot Width in Feet	Min.	0	20'	30	40	50'	60	70	80
	Max.	19	29	39	49	59	69	79	+
<b>Side Setbacks</b>									
(1) Unattached Side, Individual		2'	5'	10'	15'	2'	5'	7'	7'
(1) Unattached Side, Total		2'	5'	10'	15'	12	17	20'	20'
<b>Rear Setback</b>									
(2) R2 Zone		20'	20'	20'	20'	20'	20'	20'	20'
(3) R3 & R4 Zones		15'	15'	15'	15'	15'	15'	15'	15'
<b>Parking Setbacks</b>									
(4) Parking Setback		20'	20'	20'	20'	20'	20'	20'	20'
<b>Building Regulations</b>									
(5) Width, Maximum		-	-	25'	25'	40'	50'	50'	50'
(6) Depth, Maximum		75'	75'	75'	75'	75'	75'	75'	75'
(7) Build-to Line Occupancy, Minimum		90%	90%	90%	90%	80%	80%	75%	75%
(8) Build-to Line Occupancy, Maximum		100%	100%	100%	100%	100%	100%	100%	100%



## 311.B-59. Attached House

### A. Definition

An attached house, also called a townhouse, is a series of adjoining one-unit dwelling units each of which is structurally independent of the corresponding wall of the adjoining unit and separated from the adjacent dwelling unit by a wall that meets the International Building Code requirements. Attached houses have an unobstructed front and rear wall to be used for access, light and ventilation. A variation on the Townhouse is the stacked townhouse, with two similarly sized one-unit dwelling units integrated into the footprint of a Townhouse.



### B. Required, Permitted, and Prohibited Building Components Elements and Roofs

All buildings covered by this section shall include the required **Building Components** unless less than 50% of the properties on the same side of the street lack the specified building element. All building components are permitted on facades that face rear-yards and facades not visible from a public right-of-way.

Building Component			Roof Type	
(1)	Balcony, Front	<input type="radio"/>	(9)	Clerestory Roof <input type="radio"/>
(2)	Bay Window	<input type="radio"/>	(10)	Gable (All) <input type="radio"/>
(3)	Dormer	<input type="radio"/>	(11)	Gambrel <input type="radio"/>
(4)	Entry Canopy	<input type="radio"/>	(12)	Hipped (All) <input type="radio"/>
(5)	Portico	<input type="radio"/>	(13)	Hip and Valley <input type="radio"/>
(6)	Porch	<input checked="" type="radio"/>	(14)	Flat / Low Sloped <input checked="" type="radio"/>
(7)	Porch, Engaged	<input type="radio"/>	(15)	Mansard <input type="radio"/>
(8)	Stoop	<input type="radio"/>	(16)	Shed <input checked="" type="radio"/>

☒ required   
 ☐ permitted   
 ☒ subject to § 311.B-101   
 ☒ prohibited

### Permitted Zones

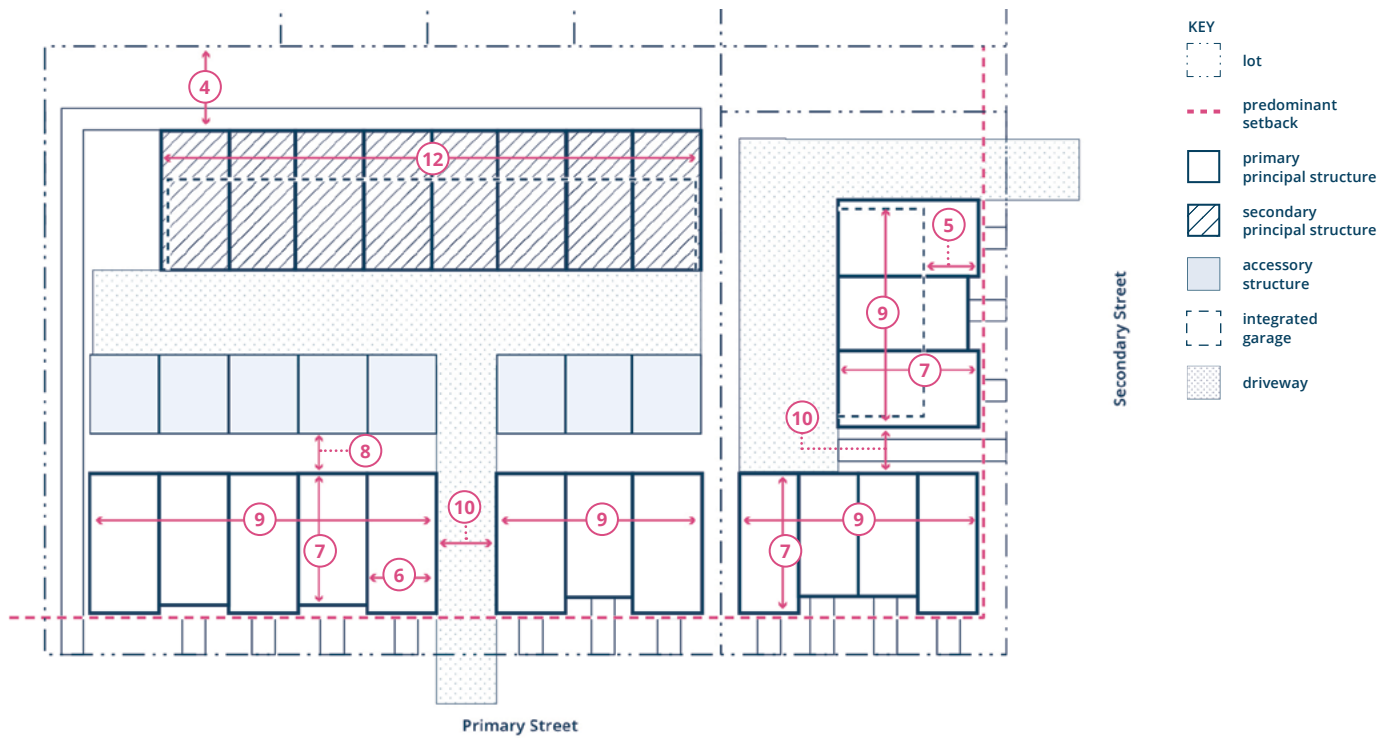
This summary does not supersede the *Tables of Permitted Uses and Special Exceptions* within each zone.

R-1	R-2	R-3
R-4	O	

☒ permitted in zone  
☐ not permitted in zone or permitted by special exception only



## ATTACHED HOUSE



### Layout Standards

	Individual		Projects	
Lot Standards	Min.	Max	Min.	Max
(1) Width	-	-	120'	-
(2) Depth	-	-	125'	-
Setbacks				
(3) Unattached side	10'	-	10'	-
(4) Rear	20'	-	20'	-
(5) Parking	20'	-	20'	-
Building Regulations				
(6) Width	12'	25'	18'	25'
(7) Depth	-	50'	-	50'
(8) Building Separation	0' / 10'	-	0' / 10'	-
Primary Principal Structures				
(9) Row Width	-	-	54'	-
(10) Building Separation	-	-	10'	-
(11) Build-to Line Occupancy	80%	-	40%	-
Secondary Principal Structures				
(12) Row Width	-	-	-	200'
(13) Building Separation	-	-	10'	-

### C. Individual vs Project Standards

Individual setback standards apply to homes that occupy their own lot. Project standards apply to all new construction and properties where site features are under shared ownership or control.

#### D. Primary Principal Structures, Projects

- (1) Rows must include at least three units except on secondary street where one twin is permitted.
- (2) Within an attached row, end units must occupy the Build-to Line line.
- (3) Units that are setback shall be set back at least 1 foot and no more than 5 feet.
- (4) All units shall be set back a uniform amount.

#### E. Secondary Principal Structures, Projects

- (1) Any lot with even one secondary principal structure shall have a minimum lot depth of 150 feet.
- (2) Secondary principal structures are only permitted behind primary principal structures.
- (3) Secondary principal structures shall be set back from all side and rear yards in an amount equal to the height of the secondary principal structure or 20 feet, whichever is larger.

# 311.B-60. Accessory Dwelling Unit, External

## B. Definition

An Accessory Dwelling Unit, External (ADU - External) is an Accessory Dwelling Unit that is attached to or detached from the principal primary structure. External ADUs may be located below or above another accessory use, including a garage or storage shed, so long as they are not a principal structure.



## A. Required, Permitted, and Prohibited Building Components Elements and Roofs

All buildings covered by this section shall include the required elements in this section.

Building Component		Roof Type	
(1) Balcony, Front	X	(9) Clerestory Roof	○
(2) Bay Window	○	(10) Gable (All)	○
(3) Dormer	○	(11) Gambrel	○
(4) Entry Canopy	○	(12) Hipped (All)	○
(5) Portico	○	(13) Hip and Valley	○
(6) Porch	○	(14) Flat / Low Sloped	○
(7) Porch, Engaged	○	(15) Mansard	○
(8) Stoop	○	(16) Shed	○

● required   
 ○ permitted   
 ⦿ subject to § 311.B-101   
 X prohibited

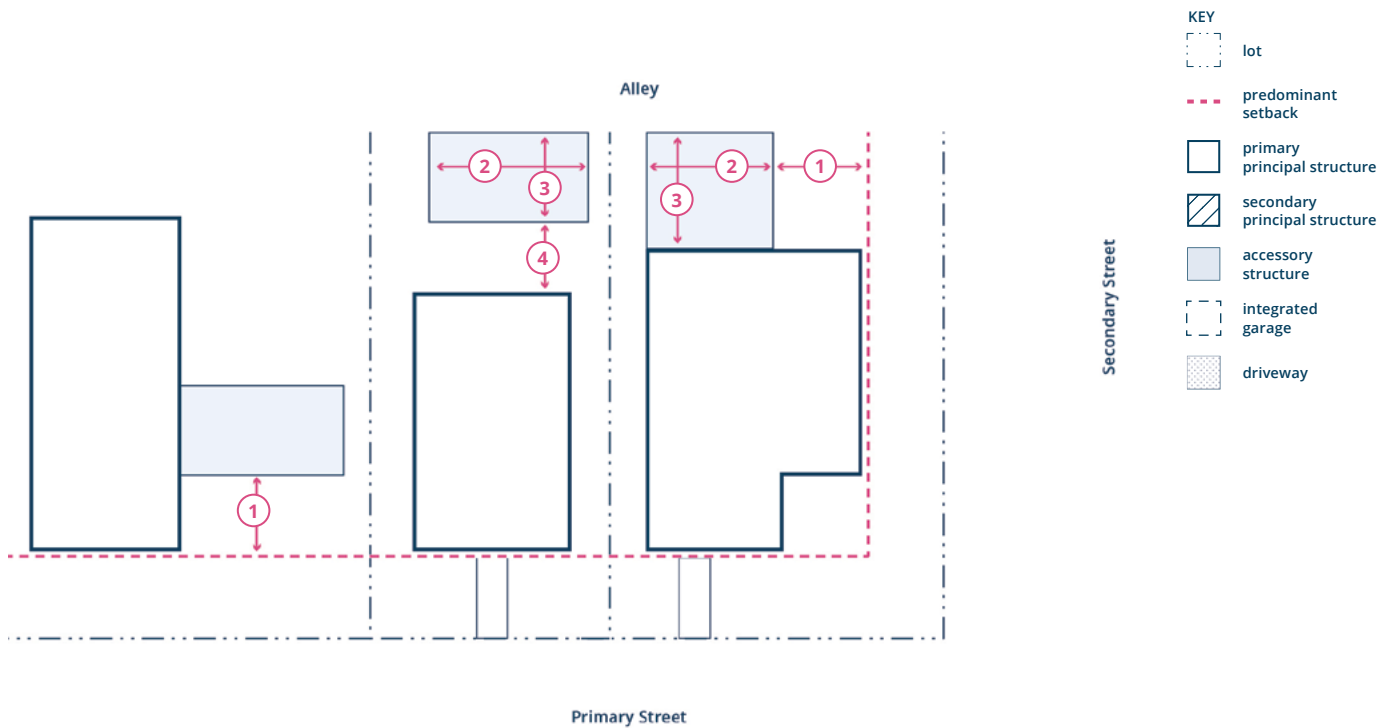
## Permitted Zones

This summary does not supersede the *Tables of Permitted Uses and Special Exceptions* within each zone.

R-1	R-2	R-3
R-4	O	

■ permitted in zone  
□ not permitted in zone or permitted by special exception only

## ACCESSORY DWELLING UNIT, EXTERNAL



### C. Layout Standards

	Min	Max
<b>Setbacks</b>		
(1) Setback from Build-to Line	5'	-
<b>Building Regulations</b>		
(2) Width, Maximum	20'	-
(3) Depth, Maximum	20'	-
(4) Building Separation	0' / 8'	-
(5) Total Square Footage	-	800

### D. Design Standards

- (1) All Accessory Dwelling Units are subject to [Article B-XV Accessory Dwelling Units](#).
- (2) ADUs shall comply with all setback standards of the primary principal structure on site unless the ADU is part of a parking garage, in which case it shall comply with the parking setback standards.
- (3) ADUs are exempt from rear yard setback requirements when the rear yard abuts an alleyway.
- (4) ADUs shall have side and rear yard setback a distance equal to one half the height of the building.
- (5) ADUs may not exceed the gross floor area of the primary principal structure.
- (6) If an ADU is proposed on a lot with an existing detached or semi-detached accessory structure that does not meet one or more of the setback or lot coverage standards in this ordinance, it is exempt from the standard(s) it does not meet. Alterations that would expand non-conformance voids the exemption.



## 311.B-61. TwoPlex

### A. Definition

Two primary structures designed as residences that occupy the same lot where one structure is located at the front of the lot and the other at the rear of the lot. Yards and parking may be shared. Where more than two units are permitted on site, TwoPlex may include semi-detached houses.



### B. Required, Permitted, and Prohibited Building Components Elements and Roofs

All buildings covered by this section shall include the required **Building Components** unless less than 50% of the properties on the same side of the street lack the specified building element. All building components are permitted on facades that face rear-yards and facades not visible from a public right-of-way.

Building Component			Roof Type		
(1)	Balcony, Front	○	(9)	Clerestory Roof	○
(2)	Bay Window	○	(10)	Gable (All)	○
(3)	Dormer	○	(11)	Gambrel	○
(4)	Entry Canopy	○	(12)	Hipped (All)	○
(5)	Portico	○	(13)	Hip and Valley	○
(6)	Porch	●	(14)	Flat / Low Sloped	⊙
(7)	Porch, Engaged	○	(15)	Mansard	○
(8)	Stoop	○	(16)	Shed	X
● required ○ permitted ⊙ subject to § 311.B-101 X prohibited					

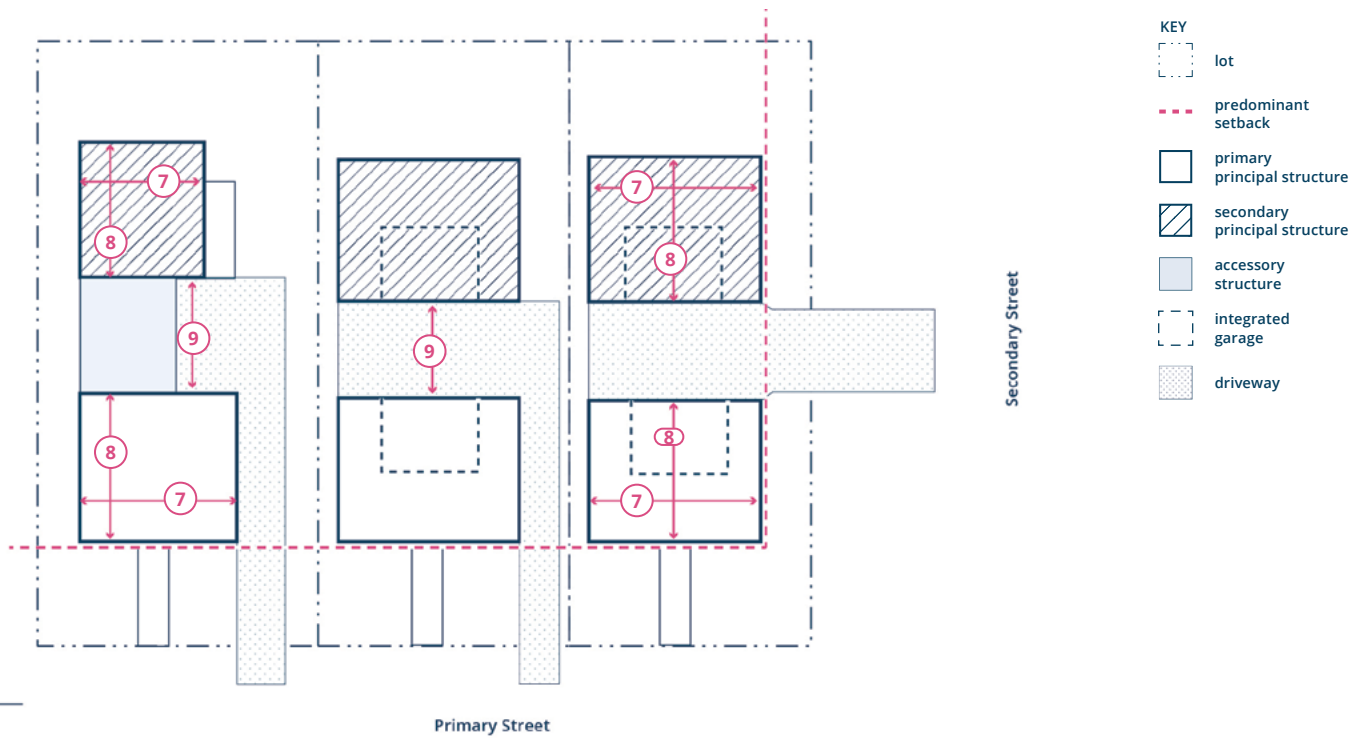
### Permitted Zones

This summary does not supersede the *Tables of Permitted Uses and Special Exceptions* within each zone.

R-1	R-2	R-3
R-4	O	

■ permitted in zone  
□ not permitted in zone or permitted by special exception only

## TWOPLEX



### B. Layout Standards

	Min.	Max
<b>Lot Standards</b>		
(1) Width	60'	-
(2) Depth	120'	-
<b>Setbacks</b>		
(3) Side, Individual	10'	-
(4) Side, Total	20'	-
(5) Rear	15'	-
(6) Parking	20'	-
<b>Building Regulations</b>		
(7) Width	20'	35'
(8) Depth	-	50'
(9) Building Separation	20'	-
(10) Build-to Line Occupancy	80%	100%

### C. Design Standards

- (1) The secondary principal structure shall be a minimum of 15% smaller in terms of gross square footage than the primary principal structure.
- (2) The larger of the two structures shall be located at the front of the lot.
- (3) The rear yard setback shall be equal to the minimum setback identified in the *Layout Standards Table* or the height of the secondary principal structure, whichever is greater.

### D. Exceptions

- (1) TwoPlexes are permitted 12% additional principal structure building coverage and overall impervious coverage than identified in the zone. No additional accessory structure or non-building coverage is permitted.
- (2) TwoPlexes that exceed the impervious coverage ratios established in the zone are required to meet the enhanced landscaping standards identified in [311.B-105. Enhanced Landscaping Standards](#).



## 311.B-62. Courtyard Building

### A. Definition

A detached structure, or combination of detached structures, with a combined building footprint of less than 7,500 square feet oriented around a central open space (courtyard). Units exit directly to the courtyard. The courtyard serves as a shared yard for all units.



### B. Required, Permitted, and Prohibited Building Components Elements and Roofs

All buildings covered by this section shall include the required **Building Components** unless less than 50% of the properties on the same side of the street lack the specified building element. All building components are permitted on facades that face rear-yards and facades not visible from a public right-of-way.

Building Component			Roof Type		
(1)	Balcony, Front	○	(9)	Clerestory Roof	○
(2)	Bay Window	○	(10)	Gable (All)	○
(3)	Dormer	○	(11)	Gambrel	○
(4)	Entry Canopy	○	(12)	Hipped (All)	○
(5)	Portico	○	(13)	Hip and Valley	○
(6)	Porch	○	(14)	Flat / Low Sloped	⊙
(7)	Porch, Engaged	○	(15)	Mansard	○
(8)	Stoop	○	(16)	Shed	X

● required   
 ○ permitted   
 ⊙ subject to § 311.B-101   
 X prohibited

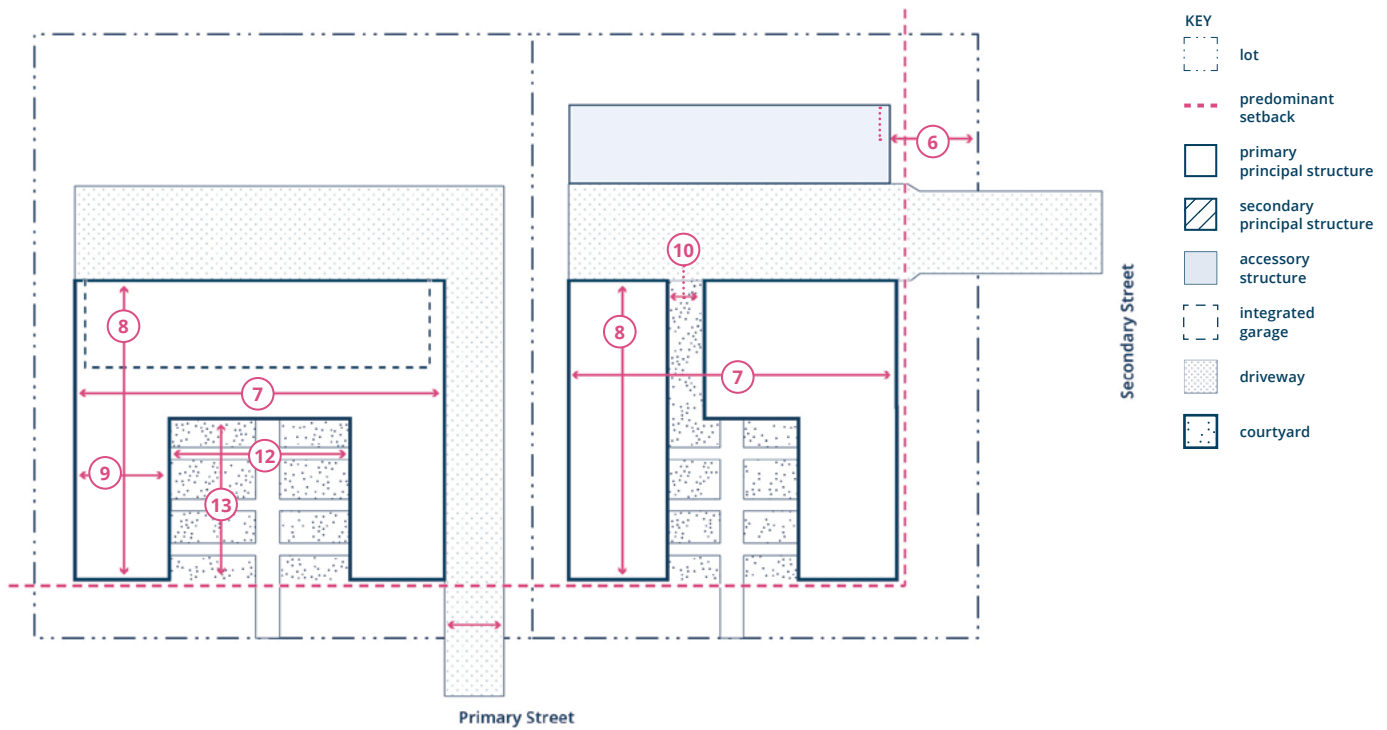
### Permitted Zones

This summary does not supersede the *Tables of Permitted Uses and Special Exceptions* within each zone.

R-1	R-2	R-3
R-4	O	

- R-1 permitted in zone
- O not permitted in zone or permitted by special exception only

## COURTYARD BUILDING



### C. Layout Standards

	Min.	Max
<b>Lot Standards</b>		
(1) Width	85'	-
(2) Depth	120'	-
<b>Setbacks</b>		
(3) Side, Individual	10'	-
(4) Side, Total	20'	-
(5) Rear	15'	-
(6) Parking	20'	-
<b>Building Regulations</b>		
(7) Width	70'	120'
(8) Depth	-	80'
(9) Wing Width	-	30'
(10) Building separation	10'	15'
(11) Build-to Line Occupancy	30%	80%
<b>Courtyard</b>		
(12) Courtyard Width	25'	-
(13) Courtyard Depth	25'	-

### D. Design Standards

- (1) The courtyard shall function as a shared common space accessible to all building tenants.
- (2) The courtyard shall be enclosed by buildings on a minimum of two sides.
- (3) The courtyard shall be open to the primary street.
- (4) The courtyard may be enclosed by a wall or fence that has a minimum of 70% transparency.
- (5) The courtyard may not contain accessory structures.
- (6) Pools, decks, seating, outdoor cooking spaces, and accessory uses customary to backyards are permitted in the courtyard that is enclosed on three sides by a building and that has access restricted through a fence or wall.
- (7) The courtyard shall have a minimum of 60% pervious coverage. Impervious coverage in the courtyard counts towards the total site impervious coverage.
- (8) The courtyard may be located above grade but shall not be more than 12 feet above the lowest point of the ground floor's finish floor elevation.



## 311.B-63. Flats, Micro

### A. Definition

A detached or semi-detached structure containing 3 or more units where the principal structure footprint is less than or equal to 3,500 square feet. Units share a principal entryway from the street.



### B. Required, Permitted, and Prohibited Building Components Elements and Roofs

All buildings covered by this section shall include the required **Building Components** unless less than 50% of the properties on the same side of the street lack the specified building element. All building components are permitted on facades that face rear-yards and facades not visible from a public right-of-way.

Building Component			Roof Type	
(1)	Balcony, Front	<input type="radio"/>	(9)	Clerestory Roof <input type="radio"/>
(2)	Bay Window	<input type="radio"/>	(10)	Gable (All) <input type="radio"/>
(3)	Dormer	<input type="radio"/>	(11)	Gambrel <input type="radio"/>
(4)	Entry Canopy	<input type="radio"/>	(12)	Hipped (All) <input type="radio"/>
(5)	Portico	<input type="radio"/>	(13)	Hip and Valley <input type="radio"/>
(6)	Porch	<input checked="" type="radio"/>	(14)	Flat / Low Sloped <input checked="" type="radio"/>
(7)	Porch, Engaged	<input type="radio"/>	(15)	Mansard <input type="radio"/>
(8)	Stoop	<input type="radio"/>	(16)	Shed <input checked="" type="radio"/>

☒ required  
 ☐ permitted  
 ☒ subject to § 311.B-101  
 ☒ prohibited

### Permitted Zones

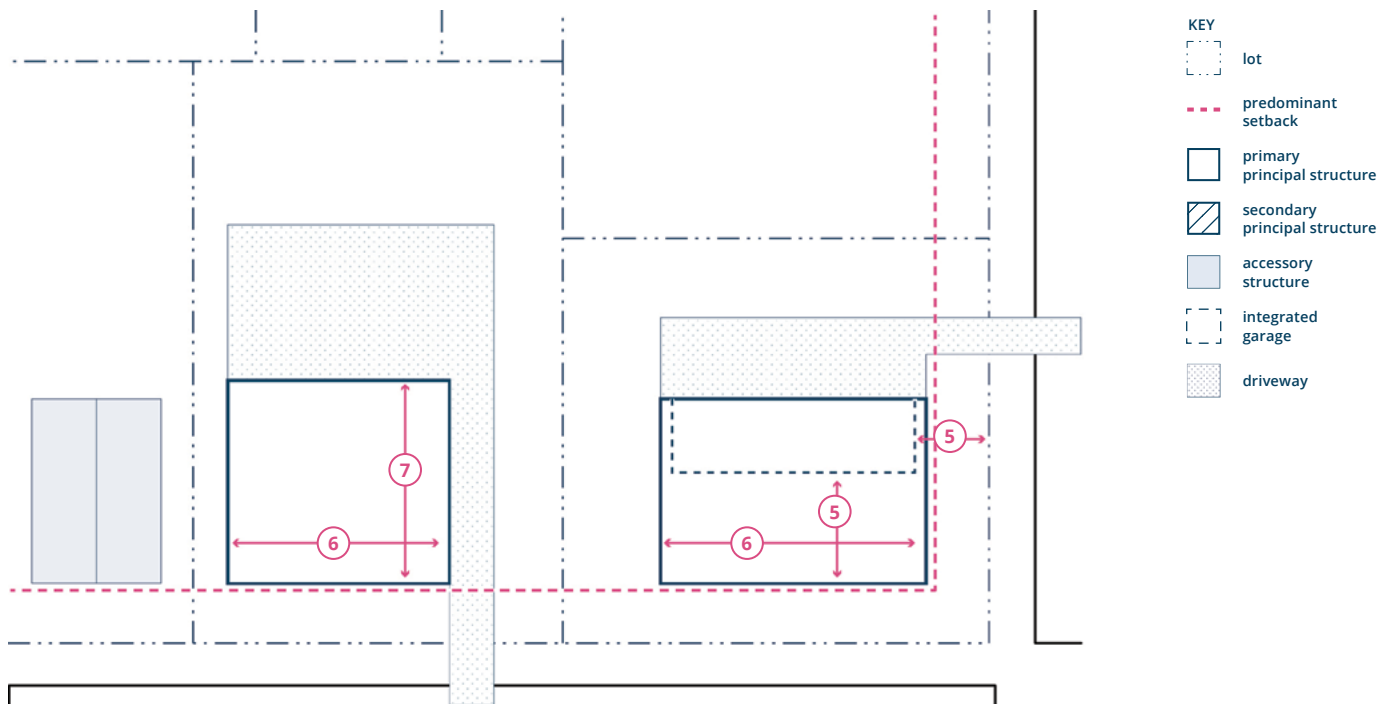
This summary does not supersede the *Tables of Permitted Uses and Special Exceptions* within each zone.

R-1	R-2	R-3
R-4	O	

- ☒ permitted in zone  
☐ not permitted in zone or permitted by special exception only



## FLATS, MICRO



### D. Layout Standards

	Min.	Max
<b>Lot Standards</b>		
(1) Width	100'	-
(2) Depth	120'	-
(3) Lot Size (sqft)	12,500	-
<b>Setbacks</b>		
(4) Side	12'	-
(5) Rear	20'	-
(6) Parking	20'	-
<b>Building Regulations</b>		
(7) Width	35'	75'
(8) Depth	35'	100'
(9) Build-to Line Occupancy	80%	100%

### E. Design Standards

- (1) Where permitted, Micro Flats are exempt from principal building impervious coverages up to 35% and up to 30% of non-building impervious coverage subject to [311.B-105. Enhanced Landscaping Standards](#). Corresponding increases in total impervious coverages are permitted.

## 311.B-64. Flats, Small

### A. Definition

A detached structure containing at least 3 units where the principal structure footprint is more than 3,500 square feet but less than or equal to 7,500 square feet. Units share a principal entryway from the street.



### B. Required, Permitted, and Prohibited Building Components Elements and Roofs

All buildings covered by this section shall include the required **Building Components** unless less than 50% of the properties on the same side of the street lack the specified building element. All building components are permitted on facades that face rear-yards and facades not visible from a public right-of-way.

Building Component			Roof Type		
(1)	Balcony, Front	○	(9)	Clerestory Roof	○
(2)	Bay Window	○	(10)	Gable (All)	○
(3)	Dormer	○	(11)	Gambrel	○
(4)	Entry Canopy	○	(12)	Hipped (All)	○
(5)	Portico	○	(13)	Hip and Valley	○
(6)	Porch	○	(14)	Flat / Low Sloped	⊙
(7)	Porch, Engaged	○	(15)	Mansard	○
(8)	Stoop	X	(16)	Shed	X

● required   
 ○ permitted   
 ⊙ subject to § 311.B-101   
 X prohibited

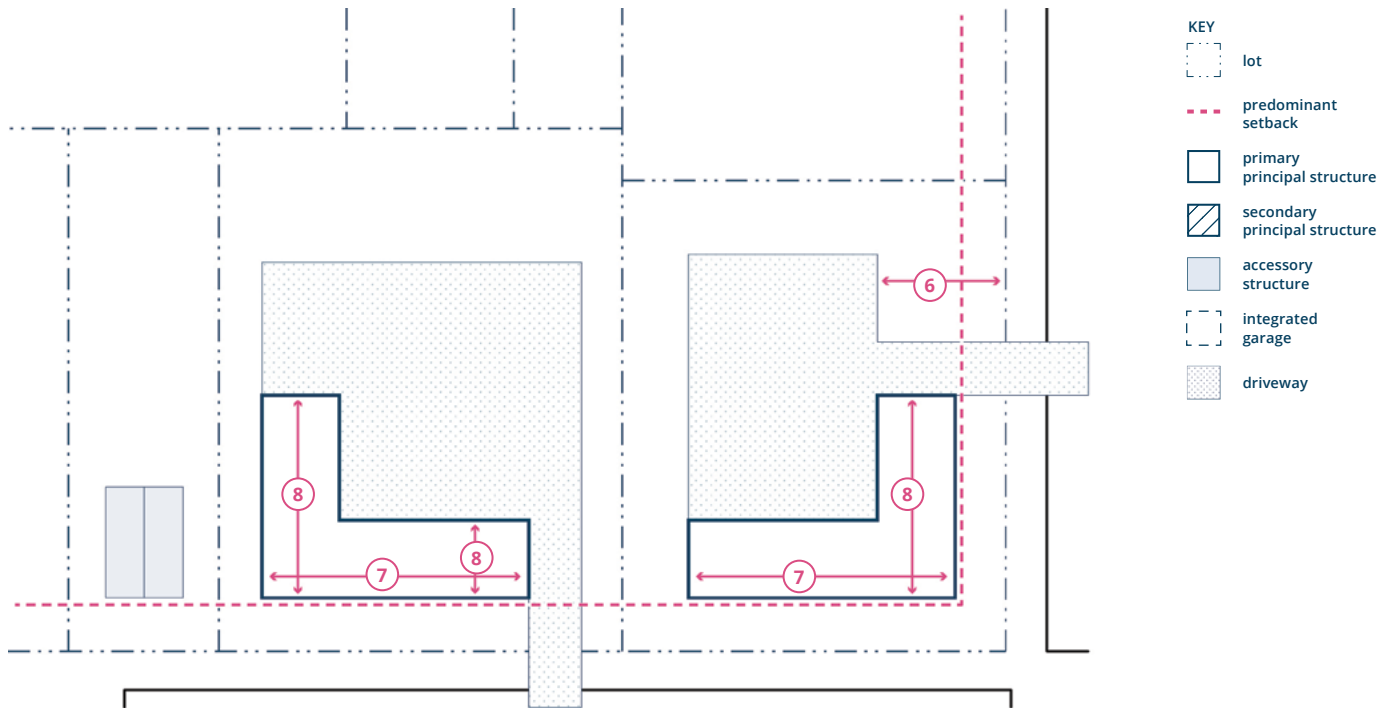
### Permitted Zones

This summary does not supersede the *Tables of Permitted Uses and Special Exceptions* within each zone.

R-1	R-2	R-3
R-4	O	

- permitted in zone
- not permitted in zone or permitted by special exception only

## FLATS, SMALL



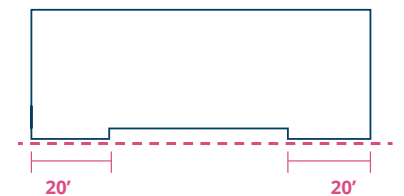
### A. Layout Standards

	Min.	Max
<b>Lot Standards</b>		
(1) Width	125'	-
(2) Depth	120'	-
(3) Lot Size (sqft)	20,000	-
<b>Setbacks</b>		
(4) Side	15'	-
(5) Rear	20'	-
(6) Parking	20'	-
<b>Building Regulations</b>		
(7) Width	50'	180'
(8) Depth	35'	120'
(9) Build-to Line Occupancy *	50' / 60%	75' / 75%

\* requirement shall be the greater of the linear measurement or the percentage of front facade

### B. Design Standards

- (1) Where permitted, Small Flats are exempt from principal building impervious coverages up to 30% and up to 40% of non-building impervious coverage subject to [311.B-105. Enhanced Landscaping Standards](#). Corresponding increases in total impervious coverages are permitted.
- (2) The maximum the front facade may be set back from the Build-to Line is 10 feet unless a Programmed Open Space is being provided in between the facade and the Build-to Line.
- (3) The first 20 feet of each edge of the front facade shall occupy the Build-to Line, as illustrated.





## 311.B-65. Flats, Medium

### A. Definition

A detached structure containing at least 5 units where the principal structure footprint is more than 7,500 square feet but less than or equal to 15,000 square feet. Units share a principal entryway from the street



### B. Required, Permitted, and Prohibited Building Components Elements and Roofs

All buildings covered by this section shall include the required **Building Components** unless less than 50% of the properties on the same side of the street lack the specified building element. All building components are permitted on facades that face rear-yards and facades not visible from a public right-of-way.

Building Component			Roof Type	
(1)	Balcony, Front	<input type="radio"/>	(9)	Clerestory Roof <input type="radio"/>
(2)	Bay Window	<input type="radio"/>	(10)	Gable (All) <input type="radio"/>
(3)	Dormer	<input type="radio"/>	(11)	Gambrel <input type="radio"/>
(4)	Entry Canopy	<input type="radio"/>	(12)	Hipped (All) <input type="radio"/>
(5)	Portico	<input type="radio"/>	(13)	Hip and Valley <input type="radio"/>
(6)	Porch	<input type="radio"/>	(14)	Flat / Low Sloped <input checked="" type="radio"/>
(7)	Porch, Engaged	<input type="radio"/>	(15)	Mansard <input type="radio"/>
(8)	Stoop	<input checked="" type="radio"/>	(16)	Shed <input checked="" type="radio"/>

☒ required  
 ☐ permitted  
 ☒ subject to § 311.B-101  
 ☒ prohibited

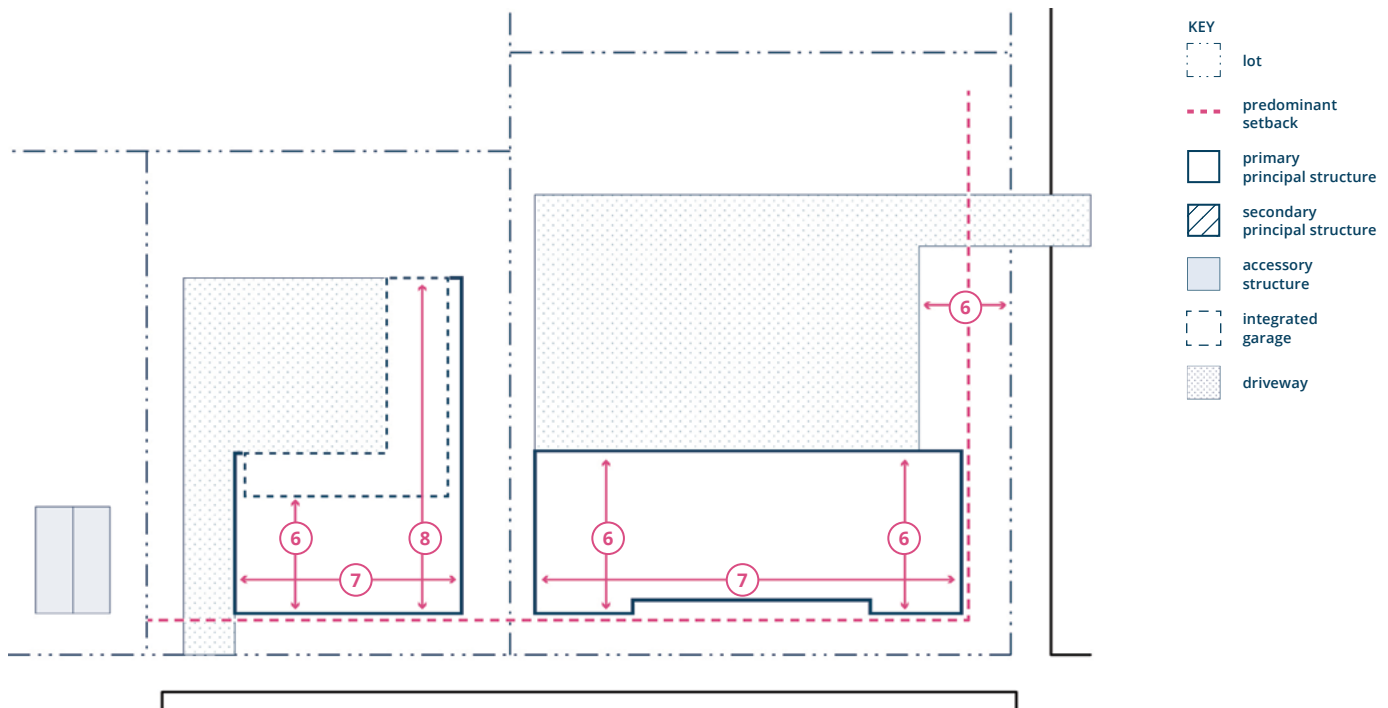
### Permitted Zones

This summary does not supersede the *Tables of Permitted Uses and Special Exceptions* within each zone.

<b>R-1</b>	<b>R-2</b>	<b>R-3</b>
<b>R-4</b>	<b>O</b>	

- ☒ permitted in zone  
☐ not permitted in zone or permitted by special exception only

## FLATS, MEDIUM



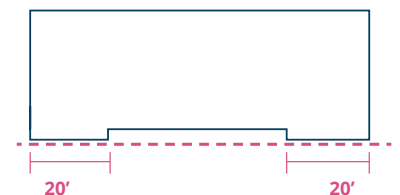
### C. Layout Standards

	Min.	Max
<b>Lot Standards</b>		
(1) Width	150'	-
(2) Depth	120'	-
(3) Lot Size (sqft)	30,000	-
<b>Setbacks</b>		
(4) Side	24'	-
(5) Rear	20'	-
(6) Parking	20'	-
<b>Building Regulations</b>		
(7) Width	75'	220'
(8) Depth	-	50'
(9) Build-to Line Occupancy *	50' / 60%	75' / 80%

\* requirement shall be the greater of the linear measurement or the percentage of front facade

### D. Design Standards

- (1) Where permitted, Medium Flats are exempt from principal building impervious coverages up to 30% and up to 40% of non-building impervious coverage subject to **311.B-105. Enhanced Landscaping Standards**. Corresponding increases in total impervious coverages are permitted.
- (2) The maximum the front facade may be setback from the Build-to Line is 10 feet unless a Programmed Open Space is being provided in the between the facade and the Build-to Line.
- (3) The first 20 feet of each edge of the front facade shall occupy the Build-to Line, as illustrated.





## 311.B-66. Flats, Medium-Large

### A. Definition

A detached structure containing at least 5 units where the principal structure footprint is more than 15,000 square feet but less than or equal to 30,000 square feet. Units share a principal entryway from the street.



### B. Required, Permitted, and Prohibited Building Components Elements and Roofs

All buildings covered by this section shall include the required **Building Components** unless less than 50% of the properties on the same side of the street lack the specified building element. All building components are permitted on facades that face rear-yards and facades not visible from a public right-of-way.

Building Component			Roof Type		
(1)	Balcony, Front	○	(9)	Clerestory Roof	○
(2)	Bay Window	○	(10)	Gable (All)	○
(3)	Dormer	○	(11)	Gambrel	○
(4)	Entry Canopy	○	(12)	Hipped (All)	○
(5)	Portico	○	(13)	Hip and Valley	○
(6)	Porch	○	(14)	Flat / Low Sloped	⊙
(7)	Porch, Engaged	○	(15)	Mansard	○
(8)	Stoop	X	(16)	Shed	X

● required   
 ○ permitted   
 ⊙ subject to § 311.B-101   
 X prohibited

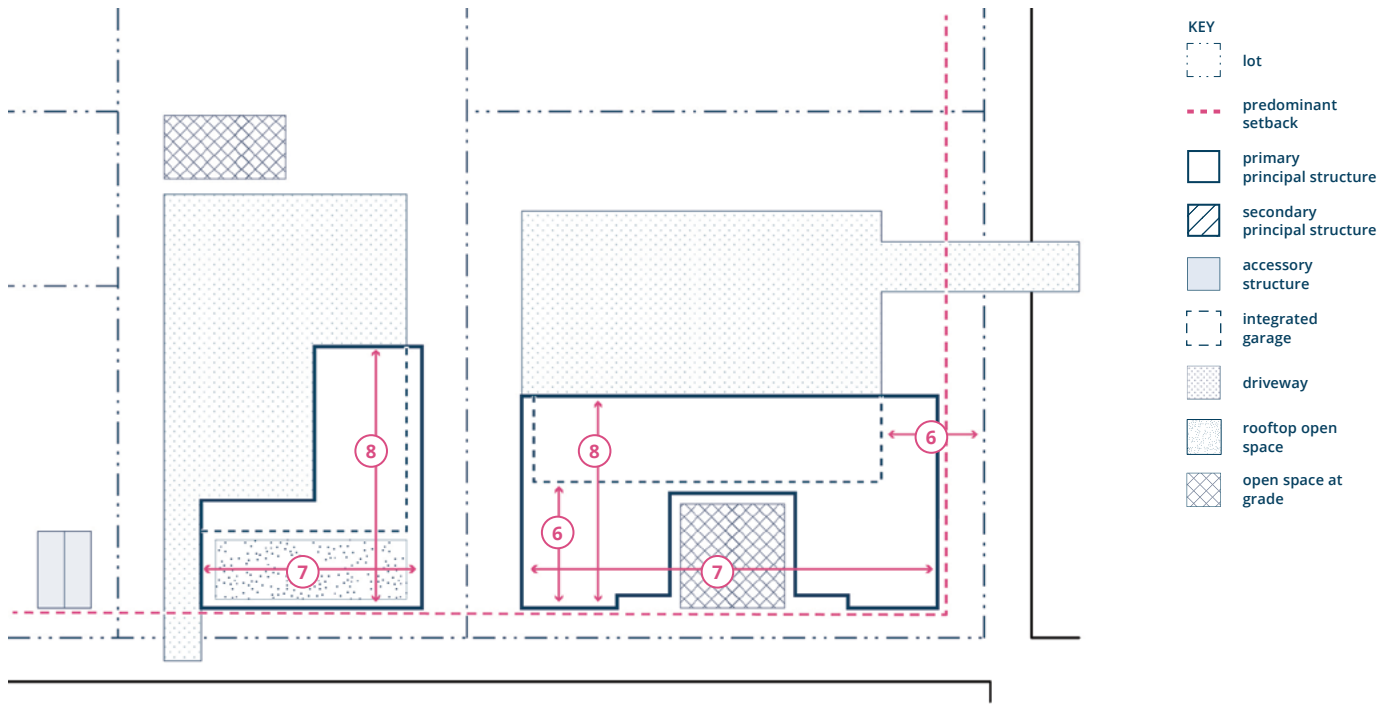
### Permitted Zones

This summary does not supersede the *Tables of Permitted Uses and Special Exceptions* within each zone.

<b>R-1</b>	<b>R-2</b>	<b>R-3</b>
<b>R-4</b>	<b>O</b>	

- permitted in zone
- not permitted in zone or permitted by special exception only

## FLATS, MEDIUM-LARGE



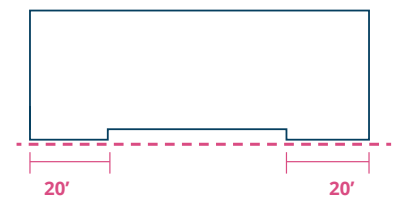
### C. Layout Standards

	Min.	Max
<b>Lot Standards</b>		
(1) Width	200'	-
(2) Depth	200'	-
(3) Lot Size (sqft)	50,000	-
<b>Setbacks</b>		
(4) Side	35'	-
(5) Rear	40'	-
(6) Parking	30'	-
<b>Building Regulations</b>		
(7) Width	100'	250'
(8) Depth	60'	120'
(9) Build-to Line Occupancy *	70' / 60%	150' / 75%
<b>Open Space</b>		
(10) Programmed Open Space per Unit	75 sqft	-

\* requirement shall be the greater of the linear measurement or the percentage of front facade

### D. Design Standards

- (1) Where permitted, Medium Flats are exempt from principal building impervious coverages up to 35% and up to 30% of non-building impervious coverage subject to [311.B-105. Enhanced Landscaping Standards](#). Corresponding increases in total impervious coverages are permitted.
- (2) The maximum the front facade may be set back from the Build-to Line is 10 feet unless a Programmed Open Space is being provided in the between the facade and the Build-to Line.
- (3) The first 20 feet of each edge of the front facade shall occupy the Build-to Line, as illustrated.
- (4) Programmed open space may occur on rooftops.





# 311.B-67. Flats, Large

## A. Definition

A detached structure containing at least 5 units where the principal structure footprint is more than 30,000 square feet. Units share an entryway(s) from the street. Units share a principal entryway from the street.



## B. Required, Permitted, and Prohibited Building Components Elements and Roofs

All buildings covered by this section shall include the required **Building Components** unless less than 50% of the properties on the same side of the street lack the specified building element. All building components are permitted on facades that face rear-yards and facades not visible from a public right-of-way.

Building Component			Roof Type		
(1)	Balcony, Front	<input type="radio"/>	(9)	Clerestory Roof	<input type="radio"/>
(2)	Bay Window	<input type="radio"/>	(10)	Gable (All)	<input type="radio"/>
(3)	Dormer	<input type="radio"/>	(11)	Gambrel	<input type="radio"/>
(4)	Entry Canopy	<input type="radio"/>	(12)	Hipped (All)	<input type="radio"/>
(5)	Portico	<input type="radio"/>	(13)	Hip and Valley	<input type="radio"/>
(6)	Porch	<input type="radio"/>	(14)	Flat / Low Sloped	<input checked="" type="radio"/>
(7)	Porch, Engaged	<input type="radio"/>	(15)	Mansard	<input type="radio"/>
(8)	Stoop	<input checked="" type="radio"/>	(16)	Shed	<input checked="" type="radio"/>

☒ required   
 ☐ permitted   
 ☒ subject to § 311.B-101   
 ☒ prohibited

## Permitted Zones

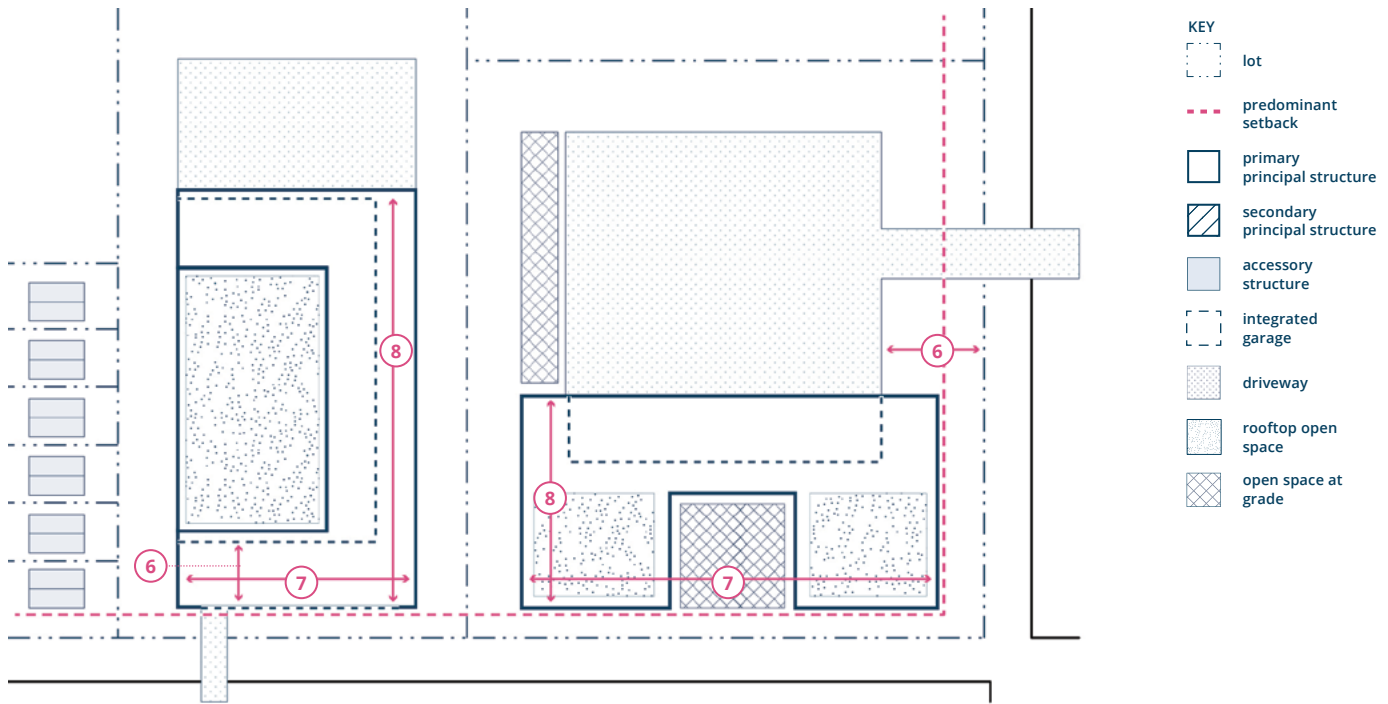
This summary does not supersede the *Tables of Permitted Uses and Special Exceptions* within each zone.

R-1	R-2	R-3
R-4	O	

- ☒ permitted in zone  
☐ not permitted in zone or permitted by special exception only



## FLATS, LARGE



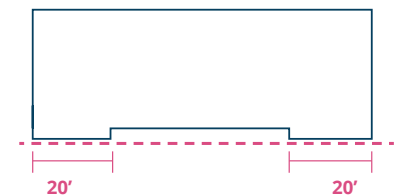
### C. Layout Standards

	Min.	Max
<b>Lot Standards</b>		
(1) Width	250'	-
(2) Depth	200'	-
(3) Lot Size (sqft)	70,000	-
<b>Setbacks</b>		
(4) Side	40'	-
(5) Rear	40'	-
(6) Parking	30'	-
<b>Building Regulations</b>		
(7) Width	250'	400'
(8) Depth	70'	200'
(9) Build-to Line Occupancy *	130' / 60%	180' / 60%
<b>Open Space</b>		
(10) Programmed Open Space per Unit	150 sqft	-

\* requirement shall be the greater of the linear measurement or the percentage of front facade

### D. Design Standards

- (1) Where permitted, Large Flats are exempt from principal building impervious coverages up to 35% and up to 30% of non-building impervious coverage subject to **311.B-105. Enhanced Landscaping Standards**. Corresponding increases in total impervious coverages are permitted.
- (2) The maximum the front facade may be setback from the Build-to Line is 10 feet unless a Programmed Open Space is being provided in the between the facade and the Build-to Line.
- (3) The first 20 feet of each edge of the front facade shall occupy the Build-to Line, as illustrated.
- (4) Structured parking shall not be counted towards the principal structure footprint where:



- (a) at least seventy-five (75) percent of the area above the structure parking is Programmed communal space accessible to all building residents;
  - (b) at least one tree is planted on site for every 300 square feet of parking structure. Such trees shall be in addition to any other plantings required in this ordinance.
- (5) Programmed open space may occur on rooftops.

# 311.B-68. Residential Multi-Plex

## A. Definition

A combination of permitted building forms on a single lot that may include *Detached House, Semi-Detached House, Attached House, or Flats, Micro.*



## B. Required, Permitted, and Prohibited Building Components Elements and Roofs

All buildings covered by this section shall include the required *Building Components* unless less than 50% of the properties on the same side of the street lack the specified building element. All building components are permitted on facades that face rear-yards and facades not visible from a public right-of-way.

Building Component			Roof Type	
(1)	Balcony, Front	<input type="radio"/>	(9)	Clerestory Roof <input type="radio"/>
(2)	Bay Window	<input type="radio"/>	(10)	Gable (All) <input type="radio"/>
(3)	Dormer	<input type="radio"/>	(11)	Gambrel <input type="radio"/>
(4)	Entry Canopy	<input type="radio"/>	(12)	Hipped (All) <input type="radio"/>
(5)	Portico	<input type="radio"/>	(13)	Hip and Valley <input type="radio"/>
(6)	Porch	<input type="radio"/>	(14)	Flat / Low Sloped <input checked="" type="radio"/>
(7)	Porch, Engaged	<input type="radio"/>	(15)	Mansard <input type="radio"/>
(8)	Stoop	<input type="radio"/>	(16)	Shed <input checked="" type="radio"/>

☒ required  
 ☐ permitted  
 ☒ subject to § 311.B-101  
 ☒ prohibited

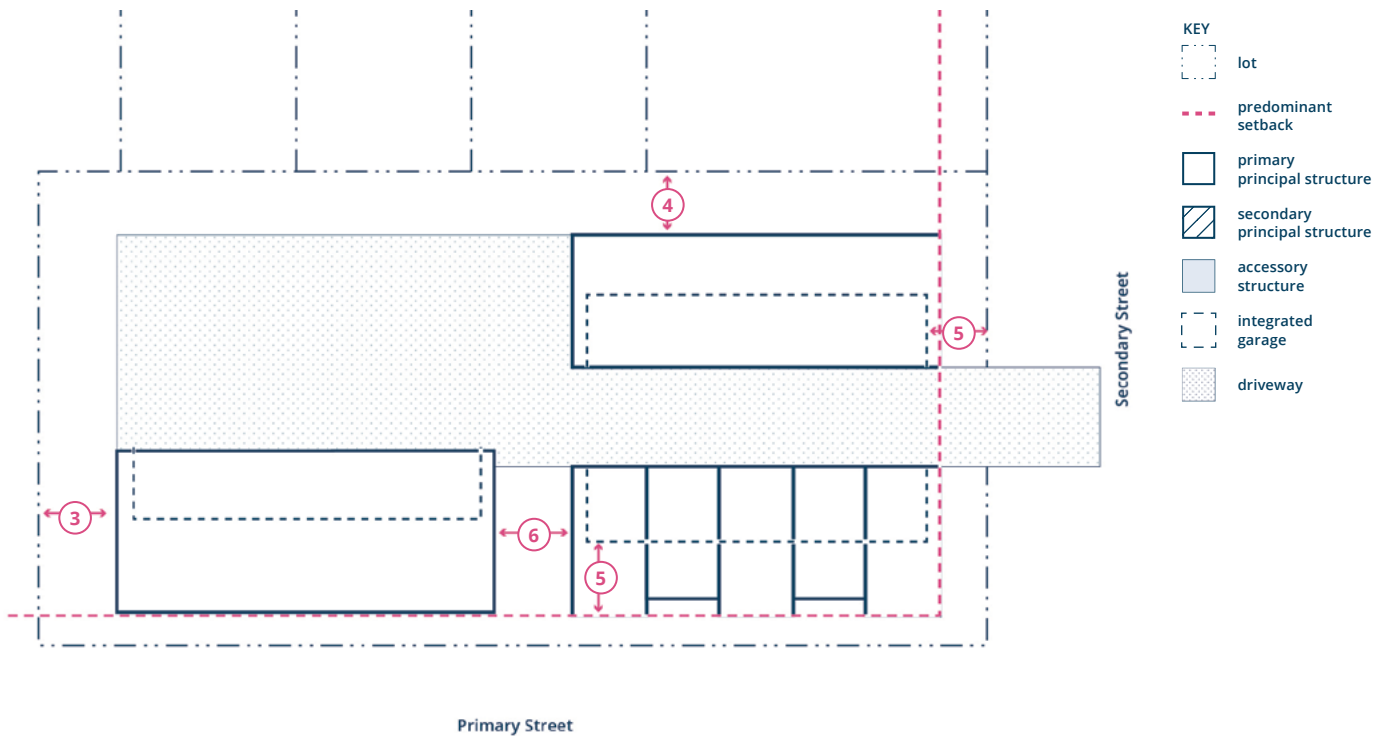
## Permitted Zones

This summary does not supersede the *Tables of Permitted Uses and Special Exceptions* within each zone.

R-1	R-2	R-3
R-4	O	

☒ permitted in zone  
☐ not permitted in zone or permitted by special exception only

## RESIDENTIAL MULTI-PLEX



### C. Layout Standards

	Min.	Max
<b>Lot Standards</b>		
(1) Width	120'	-
(2) Depth	120'	-
<b>Setbacks</b>		
(3) Side	15'	-
(4) Rear	20'	-
(5) Parking	20'	-
<b>Building Standards</b>		
(6) Building Separation	10'	-

### D. Standards

- (1) All building forms in a multi-plex must be permitted in the zone. The Residential Multi-Plex standards may not be substituted for the Project Standards of any given building form.
- (2) Buildings shall adhere to the standards within their respective building form standards. Buildings shall be exempt from side and rear yard setback requirements where such yards are internal to the lot.
- (3) The Lot Standards and Setback Standards in this section shall apply to all buildings taken as a whole.
- (4) The total residential density shall not exceed the permitted density should the applicant have submitted an approved application consistent with the Subdivision and Land Development Ordinance (SALDO) and the Zoning Ordinance.
- (5) Any unit that fronts onto a rear or side yard shall be required to have a minimum setback equal to or greater than the height of the building or the minimum rear yard setback established in this section, whichever is greater.
- (6) Parking for all buildings shall be accessible through a single shared driveway.
- (7) A shared driveway shall only be permitted on a primary street only if there is no possibility of it being located on the side street or through an alley way.

## 311.B-69. Flex

### A. Definition

A building designed or used as a residence that does not meet the definition of any other form in the ordinance.

### B. Layout Standards

Should the zoning officer determine that a proposed building does not conform with any of the forms in this section, the following minimum standards shall apply. Any standard identified in this section shall supersede the standards in the zone.

	R-1	R-2	R-3	R-4	Office
<b>Lot Standards</b>					
(1) Width	60"	45'	40'	40'	30'
(2) Lot Area	6,600	4,950	4,000	4,000	3,150
<b>Setbacks</b>					
(3) Side, Individual	10'	8'	10'	10'	5'
(4) Side, Total	25'	20'	20'	20'	10'
<b>Coverage Ratios</b>					
(5) Building Coverage	30%	30%	30%	30%	30%
(6) Lot Coverage	30%	30%	30%	30%	30%

### C. Required, Permitted, and Prohibited Building Components Elements and Roofs

All buildings covered by this section shall include the below required elements unless less than 50% of the properties on the same side of the street lack the specified building element.

Building Component		Roof Type	
(1) Balcony, Front	X	(9) Clerestory Roof	○
(2) Bay Window	○	(10) Gable (All)	○
(3) Dormer	○	(11) Gambrel	○
(4) Entry Canopy	○	(12) Hipped (All)	○
(5) Portico	○	(13) Hip and Valley	○
(6) Porch	●	(14) Flat / Low Sloped	⊙
(7) Porch, Engaged	○	(15) Mansard	○
(8) Stoop	○	(16) Shed	X

● required    ○ permitted    ⊙ subject to § 311.B-101    X prohibited

### Permitted Zones

This summary does not supersede the *Tables of Permitted Uses and Special Exceptions* within each zone.

R-1	R-2	R-3
R-4	O	

- permitted in zone  
 □ not permitted in zone or permitted by special exception only



# Parking Location & Design

## ARTICLE B-IX

### 311.B-70. **Legislative intent**

The purpose of this article is to ensure that the design and location of parking in residential areas supports and reinforces multi-modal options for all residents and visitors. The standards will ensure that parking is provided in safe and convenient locations while maintaining a high-quality pedestrian street network.

### 311.B-71. **Applicability**

- A. The requirements of this section apply to the R-1, R-2, R-3, R-4, and Office Zones.
- B. The requirements in this section supplement *Article E-III Parking Regulations*. Where the two conflict, this section shall take precedent.

### 311.B-72. **Location**

- A. Where properties are serviced by an alley, parking shall be provided behind the principal structure.
- B. Where no alley is accessible, all parking shall be located to the side or behind the principal structure in accordance with the standards of this section.
- C. The design of any lot or structure that, in the determination of the Zoning Officer or Borough Engineer, would encourage parking in front yard is prohibited.

### 311.B-73. **Driveways**

- A. Parking access from the Primary Street shall be permitted only where no alternative access can be provided. This includes but is not limited to the following requirements.
  - (1) Parking shall be accessed by an alleyway if an alleyway abuts the property.
  - (2) Corner buildings without alley frontage shall provide parking access from the secondary street.
  - (3) Applicants shall make a good faith effort to obtain cross easements that would allow for the shared use of adjacent driveways. Where applicants are not able to obtain a cross easement, they shall submit a notarized letter attesting to the efforts made to obtain the cross easements and the reasons why such easements were not obtainable.
- B. Driveways providing access to buildings shall be set back a minimum of three feet from the side lot line, unless:
  - (1) The lot is less than 30 feet wide, OR
  - (2) The driveway is shared by buildings on two adjacent lots, on the common side lot line, and is subject to a cross easement.
- C. Driveways and parking areas shall be designed to limit the size and number of curb cuts.
- D. Where a driveway will cause stormwater to drain towards the street, runoff will be mitigated through the use of pervious paving, the inclusion of a planted strip between paved sections of the driveway (see *Figure 9. Planted Driveway*), or equivalent solution deemed appropriate by the Borough Engineer.

### 311.B-74. Shared Driveways

- A. Where more than one building or unit is being proposed, only a single driveway and curb cut is permitted unless the Borough Engineer determines that more than one curb cut is necessary to ensure a safer environment for pedestrians, bicyclists, and/or drivers.
- B. Where shared driveways are required, cross easements shall be established to ensure continued access to all buildings or units.

### 311.B-75. Garages

- A. Parking garages, whether attached or detached, shall be setback according to the parking setback standards for each building form.
- B. Where no parking setback is established, parking shall be setback a minimum 20 feet from the Build-to Line or a minimum of 20 feet from the lot line, whichever is greater.
- C. Residential garages are exempt from rear or side yard setbacks where the rear or side yard abuts an alleyway.

### 311.B-76. Surface Parking

- A. Where a surface parking lot of 6 or more spaces exists, the following screening standards shall apply.
- B. Where the parking lot abuts a residential use:
  - (1) One of the following screening standards shall be met:
    - (a) A continuous row of plants at least five feet tall, measured at planting, shall be provided between the surface parking lot or surface parking area and the residential use; OR
    - (b) An ornamental fence shall be constructed at least five feet tall and placed between the parking and adjacent property within 5 feet of the lot line. The fence shall be planted with ornamental plantings at the base facing the street. Chain-link and barbed wire are prohibited as fencing material.
  - (2) The screening shall be designed to provide seventy-five percent (75%) opacity on a year-round basis beginning at planting along the full required height and length of the screening buffer.
- C. Where the parking lot is located along a street:
  - (1) A landscaped area shall be installed along the entire length of the perimeter of the surface parking lot that is located along a street frontage to screen the view of the parking area from the street. See [Figure 10. Parking Screening](#) for examples of permitted and prohibited screenings.

Figure 9. Planted Driveway



Figure 8. Parking Screening

#### PERMITTED SCREENING



- A Abundant use of plants
- B Trees planted at appropriate intervals

#### PROHIBITED SCREENING



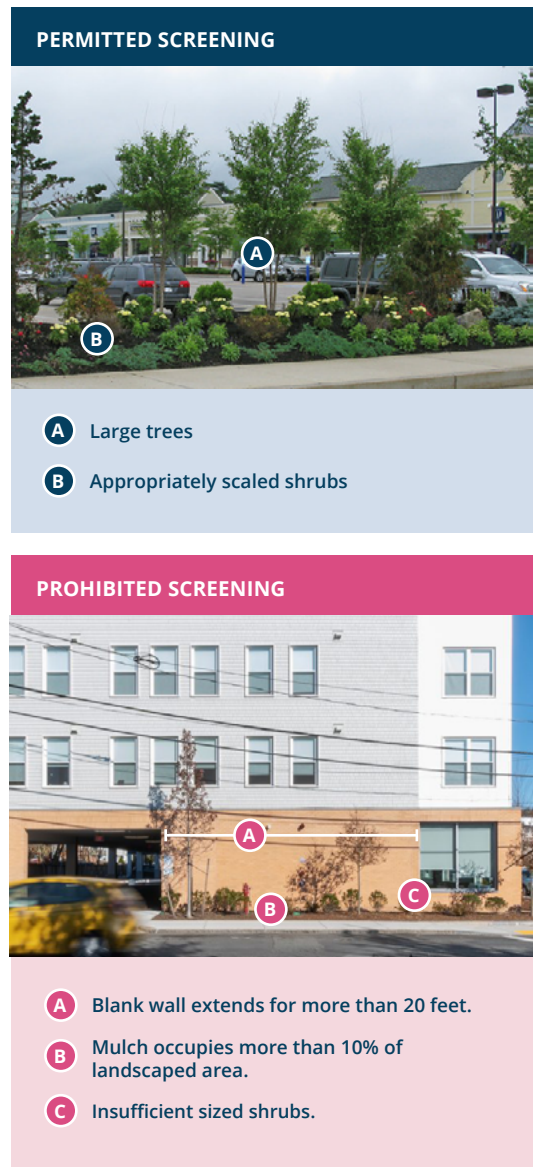
- A Insufficient plantings.
- B Insufficient width.
- C Mulch and grass cover too much of area.

- (2) The landscaped area shall be at least equal to 50% of the required setback, but in no case less than five feet deep.
- (3) Trees must be provided within the required landscaped area at a rate of at least one tree per 20 ft. of linear frontage. Such trees may be placed at regular or irregular intervals.
- (4) Shrubs shall be planted at an interval of at least three shrubs per 25 feet of linear frontage and must have a mature height of at least two feet.
- (5) Plants shall be used abundantly in areas not covered by shrubs and trees. No more than 30% of the landscaped area may be covered in a combination of grass, lawn, or mulch.
- (6) Where a five foot wide perimeter landscape area is not feasible based on existing site or topography constraints, a decorative masonry wall or ornamental fence at least three feet but no more than four feet in height may be installed. The decorative wall or ornamental fence may be installed on a berm if the combined height of berm and wall is at least three feet in height but not more than five feet.
- (7) Decorative masonry wall may be constructed of brick, stone, decorative block wall, or concrete block with stucco finish, but shall not be constructed of uncolored or painted concrete masonry unit.

## 311.B-77. Ground Floor Parking

- A. Ground floor parking occurs at grade and is integrated into the building.**
- B. Front facade treatment**
  - (1) All ground floor parking shall be setback a minimum of 20 feet from the front facade.
  - (2) Habitable building space - including units, lobbies, recreation rooms, and the like - must occupy the space between ground floor parking and the front facade of a building.
- C. Side, street-facing facade treatment**
  - (1) All ground floor parking shall be separated from secondary streets by a wall that screens parking.
  - (2) Blank walls that extend for more than 20 feet are prohibited. Fenestration that mimics the pattern of windows on the rest of the building is encouraged.
  - (3) A landscaped visual screen area at least 5 feet wide shall be placed along the base of any street facing side facade with ground floor parking. At least 3 shrubs will be planted every 10 feet of linear frontage and must have a mature height of at least two feet. Trees must be provided within the required landscaped area at a rate of at least one tree per 20 ft. of

**Figure 10. Parking Screening**



linear frontage. Plants shall be used abundantly in areas not covered by shrubs. No more than 20% of the landscaped area may be covered in a combination of grass or lawn. See [Figure 10. Parking Screening](#) for examples of permitted and prohibited screenings.

- (4) Where less than 5 feet of space is available, there shall be a decorative masonry wall. See [Figure 11. Decorative Walls](#) for examples of quality decorative walls.

Figure 11. Decorative Walls



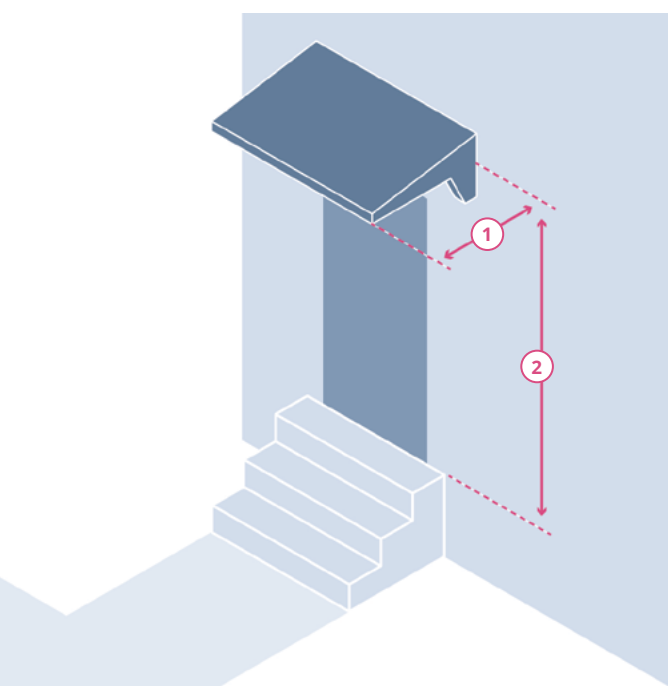


# Building Components

## ARTICLE B-X

### 311.B-78. Entry Canopy

An entry canopy is a wall-mounted structure that provides shade and weather protection over the entrance of a building.



#### A. Dimensional Standards

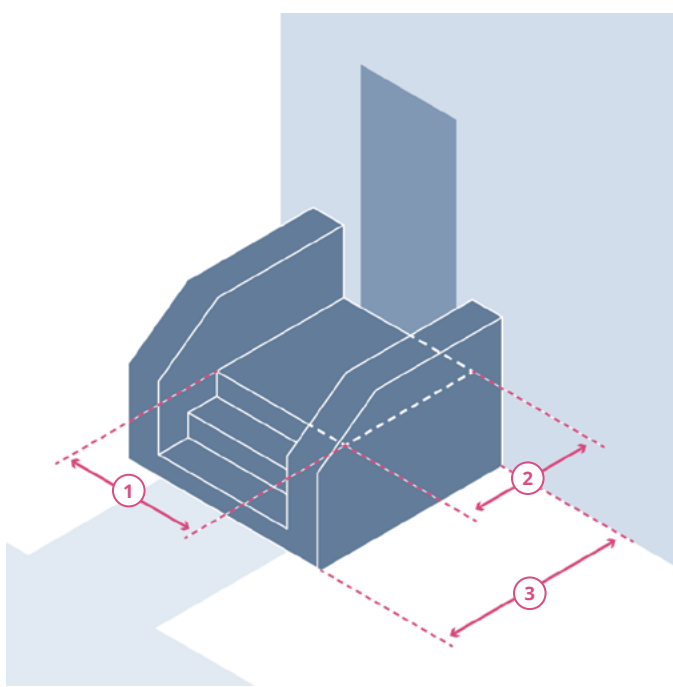
	Min	Max
(1) Projection	-	3'
(2) Clearance	-	8'
(3) Setback Encroachment, Front	-	100%
(4) Setback Encroachment, Side & Back	-	0%

#### B. Design Standards

- (1) The width of an entry canopy must be equal to or greater than the width of the doorway surround, trim, or exterior casing it is mounted above.

### 311.B-79. Stoop

A stoop is a set of stairs with a landing that provides access to the entrance of a building.



#### A. Dimensional Standards

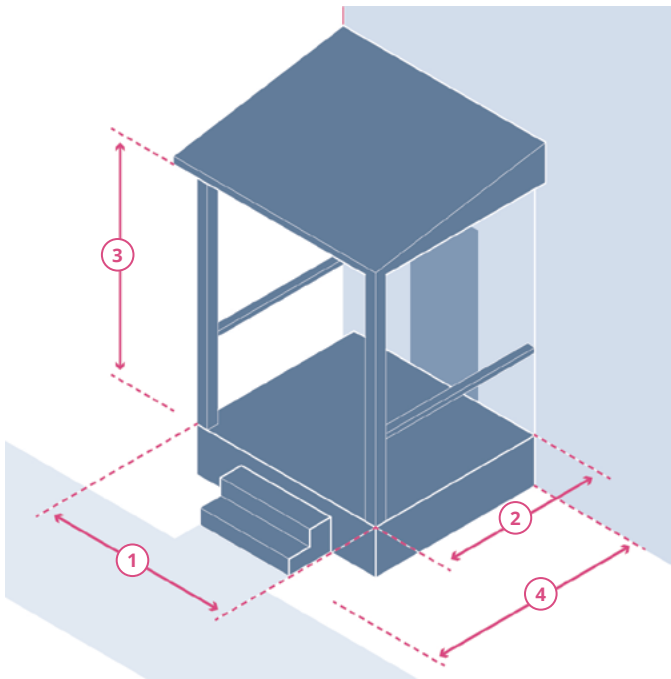
	Min	Max
(1) Landing Width	4'	-
(2) Landing Depth	4'	-
(3) Setback Encroachment, Front	-	100%
(4) Setback Encroachment, Side & Back	-	0%

#### B. Design Standards

- (1) Stairs may be built perpendicular or parallel to the building facade, but must lead directly to ground level or an abutting sidewalk.
- (2) Stairs may encroach into an abutting sidewalk so long as (a) there is less than four feet of setback and (b) at least five feet of sidewalk clearance from any curb or fixed object is provided in all directions.

### 311.B-80. Portico

A portico is a raised platform with a roof supported by columns, piers, or posts and set of stairs with a landing that provides access to the entrance of a building.



#### A. Dimensional Standards

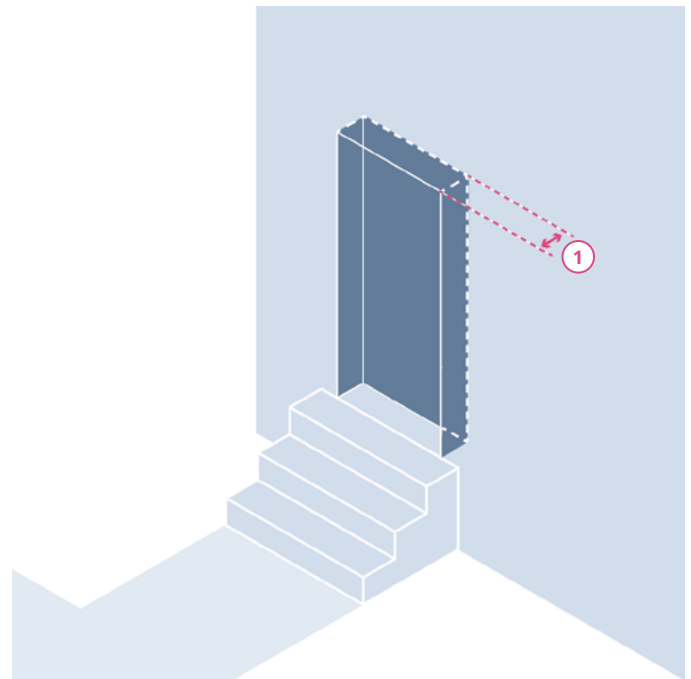
	Min	Max
(1) Landing Width	4'	-
(2) Landing Depth	4'	-
(3) Clearance	8'	-
(4) Setback Encroachment, Front	-	100%
(5) Setback Encroachment, Side & Back	-	0%

#### B. Design Standards

- (1) Stairs may be built perpendicular or parallel to the building facade, but must lead directly to ground level or an abutting sidewalk.
- (2) Stairs and canopy may encroach into an abutting sidewalk so long as (a) there is less than four feet of setback and (b) at least five feet of sidewalk clearance from any curb or fixed object is provided in all directions.

### 311.B-81. Recessed Entryways

A entryway where the door is recessed from the front facade.



#### A. Dimensional Standards

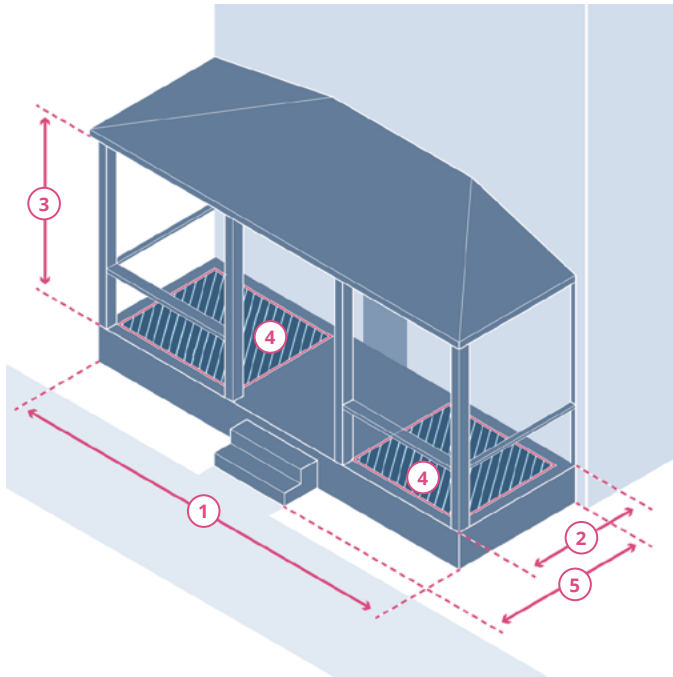
	Min	Max
(1) Depth	-	6 in.

#### B. Design Standards

- (1) The entryway shall be designed to maximize visibility and avoid opportunities where people or objects can be hidden within the entryway and not easily viewed by people entering the structure.

### 311.B-82. Porch

A wide, raised platform with a roof supported by columns, piers, or posts that includes an area for seating.



#### A. Dimensional Standards

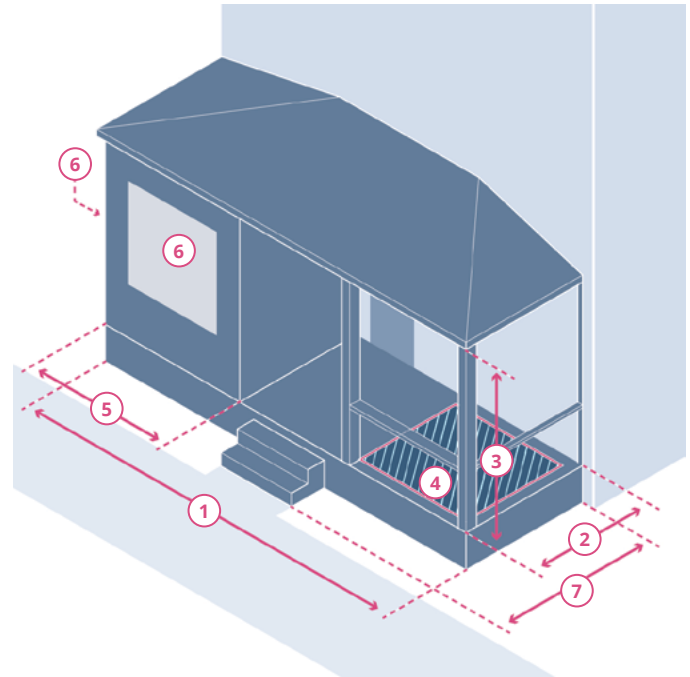
	Min	Max
(1) Width * (feet / percent of facade)	12' / 75%	-
(2) Depth	8'	10'
(3) Clearance	8'	-
(4) Furniture Area, Percent of Porch Area <i>porch area = (1) x (2)</i>	60%	-
(5) Setback Encroachment, Front	-	80%
(6) Setback Encroachment, Side & Back	-	0%

#### B. Design Standards

- (1) Porch railings must permit visual supervision of the public realm through the posts and rails.
- (2) A porch may be screened provided that the percentage of window area to wall area is seventy percent (70%) or greater.
- (3) Permanent enclosure to create year-round living space is not permitted. Enclosure of portions of a porch shall meet the Engaged Porch standards.

### 311.B-83. Engaged Porch

An engaged porch is a porch attached to a building at two sides, one to the facade and the other to a mud room or entry foyer.



#### A. Dimensional Standards

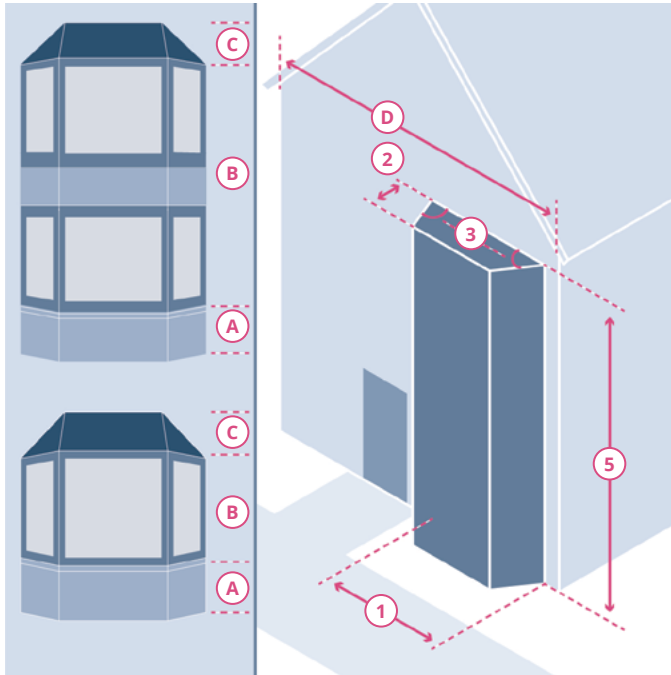
	Min	Max
(1) Width * (feet / percent of facade)	12' / 75%	-
(2) Depth	6'	-
(3) Clearance	8'	-
(4) Furniture Area, Percent of Porch Area <i>porch area = (1) x (2)</i>	30%	-
(5) Enclosed Width <i>(5) / (1)</i>	-	35%
(6) Transparency, Percent of Side Area <i>side area = (3) x (5) OR</i> <i>side area = (2) x (3)</i>	55%	
(7) Setback Encroachment, Front		80%
(8) Setback Encroachment, Side & Back		0%

#### B. Design Standards

- (1) Permanent enclosure of a porch to create year-round living space is not permitted.
- (2) Engaged porches are only permitted at the first story of a building.

### 311.B-84. Bay Window

A bay window is an assembly of windows projecting from a building to provide additional habitable space, increased light, and articulation to an exterior wall.



#### A. Dimensional Standards

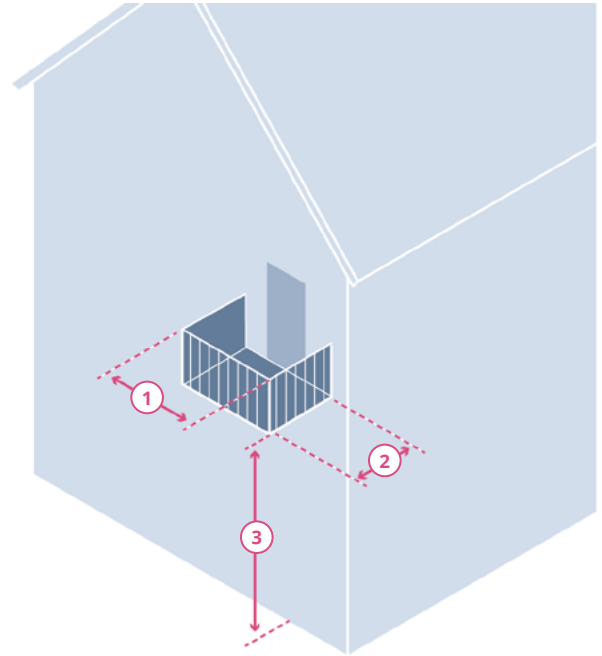
	Min	Max
(1) Width	-	12'
(2) Depth	-	6'
(3) Side Angle	-	60°
(4) Bay-to-Facade Ratio (1) : (D)	-	1:2
(5) Height	1 story	building height

#### B. Design Standards

- (1) Bay windows must include windows on all exposed sides.
- (2) Bay windows shall include a base (A), window segment (B) and crown (C) that is architecturally consistent with the design of the building.
- (3) Bay windows that project over a public right-of-way must have at least 18 feet of clearance or meet the International Building Code requirements, whichever is greater.
- (4) Bay windows may be integrated into other components such as portico and porches.

### 311.B-85. Balcony

A platform that projects from the wall into the front yard and is surrounded by a railing or wall. It may include recessed components.



#### A. Dimensional Standards

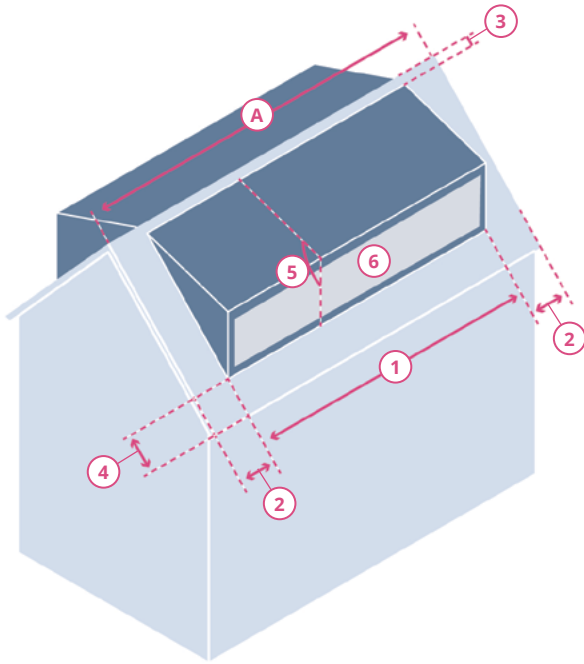
	Min	Max
(1) Width	9'	-
(2) Projection Depth	4'	8'
(3) Clearance	10'	-

#### B. Design Standards

- (1) Balconies may be recessed, projecting, a combination of the two, or terraced as part of the roof of a permitted building component so long as they meet the above standards.
- (2) Balconies are only permitted on upper stories.
- (3) Balconies may not be enclosed and must be un-roofed unless it is recessed into the envelope of the building or component to which it is attached.
- (4) When built on top of a porch, gallery, portico, or arcade, the balcony may extend to the boundaries of the component below.

**311.B-86. Dormers & Shed Dormers**

A window space that includes a gable, hip, arched roof, or shed roof that projects perpendicularly from a pitched roof below, to the habitable space of a half-story.

**A. Dimensional Standards**

	Min	Max
(1) Width (1) / (A)		80%
(2) Side Offset	3'	-
(3) Eave Offset	1'	-
(4) Front Offset	2'	-
(5) Roof Slope	4:12 (18.4°)	-
(6) Front Transparency	35%	-

**B. Design Standards**

- (1) The face wall of a dormer window may not project beyond the exterior wall of the building and may not interrupt the eave of the roof.
- (2) Multiple dormers are permitted but (a) must be equally spaced along the length of the eave and (b) must have spacing between dormers at least equal to the average width of each of the dormers.

### 311.B-87. Encroachment Standards

#### A. Setback Encroachments

The following shall apply to all buildings.

- (1) Building components may encroach into required setback as indicated elsewhere in this Ordinance but may not cross any property line.
- (2) Cornices, belt courses, sills, pilasters and other architectural features may encroach up to two (2) feet into a required setback, provided that at least two (2) feet is maintained from the vertical plane of any side lot line.
- (3) Chimneys and flues may encroach up to four (4) feet into a required setback, provided that at least two (2) feet is maintained from the vertical plane of any lot line.
- (4) Building eaves and roof overhangs may encroach into a required setback, provided that at least two (2) feet is maintained from the vertical plane of any lot line.
- (5) Mechanical equipment associated with residential uses, such as an HVAC unit, is not permitted in front yard of any lot, but may encroach into a required side or rear setback, provided that it is setback according to the table below OR the distance provided in the manufacturer's specifications, whichever is greater.

Sound Rating (Decibels)	Min
20 or less	5 feet
21 - 50	7 feet
51 - 60	15 feet
61 - 70	20 feet
70+	25 feet

- (6) Exterior walls are permitted to encroach into front, side, and rear setbacks up to eight inches (8") only for the purpose of adding insulating sheathing to the exterior wall assembly, provided that at least two (2) feet is maintained from the vertical plane of any side lot line.
- (7) Minor structures accessory to utilities, such as hydrants, manholes, water meters, or gas meters, may fully encroach into a required front, side, or rear setback.
- (8) Transformers and other cabinet structures may fully encroach into a required rear setback.
- (9) Trellises or other structures attached to a building for the sole purpose of growing vines or other vegetation may encroach into a required setback provided that at least two (2) feet is maintained from the vertical plane of any side lot line.

# Design Guidelines

## ARTICLE B-XI

### 311.B-88. **Purpose**

Media Borough has a rich architectural history. New development and renovations are encouraged to contribute to and build on that history. The following section has two components: design guidelines and standards. Design Guidelines provide guidance on how projects may build off established character in the areas. No application may be denied zoning approval for failing to follow these guidelines. However, applications that deviate from the zoning ordinance in the R-1, R-2, R-3, R-4, and Office District may minimize the impact of the proposed project on the community by complying with these regulations.

### 311.B-89. **Applicability**

The standards in this section apply to all development in the R-1, R-2, R-3, R-3, and Office District.

### 311.B-90. **Guidelines**

- (1) Size of new housing to be substantially consistent with housing in the surrounding area.
- (2) Create high-quality open spaces, where appropriate.
- (3) Plant street trees and on-site trees to maintain or expand the tree cover in order to reduce localized heat islands, expand the tree canopy, and manage stormwater. Wherever possible, preserve existing trees, especially heritage trees. Provide a plan for the creation of high-quality, landscaped yards, especially on yards that are visible from the street.
- (4) Use architectural styles that are regionally appropriate. Avoid introducing styles - such as Pueblo Revival - that are disconnected to the history and place of the community.
- (5) Use architectural details to establish and define a building's character and to visually unify the building with the neighborhood.
- (6) Design the placement and scale of architectural details to be compatible with the building and the surrounding area.
- (7) Ensure that the type, finish, and quality of a building's materials is compatible with those used in the surrounding areas. Cover and finish all exposed wall with quality materials that are compatible with the front facade and adjacent buildings.
- (8) Size and locate windows so that they are consistent with the existing buildings in the neighborhood. Make window material compatible with those found on surrounding buildings, especially on facades visible from the street. The size of the window trim area should be proportional to the window glazing area.
- (9) Avoid replicating historic styles with materials that are inappropriate to the style. Likewise, avoid altering a building in such a way that implies an inappropriate historic period. For example, adding Victorian style gingerbread to a Spanish Revival house would be inappropriate.



**(10) Building Components**

- (a)** Avoid artificial or faux building components that are used simply for decoration and serve no clear repurpose.
- (b)** Design the length, height and depth to be compatible with those on surrounding buildings, especially when designing bay windows.

**(11) Roofs**

- (a)** Treat the type, shape, pitch, texture and color of the roof and the roofline as an integral part of the design of a building. Ensure it is architecturally consistent with the styles, materials, colors and details of the building.
- (b)** Vary roofline heights as appropriate within the architectural style in order to provide architectural interest and variety to the massing of the building.
- (c)** Sensitive locate and screen rooftop features - such as parapets, dormers, windscreens and solar collection devices - so they do not dominate the appearance of a building.
- (d)** Within a block, the collection of roofs create a “roof line,” which is the profile of the buildings against the sky. When designing a project, match the types of rooflines found on surrounding buildings unless there is strong reason to deviate. For example, if most buildings have front gables, adding a building with a flat roof may not be consistent with the neighborhood pattern.

# Building Design Standards

## ARTICLE B-XII

### 311.B-91. Purpose

The Design Standards are requirements and applicants may be denied approval for failure to meet them. They are intended to allow for a diversity of housing to be built in Media while requiring a limited number of essential form qualities to protect and promote community cohesion, quality of life of residents, community character, and property values.

### 311.B-92. Applicability

The standards in this section apply to all development in the R-1, R-2, R-3, R-3, and Office District.

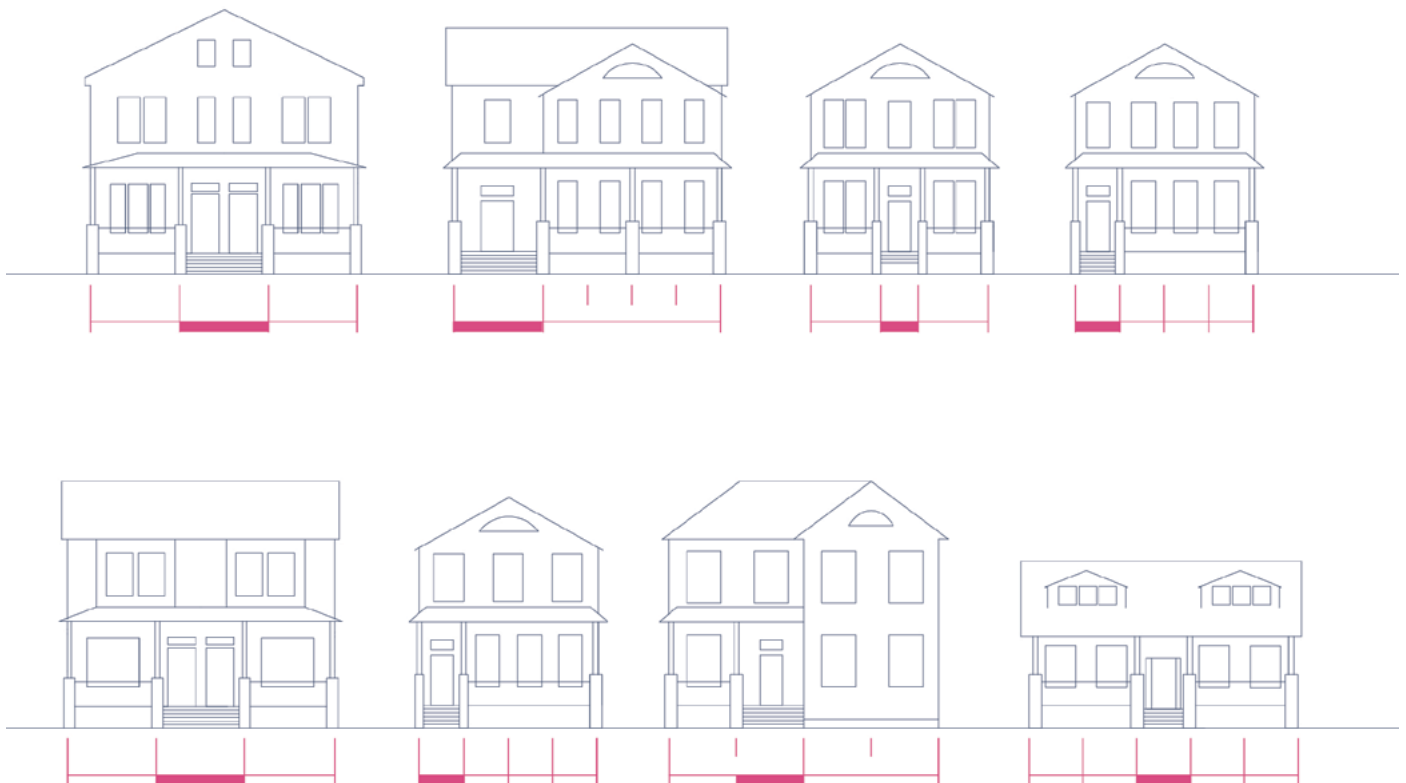
### 311.B-93. Facade Composition, Small Residential

A. The following standards shall apply to the following forms: *Detached House, Semi-Detached House, TwoPlex, and Micro Flats*.

#### B. Standards

- (1) All applicable forms shall have a pattern of windows, porches, and building components that is consistent with one of the patterns identified in *Figure 12. Facade Composition Patterns (Type 1)*; OR

Figure 12. Facade Composition Patterns (Type 1)



- (2) Have a consistent and identifiable rhythm of windows, doors, and building components that aligns with a regionally established architectural style.
- (3) As illustrated in **Figure 14. Garage Width**, garage widths shall not exceed 1/3 the width of the primary facade or 20 feet, whichever is smaller.
- (4) Street Facing Façades shall have a minimum transparency of 25%.

**C. Deviations from 311.B-93.B. are permitted where:**

- (1) The deviations would be consistent with the character of at least two other buildings on the same street; OR
- (2) Where unique site conditions necessitate an alternative approach.

**311.B-94. Façade Composition, Multi-Unit**

**A. The following standards shall apply to the following forms: *Attached House, Courtyard Building, Flex, and* all Flat Forms (except Micro Flat)**

**B. Standards**

- (1) All applicable buildings shall establish a rhythm of bays - consisting of windows, doors, materials, and building components - that is consistent with those identified in **Figure 13. Façade Composition Patterns (Type 2)**.
- (2) Primary Bays (as indicated in A in **Figure 13. Façade Composition Patterns (Type 2)**) shall not exceed 50 feet in width. Secondary Bays shall not exceed 25 feet in width.
- (3) The shape and massing of buildings shall utilize building height, story-height, building width and bay width to establish consistency with buildings on the same side of the street.
- (4) Street Facing Façades shall have a minimum transparency of 25%.
- (5) Building mechanical equipment located on building roofs, sites, or other locations shall not be visible from the street.
- (6) For Attached House forms, each dwelling unit shall be distinguished from adjacent dwelling units through the use of different exterior material and variation in setback OR through a unified design of porches and bays.

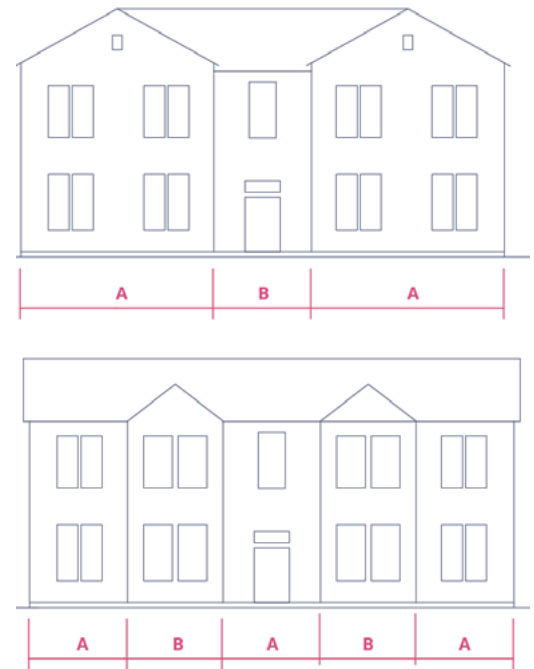
**311.B-95. Entrances**

**A. Entrances shall be oriented to the primary street.**

**Figure 14. Garage Width**



**Figure 13. Façade Composition Patterns (Type 2)**



A = Primary Bay  
B = Secondary Bay

### 311.B-96. Side Facades

- A. The design of the side facade shall match the materiality and detail of design of front facade, where the side facade:
  - (1) Is adjacent to a public right of way.
  - (2) Where the ratio of setback to side facade is greater than 1:2 (a ratio of setback to side facade of 1:1 or 2:1 would be greater than 1:2) as calculated using § 311.B-18. *Facade Exposure*. A registered architect may provide documentation demonstrating that a property is exempt from this standard.

### 311.B-97. Secondary Principal Dwelling Structure (SPDS) and Accessory Dwelling Units (ADUs)

- A. SPDS shall meet the same design standards of principal dwelling structures.
- B. SPDS and ADUs shall be located so as to reduce the impact on the sun exposure of adjacent properties.
- C. SPDSs shall be oriented towards the primary street upon which the structure is sited. On corner lots, the SPDU shall orient towards the secondary street.

### 311.B-98. Windows

- A. Building facades visible from a public street shall employ techniques to recess windows at least two inches from the facade or project the trim at least 1 inch, as illustrated in *Figure 15. Windows*, unless a different approach would be compatible with the overall style of the primary building. For example, a modern building may use flush trim windows as illustrated in *Figure 16. Window Exceptions*.
- B. On street facing facades, windows on the same story shall have the same sill height.

### 311.B-99. Materials

- A. Building facade exterior materials, including architectural trim and cladding, shall be of high quality and durable, including but not limited to: stone, brick, wood shingles or clapboard, and wood trim but shall not be vinyl siding.

### 311.B-100. Roof Pitch

- A. Where flat roofs are prohibited, roofs will have a pitch of at least 5:12 and no more than 12:12.
- B. Low sloped roofs are prohibited.

### 311.B-101. Flat Roofs

- A. Flat roofs are permitted where at least one of the following conditions is met:
  - (1) An property that abuts a side yard has a flat roof.
  - (2) More than 30% of the properties on the same side of the street have a flat roof.

Figure 15. Windows



Figure 16. Window Exceptions



# Open Space Standards

## ARTICLE B-XIII

### 311.B-102. Programmed Open Space

#### A. Purpose and Intent

The intent of this article is to provide reasonable standards and procedures for the creation of Programmed Open Spaces that will improve living, working and natural environments. These standards shall not infringe upon the Borough's ability to maintain, program, alter, or otherwise control open spaces that are Borough owned.

#### B. Applicability

This section shall apply in any case where this ordinance requires Programmed Open Space in the R-1, R-2, R-3, R-4, or Office Districts.

#### C. Standards

- (1) The Programmed Open Space shall be designed to support activity that is customarily associated with the principal use on site. Where such space is open to the public, the space shall be designed to support activity that is customarily associated with the area where it is located. For example, open spaces in residential areas shall not be designed to support commercial activity.
- (2) A plan for the Programmed Open Space area shall be prepared by a registered Landscape Architect and submitted as part of the site plan approval.
- (3) The purpose of the space shall be communicated through the landscape materials. The placement of permanent amenities - that may include but is not limited to benches, water features, playground equipment, active recreational facilities, and the like - shall also communicate the purpose and intent of the space.
- (4) No more than 50% of a Programmed Open Space shall be hardscape materials.
- (5) If the Programmed Open Space is intended to be used in the evening, it shall be well lit.
  - (a) Lighting facilities shall be provided for the safety and convenience of the uses or patrons.
  - (b) Lighting fixtures shall be provided and arranged, aimed, and installed in a manner so as not project their output onto or into adjacent properties, skyward, or onto a public roadway and to protect the street and neighboring properties from excessive glare and hazardous interference of any kind.
  - (c) Lighting of predominantly horizontal surfaces shall be aimed straight down and have uplight component no greater than 1%.
- (6) Where Programmed Open Space is open to the general public, well-displayed signage shall clearly indicate that the public may use the space.
- (7) Where Programmed Open Space includes spaces for active recreation, such spaces shall be setback a minimum of 20 feet from all adjacent residential properties.
- (8) Buffers, screens, and other required landscaping elements may count towards the Programmed Open Space requirements if they meet all other standards in this section.



# Landscaping Standards

## ARTICLE B-XIV

### 311.B-103. Landscaping

- A.** All residential forms shall have a robust planting area adjacent to all facades that face a street. The planting areas shall meet the following standards:
- (1)** Depth
    - (a)** Facades with 50 feet or less along a street shall have a bed depth of 5 feet.
    - (b)** Facades with more than 50 feet along a street shall have a bed depth of 10 feet.
    - (c)** Where the yard depth is less than the minimum bed depth, the bed may be equal to the yard depth minus 1 foot.
  - (2)** Plantings shall be selected in a manner that is appropriate to the climate, location, and degree of sun that they will receive, based on the orientation of the facade.
  - (3)** All plantings shall be drought tolerant and non-invasive species. Native species shall constitute at least 70% of all plantings.
  - (4)** A mixture of deciduous and evergreen shrubs shall be used to ensure year round coverage.

### 311.B-104. Buffers

- A.** All residential forms shall have a planted visual screen, 5 feet high, along property lines adjacent to nonresidential districts.

### 311.B-105. Enhanced Landscaping Standards

- A.** Where a project is permitted to exceed the impervious coverage requirements established in Zone standards, at least one tree measuring 3 1/2 inches DBH shall be planted on-site for each 300 square feet of additional impervious coverage, rounded up. For example, if 500 square feet of additional impervious coverage is needed, then 2 trees shall be planted. This shall be in addition to any trees otherwise required.

### 311.B-106. Trees

#### **A. Application Requirements**

The location, diameter at breast height (DBH), and species of all existing trees shall be included in a landscape and tree plan.

#### **B. Removal of Heritage Trees**

- (1)** Heritage trees may not be removed from any property as part of the development or redevelopment of a site unless one of the following conditions has been met:
  - (a)** A Certified Arborist has determined that the tree is dead, damaged, diseased, or a threat to public health or safety.

- (b) The Borough Engineer has determined that the tree interferes with the provision of public services or constitutes a hazard to traffic, bicyclists, or pedestrians.
- (c) The applicant obtains a special exception approval.

**(2) Special Exception Approval**

The Zoning Board shall grant a special exception to remove a heritage tree if the applicant has met all the following requirements to the satisfaction of the Zoning Board:

- (a) The proposed development cannot be practically redesigned to protect the heritage tree OR redesigning the proposed development would pose a such a high burden on the applicant that it would render the property undevelopable for the proposed use.
- (b) The applicant will remove the fewest number of trees necessary to develop the property.
- (c) The applicant replaces the removed heritage tree in accordance with *311.B-106 D. Tree Replacement Requirements* below.

**C. Street Trees**

- (1) Street trees are required along all existing or proposed public streets within the public realm of a subdivision or site plan, and are in addition to other required plantings.
- (2) The planting of street trees are required for:
  - (a) New construction
  - (b) When the size of the building, as measured in total square footage, is expanded by 10% or more.
  - (c) When there is a change of use that would increase the number of residential units on site, excluding the addition of an accessory dwelling unit.
- (3) Unless otherwise required by the Shade Tree Commission, street trees shall be provided in accordance with the standards in the Subdivision and Land Development Ordinance § 257-41.C irrespective of whether a subdivision application is filed and street trees shall meet the following requirements:
  - (a) No tree that grows taller than 35' shall be planted under high voltage lines.
  - (b) Street tree plantings shall be substantially uniform in size and shape and shall have straight trunks.
  - (c) Replacement trees shall ensure that a sufficient variety of trees are planted in the area to protect against the impacts of diseases and promote biodiversity.
  - (d) Within sight triangles, a tree may be permitted only with the site-specific approval of the Township Engineer.
  - (e) Street trees shall be planted so as not to interfere with the installation, safe use, and maintenance of sidewalks, roadways, and utilities.
  - (f) Street trees shall have infiltrative tree pits when installed along impervious surfaces, such as sidewalks.
- (4) Street tree requirements may be waived by the Zoning Hearing Board where existing preserved vegetation is considered sufficient to meet the above requirements and is reasonably assured of continued survival.

#### D. Tree Replacement Requirements

- (1) All healthy trees on the lot of 2.5 in. DBH or larger that are removed, damaged, or destroyed because of development activities shall be replaced on the same lot or an abutting lot in accordance with the following standards:
  - (a) All trees proposed for removal and all proposed replacement trees shall be indicated on the site plan.
  - (b) The total caliper of all replacement trees shall be no less than the total caliper of all trees removed from the lot. Each replacement tree shall not be less than 2.5 inches DBH at planting.
  - (c) If the replacement trees are proposed on an abutting lot and such lot is not under the same ownership as the principal lot, a written agreement between the record owners shall be submitted to the zoning officer along with the application.

#### (2) Exemptions

Trees removed under the following conditions are exempt from the replacement requirements of Section (a) above if:

- (a) As determined by a Certified Arborist, the tree is dead, irrevocably damaged, or diseased.
- (b) As determined by a Certified Arborist, the tree is an invasive species in the region and its removal would benefit the ecology of Borough.
- (c) As determined by a certified engineer, the tree substantially contributes to the erosion of soil or impedes proper diversion of surface waters.
- (d) Federal, State or Borough laws or superseding this ordinance require tree removal.
- (e) As determined by a Certified Arborist or engineer, the tree poses potential danger to life or property. Danger to life or property shall not be interpreted to include any property which is proposed for development.
- (f) The tree needs to be removed to accomplish a public purpose and no practical alternative exists. Public purpose shall include road widening, installation or repair of utility lines, or the like.

# Accessory Dwelling Units

## ARTICLE B-XV

### 311.B-107. **Purpose and Intent**

The intent of this article is to provide reasonable standards to allow accessory dwelling units that will assist older homeowners in maintaining their independence; provide space for multi-generational housing; increase the supply of a more affordable type of housing not requiring government subsidies; and help older homeowners, single parents, young home buyers, and renters seeking a wider range of homes.

### 311.B-108. **Applicability**

This section shall apply to the R-1, R-2, R-3, R-4, or Office Districts.

### 311.B-109. **Superseding**

In instances where this section conflicts with any section of the zoning ordinance, this section shall take precedent.

### 311.B-110. **Definitions**

For clarification, see the definitions for ACCESSORY DWELLING UNIT (ADU), LIVING AREA, and SHORT-TERM RENTAL in 311.A-13 Definition of Terms

### 311.B-111. **Permitted Uses**

**A.** ADUs may be used for:

- (1) Single-household occupancy.
- (2) External ADUs may be used for no-impact home-based business or commercial activity administered or conducted as an accessory use that is clearly secondary to the primary residential building if it meets all requirements established for such accessory uses in the underlying zone.

### 311.B-112. **Prohibited Uses**

**A.** Any use not explicitly permitted in ADUs is prohibited. The following uses are explicitly prohibited:

- (1) Subleasing or subletting of units for short-term rental is prohibited if such use is not permitted in the underlying zone.
- (2) Personal service shops.
- (3) Professional or business offices or studios that do not meet the standards of no-impact home-based businesses.
- (4) Churches or places of worship.

### 311.B-113. **Impervious Coverage.**

**A.** Accessory Dwelling Units are exempt from lot coverage ratios established in the zone so long as they meet the standards established in [Article B-VIII - Building Forms](#), where applicable.

**311.B-114. Height**

- A.** Semi-attached or detached ADUs, including those integrated into a garage or other space, shall be subject to the following height requirements.
- (1)** ADUs may have a height of up to 22 feet where the slope of the roof meets or exceeds 14 degrees (3:12 rise run).
  - (2)** ADUs may have a height up to 20 feet for roofs that have less than 14 degrees (3:12 rise:run).
  - (3)** Decks or any habitable rooftop elements are prohibited on ADUs.

**311.B-115. Access**

- A.** Accessory dwelling units shall have an entrance separate from the principal dwelling's main entrance that :
- (1)** Exits onto a public right-of-way OR
  - (2)** Has a clear, unobstructed, and paved pathway at least 4 feet wide to a public right-of-way, which may be within a side or rear yard.
- B.** Where ADUs are accessed through a yard, there shall be a clear means of ingress and egress to ADUs through fences, walls, hedges, and the like.
- C.** ADUs shall not be designed in a manner that would require the occupant to go through the Living Area of another unit.

**311.B-116. Parking**

- (1)** The addition of an ADU shall not require any additional off-street parking.

**311.B-117. Subdivision**

- (1)** A lot may not be subdivided to separate an ADU from its primary principal structure.



# Article C. Euclidean Zones

## Article C-I. Municipal, Educational, Recreational and Community Use District (MERC)

### § 311.C-1. Legislative intent.

The purpose of this article is to permit the use of property for the educational, recreational and community use of the entire Borough of Media. It is particularly intended to preserve certain land or facilities already in place and now so used by the community.

### § 311.C-2. Uses by right.

In the Municipal, Educational, Recreational and Community Use District, land, buildings or premises shall be used by right only for one or more of the following uses:

- A. Educational use, public or private.
- B. Recreational or community use for the benefit of the entire population of the Borough.
- C. Office, in connection with on-site educational, recreational or community use.
- D. Municipal or governmental use. [Added 8-15-1996 by Ord. No. 903]

### § 311.C-3. Accessory uses.

- A. All accessory uses permitted in the R-1 Residential District (§ 311.B-22 of this chapter), except private garages and private swimming pools.
- B. Storage, within a completely enclosed structure in conjunction with a permitted use.
- C. Any accessory use on the same lot with and customarily incidental to any of the uses permitted above and not detrimental to the neighborhood.

### § 311.C-4. Area and bulk regulations.

- A. Lot area. A lot area of not less than 43,560 square feet shall be provided for every principal structure hereafter erected.
- B. Lot width. Each lot shall have a width at the building line of not less than 200 feet.

### § 311.C-5. Minimum yard requirements.

- A. Front yard. There shall be a front yard the depth of which shall not be less than 50 feet.
- B. Side yards. There shall be two side yards, each of which shall be at least 50 feet in width.
- C. Rear yard. There shall be a rear yard which shall be not less than 30 feet in depth.
- D. Corner lot setbacks. [Added 8-15-1996 by Ord. No. 903]
  - (1) In case of a corner lot where the right-of-way dimension of both streets is identical, a front yard setback of not less than 50 feet shall be required from the street line fronted by the shortest lot dimension, and a front yard setback of not less than 50 feet shall be required from the street line fronted by the longest dimension. The yard opposite the shortest lot dimension shall comply with rear yard setback requirements, and the yard opposite the long lot dimension shall comply with the minimum side yard setback requirements.
  - (2) In case of a corner lot where the right-of-way dimension of both streets is not identical, a front yard setback of 50 feet shall be required from the street with the widest right-of-way dimension, and a front yard setback of 50 feet shall be required from the street with the narrowest right-of-way

dimension. The yard opposite the street with the widest right-of-way shall comply with rear yard setback requirements, and the yard opposite the street with the narrowest right-of-way dimension shall comply with the minimum side yard setback requirements.

- (3) In the case of a corner lot where the lot dimensions along the streets are identical and the right-of-way dimension of both streets is identical, the property owner shall select one side abutting the street to be the front yard, consistent with other uses prevailing on the same block.

#### **§ 311.C-6. Building coverage.**

The aggregate area of all buildings on a lot shall not exceed 25% of the lot area. [Amended 5-15-2008 by Ord. No. 1047]

#### **§ 311.C-7. Height regulation.**

No building shall have a height exceeding 35 feet with a maximum of three stories above grade.

#### **§ 311.C-8. Off-street parking.**

As required by Article E-II of this chapter.

#### **§ 311.C-9. Accessory structures.**

Permanent accessory structures shall not cover more than 5% of the lot on which they are located and shall comply with § 311.E-6 of this chapter.

#### **§ 311.C-10. Impervious surface requirements.**

Not more than 50% of any lot area shall be covered by impervious surfaces. [Added 5-15-2008 by Ord. No. 1047]

## **Article C-II. Retail-Office-Apartment District (ROA)**

#### **§ 311.C-1. Legislative intent.**

*[Amended 12-16-1999 by Ord. No. 938]*

The purpose of this article is to protect, maintain and preserve the existing retail, office and residential uses in the district; to accommodate the shopping needs of local residents, employees and visitors; to provide for apartments (and offices) above retail uses; to preserve unique architectural features of existing structures and encourage new structures to be consistent with those in the adjacent area.

#### **§ 311.C-2. Uses by right.**

In the Retail-Office-Apartment District, land, buildings or premises shall be used by right only for one or more of the following uses:

- A. Retail store, including general merchandise store, hardware store, variety store, pharmacy or similar establishment.
- B. Gift shop or similar establishment.
- C. Apparel or accessory store.
- D. Business machine, television, radio, computer or household appliance store, including sales and service, where service facilities must be related to the sales activity.
- E. Personal service shop, including barber, beautician, shoe repair, tailor and laundry, where actual cleaning and pressing are done off the premises, and related personal services.

- F. Food store, including grocery store or supermarket, liquor store or beverage distributor, confectionery, bakery, pastry, candy and ice cream shop, where goods are sold only at retail on the premises.
- G. Eating and drinking place, including restaurant, delicatessen, sandwich or pizza shop or tavern.
- H. Bank. [Amended 12-16-1999 by Ord. No. 938]
- I. Professional or business office or studio, or financial institutions (other than banks) are not permitted on ground and/or first floor at front of store grade level and are permitted by right only on higher floors. [Amended 12-16-1999 by Ord. No. 938]
- J. Municipal building or use.
- K. Mixed use, where offices and/or residential use are located above retail establishments or residential use above offices, subject to the following requirements [Amended 8-15-1996 by Ord. No. 903]

*Editor's Note: The following requirements originally appeared in Article VA R-4 Residential District and pertained to multi-family units prior to the adoption of the Hybrid Form Based Code. Previously, this section pointed to § 311-22D(6), a section that did not exist. This cross reference was likely not updated when the R-3 and R-4 zones were split.*

- (1) Lot area. A lot area of at least 1,750 square feet shall be provided for each of the first four units in a multifamily building or development. An additional area of 1,500 square feet for each additional two-bedroom unit and an area of 1,250 square feet for each additional one-bedroom unit also shall be provided. Where a building or development contains one- and two-bedroom units, the one-bedroom units shall be counted first in calculating lot area.
- (2) Lot width. No lot shall have a width at the building line of less than 100 feet.
- (3) Minimum yard requirements.
  - (a) Front yard. There shall be a front yard the depth of which shall be not less than 25 feet.
  - (b) Side yards. There shall be two side yards with an aggregate of 55 feet, one on either side of the building, both of which shall be at least 25 feet wide.
  - (c) Distance between buildings. In cases where there is more than one multifamily building on a lot, the distance between buildings shall be at least 40 feet.
  - (d) Rear yard. There shall be a rear yard which shall be not less than 25 feet in depth.
  - (e) Corner lot setbacks. In the case of a corner lot, there shall be a setback of not less than 25 feet from the front street line and a setback of not less than 25 feet from the side street line.
- (4) Building coverage. The aggregate area of all building on a lot shall not exceed 35% of the lot area.
- (5) Minimum floor area per unit. In accordance with § 311.C-16D(6) of this chapter.
- (6) Height regulation. No building shall have a height exceeding 55 feet above grade, provided that the entire building contains fire sprinklers in accordance with any and all ordinances. Any structure that is greater than 35 feet in height shall be required to contain fire sprinklers. Fire sprinklers shall comply with any and all ordinances. All Code-approved fire protection and fire suppression systems shall be operable and in working condition at all times. [Amended 7-15-2004 by Ord. No. 995]
- (7) Off-street parking. As required by Article E-II. Parking Regulations of this chapter.
- (8) Accessory structures. As required by § 311.E-6 of this chapter.
- (9) Common open space. At least 20% of the lot shall be reserved for common open space for the exclusive use of the residents of the multifamily building(s) and shall be maintained by the owner(s) of the building(s).
- (10) Special requirements.

- (a) The design of driveways and parking areas shall be such so as not to impede fire-fighting or other emergency vehicles and equipment.
- (b) The owner(s) or developer(s) shall be responsible for the removal of trash, snow removal from the sidewalks, driveways and parking areas and for the cutting of grass. All refuse shall be placed in metal containers which shall be effectively screened from view of the residents.
- (c) The proposed multifamily building or development shall be designed so as to provide a desirable and harmonious addition to the general environment of the neighborhood, and each group of multifamily buildings on a single lot shall constitute a single architectural scheme.
- (d) Each multifamily building or group of buildings shall be designed and operated as a single management and maintenance unit, with common yards, open spaces and parking areas. In the event multifamily dwellings are converted or developed as condominiums, such condominiums shall be owned and operated in accordance with the Pennsylvania Unit Property Act of 1963, as amended. No subsequent subdivision of the property into single- or two-family dwellings shall be permitted.
- (e) Not more than three bedrooms shall be permitted in any one dwelling unit.
- (f) Multifamily units shall be permitted only on a floor which is completely above grade at one exterior wall.
- (g) Impervious surface requirements. Not more than 45% of any lot area shall be covered by impervious surfaces.  
[Added 5-15-2008 by Ord. No. 1047]

- L. Place of amusement, provided they are consistent with all other ordinances of the Borough of Media.<sup>1</sup>  
[Amended 8-15-1996 by Ord. No. 903]
- M. No drive-in or drive-through establishments will be permitted such that ingress and/ or egress is from/to state street. [Amended 8-15-1996 by Ord. No. 903]
- N. Church or other place of worship.
- O. Conversion, as per § 311.E-18. [Amended 8-15-1996 by Ord. No. 903]

### § 311.C-3. Uses by special exception.

The following uses shall be permitted as a special exception when authorized by the Zoning Hearing Board. All special exceptions are subject to the provisions of Article F-III.

- A. School, day-care center or similar use as determined by the Zoning Hearing Board.
- B. Club, lodge; nonprofit organization, as defined in Article A-II of this chapter.
- C. Public parking lot or garage.

### § 311.C-4. Accessory uses.

The following accessory uses shall be permitted:

- A. All accessory uses permitted in the R-1 Residential District, except private swimming pools. [Amended 8-15-1996 by Ord. No. 903]
- B. Storage within a completely enclosed structure, in conjunction with a permitted use.
- C. An accessory use on the same lot with and customarily incidental to any of the uses permitted above and not detrimental to the neighborhood.

<sup>1</sup> Editor's Note: Former Subsection 13, regarding multifamily dwellings, which immediately followed this subsection, was deleted 8-15-1996 by Ord. No. 903.

### § 311.C-5. Prohibited uses.

No building may be erected, altered or used, and no lot or premises may be used for any trade, industry or business that is noxious or offensive by reason of odor, dust, smoke, gas or noise, or that is dangerous to public health or safety. No gas or diesel internal combustion engine shall be used.

### § 311.C-6. Area and bulk regulations.

#### A. Nonresidential uses.

- (1) Lot area. A lot area of not less than 2,500 square feet shall be provided for every principal building hereafter erected.
- (2) Lot width. The lot for each building hereafter erected shall have a width at the building line of not less than 20 feet.
- (3) Front yard. There shall be a front yard the depth of which shall be not less than five feet, unless existing buildings on abutting lot(s) have greater front yards. In such cases, the required front yard shall be not less than the front yard of one of the existing buildings.
- (4) Side yards. None required.
- (5) Rear yard. There shall be a rear yard which shall be not less than 25 feet in depth. Parking shall be permitted in the rear yard.
- (6) Corner lot setbacks. [Added 8-15-1996 by Ord. No. 903]
  - (a) In case of a corner lot where the right-of-way dimension of both streets is identical, a front yard setback of not less than five feet shall be required from the street line fronted by the shortest lot dimension, and a front yard setback of not less than five feet shall be required from the street line fronted by the longest dimension. The yard opposite the shortest lot dimension shall comply with rear yard setback requirements, and the yard opposite the long lot dimension shall comply with the minimum side yard setback requirements.
  - (b) In case of a corner lot where the right-of-way dimension of both streets is not identical, a front yard setback of five feet shall be required from the street with the widest right-of-way dimension, and a front yard setback of five feet shall be required from the street with the narrowest right-of-way dimension. The yard opposite the street with the widest right-of-way shall comply with rear yard setback requirements, and the yard opposite the street with the narrowest right-of-way dimension shall comply with the minimum side yard setback requirements.
  - (c) In the case of a corner lot where the lot dimensions along the streets are identical and the right-of-way dimension of both streets is identical, the property owner shall select one side abutting the street to be the front yard, consistent with other uses prevailing on the same block.
- (7) Building coverage. The aggregate area of all buildings on a lot shall not exceed 89% of the lot area. However, in cases where underground parking is provided, the building coverage may be increased to not more than 90% of the lot area.
- (8) Height regulation. No building shall have a height exceeding 40 feet with a maximum of three stories above grade.
- (9) Off-street parking. As required by Article E-II of this chapter.
- (10) Accessory structures. As required by § 311.E-6 of this chapter.
- (11) Impervious surface requirements. Not more than 95% of any lot area shall be covered by impervious surfaces. [Added 5-15-2008 by Ord. No. 1047]

#### B. Residential uses. Area and bulk requirements applicable to multifamily dwellings, maximum of four units, as provided below.



*Editor's Note: The following requirements originally appeared in Article V R-3 Residential District and pertained to multi-family units, a maximum of four units, prior to the adoption of the Hybrid Form-Based Code. The contents of § 311-27D have been copied below verbatim and, as a result, no changes to the ROA have been made as a result of the adoption of the Hybrid Form-Based Code.*

- (1) Lot area. A lot area of not less than 1,875 square feet per unit shall be provided for every building hereafter erected.
- (2) Lot width. Each lot shall have a width at the building line of not less than 75 feet.
- (3) Minimum yard requirements.
  - (a) Front yard. There shall be a front yard the depth of which shall be not less than 25 feet.
  - (b) Side yards. There shall be two side yards, one on either side of the building, which shall have an aggregate width of 35 feet, and neither side yard shall be less than 15 feet wide.
  - (c) Rear yard. There shall be a rear yard which shall be not less than 20 feet in depth.
  - (d) Corner lot setbacks. As required below
    - [1] In case of a corner lot where the right-of-way dimension of both streets is identical, a front yard setback of not less than 25 feet shall be required from the street line fronted by the shortest lot dimension, and a front yard setback of not less than 15 feet shall be required from the street line fronted by the longest dimension. The yard opposite the shortest lot dimension shall comply with rear yard setback requirements, and the yard opposite the long lot dimension shall comply with the minimum side yard setback requirements.
    - [2] In case of a corner lot where the right-of-way dimension of both streets is not identical, a front yard setback of 25 feet shall be required from the street with the widest right-of-way dimension, and a front yard setback of 15 feet shall be required from the street with the narrowest right-of-way dimension. The yard opposite the street with the widest right-of-way shall comply with rear yard setback requirements, and the yard opposite the street with the narrowest right-of-way dimension shall comply with the minimum side yard setback requirements.
    - [3] In the case of a corner lot where the lot dimensions along the streets are identical and the right-of-way dimension of both streets is identical, the property owner shall select one side abutting the street to be the front yard, consistent with other uses prevailing on the same block.
- (4) Building coverage. The aggregate area of all buildings on a lot shall not exceed 25% of the lot area.
- (5) Distance between parking and property lines. There shall be a minimum distance of three feet between any parking area and a side or rear lot line.
- (6) Minimum floor area per unit, multifamily dwellings. The minimum floor area per unit, exclusive of common stairs and hallways serving more than one unit, shall be as required below:
  - (a) One-bedroom unit: 625 square feet.
  - (b) Two-bedroom unit: 775 square feet.
  - (c) Three-bedroom unit: 925 square feet.
  - (d) Efficiency unit: 375 square feet.
- (7) [Added 9-20-2007 by Ord. No. 1037]

- (8) Height regulation. No building shall have a height exceeding 35 feet with a maximum of three stories above grade.
- (9) Off-street parking. As required by Article E-II. Parking Regulations of this chapter.
- (10) Accessory structures. As required by § 311.E-6 of this chapter.
- (11) Impervious surface requirements. Not more than 40% of any lot area shall be covered by impervious surfaces. [Added 5-15-2008 by Ord. No. 1047]

## **Article C-III. Highway Business-Office District (HBO)**

*[Amended 8-15-1996 by Ord. No. 903; 12-16-1999 by Ord. No. 938; 1-15-2004 by Ord. No. 984; 8-16-2007 by Ord. No. 1034; 5-15-2008 by Ord. No. 1047; 2-19-2015 by Ord. No. 1116]*

### **§ 311.C-1. Legislative intent.**

The purpose of this article is to provide for a range of highway-oriented retail, automotive and service type business activities which ordinarily require main-highway locations and serve transient as well as regional and local customers; to provide sufficient space for automobile related merchandising, including the provision of off-street parking and safe circulation of pedestrian and motor traffic in the district and adjoining areas; to allow for office uses as well as limited conversion of residential structures; to conform to the TND-1 Overlay District: Baltimore Avenue regulations of Article D-I; to promote residential development in Gateway Area 1, and to promote residential and potentially mixed-use development in the Gateway Area 2.

### **§ 311.C-2. Uses by right.**

In the Highway Business-Office District, land, buildings or premises shall be used by right only for one or more of the following uses listed below. For those portions of the HBO overlaid by the TND-1 Overlay District: Baltimore Avenue, the provisions of Article D-I shall also apply.

- A. All uses permitted by right in the Retail-Office-Apartment District, including vertical mixed-use buildings with retail use on the ground floor, subject to § 311.C-22D.
- B. New or used automobile dealer, including sales, leasing and service facilities, provided that no such facility shall be located within 500 feet of the property line of any other property used for such a facility.
- C. (Reserved)
- D. Auto parts store.
- E. Car washing establishment.
- F. Gasoline service station, provided that no gasoline service station shall be located within 500 feet of the property line of any other property used for a gasoline service station.
- G. Convenience store.
- H. Drive-through restaurant, bank, camera film developing establishment or similar drive-through use.
- I. Medical, dental or similar clinic.
- J. Motel, hotel and related facility, such as restaurant and banquet room.
- K. Laundromat, newspaper or printing establishment or similar use.
- L. General service, repair or tradesman's shop, including furniture, watch or clock, radio, television or household appliance repair; carpenter, plumber, electrician or similar use.
- M. Church or other place of worship, school, day care or similar use.
- N. Club, lodge; nonprofit organization, as defined in Article A-II of this chapter.
- O. Funeral home or mortuary.
- P. Multifamily dwelling, (apartments) subject to § 311.C-12K, and § 311.C-22D.

- Q. Conversion, as per § 311.E-18.
- R. Bank or other financial institution.
- S. Single-family semi-detached dwelling (twins) in the Gateway Area 1, subject to § 311.C-22C.
- T. Single-family attached dwellings (townhouse) in the Gateway Area 1, subject to § 311.C-22C.

### § 311.C-3. Uses by special exception.

The following uses shall be permitted as a special exception when authorized by the Zoning Hearing Board. All special exceptions are subject to the provisions of Article F-III of this chapter.

- A. Wholesale or storage facility in conjunction with a permitted use.
- B. Nursing or convalescent home.
- C. Public parking lot or garage.

### § 311.C-4. Accessory uses.

- A. All accessory uses permitted in the Retail-Office-Apartment District subject to the regulations of § 311.E-6.
- B. Any accessory use on the same lot with and customarily incidental to any of the uses permitted above and not detrimental to the neighborhood.

### § 311.C-5. Prohibited uses.

As noted in § 311.C-15, relating to the Retail-Office-Apartment District.

### § 311.C-6. Area and bulk regulations.

- A. Nonresidential uses.
  - (1) Lot area. A lot area of not less than 3,850 square feet shall be provided for every principal building hereafter erected.
  - (2) Lot width. The lot for each principal building hereafter erected shall have a width at the building line of not less than 35 feet.
  - (3) Minimum yard requirements.
    - (a) Front yard. There shall be a front yard the depth of which shall be equal to the predominant front yards of the existing buildings on the same block. Where there are no existing buildings in the immediate vicinity of a proposed building, such proposed building shall have a front yard of not less than 10 feet.
    - (b) Side yards.
      - [1] In the case of detached or semidetached buildings, there shall be two side yards, each of which shall have a width of not less than six feet.
      - [2] In the case of three or more attached buildings, there shall be a side yard at each end of the row of buildings which shall have a width of not less than 10 feet.
    - (c) Rear yard.
      - [1] In the event that no front yard is provided, there shall be a rear yard which shall be not less than 25 feet in depth.
      - [2] In the event of a front yard of at least 25 feet, with or without parking, the rear yard shall not be less than 10 feet.
      - [3] In the event that there is a front yard which is less than 25 feet in depth, the rear yard shall not

be less than 25 feet, unless reduced as a special exception by the Zoning Hearing Board. No such rear yard shall be reduced to less than 10 feet.

(d) Corner lot setbacks.

- [1] In case of a corner lot where the right-of-way dimension of both streets is identical, a front yard setback of not less than 10 feet shall be required from the street line fronted by the shortest lot dimension, and a front yard setback of not less than 10 feet shall be required from the street line fronted by the longest dimension. The yard opposite the shortest lot dimension shall comply with rear yard setback requirements, and the yard opposite the long lot dimension shall comply with the minimum side yard setback requirements.
- [2] In case of a corner lot where the right-of-way dimension of both streets is not identical, a front yard setback of 10 feet shall be required from the street with the widest right-of-way dimension, and a front yard setback of 10 feet shall be required from the street with the narrowest right-of-way dimension. The yard opposite the street with the widest right-of-way shall comply with rear yard setback requirements, and the yard opposite the street with the narrowest right-of-way dimension shall comply with the minimum side yard setback requirements.
- [3] In the case of a corner lot where the lot dimensions along the streets are identical and the right-of-way dimension of both streets is identical, the property owner shall select one side abutting the street to be the front yard, consistent with other uses prevailing on the same block.

- (4) Building coverage. The aggregate area of all buildings on a lot shall not exceed 75% of the lot area. However, in cases where underground parking is provided, the building coverage may be increased to not more than 80% of the lot area.
- (5) Height regulation. No building shall have a height exceeding 40 feet with a maximum of three stories above grade.
- (6) Off-street parking. As required by Article E-II of this chapter.
- (7) Accessory structures. As required by § 311.E-6 of this chapter.
- (8) Impervious surface requirements. Not more than 85% of any lot area shall be covered by impervious surfaces; however, in cases where underground parking is provided, the impervious surfaces may be increased to not more than 90% of the lot area.

B. Residential uses. Area and bulk regulations as provided in § 311.C-12K, and as provided in § 311.C-22C and D for the Traditional Neighborhood Development-1 (TND-1) Overlay District, and Gateway Area 1 and Gateway Area 2.

C. Residential uses: single-family attached dwellings (townhouses) in Gateway Area 1.

- (1) Lot area. A minimum gross lot area of 3,000 square feet per dwelling unit shall be provided, including unit area, decks, porches, parking areas, common interior circulation, and lawn/landscape areas. However, condominium ownership or individual footprint lots may be permitted, provided that the overall density does not result in less than 3,000 square feet of gross lot area per dwelling unit.
- (2) Dwelling unit width. Dwelling units shall have a minimum width of 20 feet.
- (3) Dwelling unit frontage. Dwelling units shall have frontage directly onto a street, except in the case of a Green Court Lot whereby a dwelling unit faces a green that is used for active recreation or passive recreation, and such dwelling unit is accessed from an alley.
- (4) Attached units. The number of attached dwelling units in any townhouse structure shall not be less than three or more than six units in a row. Up to 50% of the total units in a proposed development

may be allowed to be two units in a row, in order to enable a single-family semi-detached structure (twins).

(5) Minimum yard requirements.

- (a) Front yard. For dwellings fronting on existing streets, there shall be a front yard, the depth of which shall be not less than 15 feet from any property line. For dwellings fronting on new streets, there shall be a front yard of 15 feet from the curb or street edge. However, one-story porches may be within five feet of a property line with existing street frontage or five feet from a curb or street edge in the case of a new street. For corner properties, the front yard setback shall apply to both street frontages. However, the primary front yard shall be the yard that faces Baltimore Avenue.
- (b) Side yards. Each group of townhouse units shall have two side yards, with a setback of not less than 10 feet to a perimeter property line. The aggregate side yard distance between buildings shall not be less than 10 feet.
- (c) Rear yards. There shall be a rear yard which shall be not less than 10 feet, except that decks (grade level or elevated) and garages may be within three feet of the perimeter property line.

(6) Building coverage. The aggregate area of all buildings on a lot shall not exceed 35% of the overall lot area, excluding unenclosed porches.

(7) Variation in design. In order to avoid a flat, monolithic facade, whenever three or more attached dwelling units are proposed, each dwelling unit shall be distinguished from the adjacent dwelling unit in some manner such as by varying unit width, by using different exterior material, by varying arrangements of entrances or windows, or by using pilasters, bay windows or other like type architectural features.

(8) Height regulation. No building shall have a height exceeding 45 feet with a maximum of four stories above grade. [Amended 5-19-2016 by Ord. No. 1123]

(9) Off-street parking. Two parking spaces shall be provided per dwelling unit, and one guest space shall be provided for every four dwelling units. Guest spaces may be located in new streets as on-street parking for traffic calming and convenience.

(10) Impervious surface requirements. Not more than 70% of any lot area shall be covered by impervious surfaces.

(11) Green space. No less than 10% of the total tract area shall be designated for and maintained as green space to be used for active recreation and/or passive recreation, as well as courtyards and other pedestrian gathering areas. Such open space shall be separate and apart from yard setbacks. These green space requirements shall supersede the requirements of § 311.E-15.

(12) Special requirements.

- (a) The proposed townhouse buildings and development shall be designed so as to provide a harmonious addition to the general environment of the neighborhood through the use of front porches, and/or articulated facades.
- (b) For any facade that faces a public way, there shall be at least 10% windows, but not more than 25% windows.
- (c) Vertical infrastructure shall be provided in the form of piers at entrances and at corners of the property, pergolas, arbors, and benches.
- (d) All development shall be consistent with the written and graphic design standards in Article D-I of the Zoning Ordinance, and § 257-33 of the Subdivision and Land Development Ordinance.
- (e) All development shall be consistent with the Development Strategy Plan Baltimore Avenue, and the



Development Strategy Plan for Gateway Area 1.

- (f) Due to the reduction in cartway widths, increased building density and reduced setbacks and separation between buildings, all buildings shall contain fire sprinklers designed to the applicable National Fire Protection Standard. All Code-approved fire protection and fire suppression systems shall be operable and in working condition at all times.

D. Residential uses: multifamily dwellings in Gateway 2 Area.

(1) Lot area.

- (a) A lot area of at least 1,750 square feet shall be provided for each of the first four units in a multifamily building and development. An additional lot area of 525 square feet for each additional dwelling unit shall also be provided.
- (b) Whenever retail use is proposed on the ground floor area of a multifamily building, no additional lot area shall be required if the gross leasable area for the retail use is less than 2,500 square feet.
- (c) Whenever 2,500 square feet or more of gross leasable area of retail use is proposed on the ground floor area of a multifamily building, there shall be an additional one square foot of lot area for every one square foot of retail use, beyond that required under § 311.C-22D (1)(a).

(2) Lot width. No lot shall have a width at the building line of less than 100 feet.

(3) Minimum yard requirements.

(a) Front yard.

- [1] For buildings up to three stories in height, there shall be a front yard setback consistent with the TND-1 Overlay "build to line" of five feet. For buildings with additional height above three stories, the front yard setback shall be increased as follows:

[a] Four stories: 20 feet.

[b] Five stories: 25 feet.

- [2] For corner properties, the front yard setback shall apply to both street frontages. However, the primary front yard shall be the yard that faces Baltimore Avenue.

- [3] For buildings three stories or more, up to 20% of the linear footage of the total facade length on each street may project up to five feet into the required front yard setback, provided that those projections are at least one floor shorter in height than total height of the main building.

- (b) Side yards. There shall be two side yards, one on either side of the building, with a minimum width of 15 feet, and a combined aggregate width of 35 feet.
- (c) Rear yard. There shall be a rear yard which shall be not less than 25 feet in depth.
- (d) Distance between buildings. In cases where there is more than one multifamily building on a lot, the distance between buildings shall be at least 40 feet.
- (e) For corner properties, there shall be one side yard and one rear yard, with the rear yard being opposite Baltimore Avenue.

(4) Building coverage. The aggregate area of all building on a lot shall not exceed 75% of the lot area.

(5) Impervious surface. Not more than 80% of the lot shall be covered by impervious surfaces.

(6) Height regulation. No building shall have a height exceeding 45 feet, above grade, provided that

building height may be increased in accordance with, and subject to the conditions of Subsection D(6) (a) and (b) below. Any building that is greater than 35 feet in height shall be required to contain fire sprinklers. Fire sprinklers shall comply with any and all ordinances. All Code-approved fire protection and fire suppression systems shall be operable and in working condition at all times. The forty-five-foot height provision is further qualified as follows:

- (a) A height not exceeding 55 feet with a maximum of four stories above grade may be permitted if there is a roof garden with swimming pool that is built and maintained with a square footage of at least 10% of the building footprint, and if there are ornamental street lights, hanging baskets, and pergolas.
  - (b) A height not exceeding 65 feet with a maximum of five stories above grade may be permitted if there is a 5% increase of green space, beyond the minimum of 20% as per § 311.C-22D (8), for a total of 25% green space, and the 5% increased green space area shall include benches, planters with landscaping, arbors, pergolas, a roof garden with swimming pool, ornamental street lights, hanging baskets, bicycle racks, and decorative sidewalk materials.
- (7) Off-street parking. Parking shall be provided at the rate of: one parking space per one-bedroom unit; two parking spaces per two-bedroom unit; two parking spaces per three-bedroom unit; and three parking spaces per four-bedroom unit. All off-street parking spaces shall be either (a) in a deck parking structure and/or below the building and not visible from the street, or (b) not visible from public streets, except that surface parking spaces may be built and maintained for ADA parking spaces, delivery vehicles, and/or staff, at a ratio of one space per each 25 dwelling units.

E. Green space. No less than 20% of the total tract area shall be designated for and maintained as green space to be used for courtyards, plazas, and landscaped areas between the building and the perimeter property lines.

F. Special requirements.

- (a) The proposed multifamily building and development shall be designed so as to provide a harmonious addition to the general environment of the neighborhood, and each group of multifamily buildings on a single lot shall constitute a single architectural scheme.
- (b) For any facade that faces a public way, there shall be at least 15% windows, but not more than 45% windows.
- (c) Each multifamily building or group of buildings shall be designed and operated as a single management and maintenance unit, with common yards, open spaces and parking areas. In the event multifamily dwellings are converted or developed as condominiums, such condominiums shall be owned and operated in accordance with the Pennsylvania Unit Property Act of 1963, as amended.<sup>2</sup>
- (d) All development shall be consistent with the written and graphic design standards in Article D-I of the Zoning Ordinance, and § 257-33 of the Subdivision and Land Development Ordinance.
- (e) All development shall be consistent with the Development Strategy Plan Baltimore Avenue, and the Development Strategy Plan for Gateway Area 2.
- (f) The sign regulations of Article E-III shall apply, and whenever retail use is proposed on the ground level of a multifamily building, the ROA district signage regulations of § 311.E-37E shall apply.
- (g) Due to the reduction in cartway widths, increased building density and reduced setbacks and separation between buildings, all buildings shall contain fire sprinklers designed to the applicable National Fire Protection Standard. All Code-approved fire protection and fire suppression systems

shall be operable and in working condition at all times.

## **Article C-IV. Industrial District**

### **§ 311.C-1. Legislative intent.**

The purpose of this article is to provide for a variety of manufacturing, industrial, storage and automotive uses with minimum lot area, yard and other requirements to properly accommodate the permitted uses. Because of the small size of the industrial area, it is intended to prohibit any use or process which would cause an adverse impact on adjacent residential and commercial areas. It is also intended that existing residential uses be gradually removed from the Industrial District.

### **§ 311.C-2. Uses by right.**

In the I-Industrial District, land, buildings or premises shall be used by right only for one or more of the following uses:

- A. Warehouse, wholesale establishment or trucking facility.
- B. Yards of general contractors, or similar tradesmen, engaged in building or construction.
- C. Building materials storage and sales.
- D. Automobile and truck sales, service and repair, including body repair, painting, towing, varnishing, undercoating or detailing.
- E. Cold storage plant, frozen food plant, beverage distribution plant and catering plant.
- F. Tool, die, gauge and machine shop.
- G. Plumbing, heating, roofing, carpentry, electrical, welding, buffing, finishing, plating, heat treating, painting and pipefitting shop.
- H. Central dry-cleaning plants or laundries, provided that such plants shall not deal directly with the consumer at retail.
- I. Printing, photofinishing, engraving, lithographing, reproducing or binding establishment.
- J. Manufacture, compounding, processing, canning, containing, packaging, treatment and distribution of products such as:
  - (1) Food products.
  - (2) Ceramic products.
  - (3) Cosmetics, toiletries, pharmaceuticals.
  - (4) Hardware, cutlery, tools, scientific instruments, musical instruments, toys, novelties and textile products.
  - (5) Sheet metal products, including heating and ventilating equipment, cornices, eaves and the like.
  - (6) Electrical or electronic devices and home, commercial or industrial appliances and instruments, including accessory parts.
- K. Manufacture, compounding, processing, assembly or treatment of articles or merchandise from previously prepared materials.
- L. Laboratory.
- M. Mail order business.
- N. Administrative and clerical office related to a permitted use.
- O. Rental storage facilities.

- P. Entertainment facility. [Added 8-15-1996 by Ord. No. 903]
  - Q. Medical marijuana dispensaries and medical marijuana growers/processors.
- [Added 7-20-2017 by Ord. No. 1127-2017]

### § 311.C-3. Uses by special exception.

The following uses shall be permitted as a special exception when authorized by the Zoning Hearing Board. All special exceptions are subject to the provisions of Article F-III of this chapter.

- A. Uses of the same general character (as determined by the Zoning Hearing Board) as the uses permitted by right, in accordance with the performance standards set forth in Article E-V of this chapter.
- B. Public parking lot or garage.

### § 311.C-4. Accessory uses.

The following accessory uses shall be permitted:

- A. Storage, in conjunction with a permitted use.
- B. Cafeteria, recreation area, or similar facility for the exclusive use of the employees.
- C. Living quarters for a watchman, caretaker or similar employee.<sup>3</sup>
- D. Any accessory use on the same lot with and customarily incidental to any of the uses permitted above and not detrimental to the neighborhood.

### § 311.C-5. Performance standards.

All uses permitted in this district shall be in compliance with the performance standards set forth in Article E-V of this chapter.

### § 311.C-6. Area and bulk regulations.

- A. Lot area. A lot area of not less than 5,600 square feet shall be provided for every  
*Editor's Note: Former Subsection 4, regarding off-street parking, which immediately followed this subsection, was deleted 8-15-1996 by Ord. No. 903.building hereafter erected.*
- B. Lot width. The lot for each building hereafter erected shall have a width at the building line of not less than 40 feet.
- C. Minimum yard requirements.
  - (1) Front yard. There shall be a front yard, the depth of which shall be not less than 25 feet.
  - (2) Side yards. There shall be at least one side yard which shall be not less than 10 feet in width.
  - (3) Rear yard. There shall be a rear yard which shall be not less than 30 feet in depth; however, where the rear portion of a lot abuts a residential district, the rear yard shall be not less than 50 feet.
  - (4) Corner lot setbacks. [Added 8-15-1996 by Ord. No. 903]
    - (a) In case of a corner lot where the right-of-way dimension of both streets is identical, a front yard setback of not less than 25 feet shall be required from the street line fronted by the shortest lot dimension, and a front yard setback of not less than 10 feet shall be required from the street line fronted by the longest dimension. The yard opposite the shortest lot dimension shall comply with rear yard setback requirements, and the yard opposite the long lot dimension shall comply with the minimum side yard setback requirements.
    - (b) In case of a corner lot where the right-of-way dimension of both streets is not identical, a front yard

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<sup>3</sup> Editor's Note: Former Subsection 4, regarding off-street parking, which immediately followed this subsection, was deleted 8-15-1996 by Ord. No. 903.

setback of 25 feet shall be required from the street with the widest right-of-way dimension, and a front yard setback of 10 feet shall be required from the street with the narrowest right-of-way dimension. The yard opposite the street with the widest right-of-way shall comply with rear yard setback requirements, and the yard opposite the street with the narrowest right-of-way dimension shall comply with the minimum side yard setback requirements.

- (c) In the case of a corner lot where the lot dimensions along the streets are identical and the right-of-way dimension of both streets is identical, the property owner shall select one side abutting the street to be the front yard, consistent with other uses prevailing on the same block.
- D. Building coverage. The aggregate area of all buildings on a lot shall not exceed 50% of the lot area.
- E. Distance between buildings. Where more than one principal building is provided on a lot, the distance between buildings shall be not less than 30 feet.
- F. Height regulation. No building shall have a height exceeding 45 feet with a maximum of three stories above grade.
- G. Off-street parking and loading. As required by Article E-II of this chapter.
- H. Accessory structures. As required by § 311.E-6 of this chapter.
- I. Impervious surface requirements. Not more than 90% of any lot area shall be covered by impervious surfaces. [Added 5-15-2008 by Ord. No. 1047]

# Article D. Overlay Districts

## Article D-I. TND-1 Traditional Neighborhood Development Overlay District: Baltimore Avenue

*[Added 7-19-2007 by Ord. No. 1031; amended 2-19-2015 by Ord. No. 1116]*

### § 311.D-1. Legislative intent.

The purpose of this article is to provide regulations and written and graphic design standards to:

- A. Address the purposes, objectives, and standards of Article VII-A, Traditional Neighborhood Development, of the Pennsylvania Municipalities Planning Code.<sup>1</sup>
- B. Provide written and graphic design standards to assist applicants in the preparation of proposals for traditional neighborhood development in accordance with Section 708-A of the Pennsylvania Municipalities Planning Code.<sup>2</sup>
- C. Improve the function and appearance of the Baltimore Avenue corridor as a means of implementing the Media Borough Comprehensive Plan.
- D. Place buildings consistently along Baltimore Avenue to help form the streetscape.
- E. Provide opportunities for infill development and redevelopment, consistent with existing buildings that are located close to sidewalks.
- F. Provide street walls to form the traditional neighborhood character of Media Borough.
- G. Provide for off-street parking at the rear or the side of buildings.
- H. Permit principal buildings at a height of 20 feet to 40 feet, except in gateway areas.
- I. Promote the use of effective and attractive signage.

### § 311.D-2. Applicability.

- A. Refer to Exhibit A dated May 30, 2007, revised December 17, 2014, for the location of TND-1 Traditional Neighborhood Development Overlay District, and for the location of Gateway Area 1 and Gateway Area 2, which Exhibit A is incorporated herein by reference and made a part hereof.<sup>3</sup>
- B. All new infill development and redevelopment within the TND-1 Traditional Neighborhood Development Overlay District shall be consistent with the Written and Graphic Design Standards in Exhibit B of Article D-I, which Exhibit B is incorporated by reference and made a part hereof.<sup>4</sup>
- C. All new infill development and redevelopment shall also be consistent with the Development Strategy Plan, the Gateway Area 1 and Gateway Area 2 Development

Strategy Plan, and the Design Standards in the Subdivision and Land Development Ordinance, §§ 257-18 through 257-21.

### § 311.D-3. Written and graphic design standards.

Written and graphic design standards applicable to all infill development and redevelopment within the TND-1 Traditional Neighborhood Development Overlay District shall be in accordance with Exhibit B.

### § 311.D-4. Design guidelines.

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1 See 53 P.S. § 10701-A et seq  
2 See 53 P.S. § 10701-A  
3 See Exhibit A is on file in the Borough offices.  
4 See Exhibit B is on file in the Borough offices.



- A. See the following sections of Exhibit B for applicable design guidelines.<sup>5</sup>
- (1) Z.1. Building location.
  - (2) Z.2. Infill buildings.
  - (3) Z.3. Street walls.
  - (4) Z.4. Parking location.
  - (5) Z.5. Building height.
  - (6) Z.6. Signage.
  - (7) Z.7. Townhouse buildings.
  - (8) Z.8. Multifamily buildings.
- B. Note: See Subdivision and Land Development Ordinance<sup>6</sup> for additional written and graphic design standards.

## **Article D-II. Historic Resources Overlay District**

*[Added 11-20-2008 by Ord. No. 1051-2008]*

### **§ 311.D-1. Legislative intent; purpose.**

- A. It is hereby declared, as a matter of public policy, that the preservation and protection of buildings, structures, sites and objects of historic and architectural, merit are public necessities and are in the interests of the health, prosperity and welfare of all the citizens of Media Borough.
- B. The purposes of this article are:
- (1) To identify and provide an opportunity to preserve historic resources which are important to the education, culture, traditions and economic and aesthetic values of all citizens of Media Borough;
  - (2) To maintain or improve historic resources which contribute to the character of Media Borough;
  - (3) To retain and enhance historic resources which contribute to the character of Media Borough;
  - (4) To ensure that new construction and subdivision of lots in Media Borough are compatible with existing historic resources;
  - (5) To encourage the restoration and rehabilitation of historic resources in Media Borough;
  - (6) To enhance the attractiveness of Media Borough, thereby supporting and promoting business, commerce, industry and tourism, as well as providing economic benefit to Media Borough;
  - (7) To foster civic pride in the historical, architectural, cultural and educational accomplishments of Media Borough;
  - (8) To promote the use of historic resources for the education, pleasure and welfare of all citizens of Media Borough;
  - (9) To encourage orderly and efficient development that recognizes the special value to Media Borough of its fragile, nonrenewable historic and cultural resources; and
  - (10) To encourage public participation in identifying and preserving historical, architectural and cultural resources through educational programs and general awareness campaigns.

### **§ 311.D-2. Creation of Historic Resources Overlay District.**

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<sup>5</sup> Exhibit B is on file in the Borough offices.

<sup>6</sup> See Ch. 257, Subdivision and Land Development.

- A. There is hereby created a Historic Resource Overlay District, to be known as the “HR Overlay District,” consisting of all properties on which an historic resource is located as designated on the Historic Resources Map and set forth on the Official Listing of Historic Resources by Classification, which overlay district shall be deemed an overlay on any zoning districts now or hereafter enacted to regulate the use of land in the Borough. The Historic Resources Map and the Official Listing of Historic Resources by Classification shall be attached to this article as Appendix A<sup>7</sup> and made a part of this article.
- B. For any property located within the HR Overlay District, the requirements and opportunities contained in this article shall supersede any otherwise applicable requirements of the underlying zoning districts that are in conflict with the provisions of this article. Any otherwise applicable requirements of the underlying zoning district that are not in conflict with the provisions of this article shall remain in full force and effect as to any property located within the HR Overlay District.
- C. Should the Historic Resources Map be revised as a result of legislative or administrative action or judicial decision, the zoning requirements and other regulatory measures applicable to the property in question shall be those of the underlying zoning district without consideration of this article. Any revisions to the Historic Resources Map shall be attached and made part of this article.

#### **§ 311.D-3. Demolition permit required.**

- A. No person shall undertake demolition on any historic resource within the HR Overlay District unless a demolition permit is first obtained from the Code Enforcement Officer.
- B. Except as may be provided below, the Code Enforcement Officer shall not issue a demolition permit until the Council first reviews and approves the application for the demolition permit.

#### **§ 311.D-4. Demolition permit application process.**

- A. To obtain a demolition permit, an applicant must submit an application, in writing, on a form furnished by the Code Enforcement Officer for that purpose, together with the applicable fee(s). The fee for a demolition permit shall be based on the Borough fee schedule, which the Borough Council may adjust from time to time by resolution.
- B. The Contents of the demolition permit application are as follows:
  - (1) Date of filing of application;
  - (2) Name of applicant;
  - (3) Address of applicant;
  - (4) Address of historic resource proposed to be demolished and owner of record if different from applicant;
  - (5) Site plan showing all buildings, structures, objects and features of the property on which the historic resource is located and the location of adjoining public ways;
  - (6) Reasons for demolition;
  - (7) Method of demolition;
  - (8) Approximate date of commencement and completion of demolition;
  - (9) Projected uses of the site following demolition of the historic resource. Applicant must submit three copies of said application to the Code Enforcement Officer of Media Borough.
- C. The demolition permit application shall be signed by the applicant and such signature shall constitute a certification by the signer that the information contained in the application is true and correct.
- D. Within 10 working days of receipt of an application for demolition permit, the Borough shall publish notice of the application in a daily or weekly newspaper of substantial circulation in the Borough and

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7 Appendix A is included at the end of this chapter. The Historic Resources Map is on file in the Borough offices.

post the property that is the subject of the application with notice. The Code Enforcement Officer shall also forward a copy of the application for the demolition permit by regular mail to the Media Borough Planning Commission and the Borough HARB at their registered addresses. The required notice shall state the following: that unless written objection stating specific reasons thereof is filed with the Code Enforcement Officer within 30 days of the publication of the notice, the demolition permit will be issued after the expiration of such thirty-day period. The Media HARB, the Media Borough Planning Commission, the Media Historical Society or any persons aggrieved shall be entitled to file such a written objection.

- E. If within 30 days after publication of the notice no written objection to the issuance of the permit is filed with the Code Enforcement Officer, then the demolition permit shall be issued to the applicant.
- F. If within 30 days after publication of the notice an objection is filed with the Code Enforcement Officer, then the Code Enforcement Officer shall forward the demolition permit application, together with all attachments, to the Council for its review. The objection shall be in writing and shall state the specific reasons for the objection.
- G. Within 45 days after receipt by the Council of an application for a demolition permit to which application an objection has been filed, or such later period not to exceed an additional 60 days, as may be agreed to by the Council and the applicant, the Council shall hold a public meeting on the application and objections thereto and make a decision whether to approve or deny the application for issuance of the demolition permit. The person applying for the demolition permit, the objector, the Media HARB and the Media Borough Planning Commission shall be given a minimum of 10 days' advance written notice by mail of the time and place of the hearing. If a special hearing, being a hearing other than a regularly scheduled Council meeting, is required to meet the time frame for the public hearing required herein or is otherwise requested by the applicant, the applicant shall be responsible for payment of the required fee for such special hearing as provided for in the Borough fee schedule. Failure of the Council to make a determination within the required time period shall be deemed to constitute an approval of the application for the demolition permit.
- H. At any time after filing an objection to the issuance of the permit, the objector may withdraw the objection by giving written notice of such withdrawal to the Council and the Code Enforcement Officer and, upon receipt of such withdrawal, provided the initial thirty-day period after publication has expired, and provided there are no other objections which remain outstanding, the permit shall be issued and any pending public hearing on the permit shall be canceled.
- I. At the public hearing held on the application, the Council, the objector and the applicant may agree to postpone the public hearing to a later date, such postponement not to exceed an additional 60 days from the date of that public hearing.
- J. After the hearing when the Council reviews an application for a demolition permit, the Council shall consider the following factors, among other factors deemed appropriate by the Council, before reaching its decision on the application:
  - (1) The purposes of this article.
  - (2) The historical, architectural or aesthetic significance of the historic resource, and the historic classification of that historic resource as determined pursuant to § 311.D-13 of this article.
  - (3) The design and compatibility of the proposed work with the character of its site, including the effect of the proposed work on neighboring structures.
  - (4) Whether the historic resource can be used for any purpose for which it is or may be reasonably adapted. To that end, the owner must demonstrate that the sale of the property and the alternative use of the historic resource is impracticable and that rental cannot provide a reasonable rate of return. The objector must also provide his/her or its recommendations for the continued use of the historic resource in question.
  - (5) Where an application for demolition is based on a demonstrated and proven economic hardship, the Council may lessen its requirements in order to account for the economic situation involved.

- K. Every decision of the Council shall be in writing and shall state the reasons for the decision. The decision shall contain the findings of fact that constitute the basis for the decision. The Council shall furnish the applicant and objector with a copy of the Council's decision, together with a copy of any recommendations the Council may have for changes necessary before the application will be reconsidered by the Council.
- (1) The Council may approve or deny the application for a demolition permit. In approving any application for a demolition permit, the Council may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the Borough's ordinances.
  - (2) In cases where the Council approves of a demolition permit, the Council shall require that the historic resource be recorded, at the applicant's expense, according to the documentation standards of the Historic American Buildings Survey and the Historic American Engineering Record (HABS/HAER), with such written, drafted and photographic documentation being deposited with the Council and any other historical preservation agency or group which the Council deems necessary. In no case will the applicant be forced to spend more than an additional \$200 on this survey. Any additional expenses will be borne by the objecting party or the Borough if there is no objector.
  - (3) In the case of an economic hardship, the Council may prescribe a less stringent form of documentation.
  - (4) In cases where the Council approves the issuance of a demolition permit, the permit will be good for a six-month period, unless upon written request the Council agrees to extend the time.
- L. In the case where a demolition permit is requested for a residential property under provisions of Act 157 of 2006, the Borough Code Enforcement Officer shall inform the Borough Council President, HARB Chairman and Planning Commission Chairman the same day that the request is filed. The Council President, after consulting with the above officials and polling the members of Borough Council, shall have the authority to respond, in writing, within five days to approve or deny the request, based on the criteria established by this article. This response shall be subject to ratification by Borough Council at its next scheduled public meeting under provisions established by this article.

#### **§ 311.D-5. Conditional uses and special exceptions.**

- A. Conditional uses. In denying a demolition permit to an applicant, if the applicant can demonstrate the property cannot be economically used for its present function, the Borough Council will consider a request for conditional use of the property as follows:
- (1) In a residential district:
    - (a) An owner-occupied home office or personal service business or occupational use that would involve no more than one nonresident employee and one sign not exceeding six square feet in area and which shall otherwise comply with the requirements for signs located in the O- Office District as set forth in § 311.E-37B of the Code of the Borough of Media.
    - (b) A bed-and-breakfast business.
    - (c) In an R-1 Residential District or an R-2 Residential District, conversion into a multifamily residential property of not more than three units. In an R-3 Residential District or an R-4 Residential District, the number of units shall not exceed five.
    - (d) A limited-scale day-care or educational use that would involve no more than one nonresident employee and one sign not exceeding six square feet in area and which shall otherwise comply with the requirements for signs located in the O-Office District as set forth in § 311.E-37B of the Code of the Borough of Media.
    - (e) In an R-3 Residential District or an R-4 Residential District, a nonprofit organization office, day-care, funeral home or educational use.

- (2) In an ROA (retail-office-apartment) or O (office) District:
  - (a) Owner-occupied single-family detached or semidetached home.
  - (b) A multifamily residential dwelling of not more than five units.
  - (c) A bed-and-breakfast business.
  - (d) A home office business as permitted in a residential district.
  - (e) A school or educational use.
  - (f) In an O-Office District, a small-scale retail or personal services business, provided that no more than 1,200 square feet of floor space shall be used for such retail or personal service business.

- (3) In an HBO or Industrial District:
  - (a) An owner-occupied single-family detached dwelling, semidetached dwelling, attached (townhouse) dwellings of not more than five units or a multifamily dwelling (apartments) of not more than six units.
  - (b) A bed-and-breakfast business.
  - (c) A home office business as permitted in a residential district.

B. Special exception uses and bulk and area regulations.

- (1) The Zoning Hearing Board is authorized to grant special exceptions for the use of an historic resource property as a bed-and-breakfast and for the modifications to the area and bulk regulations or design standards allowable for an historic resource within the HR Overlay District for applications meeting the following criteria: [Amended 7-20-2017 by Ord. No. 1126-2017]
  - (a) In any dwelling used for a bed-and-breakfast, the owner or any immediate family member shall be in residence during operation of the establishment.
  - (b) Granting the special exception will have minimal detrimental effect on adjacent and nearby properties.
  - (c) Any proposed rehabilitation, alteration or enlargement of an historic resource should reflect the development objective of the underlying zoning district and be in substantial compliance with the Secretary of the United States Department of the Interior's standards for historic rehabilitation.
  - (d) The applicant shall demonstrate to the satisfaction of the Zoning Hearing Board that there is adequate parking for the bed-and-breakfast use. taking into account the number of bedroom units, the number of off-street parking spaces provided on the property and the availability of on-street parking spaces in the immediate vicinity of the property.
  - (e) The applicant shall demonstrate that there is at least one off-street parking space per bedroom unit plus one additional off-street parking space for the owner/manager of such bed-and-breakfast establishment on the same parcel.
  - (f) There shall be no more than one sign, which shall be a freestanding wall or monument sign with an area not to exceed four square feet; such sign shall be composed of stone, brick, wood or metal and not vinyl. Such sign shall not be internally lit.
- (2) The Zoning Hearing Board, in granting a special exception, may propose modifications to applicable lot area, lot dimensions, yard requirements or any other applicable area and bulk regulation or design standard for plans affecting an historic resource. However, the permitted modifications shall

be limited to the minimum necessary to adequately accommodate the proposed plans and will ensure that the resulting development is appropriate in context to the immediate neighborhood of the historic resource.

- (3) In granting approval of a special exception, in addition to such other conditions as the Zoning Hearing Board may impose, the Zoning Hearing Board may require the establishment of facade easements or other means to guarantee permanent protection of the historical integrity of the subject historic resource.
- (4) Except where clearly detrimental to historic integrity and where public health, safety and welfare are otherwise adequately provided for, all other applicable standards contained in this chapter shall be complied with to include requirements for landscaping, lighting, storage, access, traffic management and circulation, loading, parking and signs.

#### **§ 311.D-6. Performance of ordinary maintenance.**

This article shall not be construed to prevent the ordinary maintenance or repair of any historic resource, where such work does not require a permit by law, and where the purpose and effect of such work is to correct any deterioration or decay of, or damage to, an historic resource and to restore the same to its condition prior to the occurrence of such deterioration, decay or damage.

#### **§ 311.D-7. Judicial review.**

Any party to the hearing before the Council aggrieved by a decision of the Council may seek judicial review of that decision in any court of competent jurisdiction in accordance with the procedures and time limitations set forth in the Pennsylvania Municipalities Planning Code, as amended from time to time.

#### **§ 311.D-8. Violations and penalties; use of fines collected.**

Failure to perform any action required by this article or performance of any action which is prohibited by this article shall constitute a violation hereof. Any person violating any of the provision of this article shall be subject to a fine of not more than \$1,000 for each offense, plus court costs, including reasonable attorney fees incurred as a result thereof. Each day that a violation continues shall constitute a separate violation. All fines collected shall be deposited into the Borough general fund. At the discretion of the Council, these funds may be used for historic preservation to further the achievement of the purposes described in § 311.D-5.

#### **§ 311.D-9. Classification and addition of historic resources to Historic Resources Map and Official Listing of Historic Resources by Classification.**

- A. The historic resources subject to this article and their respective classifications are set forth on the Historic Resources Map and the Official Listing of Historic Resources by Classification attached hereto as Appendix A<sup>8</sup> and made a part hereof. The Council may add and classify additional Historic Resources which it finds to be significant to the Borough to the HR Overlay District and the Historic Resources Map and the Official Listing of Historic Resources by Classification from time to time by enacting an ordinance amending Appendix A for such purposes. Any such additional historic resources shall be classified by Council in accordance with the following classifications.
  - (1) Class I Historic Resources: listed in the National Register of Historic Places as provided in the National Historic Preservation Act of 1966, 16 U.S.C. § 470 et seq.
  - (2) Class II Historic Resources: listed as or determined to be eligible for the National Register of Historic Places as provided in the National Historic Preservation Act of 1966, 16 U.S.C. § 470 et seq., and listed in the Historic Resources Survey of Media Borough by the Delaware County Planning Commission, dated November 1990, or any subsequent survey or update conducted by the Delaware County Planning Commission.
  - (3) Class III Historic Resources: listed in the Media Borough Historic Sites Survey prepared by the



Delaware County Planning Department, dated November 1990, and recommended for the Register of the Pennsylvania State Bureau of Historic Preservation, Pennsylvania Historical and Museum Commission.

- (4) Class IV Historical Resources: properties listed in the Media Borough Historic Sites Survey prepared by the Media Borough Historic Sites Committee, dated November 1972, and recommended to the Media Borough Council for preservation, or properties designated and marked by the official Borough Council historic plaques because of the unique significance to the Borough of Media.
  - (5) Class V Historic Resources: buildings, structures, sites or objects that are at least 50 years old and recommended for inclusion through adoption of a written resolution by the Media Borough HARB or the Media Historical Society.
- B. Historic resources added to these classifications must meet one or any combination of the following criteria. The historic resource:
- (1) Has significant character, interest or value as an example of the development, heritage or cultural characteristics of the Borough, the county, the commonwealth or the United States.
  - (2) Is the site of a resource associated with a significant historic event.
  - (3) Exemplifies the cultural, political, economic, social or historical heritage of the community.
  - (4) Embodies distinguishing characteristics of an architectural style or engineering specimen.
  - (5) Is the work of a designer, architect, landscape architect or engineer whose individual work has significantly influenced the development of the Borough, the county, the commonwealth or the United States.
  - (6) Contains elements of design, detail, materials or craftsmanship which represents a significant innovation.
  - (7) Is the singular example of a design or use of material or style of architecture within the Borough.
  - (8) Is part of the historic context of a square, park or other distinctive area which should be preserved according to a plan based on an historic, cultural or an architectural context.
  - (9) Is a landmark; that is, an established and familiar visual feature which assists in defining the character of the neighborhood, community or Borough due to its unique location or singular physical characteristic.
  - (10) Has yielded or is likely to yield information of importance to the history of the Borough, the county or the commonwealth.
- C. Properties shall be added to or removed from the HR Overlay District by means of an ordinance amending this article and adopted pursuant to the requirements of the Pennsylvania Municipalities Planning Code for amendments to zoning ordinances.

**§ 311.D-10. Effect on other codes and ordinances; demolishing structures deemed imminent threats.**

- A. Nothing contained herein shall be deemed to limit the authority of the Borough to enforce any provisions of any other codes or ordinances governing the maintenance or condition of properties within the Borough, including, without limitation, the Property Maintenance Code,<sup>9</sup> as the same may be in effect in the Borough from time to time.
- B. The Borough reserves the right to order or decree that any structure which the Borough finds to be an imminent threat to public safety to be demolished, and the Borough Council shall have the right to waive the requirements of this article for any property which the Borough Council deems to be an imminent danger to health, safety or welfare.

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<sup>9</sup> See Ch. 226, Property Maintenance.

## Article D-III. Light Retail-Office-Apartment Overlay District (L ROA)

[Added 10-21-2010 by Ord. No. 1077]

### § 311.D-1. Uses by right.

In the Light Retail-Office-Apartment Overlay District, land, buildings or premises shall be used by right only for one or more of the following uses:

- A. Retail store, including general merchandise store, hardware store, variety store, pharmacy or similar establishment.
- B. Gift shop or similar establishment.
- C. Apparel or accessory store.
- D. Personal service shop, including barber, beautician, shoe repair, tailor, and laundry, where actual cleaning and pressing are done off the premises, and related personal services.
- E. Municipal building or use.
- F. Mixed use, where offices and/or residential use are located above retail establishments or residential use above offices, subject to § 311.C-12K.

Editor's Note: The following requirements originally appeared in Article VA R-4 Residential District and pertained to multi-family units prior to the adoption of the Hybrid Form Based Code. Previously, this section pointed to § 311-22D(6), a section that did not exist. This cross reference was likely not updated when the R-3 and R-4 zones were split. This update references 311.C-12K where that language now lives.

### § 311.D-2. Bulk and area requirements.

The bulk and area requirements of the L ROA Overlay District shall be those of the underlying district.

## Article D-IV. Steep Slope Conservation Overlay District

[Added 6-21-2012 by Ord. No. 1094<sup>10</sup>]

### § 311.D-1. Purpose.

The purpose of this article is to expand upon the community development objectives associated with environmental protection. Further, the provisions of this article are designed to encourage the sensitive treatment of hillsides and the related soil and vegetation resources in an effort to minimize adverse environmental impacts. The following objectives serve to complement these specific purposes and the overall purpose of this article.

- A. To conserve and protect slopes from harmful land disturbances such as excessive grading, landform alteration and extensive vegetation removal.
- B. To avoid potential hazards to property and the destruction of ecological balance which may be caused by increased runoff, flooding, soil erosion and sedimentation, blasting and ripping of rock, landslide and soil failure.
- C. To encourage the use of slopes for open space and other uses which are compatible with the preservation and protection of natural resources.
- D. To combine with other zoning requirements, as an overlay of the existing Zoning Ordinance as it may be amended from time to time, certain restrictions for slopes to promote the general health, safety and welfare of the residents of the Borough.
- E. To permit only those uses that are compatible with development of slope areas in order to avoid

<sup>10</sup> This ordinance also provided for the deletion of former § 257-16, Steep slopes, which as an amendment to Ord. No. 495 was previously repealed on 12-15-2011 by Ord. No. 1091.

accelerated erosion, soil failure, accelerated seepage or other conditions which may create a danger to life and/or property.

- F. To promote the ecological balance among those natural system elements, such as wildlife, vegetation and aquatic life, that could be adversely affected by inappropriate development of steep slope areas.
- G. To prevent development that would cause excessive erosion and a resultant reduction in water-carrying capacity of the watercourses which flow through or around the Borough with the consequences of increased flood crests and flood hazards within the Borough and to both upstream and downstream municipalities.
- H. To protect individual and adjacent landowners in the Borough and/or other municipalities from the possible harmful effects of inappropriate grading and development on steep slope areas.
- I. To protect those individuals who choose, despite apparent dangers, to develop or occupy land with steep slopes.
- J. To promote the provision of safe and reliable accessways, parking areas and utility systems serving development on or around steep slopes areas, where more sensitive grading and siting is essential.
- K. Pursuant to the Municipalities Planning Code, 53 P.S. § 10101 et seq., to assist in the implementation of pertinent state laws concerning erosion and sediment control practices, specifically Chapter 102 of the Clean Streams Law, P.L. 1978, and any subsequent amendments thereto and to implement Article 1, Section 27, of the Constitution of the Commonwealth of Pennsylvania, which declares the right of the Commonwealth's residents to clean air, pure water and to the preservation of the natural scenic, historic and aesthetic values of the environment.

#### **§ 311.D-2. Definitions.**

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

CONSTRUCTION — The erection, addition, alteration, demolition, disturbance or removal of any building, structure or geographic feature.

DISTURB — To remove, strip, relocate, grade, excavate, cover, fill or otherwise directly or indirectly alter or destroy existing vegetative ground cover.

PERMISSIBLE DISTURBED AREA — That area which has been delineated on an approved construction plan as being land which may be disturbed subsequent to the plan approval upon issuance of a soil erosion and sedimentation control permit.

PERSON — Natural person, partnership, corporation, unincorporated association or other organization or entity.

WOODED AREA — That area of land on which sufficient tree masses grow such that the branches of trees intertwine.

#### **§ 311.D-3. Land use in Steep Slopes Conservation District.**

No person shall use or alter any land in a Slope Conservation District except in compliance with the requirements of this article.

#### **§ 311.D-4. Conflicts with other provisions.**

This article is not intended to repeal, abrogate or impair any existing zoning or subdivision regulations or land development regulations, easements, covenants or deed restrictions, except that to the extent this article imposes greater restrictions, the provisions of this article shall prevail. Furthermore, nothing contained in this article shall repeal, alter or impair in any way the provisions of Chapter 251, Stormwater Management.

#### § 311.D-5. Slope Conservation Districts.

- A. The Slope Conservation District shall be comprised of areas of steep and very steep slopes as described in a topographic survey using elevation and distance based on an actual field survey by a registered engineer or surveyor and presented on a plan showing two-foot contour intervals with a horizontal scale of no more than 50 feet per inch. Such a topographic survey shall be required of any application for construction of a building or addition with a building footprint of 150 square feet in area.
- B. The steep slope areas shall be comprised of areas with a slope of 15% or more but less than 25% as based on a site survey, where such slope exists for five contiguous contour intervals in any continuous horizontal distance of 50 feet based on a topographic survey showing two-foot contours (i.e., a difference of elevation over 7 1/2 vertical feet but less than 12 1/2 vertical feet over a distance of 50 horizontal feet).
- C. The very steep slope areas shall be comprised of areas with slopes of 25% or greater, where such slope exists for five contiguous contour intervals in any continuous horizontal distance of 50 feet based on a topographic survey showing two-foot contours (i.e., a difference in elevation of 12.5 vertical feet or greater over a distance of 50 horizontal feet).
- D. The Slope Conservation District Map shall be considered an overlay to the Borough Zoning Map. The following provisions shall apply in a Slope Conservation District:
  - (1) The district will have no effect on the permitted uses within the underlying zoning district, except where such uses are intended to be located within the boundaries of the Slope Conservation District, are in conflict with the use regulations set forth in § 311.D-23, Permitted uses, in which case the latter shall apply.
  - (2) Should the Slope Conservation District boundaries be revised as a result of a legislative action or judicial decision, thereby removing lands from such district, the zoning requirements applicable to the land in question shall revert to the requirements of the underlying zoning district(s) without regard to the provisions of this article.
  - (3) Should the zoning classification(s) of any parcel or any part thereof within which the Slope Conservation District is an overlay be changed as a result of legislative action or judicial decision, such change(s) in classification shall have no effect on the boundaries of the Slope Conservation District.

#### § 311.D-6. Contour map; boundaries.

- A. Any application for construction in a Slope Conservation District shall include a contour map with two-foot contour intervals on a horizontal scale of no more than 50 feet to the inch. The map shall separately delineate slopes less than 15%, between 15% and less than 25%, and slopes greater than or equal to 25%. The contour information on such map shall be derived from actual field topographic surveys which shall be referenced in the application.
- B. The contour map described in Subsection A hereof shall be reviewed by the Borough Planning Commission and the Borough Engineer. The applicant shall be required to follow all regulations of this article for those areas which reflect steep- slope and very-steep-slope conditions.

#### § 311.D-7. Permitted uses.

The following uses shall be permitted in Slope Conservation Districts:

- A. Areas of very steep slopes (25% or greater).
  - (1) Uses permitted by right:
    - (a) Agricultural uses that do not require cultivation, construction or the use of structures.
    - (b) Conservation and recreational uses not requiring construction or the use of structures, such as parks; hiking and bridle paths; woodlands; nature sanctuaries, refuge and conservation areas; and other such noncommercial conservation and passive recreational activities.

- (c) Utility easements and rights-of-way.
  - (d) Yard setbacks required in the underlying zoning district, provided that no earthmoving activities occurs within the Slope Conservation District in connection with grading or construction activities for structures located outside the Slope Conservation District.
- (2) Uses permitted when authorized as a special exception.
- (a) Conservation and recreational uses, including those requiring construction or the use of structures.
  - (b) Cultivation and agricultural uses, including those requiring construction or the use of structures.
  - (c) Sealed water supply wells.
  - (d) Accessory uses and structures customarily incidental to uses described in Subsection A(1)(a) and (b) hereof.
  - (e) Road or access driveways to provide access to a permitted use if the Zoning Hearing Board determines no alternative alignment or location is feasible.
  - (f) Front, rear and side yard setbacks required by the underlying zoning district on any lot or tract where grading or construction activities for structures located outside the Slope Conservation District is necessary.
- (3) Prohibited uses and structures.
- (a) Cut and fill, other than in association with any uses identified in Subsection A(1) hereof and in Subsection A(2) when authorized as a special exception.
  - (b) Soil, rock or mineral extraction, other than in association with any used relating to Subsection A(1) hereof and in Subsection A(2) when authorized as a special exception.
  - (c) Removal of topsoil.
  - (d) On-lot sewage disposal systems.
  - (e) Dumps, junkyards and other outdoor storage of refuse material and discarded or abandoned vehicles.
  - (f) Stormwater management facilities, other than in association with any uses identified in Subsection A(1) hereof and in Subsection A(2) when authorized as a special exception.

B. Areas of steep slope (15% to less than 25%).

- (1) Uses permitted by right in § 311.D-23A(1) of this article.
- (2) Uses permitted when authorized as a special exception.
  - (a) Any use or structure identified in Subsection A(2) hereof.
  - (b) Sanitary sewer and sewage pumping stations.
  - (c) Accessory uses customarily incidental to any uses described in this subsection; and accessory uses customarily incidental to any uses permitted in Subsection B(1) hereof.
  - (d) Road or access driveways to provide access to a permitted use if the Zoning Hearing Board determines no alternative alignment or location is feasible.
- (3) Prohibited uses and structures.

- (a) Cut and fill, other than in association with any uses related to Subsection B(1) and (2) hereof.
- (b) Soil, rock and mineral extraction, other than in association with any uses related to Subsection B(1) and (2) hereof.
- (c) Removal of topsoil.
- (d) Dumps, junkyards or other outdoor storage of refuse materials and discarded or abandoned vehicles.

#### § 311.D-8. Disturbance of ground cover.

- A. Permissible disturbed area. Except as provided in Subsection B hereof, no person shall directly or indirectly disturb vegetative ground cover on more than the following percentages of each classification of land within the Slope Conservation District of the property for which zoning relief or approvals as a special exception are required when taken as a whole:

Slope Classification	Maximum Permissible Disturbance Area
Very steep slope	5%
Steep slope	15%

The above-referenced allowable percentages of disturbance do not apply if the area of steep slope disturbance is less than 300 square feet or the area of very steep slope disturbance is less than 100 square feet.

- B. The restrictions in Subsection A hereof shall not apply to disturbances of soil for agricultural or food production purposes.
- C. No person shall disturb vegetative ground cover in any Slope Conservation District without first having submitted to the Borough and having obtained the Borough's approval of a soil erosion and sedimentation control plan which satisfies the requirements of Chapter 251, Stormwater Management, of this Code. Any person permitted to disturb vegetative ground cover pursuant to this section shall keep the amount of disturbed vegetative ground cover to an absolute minimum, consistent with the objectives of other Borough ordinances and regulations.
- D. In no event shall the Borough give approval to disturb vegetative ground cover in any Slope Conservation District in an amount greater than the percentages set forth in Subsection A hereof or when located outside the permissible disturbed area.

#### § 311.D-9. Grading; earthmoving.

- A. No person shall undertake grading, disturbing or earthmoving of land within a very steep slope district except as provided in this article. Grading or earthmoving within a steep slope district shall be permitted, provided that such grading or earthmoving does not create earth cuts or fills with a vertical dimension in excess of 10 feet, unless grading or earthmoving is a necessary element of any approved overall landscape plan for providing visual screening by earth berms or where it is required for the construction of retention ponds or similar environmental protection uses.
- B. Finished slopes of all earthmoving shall not exceed a slope of three horizontal to one vertical unless the applicant demonstrates that such slopes can be adequately stabilized and maintained as part of an application filed pursuant to § 311.D-26, Application for approval.

#### § 311.D-10. Application for approval.

- A. All applications for approval for use of land which is included in whole or in part within the Slope Conservation District pursuant to this article shall include submission of the following materials and information:
  - (1) Location, dimension and elevation of the property.



- (2) Existing and proposed uses and development including access drives.
  - (3) Existing and proposed contours at two-foot intervals.
  - (4) Location and boundaries of steep slopes and very steep slopes as described herein above.
- B. The following additional information shall be submitted as deemed necessary by the Borough Zoning Officer or the Borough Engineer for the evaluation of the impact of the proposal:
- (1) Typical cross-sections and elevations of the property and proposed structures at intervals described on a horizontal scale of 50 feet per inch and a vertical scale of five feet per inch.
  - (2) A description of existing land cover characteristics of that portion of the property within the Slope Conservation District; such description shall indicate wooded areas, open non-wooded areas and the ground cover type in any areas with impervious surfaces. Proposed modifications to existing land cover shall also be indicated.
  - (3) Soil types of the land to be used for those portions of the land included within the Slope Conservation District; soil types shall be further qualified relative to the subsurface horizons of the soil. The applicant may be required to consult the United States Soil Conservation Service for its comments and submittal to the Borough.
  - (4) Photographs showing existing uses, vegetation and topography of areas within the Slope Conservation District.
  - (5) A report describing the slope, soil and vegetation characteristics of that portion of the property within the district. Such report shall also describe the proposed type and method of proposed construction, the type of foundation systems to be employed, the proposals for landscaping, sewage disposal and water supply. Further, the report shall describe all sediment and soil control and stormwater management measures to be used as required by the Borough, the United States Soil Conservation District and the Pennsylvania Department of Environmental Resources and any and all additional engineering and conservation techniques designed to alleviate environmental impacts which may be created by proposed development activities.
  - (6) Such information as may be sufficient to meet the information needs of the Borough of uses and slopes within 200 feet adjoining the property involved, as well as sufficient information to evaluate the integration of usage(s) within the Slope Conservation District with the underlying zoning district.

#### **§ 311.D-11. Approval of special exception.**

- A. In determining whether to grant a special exception for a structure or use of land located in a Slope Conservation District, the Zoning Hearing Board shall take into consideration the factors set forth in Article F-III, § 311.F-11B and the following:
- (1) The relationship of the proposed use to the specific objective(s) set forth in § 311.D-17, Purpose.
  - (2) The standards set forth in other sections of this article.
  - (3) Whether abutting properties shall be adversely affected by possible runoff or erosion from the proposed use.
- B. No special exception for a structure or use of land in a Slope Conservation District shall be granted unless it has been demonstrated by the applicant that:
- (1) The proposed use or structure is of proper engineering design and that the footings are designed to extend to stable soil and/or bedrock.
  - (2) Proposed on-lot sewage disposal facilities shall be designed and installed in conformance with all pertinent standards of the Borough and of the Department of Environmental Resources.
  - (3) Proposed nonagricultural displacement of soil shall be undertaken only for purposes consistent with the goals and objectives of this article and shall be executed in a manner that shall not cause

excessive erosion or create other unstable conditions.

- (4) Surface runoff of water shall not create unstable conditions, including erosion. Stormwater drainage facilities and/or systems shall be constructed where the proposed use shall or is likely to create conditions requiring such facilities.
- (5) No other alternative location is feasible or practical for the proposed use.
- (6) Earthmoving activities and vegetation removal shall be conducted only to the extent necessary to accommodate the proposed uses and structures and in the manner that shall limit as far as practical surface runoff, erosion or sedimentation or unstable soil conditions. Any and all reasonable mitigation techniques and procedures shall be utilized.

# Article E. Additional Standards

## Article E-I. Supplemental Regulations

### § 311.E-1. Legislative intent.

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

### § 311.E-2. Overall requirements.

- A. No building or structure, or part thereof, shall hereafter be erected, constructed or altered, and no new use or change shall be made or maintained of any building, structure or land, or part thereof, except in conformity with the provisions of this chapter.
- B. Every principal building shall hereafter be built on a lot with frontage on a public or private street.
- C. No lot or premises shall hereafter be subdivided or reduced in area or size in any manner so as to violate the provisions of this chapter.

### § 311.E-3. Sidewalks and curb cuts.

*[Amended 8-15-1996 by Ord. No. 903]*

All new construction, excluding decks and accessory structures, on lots where there is currently no sidewalk shall install a sidewalk with accessible curb cut ramps at the crosswalks.

### § 311.E-4. Projections into required setbacks.

*[Amended 8-15-1996 by Ord. No. 903; 3-19-2009 by Ord. No. 1057]*

- A. No building or part thereof shall be erected within or project into any required yard in any district, except for one-story bay windows, eaves, chimneys, balconies, fire escapes, buttresses, cornices or steps; and none of these or similar projections shall encroach more than three feet into the required yard.
- B. In the R1, R2, and R3 Zoning Districts, where a structure has a conforming front yard setback, an unenclosed porch may project into such conforming front yard setback up to 1/3 of the required depth of the front yard setback for such respective zoning district.
  - (1) Prior to the issuance of a building permit for such a porch, the architecture of said porch shall be reviewed by the Media Borough Planning Commission.
  - (2) No porch erected under § 311.E-4B may subsequently be enclosed unless permitted in Article B-X.
- C. A ramp designed to fulfill the minimum Americans with Disabilities Act requirements shall be permitted within the required setbacks, up to one foot from the property lot line. Accessory structures shall follow guidelines as set forth in § 311.E-6D.

### § 311.E-5. Visibility at corner lots.

- A. On any corner lot, no wall, fence or other structure shall be erected or maintained, and no hedge, tree, shrub or other growth shall be planted, grown or maintained, which may cause danger to vehicular traffic by obscuring the view or in any other way be a source of danger.
- B. In residential districts, where a lot is located at the intersection of two streets, no obstruction of any kind whatsoever of a height greater than 24 inches shall be maintained or permitted within a triangle the legs of which measured from the intersection of the curblines at the corner shall be 25 feet.
- C. The Borough shall have the right to declare any obstruction to vision within the line of the sight triangle to be a safety hazard and shall direct the owner of the property to have it removed. If the owner fails to do

so within 30 days after written notice, the Borough shall remove the obstruction and bill the owner and lien the property for the expense involved.

#### § 311.E-6. Accessory structures.

- A. Accessory structures in the R-1, R-2, R-3, R-4, and Office district shall first be governed by the form-based code (Article 311B) and then by the standards in this section. Where the two conflict, Article 311B shall govern.
- B. Accessory structures shall cover no more than the below listed percentage of the area of the lot on which they are located for the zoning districts and principal uses indicated:
  - (1) All uses in MERC and ROA Districts and multifamily dwellings with five or more units: 5%.
  - (2) All other uses: 10%.
- C. No accessory structure shall exceed one story or 14 feet in height, except
  - (1) With regard to private garages which may have a height up to 17 feet provided that the roof has a minimum pitch of 8:12 (rise:run).
  - (2) With regard to private garages for which a steep slope requires more room for vehicular access, in which case the side for access shall not exceed 24 feet in height.
- D. Accessory structures shall be placed not less than three feet from any side or rear lot line and behind the rearmost portion of the principal building. In the case of corner lots, accessory structures shall not be placed closer to the side street than the principal building.
- E. Decks for residential uses only. In order for a deck for residential uses only to be built, it shall meet all of the following requirements: [Added 5-20-2004 by Ord. No. 989]
  - (1) A deck without any roof structure or walls shall be allowed to project into a preexisting nonconforming side yard; and
  - (2) No deck shall be built to project into any rear yard setback as a use by right; and
  - (3) Prior to obtaining any building permit for the construction of a deck, it shall be established to the satisfaction of the Borough that the footings are structurally designed to support only the deck, defined as a non-expandable deck, or that the footings are structurally designed to support in the future an enclosed room, defined as an expandable deck; and
  - (4) A non-expandable deck shall not be later expanded or constructed as an enclosed additional living area, such as but not limited to, an additional room or rooms; and
  - (5) In addition, the owner shall designate in writing that there is an expandable deck at the time of filing for the building permit by including a letter of intent to later expand or construct an enclosed additional living area. In addition, the owner shall provide in writing the following:
    - (a) That the enclosed or expanded deck is compliant with all applicable setback regulations; and
    - (b) That the enclosed or expanded deck follows the zoning regulations as provided for enlargement of nonconforming structures in Article F-IV; and
  - (6) The owner of a preexisting open deck shall provide the following in writing if he/she applies to expand and/or enclose the deck:
    - (a) The owner shall demonstrate to the satisfaction of the Borough that the existing footings of the open deck provide the proper load-bearing capacity to support the enlargement and/or enclosure; and
    - (b) The owner shall provide proof, to the satisfaction of the Borough, as demonstrated in building plans that the proper fire separation exists between structures as provide in the BOCA Code.

- F. Calculation of building coverage for properties that include accessory structures. The total building coverage of a property that includes accessory structures shall include the footprint of the accessory structure(s). [Added 5-20-2004 by Ord. No. 989]

#### **§ 311.E-7. Regulations for private, noncommercial swimming pools.**

- A. The swimming pool is intended, and is to be used, solely for the enjoyment of the occupants of the principal permitted use of the property on which it is located and their guests.
- B. No swimming pool shall be constructed in the Borough except in accordance with a permit previously secured from the Code Enforcement Officer.
- C. All swimming pools where the water may reach a depth of more than two feet shall be completely enclosed by a good quality chain link, wooden or other equivalent fence of not less than four feet in height. The type, quality and design of the fence shall be adequate to serve as a safeguard and protection to children. Such fence shall have self-locking gates and shall be such as to prevent unauthorized children and animals from entering the pool area.
- D. The type, quality and construction of such fence shall be approved by the Code Enforcement Officer.
- E. No swimming pool shall be located less than 10 feet from any property line and 10 feet from the principal permitted use on the lot.
- F. No swimming pool shall be located under electric lines.
- G. Swimming pools shall be placed behind the front line of the principal building. In the case of a corner lot, no swimming pool shall be placed closer to the side street than the principal building.

#### **§ 311.E-8. Public utility buildings.**

Public utility buildings shall be permitted in any zoning district, provided that buildings and equipment used by these utilities shall be subject to the following regulations:

- A. Front, side and rear yards shall be provided in compliance with the requirements of the district in which the building is located.
- B. The height of the building shall comply with district regulations.
- C. In residential districts, the permitted public utility facilities shall not include storage of maintenance vehicles or equipment, and no equipment creating unreasonable noise, vibration, smoke, odor or hazardous condition shall be installed.
- D. Unhoused equipment shall be enclosed with a fence or wall not less than six feet in height which shall be so constructed as not to have openings, holes or gaps larger than six inches in any dimension.

#### **§ 311.E-9. Fence and wall regulations.**

- A. In all districts, except for the Industrial District as specifically provided in Subsection E, no fence or wall (excepting a retaining wall or a wall of a building permitted under the terms of this chapter) shall be erected to a height of more than four feet in the front yard. Similarly, such fences or walls shall not exceed six feet in height in the side and rear yards; however, fences surrounding tennis courts and ball fields may have a height of not more than 12 feet, and fences screening a dumpster shall be subject to the height requirements of § 311.E-9F hereof. [Amended 7-15-2004 by Ord. No. 994; 4-19-2007 by Ord. No. 1025]
- B. All fences shall be constructed inside, and not directly on the property line.
- C. No fence shall be of a type or design so as to be clearly out of character with the architecture of the surrounding line.
- D. Prior to the erection of a fence, a permit must be obtained from the Code Enforcement Officer.
- E. In the Industrial District for fences surrounding businesses or portions thereof, the fence(s) shall have a height not to exceed eight feet. [Added 7-15-2004 by Ord. No. 994]

- F. Any dumpster required by § 119-9 of the Code of the Borough of Media, authorized pursuant to § 253-39 of the Code of the Borough of Media or otherwise located on a permanent basis on any property within the Borough, shall be screened from public view by a fence with a height at least equal to that of the dumpster it is shielding and no higher than six inches in excess of the height of the dumpster that it is shielding. [Added 4-19-2007 by Ord. No. 1025]

*§ 311-67. Restrictions on keeping of animals.*

*[Amended 3-18-2021 by Ord. No. 1147]*

No lot or premises in any part of the Borough shall be used to keep or raise chickens, except in compliance with Article III of Chapter 149 of the Code of the Borough of Media, entitled "Raising and Keeping of Chickens." No exterior grounds of any lot or premises in any part of the Borough shall be used to keep or raise pigeons or other fowl, or any rabbits, hares, guinea pigs, white mice, hamsters or any other small animals; such animals may be kept or raised inside residential structures as household pets, provided the keeping of same shall not cause a nuisance. No lot or premises in any part of the Borough shall be used to keep or raise any horses, cows, sheep or any other farm animals or wild animals or reptiles, whether domesticated or not.

#### **§ 311.E-10. Refuse.**

All refuse shall be placed in closed, rigid, vermin-proof containers. In the case of multifamily dwellings and nonresidential buildings, all refuse receptacles shall be effectively screened from the view of the residents and from public streets and sidewalks by means of a fence, wall or plantings. All such refuse receptacles shall be placed on the property responsible for such refuse.

#### **§ 311.E-11. Lighting.**

In the case of multifamily dwellings and nonresidential buildings, lighting facilities shall be provided and arranged in a manner that will protect the street and neighboring properties from excessive glare and hazardous interference of any kind. Lighting facilities shall be provided for the safety and convenience of the residents of multifamily dwellings or patrons of nonresidential buildings. All driveways and parking areas must be properly lighted to assure safe driving conditions at night and security for residents and patrons.

#### **§ 311.E-12. Condominiums.**

In the event that multifamily dwellings are converted or developed as condominiums, such condominiums shall be owned and operated in accordance with the Pennsylvania Unit Property Act of 1963, as amended.

#### **§ 311.E-13. Satellite antennas.**

The following provisions shall regulate satellite antennas in the Borough:

- A. Only ground-based satellite antennas are permitted in residential zoning districts.
  - B. Ground-based satellite antennas shall be placed only in the side or rear yard. No antenna shall be placed in the front yard.
  - C. If ground-based, the maximum height of the satellite antenna shall be 14 feet, as required for accessory structures in § 311.E-6 of this chapter.
  - D. If ground-based, the maximum area of the satellite antenna shall not exceed two square feet of surface area. [Amended 8-15-1996 by Ord. No. 903]
  - E. Roof-mounted satellite antennas shall be placed only in nonresidential zoning districts.
  - F. A roof-mounted antenna shall not exceed two square feet in surface area.
- [Amended 8-15-1996 by Ord. No. 903]*
- G. The total height of a roof-mounted antenna shall not extend more than six feet above the roofline.
  - H. Roof-mounted antennas shall be located on the portion of the roof sloping away from the front of the lot.
  - I. All applications for a roof-mounted antenna shall be accompanied by specific mounting and stress



analysis designs, prepared by a professional engineer.

- J. No more than one satellite antenna shall be permitted on a lot with its use limited to that lot.
- K. The satellite antenna shall be of a color that blends with the surrounding landscape. It shall have an open mesh rather than a solid surface in order to blend with the landscape and reduce visual blockage.
- L. All wiring for ground-based antennas shall be underground.
- M. Satellite antennas shall be located and designed so as to reduce their visual impact on the surrounding properties and public streets.
- N. Every satellite antenna shall be adequately grounded for protection against a direct strike of lightning.
- O. A Media Borough permit shall be obtained prior to installation.
- P. The installation of satellite antennas shall meet all other local, state or federal codes where applicable, including but not limited to the Media Building Code. See Ch. 119, Building Construction.

#### **§ 311.E-14. Community residence facilities.**

- A. Only family-based community residence facilities and those for the mentally and/ or physically disabled as defined in Article A-II shall be permitted in the Borough. [Amended 8-15-1996 by Ord. No. 903]
- B. Proposed community residence facilities are subject to the conditions and requirements listed below:
  - (1) Supervision, on a twenty-four-hour basis, shall be available by adults qualified in the field for which the facility is intended.
  - (2) No community residence facility shall be located within 750 feet from another, measured from dwelling unit to dwelling unit.
  - (3) The maximum number of residents in a community residence facility shall not exceed eight.
  - (4) Each facility shall have one off-street parking space for each employee on the greatest shift and one off-street parking space for every four residents.
  - (5) All new facilities shall meet the dimensional requirements of the district in which they are located.
  - (6) There shall be a planted buffer, five feet in height, along the side and rear lot lines of all community residence facilities.
  - (7) Any alterations or additions to the exterior of a community residence facility shall be compatible with the existing structure and in keeping with the neighborhood character, excluding safety required modifications. Upon the closing of a community residence facility, all safety required modifications shall be removed.
  - (8) Each facility must receive all pertinent approvals and/or licenses from the appropriate state agencies prior to special exception approval.
  - (9) All other applicable requirements of the Zoning Chapter, building code, fire code and all other applicable Borough codes and state regulations and statutes shall be met.
  - (10) All facilities must supply the Borough (and keep current) the name of a person responsible for responding to a complaint filed by the Borough.
  - (11) All community residence facilities will be available for reasonable periodic inspections by appropriate Borough officials.
  - (12) A record of all community residence facilities and their locations shall be maintained by the Borough Code Enforcement Officer.

#### **§ 311.E-15. Landscaping, buffering and screening.**

- A. General regulations.
  - (1) Any part or portion of a site which is not used for buildings, other structures, loading and parking

spaces, driveways and aisles, sidewalks and designated storage areas shall be planted with an all-season ground cover and shall be landscaped. Maximum advantage shall be taken of existing trees and shrubs in landscaping.

- (2) All landscaped planting areas, as defined in Article A-II, shall be maintained and kept clean of all debris, rubbish, weeds and tall grass; provided, however, that if such area is part of a naturally wooded area on the property that will remain at least 20 feet wide after the proposed land development is completed, it may continue in its natural state. [Amended 8-15-1996 by Ord. No. 903]
- (3) Unless otherwise specified, landscaped planting areas may be part of the required front, side and rear yards.
- (4) In all districts, a privacy type fence or wall may be substituted for the planted visual screen required in § 311.E-15 along a property line which abuts a residential district. [Amended 8-15-1996 by Ord. No. 903]

*Editor's Note: The above language was ambiguous: it referred to "all districts" but the cross reference was to a section that only pertained to the office district. The cross reference was updated to refer Section B "Specific Regulations" to resolve the ambiguity.*

- (5) All water towers, storage tanks, cooling towers, vents, or any other structures which rise above roof lines, as well as mechanical equipment, shall be architecturally compatible with adjacent neighborhood or effectively screened from view from any public street or sidewalk by the architecturally sound method. [Amended 8-15-1996 by Ord. No. 903]
- (6) Landscaping and screening of parking and loading areas shall be as required by Article E-II of this chapter.

B. Specific regulations. Landscaping, buffering and screening requirements shall be as required by § 311-84 and as indicated below: [Amended 8-15-1996 by Ord. No. 903]

Dwelling or Building Type and Zoning District		Requirements (All dimensions are minimums)
(1)	R-2 and R-3 Residential Districts, multifamily building with maximum of 4 units per building	See Article B-XIV
(2)	R-3 Residential District, multifamily building with 5 or more units per building	See Article B-XIV
(3)	R-3 Residential District, townhouses	See Article B-XIV
(4)	Municipal, Educational, Recreational and Community Use District, all buildings	Landscaped planting area, 10 feet wide, along all street frontages, and 5 feet wide around perimeter of principal building.
(5)	O-Office District	See Article B-XIV
(a)	Non-residential buildings	See Article B-XIV
(b)	Multifamily building with maximum of 4 units per building	See Article B-XIV

(6)	Retail-Office Apartment District, nonresidential building	Landscaped planting area, 5 feet wide, adjacent to rear of principal building, and front of building if an adjoining property is landscaped.
(7)	Highway, Business-Office District, nonresidential building	Landscaped planting area, 5 feet wide, around perimeter of principal building. Additional landscaped planting area may be required by the Planning Commission following a review by the Art and Architectural Commission, at the front and rear of the lot.  Planted visual screen, 6 feet high, along all property lines adjacent to a residential district.
(8)	I-Industrial District, all buildings	Planted visual screen, 8 feet high, along all property lines adjacent to a residential use.
(9)	Community residence facilities in all districts permitted	As required by § 311-72B(6) of this chapter.

C. Setback regulations for lots in nonresidential districts, ROA District, R-3 District and R-4 District which abut lots within the R-1 District or R-2 District. [Added 8-21-2008 by Ord. No. 1048]

(1) Setback requirements.

- (a) In addition to the landscaping, buffering and screening requirements set forth in subsection § 311-73B above, there shall be a fifty-foot setback between any nonresidential structure proposed to be erected on a lot in a nonresidential district, an ROA District, an R-3 or an R-4 District that abuts an R-1 or R-2 Residential Zoning District and the boundary lines of the R-1 Residential District or R-2 Residential District, as applicable; or a thirty-foot setback between any residential structure proposed to be erected on a lot in a nonresidential district, an ROA District, an R-3 or an R-4 District that abuts an R-1 or R-2 Residential Zoning District and the boundary lines of the R-1 Residential District or R-2 Residential District, as applicable.
- (b) Where the boundary line separating the districts is the middle of a street, there shall be a twenty-five-foot setback measured between the edge of the street right-of-way and the structure proposed to be erected, regardless of whether the proposed structure shall be a residential structure or a nonresidential structure.
- (c) For purposes of this Subsection C(1), the following terms shall have the meanings indicated:

**NONRESIDENTIAL STRUCTURE** — Any structure used wholly or in part for nonresidential purposes, including, without limitation, a mixed-

use retail/apartment building.

**RESIDENTIAL STRUCTURE** — Any structure used solely for residential dwelling units, ranging from single-family dwellings to apartment buildings.

- (2) The setback required by Subsection C(1) above shall be landscaped, but driveways, drainage devices and sidewalks may be included in the setback, subject to the impervious-cover requirements of this Zoning Code. The Planning Commission, with the advice of the Shade Tree Commission, shall determine the nature and extent of plantings which will serve as an appropriate buffer in these setback areas between districts taking into account public safety concerns involving sight distances

and visibility created by the proposed plantings. The Planning Commission shall also approve the locations of all proposed incursions into these buffer areas to include driveways, drainage devices and sidewalks.

- (3) Where, because of unique and particular physical and topographical conditions, the above setback and buffering requirements are impractical, a lesser setback of physical buffering barriers such as fencing, street walls, landscaping, berms, mounds or a combination of such barriers shall be acceptable when approved by the Zoning Hearing Board as a special exception in accordance with the standard of review for special exceptions set forth in § 311.F-11. In reviewing such special exception applications, the Zoning Hearing Board shall also take into consideration the advice and recommendations of the Borough Planning Commission and the Shade Tree Commission. In no case shall such lesser setback be less than the applicable yard setback requirements for the zoning district in which the property is located.

#### **§ 311.E-16. Accessory structures for keeping of chickens.<sup>1</sup>**

*[Added 3-18-2021 by Ord. No. 1148]*

Where permitted by Chapter 149, Article III, the owner or occupant of a residence in the R-1, R-2, R-3, or R-4 Zoning Districts in the Borough of Media may erect an accessory structure for the keeping of chickens in conformity with the following standards:

- A. Permitted accessory structures for the keeping of chickens include henhouses/ chicken coops and/or chicken runs or pens.
- B. Permitted accessory structures for the keeping of chickens shall only be in the rear yard within the required setbacks.
- C. All accessory structures for the keeping of chickens must be located at least 10 feet from the property line and at least 25 feet from any adjacent residential dwelling, church, school or place of business.
- D. Permitted accessory structures shall be located not less than 10 feet behind the rearmost portion of the principal building. In the case of corner lots, accessory structures shall not be placed closer to the side street than the principal building.
- E. Permitted accessory structures shall only be permitted as an accessory use to a single-family residence. No chickens shall be permitted in mobile home parks or on properties containing multifamily units, including duplexes.
- F. Maximum height. No structure shall exceed eight feet in height.
- G. Accessory structures for the keeping of chickens shall apply against the lot area restrictions of this chapter.
- H. Enclosures must be impermeable to rodents, wild birds and predators, including dogs and cats.
- I. Prior to the erection or installation of an accessory structure for the keeping of chickens, a permit must be obtained from the Code Enforcement Officer.

#### **§ 311.E-17. Stormwater management.**

- A. All activities and uses shall comply with the standards and criteria of the Ridley Creek Stormwater Management Plan, as regulated by the Ridley Creek Stormwater Management Ordinance, as now in effect or as later adopted, and with the applicable provisions of the local building code.
- B. No building permit shall be issued for any construction or alteration until the requirements of the Ridley Creek Stormwater Management Ordinance have been fulfilled.
- C. The Zoning Map shows the boundary of the Ridley Creek watershed in the Borough. The Subarea Map (Plate 1) of the Delaware County Stormwater Management Plan for the Ridley Creek Watershed, which map was prepared in November 1982 (revised November 1987) shows the subarea boundaries and

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1 6. *Editor's Note: Former § 311-74, Building placement at corner lots, was deleted 8-15-1996 by Ord. No. 903.*

indicates the allowable release rate percentages for each subarea, including those in the Borough.

D. The release rate percentage, as defined in Article A-II, is 100 for all subareas in the Borough.

### § 311.E-18. Conversions.

A. Eligibility.

- (1) In order to be eligible for conversion, a single-family detached dwelling must contain a minimum of 2,500 square feet of floor area, and a single-family semi-detached dwelling shall contain a minimum of 1,750 square feet of floor area, exclusive of basement in both cases.
- (2) The conversion shall strictly comply with all requirements of the district in which it is located.

B. In all districts, a minimum lot area of 2,200 square feet per unit shall be provided.

C. Except for the area requirement in Subsection B above, other dimensional requirements shall be as noted below:

District	Requirements
ROA and HBO	Same as for multifamily dwellings (4 units maximum) in § 311.C-16B.

D. Off-street parking for each dwelling unit shall be provided as indicated in the following table:

Bedrooms	Number of Parking Spaces
1	1.0
2 or more	2.0

E. Each unit will be a complete, separate housekeeping unit that is separate from every other unit.

F. Minimum floor space per unit, exclusive of public access, common stairs and hallways serving more than one unit, will be based on the number of bedrooms in units as follows: [Amended 8-15-1996 by Ord. No. 903]

Number of Bedrooms in Unit	Minimum Square Footage per Unit
1	625
2	775
3	925

G. The total number of units in the structure after conversion shall not exceed four.

H. Separate entrances to the outside or to a common hallway opening to the outside shall be provided.

I. No external alterations inconsistent with the residential use or architectural character of the dwelling shall be permitted.

J. All utility connections shall meet utility company standards.

K. Applications for conversions shall be submitted to the Planning Commission, which will issue a report with its recommendation to Media Borough Council. The applicant shall be present at the time the Planning Commission meeting reviews the conversion application. The application shall include the following information items: [Amended 8-15-1996 by Ord. No. 903]

- (1) Floor plan showing the layout, including all dimensions of each unit.
- (2) Site development plan showing and locating the dwelling and other existing buildings; all property lines; any proposed additions; building setback lines; location, size and extent of all underground utilities; length, width and function of all rights-of-way and easements; required parking spaces, and the one- hundred-year floodplain.

L. All plans shall be drawn to a scale of not less than one-inch equals four feet for the floor plans and one inch equals 20 feet for the site development.

- M. All conversions on lots where there are currently no sidewalks shall install a sidewalk with handicapped accessible curb cut ramps at the crosswalks.

### **§ 311.E-19. Traffic plans.**

In all zoning districts, whenever a parking area with five or more spaces is proposed to be constructed, a traffic circulation plan showing all points of ingress and egress, as well as on-site traffic flow, shall be submitted to the Planning Commission for its recommendation.

### **§ 311.E-20. Wireless communications facilities.**

*[Added 5-21-1998 by Ord. No. 928]*

In recognition of the nature of wireless communications systems and the Federal Telecommunications Act of 1996, the following regulations shall apply:

- A. Purposes. The purpose of this section and the standards established herein is to govern the use, construction and siting of wireless communications so as:
- (1) To accommodate the need for wireless communications facilities while regulating their location and number in the Borough and to ensure compliance with all applicable governmental regulations.
  - (2) To minimize any adverse visual effects of wireless communications facilities, antenna(e) and antenna support structures through proper design, siting and screening.
  - (3) To ensure the structural integrity of the antenna support structure through compliance with applicable industry standards and regulations.
  - (4) To encourage the joint use of any new antenna support structures to reduce the number of such structures needed in the future.
  - (5) To promote the health, safety and welfare of the residents of the Borough.
- B. Definitions. For the purposes of this section, the following definitions shall apply:

ANTENNA — A device used to collect and/or transmit wireless communications or radio signals, including panels, microwave dishes and single poles known as “whips.”

ANTENNA SUPPORT STRUCTURE — Any pole, telescoping mast, tower, tripod, lattice construction steel structure or any other structure which supports or has attached to it, an antenna(e).

ANTENNA SUPPORT STRUCTURE HEIGHT — The vertical distance measured from the base of an antenna support structure at grade to the highest point of the structure, including any antenna(e) affixed thereto. If the antenna support structure

is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna support structure height.

EMERGENCY USE — For noncommercial communications via antenna(s) and pertaining to governmental concerns regarding health, safety and/or welfare issues for the public.[Added 11-20-2003 by Ord. No. 980]

LAND SITE — A tract or parcel of land that contains a wireless communications facility and associated parking, and may include other uses associated with and ancillary to wireless communication transmission.

WIRELESS COMMUNICATIONS EQUIPMENT BUILDING — A building or

cabinet in which electronic receiving, relay or transmitting equipment for a wireless communications facility is housed.



WIRELESS COMMUNICATIONS FACILITY — The antenna(e), antenna support structure, wireless communications equipment building, parking and/or other structures, building, cabinets and equipment involved in receiving or transmitting wireless communications or radio signals.

C. Use regulations.

- (1) Attachment of facilities to existing antenna support structures.
  - (a) Use by right on any local municipality-owned sites.
  - (b) Use by special exception in I - Industrial District and on any state, county and school district-owned sites for their own internal communication needs only.
  - (c) Use by right for emergency use by either or a combination thereof of local, county, state or federal communications antennas. The application procedure, engineering review and building permit procedures as provided in this chapter and the Borough Code shall still be complied with in order to install the antenna/structure. [Added 11-20-2003 by Ord. No. 980]
- (2) Erection of new antenna support structures and wireless communications facilities.
  - (a) Use by right on any local municipality-owned sites.
  - (b) Use by special exception in I - Industrial District and on any state, county and school district-owned sites for their own internal communication needs only.
  - (c) Use by right for emergency use by either or a combination thereof of local, county, state or federal communications antennas. The application procedure, engineering review and building permit procedures as provided in this chapter and the Borough Code shall still be complied with in order to install the antenna/structure. [Added 11-20-2003 by Ord. No. 980]

D. Standards for wireless communications facilities. All applicants seeking to construct, erect, relocate or alter a wireless communications facility shall comply with this chapter and shall demonstrate to the Borough Council the following:

- (1) Antenna location. The applicant shall demonstrate, using accepted technological and documentary evidence, that the antenna and/or antenna support structure must be located where proposed in order to satisfy its function within the applicants regional plan or grid system. An accurate description of each relevant "area of service" shall be included in such evidence.
- (2) Antenna height.
  - (a) The applicant shall demonstrate that the antenna(e) and antenna support structure must be at the height proposed in order to satisfy their function in the applicant's regional plan or grid system. The applicant shall also demonstrate that the antenna height requested is not in excess of the minimum required to function satisfactorily.
  - (b) Antenna that is attached to a support structure such as telephone electric or utility pole, existing wireless communications, cellular communications or personal communications services tower, smoke stack, water tower or other similar tall structure, together with any antenna support structure, shall not exceed the height of the existing structure by more than 10 feet.
  - (c) An antenna that is not mounted on an existing antenna support structure shall not have an antenna height or tower height in excess of the height restrictions in the zoning district in which it is located.
- (3) Setbacks from base of antenna support structure.
  - (a) The minimum distance between the base of any antenna support structure or and any property line or right-of-way line shall be the largest of the following:

- [1] The minimum yard setback in the underlying zoning district; or
  - [2] One hundred percent of the proposed antenna support structure height.
- (b) The minimum distance between the base of any guy wire anchors and any property line or right-of-way line shall equal 40% of the proposed antenna support structure height.
- (4) Antenna support structure safety.
- (a) The applicant shall demonstrate that the proposed antenna(e) and antenna support structure are designed and constructed in accordance with all applicable national building standards for such facilities and structures, including but not limited to, the standards developed by the Electronics Industry Association, Institute of Electrical and Electronics Engineers, Telecommunications Industry Association, American National Standards Institute and Electrical Industry Association. The applicant shall demonstrate that the proposed wireless communications facility is designed in such a manner so that no part of the facility will attract/deflect lightning onto adjacent properties.
  - (b) When an antenna(e) is to be located on an existing structure and the general public has access to the structure on which the antenna(e) is to be located, the applicant shall provide engineering details showing what steps have been taken to prevent microwave binding to wiring, pipes or other metals.
- (5) Safety to surrounding properties/other persons. The applicant shall demonstrate that the proposed antenna and antenna support structure, and entire wireless communication facility, are safe and are in accordance with applicable Borough codes, and the surrounding properties will not be negatively affected by antenna support structure failure, falling ice or other debris. All antenna support structures shall be fitted with anti-climbing devices, as comply with industry standards.
- (6) Fencing. A security fence shall be required around the antenna support structure and other equipment, unless the antenna(e) is mounted on an existing structure. The security fence shall be a maximum of eight feet in height and maintained in proper condition. No barbed wire or razor wire fencing will be permitted.
- (7) Licensing and applicable regulations. If the applicant is a commercial wireless communications company, it must demonstrate that it is licensed by the Federal Communications Commission (FCC) and provide the Borough Manager with copies of all FCC applications, permits, approvals, licenses and site inspection records. All such information shall be accompanied by a certification signed by two officers of the applicant, providing that, after due inquiry, the information being supplied is true and correct to the best of their knowledge, information and belief. The applicant shall also provide the Borough Manager with copies of all applicable federal regulations with which it is required to comply and a schedule of estimated FCC inspections.
- (8) Proof of inspection. The owner of an antenna support structure shall submit to the Borough Engineer proof of the annual inspection of the antenna support structure and antenna(e) by an independent professional engineer as required by the ANSI/EIA/TIA-222-E Code. Based upon the results of such an inspection, the Borough Council may require removal or repair of the wireless communications facility.
- (9) Inspection by Engineer. A structural engineer, registered in Pennsylvania, shall attest to the proposed antenna support structure's ability to meet the structural standards of Subsection D(4) preceding, herein, or those offered by either the Electronic Industries Association or the Telecommunication Industry Associations and certify the proper attachment of antenna(e) and proper construction of the foundation and the erection of the antenna support structure.
- (10) Fully automated/required parking. The wireless communication facility shall be fully automated and not require any maintenance workers to be present on a full-time basis. Adequate parking shall be required for all maintenance workers, with a minimum of two spaces provided. All parking spaces

shall be constructed to conform to applicable stormwater management regulations.

- (11) Site plan. A full site plan shall be required for all wireless communications facilities, showing all existing and proposed structures and improvements, including but not limited to, the antenna(e), antenna support structure, building, fencing, landscape, buffering, and ingress and egress; the plan shall include all necessary elevations and photo-overlays demonstrating the illustrated appearance of all facilities against actual photographic backgrounds in each of the four directions. The plan shall comply with the Borough Subdivision and Land Development Ordinance, as amended.<sup>19</sup>
- (12) Signs. No sign or other structure shall be mounted on the wireless communications facility, except as may be required by the FCC, FAA or other governmental agencies.
- (13) Lighting. Antenna support structures shall meet all Federal Aviation Administration (FAA) regulations. No antenna support structure may be artificially lighted except when required by the FAA or other governmental authority. When lighting is required by the FAA or other governmental authority, it shall be oriented inward so as not to project onto surrounding properties. The applicant shall promptly report any outage or malfunction of FAA mandated lighting to the appropriate governmental authorities.
- (14) Soil report. In the case of newly constructed antenna support structure, a soil report complying with the standards of Geotechnical Investigations, ANSI/ EIA-222E, as amended, shall be submitted to the Borough Engineer to document and verify the design specifications of the foundation for the antenna support structure, and anchors for the guy wires, if used.
- (15) Visual appearance. Antenna support structures shall be painted silver, or have a galvanized finish or may be painted green up to the height of nearby trees to disguise its appearance. All wireless communications equipment buildings and other accessory facilities shall be aesthetically and architecturally compatible with the surrounding environment and shall maximize the use of like-facades to blend with the existing surroundings and neighboring buildings to the greatest extent possible.
- (16) Additional development regulations.
  - (a) Sole use on a lot. A wireless communications facility is permitted as a sole use on a lot subject to the minimum lot area and yards complying with the requirements for the applicable zoning district, except as modified herein.
  - (b) Combined with another use. A wireless communications facility may be permitted on a property with an existing use, or on a vacant parcel in combination with another industrial, municipal or other use subject to the following conditions:
    - [1] The existing use on the property must be a permitted use in the applicable district or any lawful nonconforming use, and need not be affiliated with the wireless communications facility.
    - [2] Minimum lot area: minimum lot area for a land site shall be 3,600 square feet.
    - [3] Where the wireless communications facility is located on a property with another principal use, vehicular access to the wireless communications facility shall, whenever feasible, be provided along the circulation driveways of the existing use. The applicant shall present documentation that the owner of the property has granted an easement for the proposed facility.
  - (c) Combined with an existing structure. An antenna(e) may be attached to an existing structure or building subject to the conditions that vehicular access to the wireless communications facility shall not interfere with the parking or vehicular circulation on the site for the principal use.
- (17) Maintenance. The wireless communication facility shall be maintained and kept in good repair as

required by Federal Law H.R. 6180/S. 2882, the Telecommunications Authorization Act of 1992, including amendments to Sections 303(q) and 503(b)(5) of the Communications Act of 1934 and all Borough ordinances not inconsistent therewith. Every year the facility owner shall certify to the Borough of the structural integrity of the wireless communication facility.

- (18) Landscaping - newly-constructed antenna support structures. The following landscaping shall be required to screen as much of a newly constructed antenna support structure, the fence surrounding the newly constructed antenna support structure, and any other new-constructed ground-level features (such as a building) as possible and, in general, soften the appearance of the wireless communications facility.
  - (a) The disturbance of the existing topography shall be minimized, unless such disturbance would result in less visual impact of the facility on the surrounding area.
  - (b) Existing vegetation on and around the land site shall be preserved to the greatest extent possible. Any tree or vegetative element which dies must be replaced within one month, ground permitting.
  - (c) An evergreen screen shall be required to surround the antenna support structure. The screen can be either a hedge (planted three feet on center maximum) or a row of evergreen trees (planted 10 feet on center maximum). The evergreen screen shall be a minimum height of six feet at planting, and shall grow to a minimum of 15 feet at maturity.
  - (d) Where the wireless communication facility abuts residentially developed land, a residential zoning district, public land, or streets, the land site perimeter shall be landscaped with at least one row of deciduous trees, not less than 3 1/2 inches in caliper, spaced not more than 30 feet apart, on center, and within 25 feet of the land site boundary, as well as at least one row of evergreen trees or shrubs, at least 14 feet high when planted and spaced not more than 15 feet apart and within 40 feet of the land site boundary.
- (19) Notification. All applicants seeking to construct, erect, relocate or alter a wireless communications facility shall demonstrate that all property owners within a two-hundred-foot radius of the proposed antenna support structure have been provided written notice of the applicant's intent to construct, erect, relocate or alter a wireless communications facility. Such notice shall also contain the date and time of the hearing before the Media Borough Planning Commission where the applicant will appear and demonstrate compliance with the provisions of this chapter.
- (20) Interference. In the event the wireless communications facility causes interference with the radio or television reception of any Borough resident for a period of three continuous days, the resident shall notify the operator of the facility of such interference and the applicant, at the operator's sole expense, shall thereafter ensure that any interference problems are promptly corrected.
- (21) Abandonment/height reduction. It being the legislative finding of the Borough Council of the Borough of Media that wireless communications facilities which have been abandoned present a danger to the health, safety and welfare of the general public, all abandoned structures shall be removed no more than 90 days after abandonment. The owner shall be responsible for any demolition costs related to the facilities. If in the future, technology is developed that the state-of-the art for such facilities permits antennae of a lesser height, the facilities owner shall be required to reduce the height of its antenna to the lower height that new technology permits within one year of written notification by Borough.
- (22) Annual report. In January of each year, the owner of any wireless communications facility shall pay the registration fee established from time to time by resolution of the Borough Council and shall provide the Borough Manager with the following information:
  - (a) The name and address of the owner of the wireless communications facility and telephone number of the appropriate contact person in case of emergency.

- (b) The name and address of the property owner on which the wireless communications facility is located.
- (c) The location of the wireless communications facility by geographic coordinates, indicating the latitude and longitude.
- (d) Output frequency of the transmitter.
- (e) The type of modulation, digital format and class of service.
- (f) Antenna(e) gain.
- (g) The certified and effective radiated power of the antenna(e).
- (h) The number of transmitters, channels and antenna(e).
- (i) A copy of the owner's or operator's FCC authorization.
- (j) Antenna(e) height.
- (k) Power input to the antenna(e).
- (l) Distance to nearest base station.
- (m) A certification signed by two officers of the applicant that the wireless communications facility is continuing to comply with this chapter and all applicable governmental regulations.

(23) Federal Communications Commission license/certificate of insurance. The applicant shall submit a copy of its current Federal Communications Commission license; the name, address and emergency telephone number for the operator of the wireless communication facility; and a certificate of insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence covering the communications tower and communications antenna.

#### E. Standards for special exceptions.

- (1) Burden of proof. The applicant shall have the duty of presenting evidence and the duty of presenting all studies and materials required herein, as well as the additional burden of persuading the Zoning Hearing Board that:
  - (a) All standards as contained in this chapter have been complied with; and
  - (b) The following additional specific special exceptions standards have been met.
  - (c) That the proposed facilities will not be injurious to health, safety and welfare of the community.
- (2) Designed for collocation; notice to other users. In order to reduce the number of antenna support structures needed in the Borough in the future, the proposed antenna support structure shall also be required to accommodate, where possible, other users, including other wireless communication, cellular communication and personal communication service providers companies, and local police, fire and ambulance companies. Applicants shall provide documentary evidence that all other authorized users have been contacted by the applicant with an offer of collocation on the applicant's proposed antenna support structure.
- (3) Review of site alternatives for new structures. If the applicant proposes to build an antenna support structure [as opposed to mounting the antenna(e) on an existing structure], the applicant shall demonstrate with documentary evidence that it has contacted the owners of structures of suitable location and height (such as smoke stacks, water towers and buildings housing existing antenna support structures) within a one-mile radius of the site proposed, requested for permission to install

the antenna(e) on those structures, and has been denied. An application to construct a new antenna support structure will be denied if the applicant has not made a good faith effort to mount the antenna(e) on an existing structure as set forth in this subsection.

- F. Submission of plans. All plans for the erection of wireless communication facilities shall be submitted to and be reviewed by the Borough Planning Commission for compliance with local Subdivision and Land Development Ordinance, with the exception of new antenna(e) attached to existing structures in the I-Industrial District or municipal use sites. The Borough Engineer and Solicitor shall review the plans for compliance with this chapter and any other applicable local regulations and evidence of review and approval of other agencies with jurisdiction over such facilities. The cost of review fees shall be reimbursed to the Borough by the owner. These fees shall be in addition to any applicable Borough building permit fees.

#### **§ 311.E-21. Flag lots; common or shared driveways.**

*[Added 7-15-2004 by Ord. No. 994]*

- A. No flag lots shall be permitted within the Borough of Media for any zoning districts.
- B. Common or shared driveways shall be permitted, but only if a legal agreement acceptable to the Borough Solicitor shall be in place among the owners of all real estate parcels having access to the common or shared driveway. The legal agreement shall establish access provisions and major responsibilities, including maintenance, plowing, vegetation control, and cost sharing. The legal agreement must be recorded with the Recorder of Deeds of Delaware County and indexed against all real estate parcels having access to the common or shared driveway. This requirement applies to all driveway-sharing agreements or arrangements established or changed after adoption of this subsection. *[Amended 9-18-2014 by Ord. No. 1111]*

#### **§ 311.E-22. Propane tanks.**

*[Added 10-21-2010 by Ord. No. 1077]*

Notwithstanding anything contained in this Chapter 311 to the contrary, in all zoning districts any propane tank shall be located at least 10 feet from all property lines of the property on which such propane tank is located.

## **Article E-II. Impervious Coverage**

*Editor's Note: This Impervious Coverage Article was added to make it easier to find standards which may impact impervious coverage calculations.*

#### **§ 311.E-1. Curb cuts, driveways and parking spaces on existing developed residential properties.**

*[Added 10-15-2015 by Ord. No. 1119]*

- A. Purpose. There exists in the R-1, R-2 and R-3 Residential Districts of the Borough competing demands for off-street parking spaces and the maintenance of the traditional pedestrian-oriented character of such residential neighborhoods. The installation of new curb cuts and driveways in existing developed residential neighborhoods may result in the elimination of at least one on-street parking space and adversely affect the traditional appearance of the neighborhood. The purpose of this section is to impose regulations on the installation and construction of new curb cuts, parking spaces and driveways on existing developed residential properties that are intended to balance the competing goals of providing off-street parking spaces and preserving the traditional character of residential neighborhoods.
- B. Installation in R-1, R-2 and R-3 Residential Districts.
  - (1) In the R-1, R-2 and R-3 Residential Districts, any new curb cut, driveway and parking space shall not be placed in front of the residential structure on the property. Rather, any new curb cut, driveway and parking spaces may be constructed only in the area between the residential structure and the side



property line or the rear property line. Any new driveway shall extend at least 20 feet beyond the front façade of the residential structure on the property so that a vehicle may be parked beyond such front façade, rather than in the front yard of the property.

- (2) No driveway shall have a width in excess of 12 feet in the front yard of any property or 20 feet at any point beyond the front facade of the residential structure on the property.
  - (3) Driveways shall be set back at least three feet from any side property line; provided, however, that any driveway shared by adjacent properties shall not be subject to this subsection.
  - (4) If there is not sufficient space in the side yard for a driveway, then it is the intention of this section that no cut curb, driveway or parking space be constructed or installed on the property.
- C. Exemption of compliant driveways from limitation on maximum impervious cover. Any such curb cut, driveway and/or parking space that complies with the foregoing requirements of Subsection B above shall be exempted from the calculation for determining maximum impervious surface requirements applicable in the R-1, R-2, and R-3 Residential Districts contained in this chapter, provided that the applicant meet the requirements in 311.E-25.
- (1)
- D. Limit of one curb cut per lot. In no event shall any property located in the R-1, R-2 or R-3 Residential District have more than one curb cut from a public street onto the property.
- E. Placement to minimize loss of on-street parking spaces. Any new curb cut for a driveway on any property located in the R-1, R-2 and R-3 Residential Districts shall be installed on the property in such location as will minimize the loss of on-street parking spaces, as determined by the Zoning Officer.

### **§ 311.E-2. Existing Porches and Impervious Coverage.**

- A. Purpose. The intent of this section is permit and encourage the continuation of existing porches and to prevent the demolition of existing porches.
- B. Existing porches that are fully open on the front and at least one side shall be exempt from impervious coverage requirements in the R-1, R-2, R-3, R-4, and Office zones if the applicant can demonstrate, to the satisfaction of the Borough Engineer, that rainwater from the porch is effectively managed on site. Applicants may use techniques that include, but are not limited to, draining into a rain garden, bioretention area, or adequately landscaped area including lawns of sufficient size, and/or draining into a rain barrel or cistern. The size of the stormwater management system may be calculated using standards in Section 311.E-26.

### **§ 311.E-3. Impervious Surface Offset**

- A. No portion of this section is intended to supersede Chapter 251 Stormwater Management. In instances where the two conflict, Chapter 251 shall take precedence.
- B. Where an applicant in the R-1, R-2, and R-3 is permitted to exceed the impervious surface requirements, the stormwater from the excess impervious surface shall be managed in accordance with the following standards. Where Enhanced Landscaping Standards established in 311.B-10 are specifically required elsewhere in the Zoning Ordinance, applicants shall be subject to that section alone.
  - (1) Meets the Enhanced Landscaping Standards established in 311.B-103.
  - (2) Uses pervious pavers, pervious materials, or the like that will allow for the infiltration of the stormwater to the satisfaction of the Borough Engineer.
  - (3) To the satisfaction of the Borough Engineer, the stormwater from the excessive impervious surface is managed on site in accordance 311.E-26.
  - (4) To the satisfaction of the Borough Engineer, the equivalent amount of stormwater from a different not-currently-managed impervious surface will be managed on site in lieu of the impervious surface in accordance 311.E-26. For example, the applicant may utilize rain barrels to collect rainwater from

rooftops equal to the amount created by a new driveway.

- (5) Uses some combination of the above techniques to the satisfaction of the Borough Engineer.

#### § 311.E-4. Impervious Surface to On-Site Management Calculations

The following methods shall be used to determine the size of the rain barrel, cistern, landscaped infiltration system, or other low impact development approach to stormwater management:

- (1) When captured in a rain barrel, cistern, or similar solution that is approved by the Borough Engineer.

Proposed Imperious Surface (square feet)	Volume of Rain Barrel / Cistern (cubic feet)	Volume of Rain Barrel / Cistern (gallon)
50	6	42
100	11	83
150	17	125
200	22	166
250	28	208
300	33	249
350	39	291
400	44	332
450	50	374
500	56	416
550	61	457
600	67	499
650	72	540
700	78	582
750	83	623
800	89	665
850	94	706
900	100	748
950	106	790
999	111	830
1,000 +	In accordance with Chapter 251 Stormwater Management	

- (2) When infiltrated into a rain garden, or similarly landscaped bioretention area, the area shall:
- Not exceed a maximum loading ratio of 5:1 (impervious surface area to infiltration area). Stated differently the surface area of the infiltration area should be at least 20% the size of the impervious surface that it addresses.
  - Shall be designed, constructed, and planted in accordance with the Pennsylvania Stormwater Best Practices Manual and to the satisfaction of the Borough Engineer.

## Article E-III. Parking Regulations

### § 311.E-1. Legislative Intent

The purpose of this article is to adequately provide for the parking needs of all uses in the Borough, reduce traffic congestion on public streets by getting parking off streets, and allow faster emergency access. The secondary purposes include: minimizing development problems with neighboring uses, providing for special parking needs of handicapped drivers and providing flexibility in meeting the Borough's parking problems and needs by methods such as shared parking arrangements.

### § 311.E-2. Applicability.

- A. General. Off-street parking spaces shall be provided in accordance with the requirements established in § 311.E-26 below.
- B. Existing structures and uses. Structures and uses in existence on the effective date of this chapter shall not be subject to the requirements of this article so long as the kind or extent of use is not changed so as to require additional parking.
- C. Change or extension of use. Whenever a structure is altered or a use is changed or extended which increases the parking requirements of § 311.E-26, then the total additional parking required for the alteration, change or extension shall be provided in accordance with § 311.E-26.

### § 311.E-3. Required parking ratios.

Spaces for off-street parking shall be provided as required below:

Use	Minimum Number of Parking Spaces Required
A. R-1, R-2, R-3 and R-4 Residential Districts [Amended 8-15-1996 by Ord. No. 903; 11-20-1993 by Ord. No. 979; 1-15-2004 by Ord. No. 984]	
(1) Single- and two-family dwelling [Amended 11-20-2003 by Ord. No. 979]	
(a) Single-family dwelling detached	2 per dwelling
(b) Single-family semidetached dwelling	2 per dwelling
(c) Single-family attached dwelling (townhouse) with one bedroom	2 per dwelling
(d) Two-family detached dwelling (duplex)	2 per dwelling unit
(e) Single family attached dwelling (townhouse) with two or more bedrooms	2 per dwelling in the R-1, R-2, R-3, R-4 and Office District. 3 per dwelling in all other districts.
(2) Multifamily dwelling and residential conversion	
(a) Multifamily dwelling (apartments) with one bedroom	1.5 per unit
(b) Multifamily dwelling (apartments) with 2 or more bedrooms	2 per unit
(c) Residential conversions with two or more bedrooms	2 per unit
(d) Residential conversions with one bedroom	1.5 per unit

(3)	In addition to the parking requirements contained in the above Subsection A(2)(a) and (b) for multifamily dwelling (apartment), more than four	1 additional parking spot per every 5 units
(4)	Community residence facilities	1 for every 4 residents, plus 1 for each employee on the greatest shift.
(5)	Single-family attached dwellings (townhouses) that do not have separate deeds per dwelling unit and/or dwellings that contain a community-owned driveway and/or contain a community-parking area(s) [Added 7-15-2004 by Ord. No. 995[1]]	1 per every 5 dwelling units
(6)	Church or meeting place	1 for every 10 fixed seats, or, when capacity is not determined by fixed seats, 1 for each 150 square feet of floor area devoted to patron/member use.
(7)	School	1 for each teacher plus 1 for every 2 full-time employees plus 1 for each classroom, plus 1 for every 12 students age 16 or older.
(8)	Hotels, motels, inns	1 for each guest room plus 1 for every 2 full-time employees.
B. Municipal, Educational, Recreational and Community Use District (MERC).		
(1)	School	Same as Subsection A(5) above.
(2)	Community center or library	1 for every 300 square feet of floor area for public use.
(3)	Hotels, motels, inns	1 for each guest room plus 1 for every 2 full-time employees.
C. O-Office District		
(1)	Offices	1 for every 400 square feet of net floor area.
(2)	Residential uses	Same as Subsection A above.
(3)	Church or meeting place	Same as Subsection A(4) above.
(4)	Medical or dental office	4 for each practitioner present at any one time.
(5)	Hotels, motels, inns	1 for each guest room plus 1 for every 2 full-time employees
D. Retail-Office-Apartment District (ROA)		
(1)	Retail store or personal service shop	1 for every 1,500 square feet of net floor area.
(2)	Office [Amended 8-15-1996 by Ord. No. 903]	1 for every 400 square feet of net floor area.
(3)	Bank [Added 8-15-1996 by Ord. No. 903]	1 for every 400 square feet of net floor area, plus requirements of § 311.E-28I for each drive-through teller window.
(4)	Restaurant	1 for every 300 square feet of floor area devoted to patron use.
(5)	Church or meeting place	Same as Subsection A(4) above.
(6)	School	Same as Subsection A(5) above

(7)	Multifamily units, including residential conversions	1 for each dwelling unit.
(8)	Medical or dental office	4 for each practitioner present at any one time.
(9)	Hotels, motels, inns	1 for each guest room plus 1 for every 2 full-time employees.
E. Highway, Business-Office District (HBO)		
(1)	Retail store, personal service shop, or office (including bank)	1 for every 600 square feet of net floor area.
(2)	Restaurant	
(a)	Sit-down	1 for every 150 square feet of floor area devoted to patron use, plus 1 for every 3 employees on the greatest shift.
(b)	Drive-through [Amended 8-15-1996 by Ord. No. 903]	1 for every 75 square feet of floor area devoted to patron use, plus 1 for every 3 employees on the greatest shift, plus area for stacking as per § 311.E-28I.
(c)	Walk-up [Added 8-15-1996 by Ord. No. 903]	One for each employee at the greatest shift, plus four per service window.
(3)	Auto maintenance or auto repair shop	1 for every 200 square feet of floor and or ground area devoted to service or repair, or 3 for every bay, whichever is greater, plus 1 for each employee on the greatest shift.
(4)	Gasoline service station	1 space, either within or outside the structure, for every 200 square feet of floor or ground area devoted to repair or service facilities, and, in addition, sufficient space for gasoline purchase and/or vehicle storage.
(5)	Car wash	1 for each employee on the greatest shift, plus area for stacking of at least 10 vehicles, plus 4 spaces between the exit of the facility and the street.
(6)	Laundromat, self-service	1 for every 2 washing machines
(7)	Funeral home	1 for every 75 square feet of floor area in viewing rooms or parlors, plus 1 for each official funeral car, plus 2 for resident family, plus 1 for each 2 employees exclusive of resident family members.
(8)	Wholesale establishment	1 for every 700 square feet of floor area, exclusive of basement areas not used for sale or display of merchandise, plus 1 for each employee on the greatest shift.
(9)	Church, theater or meeting place	Same as Subsection A(4) above.
(10)	School	Same as Subsection A(5) above.
(11)	Nursing or convalescent home	1 for every 10 beds plus 1 for each employee on the greatest shift.
(12)	Multifamily units including residential conversions	1 for each dwelling unit.
(13)	Medical or dental office	4 for each practitioner present at any one time.
(14)	Hotels, motels, inns	1 for each guest room, plus 1 for every 2 full-time employees.
F. I-Industrial Uses		

(1) Industrial or manufacturing establishments	1 for every 1,000 square feet of gross floor area, plus 1 for each company vehicle.
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#### § 311.E-4. General regulations for off-street parking.

- A. No off-street parking area shall be used for any use that interferes with the availability of parking spaces for the parking needs it is required to serve.
- B. Any off-street parking area existing at the effective date of this chapter, or hereafter established, shall not be subsequently reduced so as to provide fewer parking spaces than required by § 311.E-26 of this chapter.
- C. If the computation of the parking ratios listed in § 311.E-26 of this chapter results in a fraction, an additional parking space shall be required.
- D. Where a use is not specifically listed in § 311.E-26 of this chapter, the Code Enforcement Officer shall apply the standards of the most similar use listed to determine the number of parking spaces required. When a legal nonconforming use is expanded, the parking ratio shall match the parking ratio of the most restrictive district parking ratio for that building type. [Amended 8-15-1996 by Ord. No. 903]
- E. No commercial motor vehicle with more than single rear wheels may be stored on a lot in a residential district, unless such vehicle is stored in a private garage. Only one such commercial vehicle may be stored on a lot in a residential district.
- F. No neglected vehicle shall be left or parked upon the public and/or private streets and/or upon private property in the Borough of Media. [Amended 5-20-2004 by Ord. No. 988]
- G. The parking of any motor vehicle on the sidewalk or in the front yard of any lot zoned residential is strictly prohibited, except upon a driveway paved with asphalt, masonry or similar hardened surface and constructed in accordance with Borough regulations. [Added 8-15-1996 by Ord. No. 903]

#### § 311.E-5. Design regulations.

- A. Standard parking spaces shall have an area of not less than 162 square feet, measured nine feet wide by 18 feet long, except that parallel parking spaces shall be eight feet wide and 21 feet long.
- B. Accessible parking spaces shall have an area of not less than 216 square feet, measured 12 feet wide by 13 feet long. Accessible parking spaces must be clearly marked on the pavement in the standard blue marking, with a sign heading the space using the international wheelchair profile symbol for handicapped persons. These spaces must be located as close as possible to public entrances and ramps to buildings. [Amended 8-15-1996 by Ord. No. 903]
- C. Accessible handicapped spaces shall be provided in the amounts required below for parking areas serving multifamily dwellings with five or more units and commercial, institutional or public uses: [Amended 8-15-1996 by Ord. No. 903]

Total Parking Spaces	Number of Required Accessible Handicapped Spaces
10 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7



301 to 400	8
401 to 500	9

- D. The minimum width of aisles in parking areas with one-way traffic flow shall be as noted below: [Amended 8-15-1996 by Ord. No. 903]

Parking Angle	Minimum Width of Aisle (One Way)
30°	11 feet
45°	13 feet
60°	18 feet
90°	24 feet

- E. Two-way aisles shall have a minimum width of 24 feet. [Amended 8-15-1996 by Ord. No. 903]
- F. Parking areas for 10 or more vehicles shall be so divided by permanent raised curbing that access lanes and parking spaces are clearly defined, and that moving traffic will be confined to designated lanes.
- G. Parking areas for three or more vehicles shall not be designed to require or encourage cars to back into a street in order to exit the parking area, except in the case of parking areas with end-on-end parking, as permitted in Subsection K below.
- H. A structurally sound wall or bumper guard to ensure safety shall be provided so that no part of any parked vehicle shall extend over the property line.
- I. Drive-through establishments such as fast-food order and pickup, automatic bank teller and similar uses shall provide not fewer than three waiting spaces for each drive-up lane, in addition to the space where the transaction takes place and in addition to the required parking. Drive-through car wash establishments shall comply with § 311.E-26E(5).
- J. In the O-Office District and the Retail-Office-Apartment District, parking areas serving office or commercial uses may be designed or used for end-on-end parking, as defined in Article A-II of this chapter. The maximum number of parking spaces in a parking area designated or used for end-on-end parking shall not exceed eight. End-on-end parking may be employed only at the rear of the lot and only when no conventional arrangements would meet the minimum parking requirements. See Illustration 2.<sup>2</sup>
- K. In the O-Office District and ROA-Retail Office Apartment District there shall be no parking in the required front or rear yards. However, where there is a through lot parking shall be permitted in such required rear yard, provided that a five-foot-wide landscaped planting aisle is maintained between the parking area and side lot lines. Landscaped area of 60 square feet per parking space, and one shade tree per three parking spaces, is maintained between the side lot lines and the parking area. [Amended 8-15-1996 by Ord. No. 903]
- L. No remote lot parking, accessory to any commercial use, shall be permitted in any residential district. [Added 8-15-1996 by Ord. No. 903]

### § 311.E-6. Landscaping and screening of parking areas.

- A. Landscaping.
- (1) Except in the Retail-Office-Apartment District, there shall be a landscaped planting area of not less than six feet wide between the street line and any off-street parking area with 10 or more spaces.
  - (2) Not less than 5% of the interior of each off-street parking area which serves a multifamily dwelling and which provides 20 or more parking spaces shall be landscaped. Each such parking area shall have no less than one shade tree with a minimum 2 1/2 inch caliper for every eight parking spaces.
  - (3) The types of plant materials to be used shall be subject to the review of the Planning Commission. [Amended 8-15-1996 by Ord. No. 903]

<sup>2</sup> Editor's Note: Illustration 2 is included at the end of this chapter.

## B. Screening.

- (1) In the case of a parking area which is accessory to a permitted use and which has facilities for five or more motor vehicles, any property which abuts a residential district shall be effectively screened from the adjacent residential property by means of plantings, wall or fence which shall be not less than five feet high.
- (2) In the case of a parking area which is a principal use, such lot shall be enclosed, except for entrances and exits, by an ornamental fence or wall or by a compact evergreen hedge or similar dense planting, which shall be not less than four feet high. Where the boundary of such a parking area is an adjoining building, vines may be planted to grow on the building subject to permission by the owner of the building, in order to prevent graffiti.
- (3) In the case of each parking area which has facilities for 10 or more vehicles, a planted buffer shall be provided along those property lines where such parking area is exposed to the street.

### § 311.E-7. Common parking.

Two or more nonresidential uses may provide for required parking in a common area if the area provided is on or adjacent to both such uses and equal to the sum of the requirements of the various uses computed separately. However, the number of spaces required in such a common parking area may be reduced below the sum of the total requirements if it can be demonstrated to the Code Enforcement Officer that the hours and/or days or peak parking need for the uses in operation are so different that a lower total will provide adequately for all uses served by the common parking area. In that situation, the requirements of the use with the greatest parking need shall be applied.

### § 311.E-8. Surfacing, drainage and lighting.

- A. Each off-street parking space shall be provided with a paved, all weather, hard surface to prevent dust and erosion.
- B. Each parking area shall be adequately drained to prevent excessive water flow onto adjacent properties and public streets and sidewalks, or the formation of pools of water.
- C. All parking areas with five or more spaces shall be adequately lighted so as to assist in the safe maneuvering of motor vehicles and to provide security for users of the lot. All lighting shall be arranged to avoid glare on adjacent properties. See § 311.E-11.

### § 311.E-9. Loading and unloading regulations.

- A. Areas for loading and unloading of delivery trucks and service vehicles shall be provided. Such areas shall be adequate in size and shall be so arranged that they may be used without blockage or interference with the use of accessways or automobile parking facilities.
- B. Except in the I-Industrial District, all loading and unloading activity shall be at the rear of the building or use.
- C. Off-street loading areas shall be located completely on the site.
- D. In the event that off-street loading areas are located adjacent to residential districts, such areas shall be effectively screened from view.
- E. Off-street loading areas shall be designed and used in such a manner as to at no time constitute a nuisance or hazard.

## Article E-IV. Sign Regulations

### § 311.E-1. Legislative intent.

The purpose of this article is to regulate the type and dimensions of signs in the various zoning districts of

Media Borough; to recognize the commercial communication requirements of all sectors of the business community; to protect the public from damage or injury caused or attributable to distractions and obstructions caused by improperly designed or located signs, to safeguard property values; to promote the community environmental setting and preserve the distinctive appearance and historic character of the business district and other areas where the use of signs is necessary, and to assure the orderly development of signs in keeping with the architecture and design of structures in the Borough.

### § 311.E-2. Determination of size of signs.

The size of any sign shall be determined in accordance with the provisions of this article and the following requirements:

- A. When a sign consists of letters, numbers and/or logos and not a lettered board and such sign is erected on or attached to a building wall or other similar surface, the size of such sign shall be measured by the rectangle, triangle, square, or arc as measured by the area formed between the inside and outside radius of the arc formed by the extreme outside edge of the largest letters, numbers or logos contained in the sign. [Amended 6-19-2003 by Ord. No. 974]
- B. When a sign consists of a lettered board and such sign is erected on or attached to a building, wall or other similar surface, the size of such sign shall be determined by calculating the area of the lettered board.

### § 311.E-3. Sign restrictions.

- A. Prohibited signs. It is unlawful to erect or maintain the following signs:
  - (1) Spinning, twirling, rotating or any other animated signs or objects used for advertising purposes, whether containing a message or not, except for time and temperature signs.
  - (2) Signs that emit sound, smoke or steam.
  - (3) Signs that glare. A sign that can cause glare is prohibited except in accordance with the following:
    - (a) It must be so effectively shielded that glaring beams or rays of light are not directed to any portion of a public street.
    - (b) It must not be internally illuminated so as to obscure and detract from the adjoining properties or impair the vision of any motor vehicle driver, or otherwise interfere with a driver's operation of his motor vehicle.
  - (4) Signs with prohibited words. No sign may use the words "stop," "look," "danger" or any other word, symbol or character which attempts or appears to attempt to direct the movement of traffic or which interferes with or resembles any official traffic sign, signal or device.
  - (5) Signs placed on property without the permission of the owner or his agent.
  - (6) Signs with obscene or prurient words, scenes or graphics.
  - (7) Signs painted on buildings, or painted on or attached to trees, utility poles, fences, outdoor benches or similar natural or man-made features. [Amended 8-15-1996 by Ord. No. 903]
  - (8) Signs which obscure other signs or obstruct fire escapes, doors or windows.
  - (9) Unsafe and damaged signs, including signs within the safety clearances of electrical and utility lines.
  - (10) Projecting signs, roof signs or animated signs; provided, however, that projecting signs shall be permitted on properties fronting on the blocks of Orange Street, Veterans Square, Olive Street, Jackson Street and Monroe Street between Jasper Street and Baker Street and on the Plum Street Pedestrian Mall, subject to the provisions of § 311.E-31B(2) and E(2)(a) of this chapter. [Amended 8-16-2007 by Ord. No. 1035; 12-18-2008 by Ord. No. 1054]
  - (11) Advertising cloth, paper or plastic banners or similar signs suspended or hung on any property,

except for temporary banners which may be permitted through special permission of the Code Enforcement Officer and displayed only for a duration of 14 days. [Amended 2-18-1993 by Ord. No. 857; 8-15-1996 by Ord. No. 903]

- (12) Wall bulletins or any other signs painted directly on the facade of any building or structure. [Amended 1-20-2000 by Ord. No. 940]
- (13) Signs or mobile stands which can be moved from place to place and thereby not permanently affixed to the ground.
- (14) Swinging or hanging signs.
- (15) Signs placed on vehicles or trailers which are parked or located for the primary purpose of displaying the signs. This does not apply to lettering on buses, taxis or vehicles operating in the normal course of business.
- (16) Off-premise signs, except as specifically permitted by this chapter.<sup>3</sup>

B. General restrictions and standards. The following restrictions shall apply to all permitted signs:

- (1) No sign other than exempt signs shall be erected within or over a public right-of-way or shall be of such character, form or shape as to confuse or dangerously distract the attention of the operator of a motor vehicle on a public street.
- (2) All signs and billboards constructed or erected under the provisions of this chapter shall comply with the standards set forth in the BOCA Code, as amended, and the National Electric Code, as amended, as well as all federal, state and local laws and regulations. [Amended 1-20-2000 by Ord. No. 940]
- (3) All signs shall be constructed of durable, all-weather material and shall be solidly and firmly attached, supported and/or anchored.
- (4) Where an establishment moves from or vacates a particular address or premises, the owner of such building or premises shall within 30 days remove, or cause to be removed, any sign which was displayed by such establishment. However, this provision shall not apply where a new establishment at that address or location shall continue or assume the same name as the establishment which vacated the premises.
- (5) All signs shall be properly maintained. Exposed surfaces shall be clean and, if required, painted. Defective parts shall be replaced. The Code Enforcement Officer shall have the right to order the repair or removal of any sign which is defective, damaged or substantially deteriorated.
- (6) All permanent signs shall be integrated into the architectural design of the building on or adjacent to which they are placed.
- (7) Signs in Residential Districts, O-Office District and the MERC District shall be used for the purpose of identifying the occupant or activity and not for general advertising purposes.
- (8) Self-illuminating signs shall be prohibited in the Historic District.<sup>4</sup>

#### § 311.E-4. Signs exempt from zoning regulations.

The following signs to the extent indicated are exempt from the requirements of this chapter, from the need to secure permits and from the allowable sign area requirements, except as specified below in this section:

- A. Official signs, including but not limited to route number, street name, traffic and parking, or other sign of the same character.

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3 *Editor's Note: Former Subsection 1.q, regarding "A" frame signs, which immediately followed this subsection, was deleted 8-15-1996 by Ord. No. 903.*

4 *Editor's Note: Former Subsection 2.i, regarding awnings and canopies, which immediately followed this subsection, was deleted 8-15-1996 by Ord. No. 903.*

- B. Decorations for a recognized, officially designated holiday provided they do not create a traffic or fire hazard.
- C. Directional signs not exceeding two square feet.
- D. Memorial or historic markers where approved by the Planning Commission and when not more than six square feet in area.
- E. Nonilluminated nameplate signs not exceeding 90 square inches in size, provided that only one such sign per lot shall be exempted.
- F. Real estate rental or sale signs not exceeding six square feet provided they are removed within seven days after settlement or agreement for lease. Not more than one such sign may be erected per street frontage, except that real estate "open house" signs may be placed off the premises but shall be removed within 24 hours of such open house.
- G. Signs advertising the development, subdivision, major repair or renovation of the property, provided that:
  - (1) The size of such sign shall not exceed 12 square feet.
  - (2) Not more than one such sign shall be erected.
  - (3) No such sign shall be illuminated.
  - (4) All such signs shall be removed upon settlement of all lots or within seven days after the completion of the repairs or renovation.
- H. Political signs, provided they do not exceed six square feet and are removed within seven days after the election. Not more than two signs with an aggregate total of eight square feet shall be permitted per street frontage.
- I. A governmental flag or insignia, provided that the area does not exceed 32 square feet.
- J. A legal notice (to be removed when legal requirements have been met).
- K. Public service information signs advertising the availability of rest rooms, telephones or similar public conveniences and signs advertising meeting times and places of nonprofit service or charitable organizations. Any such sign shall not exceed four square feet.
- L. A sign which is a permanent architectural feature or is of architectural significance to the building, such as a cornerstone or identifying letters carved into or embossed on a building, providing the letters are not made of a reflective material or contrast in color with the building.
- M. Temporary yard sale or garage sale signs, provided such signs:
  - (1) Do not exceed six square feet in area.
  - (2) Shall be removed within 24 hours after the sale.
- N. Trespassing signs or signs indicating the private nature of a driveway or premises, provided that the size of any such sign shall not exceed two square feet; an official sign indicating the premises is protected by burglar alarm.
- O. Signs of contractors, mechanics and artisans provided that:
  - (1) The size of any such sign shall not exceed six square feet.
  - (2) No such sign shall be illuminated.
  - (3) Such signs shall be removed within three days after the completion of the work.
  - (4) Not more than one such sign for each frontage shall be erected for any
  - (5) premises or lot.
- P. For sale or for lease/rent signs on vehicles, boats or trailers.
- Q. One or more signs applied to a window pane, giving store hours and credit cards, charge cards, debit cards and bank cards accepted, when the total area of such signs together does not exceed two square

feet. [Amended 8-15-1996 by Ord. No. 903]

- R. Barber poles, gasoline pricing and car wash signs. Changing of prices on pricing signs; business window signs advertising periodic sales and special events signs.
- S. Signs for street fairs and parades; school, church and periodic events signs.
- T. Identification signs for churches, schools or similar institutions provided that:
  - (1) The area of one side of such sign does not exceed 12 square feet.
  - (2) No more than one such sign is erected for each street frontage.
- U. Menu boards, not exceeding six square feet, relating to, and on premises of eating or drinking establishments.

#### **§ 311.E-5. Permitted signs for which a permit is required.**

The following signs, as described under each district or group of districts below, are permitted, provided a sign permit has been obtained.

##### **A. Signs in residential districts.**

- (1) Permanent identification signs for apartment buildings with more than four units, provided that:
  - (a) The types of permanent signs permitted shall be wall signs and freestanding signs only.
  - (b) The size of such signs shall not exceed 12 square feet.
  - (c) Not more than one such sign shall be erected for each building or groups of buildings.
  - (d) No such sign shall be illuminated.
  - (e) All such signs shall be placed so that all portions including the overhang of the sign are within the lot line.
- (2) Signs identifying nonresidential uses where such uses are permitted as valid nonconforming uses provided that:
  - (a) The types of signs permitted shall be wall signs or freestanding signs only.
  - (b) The size of such sign shall not exceed six square feet. [Amended 8-15-1996 by Ord. No. 903]
  - (c) Not more than one such sign shall be erected for each frontage.
  - (d) Such sign shall be designed so as to create a minimal impact on the residential district in which it is located. Illumination, if provided, shall be by indirect, white light only.

##### **B. Signs in the O-Office District.**

- (1) Any sign permitted in a residential district which applies to a use permitted in the O-Office District.
- (2) Permanent signs identifying an office or office related use. Such signs may identify the firm, the name, occupation or profession of practitioners, or type of business, profession or activity. In addition, projecting signs shall be permitted solely on properties fronting on the Plum Street Pedestrian Mall, which signs shall project towards the Plum Street Pedestrian Mall at a ninety- degree angle from the front building wall facing the Plum Street Pedestrian Mall. [Amended 8-16-2007 by Ord. No. 1035]
  - (a) The types of signs permitted shall be limited to wall signs, window signs and freestanding signs.
  - (b) The total sign area of such signs shall not exceed an aggregate of nine square feet and no such individual sign shall exceed six square feet.



- (c) Not more than two such signs shall be erected for any office use or premises, except in the case of a corner property where three such signs may be erected.
- (d) Freestanding signs may be erected, provided they are placed not less than six feet from the street right-of-way line.
- (e) Signs which are to be illuminated shall be by means of external white light only, and shall be illuminated after dusk only.

C. Signs in the MERC District.

- (1) Signs identifying an educational, recreational or community use.
  - (a) The types of permanent signs permitted shall be wall signs and freestanding signs only.
  - (b) The size of such signs shall not exceed one square foot for each three lineal feet of building width.
  - (c) Not more than one such sign shall be erected for each building frontage.
  - (d) These signs shall be permitted in the following combinations only.
    - [1] Two wall signs.
    - [2] One wall sign and one freestanding sign.
- (2) Signs which are to be illuminated shall be by means of external white light only, and shall be illuminated only after dusk.

D. General regulations for signs in nonresidential districts.

- (1) Signs shall be permitted on not more than three sides of a detached corner property.
- (2) Where there is a wall sign at the front of a building and another wall sign at the side of a building, no freestanding sign shall be permitted on such property.
- (3) Business establishments, or other permitted nonresidential uses located exclusively above the ground floor, or below the ground floor, may utilize wall or window signs. The sign area for such establishment(s) shall be within the total allotted for the building in its zoning district. However, where an establishment(s) on the ground floor has fully used its allotted sign area at the time of the effective date of this chapter, an additional 10 square feet of sign area shall be permitted for establishments situated on an upper floor and 10 square feet for those below the ground floor when such establishments are initiated after the effective date of this chapter. [Amended 8-15-1996 by Ord. No. 903]
- (4) Requirements for freestanding signs shall be applied per deeded property.
- (5) Requirements for wall signs shall be applied per street address.

E. Signs in the ROA District.

- (1) Any sign permitted in Residential or Office District which applies to a use permitted or existing in the ROA District. The requirements applicable to such signs shall be those of the Residential or Office District, whichever applies.
- (2) Signs advertising or identifying a commercial use or activity or advertising the product or service of the establishment.
  - (a) The types of signs permitted shall be limited to wall signs, window signs, A-frame signs and awning signs. However, other types of signs may be permitted when authorized as a special exception. In addition, projecting signs shall be permitted solely for properties fronting on the blocks of Orange Street, Veterans Square, Olive Street, Jackson Street and Monroe Street between Jasper Street and Baker Street and on the Plum Street Pedestrian Mall (each such street being referred to herein as

a “north- south street”), which signs shall project towards the respective north- south street at a ninety-degree angle from the front building wall facing the north-south street. [Amended 6-19-2003 by Ord. No. 974; 8-16-2007 by Ord. No. 1035; 12-18-2008 by Ord. No. 1054]

- [1] At the front of a building, one square foot of sign area for every lineal foot of building width, up to 30 square feet may be provided.
- [2] In the case of a corner property, a maximum sign area of 15 square feet may be provided at the side of a building.
- [3] At the rear of a building, signs shall be wall signs only, and a maximum sign area of 15 square feet may be provided on the rear of the building. The maximum sign area for the rear of the building may be increased to one square foot of sign area for each lineal foot of the rear building width for the use by right in question, up to a maximum of 30 square feet if the following conditions are present:
  - [a] The sign is for a use by right as per Chapter 311 Section 38, and has a rear entrance for the use by right onto a public right-of- way or street and the rear entrance has undergone facade enhancement; or
  - [b] The rear of the building extends to a sidewalk directly abutting the curblin, street, or alley, thereby forming a wall at the street, and the rear facade has undergone facade enhancement.
- [4] The total sign area of any projecting sign on properties fronting on the blocks of Orange Street, Veterans Square, Olive Street, Jackson Street and Monroe Street between Jasper Street and Baker Street and on the Plum Street Pedestrian Mall shall not exceed six square feet per property. If such a projecting sign is installed, the actual total sign area of such projecting sign shall be deducted from the aggregate sign area permitted by § 311.E-31E(2)(a)[1] hereof. [Amended 8-16-2007 by Ord. No. 1035; 12-18-2008 by Ord. No. 1054]
- (b) Nonilluminated window signs are permitted at the front and side of a building and shall be exempt from dimensional limitations, except for window signs giving store hours and identifying charge cards accepted, which signs shall be limited to an aggregate area of two square feet, as per § 311.E-36Q. [Amended 8-15-1996 by Ord. No. 903]
- (c) Wall signs shall be limited in content to business name, address, telephone number or logos of the establishment. [Amended 8-15-1996 by Ord. No. 903]
- (d) A-frame signs no larger than 30 inches by 48 inches may be displayed only while establishments adjacent thereto are open for business.
- (e) Opaque window signs; text or graphics. [Added 1-17-2013 by Ord. No. 1101]
  - [1] A permanent opaque window sign shall not occupy more than 20% of the total area of the window area in which the sign is displayed. (See Drawing No. 1.)<sup>24</sup> The entire background area of the sign shall be used in determining allowable coverage. Internally lit or neon “open” signs will count against the twenty-percent limit. Unlit “open” signs will not be counted against the twenty-percent limit.
  - [2] Text or graphics that are applied as individual entities to a windowpane that do not have the effect of obscuring sight into the building may cover up to 10% of the total area of the window area in which the sign is displayed. (See Drawing No. 1<sup>5</sup>)

- (3) Signs identifying multi-tenant buildings.
  - (a) Such signs shall be wall signs only.
  - (b) The size of such signs shall not exceed one square foot of sign area for each lineal foot of the rear building width for the use by right in question, up to a maximum of 30 square feet at the front of the building and up to 15 feet where there is a rear entrance. The rear sign size may be increased to one square foot per one lineal foot of rear building width for the use by right up to a maximum of 30 feet at the rear of a building where there is a rear entrance if the provisions of Chapter 311, Section 92, Subsection E(2)(a)(3) are met. [Amended 6-19-2003 by Ord. No. 974]
  - (c) Only one such sign per street frontage shall be permitted.
- (4) Signs identifying individual establishments in a multi-tenant building.
  - (a) Such signs shall be wall signs only.
  - (b) All individual establishments shall be listed on one sign.
  - (c) The size of such sign shall not exceed eight square feet.

F. Signs in the HBO District.

- (1) Any sign permitted in Residential, Office, MERC and ROA Districts which sign applies to a use permitted or existing in the HBO District.
  - (a) Signs relating to residential, institutional or office uses shall comply with the sign standards for such signs in Residential, MERC or Office Districts.
  - (b) Signs relating to commercial uses shall be regulated by the sign standards of the HBO district listed in Subsection F(2). [Amended 8-15-1996 by Ord. No. 903]
- (2) Signs advertising or identifying a commercial use or activity or advertising the product or service of the establishment.
  - (a) The types of signs permitted shall be limited to wall signs, awning (and/ or canopy) signs, window signs, freestanding signs and directory signs. Other type of signs may be permitted only when authorized by special exception. [Amended 8-15-1996 by Ord. No. 903]
  - (b) The size of signs for commercial uses shall not exceed the following dimensions:
    - [1] At the front of a building, the area of freestanding signs shall not exceed 50 square feet. Only one such sign shall be permitted per deeded property.
    - [2] At the front of a building, the area of permitted signs, except freestanding signs, shall not exceed one square foot of sign area for every linear foot of building width, up to 50 square feet. [Amended 8-15-1996 by Ord. No. 903]
    - [3] In the case of a corner property, the maximum sign area of 25 feet shall be permitted on a side of the building. If a freestanding sign exists at any location on the property, another sign will be permitted on this side of a building provided the total square footage of both signs does not exceed 50 feet. [Amended 8-15-1996 by Ord. No. 903]
    - [4] At the rear of a building, a maximum sign area of 15 square feet shall be permitted.<sup>6</sup>

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6 *Editor's Note: Former Subsection 6.b.3, regarding window signs, which immediately followed this subsection, was deleted 8-15-1996 by Ord. No. 903.*

- (3) Signs identifying shopping centers or multi-tenant buildings and listing or identifying all the establishments of a shopping center or multi-tenant building.
  - (a) The identification of shopping centers or multi-tenant buildings and the listing of all establishments in a shopping center or multi-tenant building shall be one sign.
  - (b) Such sign shall be a freestanding sign.
  - (c) Only one such sign per street frontage shall be permitted.
  - (d) The size of such signs shall not exceed 50 square feet.
- (4) Signs identifying the individual establishments in a shopping center.
  - (a) In addition to permitted signs identifying a shopping center and directory signs listing all the establishments in a shopping center, each establishment in such shopping center shall be permitted one additional sign affixed to the building.
  - (b) Such signs shall be wall signs only.
  - (c) Such individual signs shall not exceed 16 square feet.
  - (d) The design, lettering and type of sign shall be in keeping with a single, harmonious scheme for all businesses in the shopping center.
- (5) Notwithstanding anything in the Code to the contrary, remote change electronic digital display fuel price signs shall be permitted at gasoline stations so long as they comply with the following requirements: [Added 6-21-2012 by Ord. No. 1093]
  - (a) Such signs shall utilize LED digits to display price numbers;
  - (b) LED digits of each price line shall be one color: red, amber or green;
  - (c) LED arrays within the digits shall be designed such that if a group of LEDs go out, the correct numbers will continue to be legible;
  - (d) LED digits shall show static display only, flashing or moving action by digits is prohibited;
  - (e) LED light intensity shall be controlled automatically to dim or brighten in response to changing ambient light conditions;
  - (f) Signs shall also be equipped with LED light intensity limit via manual control;
  - (g) LED digits shall have a maximum brightness of 4,000 nits at maximum brightness level; and
  - (h) The LED digits shall not exceed 24 square feet in area.

G. Signs in the Industrial District.

- (1) Signs advertising or identifying an industrial use. Sign dimensions and other standards shall be those permitted in the HBO District.
- (2) Billboards, as defined herein, and digital billboard signs, as defined herein (For purposes of this § 311.E-31G(2), all references to "billboards" shall be deemed to also refer to and include digital billboard signs except where otherwise indicated.) in addition to other signs permitted in the district. Billboards shall be considered a sign and shall be subject to all relevant provisions of the Zoning Code relating to signs and in addition shall be subject to the following additional requirements and regulations. [Added 1-20-2000 by Ord. No. 940; amended 6-21-2012 by Ord. No. 1095]
  - (a) Location.

- [1] The minimum front, side and rear yard requirements applying to a principal use as designated within an industrial district shall apply to each structure. The maximum lot coverage as specified within the Zoning Chapter shall apply to any lot upon which a billboard structure is located and shall include any other structure or buildings on the same lot therewith. If the district in which the billboard is located abuts a residential district, the minimum set back for that residential district shall apply.
  - [2] No billboard shall be erected in such a manner as to block the view from the road or street of any existing business sign, logo sign, residential or nonresidential structure or limit or reduce the lighting and ventilation requirements under the Borough Building Code.
  - [3] Billboards shall be set back to the required distance for building located within said zoning district or a distance of not less than the minimum setback of adjoining properties or 25 feet, whichever is the greatest. All newly constructed billboards shall be of the single pole design.
- (b) Size and height.
- [1] A billboard shall have a maximum allowable gross surface area of 160 square feet per sign face. A billboard shall have a maximum of two sign faces per billboard structure, and the gross surface area of each sign face shall not exceed the 160 square foot maximum, provided that the billboard structure sign faces are placed back-to- back.
  - [2] No billboard's gross surface area shall exceed eight feet in total height or 20 feet in total length.
  - [3] A billboard structure shall have a maximum height above the curb or a roadway, from which it is intended to be viewed, of 35 feet; provided, however, that the height of a billboard structure oriented to a depressed roadway shall be measured from the grade at the base of the billboard.
  - [4] No billboard sign shall be more than 25 feet average to the bottom of the sign above the ground level immediately below and shall not in any way interfere with normal pedestrian or vehicular traffic.
- (c) Construction methods. Billboards shall be constructed in accordance with the applicable provisions of all Borough codes. In addition:
- [1] A billboard structure shall have a minimum of one vertical support being a minimum of 48 inches in diameter, with 1/2 inch wall or width, and without bracing or vertical supports.
  - [2] A billboard sign face shall be independently supported and have vertical supports of metal which are galvanized or otherwise treated to prevent rust and corrosion.
  - [3] One vertical support shall be capable of enabling the entire sign face to be able to withstand a minimum seventy-five-mile-per-hour wind load.
  - [4] The entire base of the billboard structure shall be permanently landscaped with suitable shrubbery and/or bushes of minimum height of six feet placed in such a manner as to screen the foundation of the structure. A landscaping plan shall be submitted for review and approval by the Code Enforcement Officer. Said landscaping shall be maintained by the officer in an attractive and healthy manner in accordance with accepted conservation practices. Landscaping shall form a base and backdrop to the billboard sign when practical.
  - [5] No bare cuts are permitted on a hillside, and all cuts or fills are to be permanently seeded or planted.
  - [6] A billboard shall not be illuminated by artificial lighting; a digital billboard sign may be

illuminated by artificial light. To prevent causing a distraction to passing vehicle traffic, the display face of a digital billboard, whether letters, images or other displays, shall not change more frequently than one time for every 60 seconds. [Amended 6-21-2012 by Ord. No. 1095]

- [7] No billboard structure, sign face or display lighting shall move, flash or emit noise. No display shall cause distraction, confusion, nuisance or hazard to traffic, aircraft or other properties.
- [8] No billboard shall be constructed within the clear sight triangle of the public street or road on which it is situated and shall not in any manner obstruct or impede traffic safety, including ingress or egress.
- [9] Billboards shall maintain a lateral minimum spacing of 500 feet between billboard structures, measured in all directions.
- [10] Billboards may not be mounted on a roof, wall or face or other part of a building or any other structure, including trees.
- [11] Applicability of BOCA Standards. All sign standards herein shall exist in full force and effect in conjunction with all sign standards existing in the most recent edition of the BOCA Building Code, as amended. Whenever any conflict exists between this chapter and the BOCA Code, the more restrictive provisions shall have precedence.

(d) Maintenance requirements.

- [1] The billboard structure shall be entirely repainted every three years.
- [2] Every five years the owner of the billboard shall have a structural inspection made of the billboard by a qualified Pennsylvania registered structural engineer and shall provide to the Borough a certificate from the engineer or architect certifying that the billboard is structurally sound.
- [3] Annual inspections of the billboard shall be conducted by the Borough Code Enforcement Officer to determine compliance, and billboards found to be in violation of this section shall be brought into compliance within 30 days of notice or ordered removed upon proper notification by the Borough.
- [4] Billboards using removable paper or other materials shall be maintained in such a condition as to eliminate loose or frayed material protruding or hanging from the structure. The owner of such structure shall eliminate loose or frayed material within 15 days upon proper notification by the Borough.

**§ 311.E-6. Freestanding signs.**

- A. Each sign shall be placed so that all portions, including the overhang, are within the lot line.
- B. The height of freestanding signs shall be measured from the ground or sidewalk to the top of the sign. The maximum height of such signs shall be as follows:
  - (1) Residential, MERC, Office and ROA Districts: eight feet.
  - (2) HBO and Industrial Districts: 16 feet.
- C. Landscaping shall be provided around the base of each freestanding sign for not less than two feet in each direction from the base of the sign.

**§ 311.E-7. Nonconforming signs.**

- A. Any sign existing and lawful at the time this chapter becomes effective that does not conform to use,



location, height or size regulations of this article shall be considered a nonconforming sign and may continue in its present location, except as modified in this section.

- B. Where the name of an establishment is changed, any nonconforming sign at such establishment must be removed and any new sign must conform to the provisions of this article.
- C. No nonconforming sign which has been damaged to more than 50% of its value or has been removed or discontinued for 60 days or longer shall be repaired, rebuilt or replaced, except as a conforming sign or when authorized as a special exception.
- D. If a nonconforming use of a building ceases or is discontinued for a continuous period of one year or more and such nonconforming use is deemed to be abandoned, any nonconforming sign on the premises shall also be considered to be abandoned and any subsequent signs erected or maintained on the premises shall be in conformity with the provisions of this chapter.
- E. Temporary movable freestanding signs, banners, streamers and similar types of prohibited signs shall be abated or removed within 90 days after the effective date of this chapter.

#### **§ 311.E-8. Temporary signs/banners.**

[Amended 2-18-1993 by Ord. No. 857]

Where temporary signs are not exempt from the requirements of this chapter in § 311.E-36; they shall be permitted, provided that:

- A. They are placed so as not to obstruct vehicular or pedestrian traffic.
- B. A permit is obtained following the procedures set forth in § 311.E-41 of this chapter.
- C. Such signs shall only be used to promote special events such as sales, holiday sales events, etc. Any other use is specifically prohibited.
- D. The duration of such permit may not exceed 14 days. [Amended 8-15-1996 by Ord. No. 903]
- E. The size of such sign shall not exceed 65% of the largest single sign allowed for a property or establishment as set forth in § 311.E-31 of this chapter.
- F. Only one such sign shall be permitted during any fourteen-day permit period.

[Amended 8-15-1996 by Ord. No. 903]

- G. No more than three permits within a one-year period shall be issued for any one property or establishment. Said permits will not be issued for consecutive fourteen- day periods. Furthermore, a period of at least 30 days must elapse between the issuance of permits to any one property or establishment. [Amended 8-15-1996 by Ord. No. 903]
- H. Sign shall be removed immediately upon the expiration of the permit. Failure to remove a sign immediately upon the expiration of the permit shall result in the forfeiture of the establishment's ability to apply for and receive such a permit under this subsection for a period of one year from the expiration of the permit. The forfeiture imposed by this subsection shall be in addition to any other penalty imposed by any other section of this article.

#### **§ 311.E-9. Awnings and canopies.**

[Added 8-15-1996 by Ord. No. 903]

- A. A permit shall be obtained from the Code Enforcement Officer for the erection, repair or replacement of any awning or canopy, following a review by the Planning Commission.
- B. Awning and canopies shall be designed and constructed to withstand wind or other lateral loads, and live loads as required by the BOCA Code, with due allowance for shape, open construction, and similar features that receive the pressure and loads.
- C. Canopies shall be constructed of a metal framework with an approved covering that is flame-resistant as

determined by both the small-scale and large-scale tests in accordance with NFPA701, or that has a flame spread rating not greater than 25 when tested in accordance with ASTM 84.

- D. All awnings shall have a minimum clearance of seven feet from the sidewalk to the lowest part of the framework or any awning, except that the bottom of the valance of canvas awnings shall have a minimum clearance of six feet nine inches above the sidewalk.
- E. The horizontal position of a canopy framework shall not be less than eight feet, not more than 12 feet above the walking surface, and the clearance between the covering or valance and the walking surface shall not be less than seven feet.
- F. Retractable or fixed awnings are permitted to project up to four feet into a public right-of-way, provided they meet clearance requirements and are no closer than one foot to a curbline.
- G. No post of any canopy is permitted within the public right-of-way.
- H. All awnings and canopies shall have totally opaque covering material, with the sole exception of awnings in the HBO District which may have translucent material. It shall be required that down lighting be provided to illuminate any walking surface below an awning or canopy to a minimum light level of one footcandle, but the canopy or awning must have sufficient opacity to prevent this light from shining through the material.
- I. Lettering delineating the name of the establishment only, and logos shall be permitted only on the face of the awning or canopy that is parallel to the building facade. If such lettering, and/or logos, as determined by Article E-IV shall be counted against the total allowable building signage for the district. In the event that the lettering is placed on a translucent awning and/or canopy, as allowed in the HBO District, the entire translucent face of the awning, and/or canopy, parallel to the building shall be considered as a sign. If only the portion of the awning, and/or canopy, containing letters and/or logos is translucent, and the rest is opaque, then only the translucent portion shall be computed as sign area.

#### **§ 311.E-10. Administration and enforcement.**

- A. All signage shall be designed, manufactured and installed only by companies licensed by the Borough of Media. Borough Council shall establish reasonable standards for such sign licenses and list them on a license application form. [Added 8-15-1996 by Ord. No. 903]
  - (1) A signage license fee will be set by Borough Council. This fee will include Zoning Chapter book and updates as published, and any official design guidelines available.
  - (2) Any licensed company which installs a sign in violation of any regulation herein shall have license revoked by the Borough Council for not more than one year and/or a fine of not more than \$500. After one year's revocation, a sign company can reapply for a license.
- B. Permits, procedure and review by the Code Enforcement Officer. Except for exempt signs or unless otherwise specified in this article, no sign shall be erected, repaired or replaced in the Borough until a permit for such sign has been obtained in the following manner.
  - (1) An application in writing shall be made to the Code Enforcement Officer by the sign maker or installer.
  - (2) The application submitted to the Code Enforcement Officer shall give the full particulars regarding size, shape, material and supports of the sign as well as a plan showing the location of the sign on the building or lot, the distance from the curbline and the height of the sign. The application shall be sufficiently specific to enable the Code Enforcement Officer to determine if the sign complies with this Article as well as other local regulation relating to signs.
  - (3) If the person submitting the application is not the owner of the property, the written consent of the owner of the property on which the sign is located shall accompany the application.
  - (4) In the case of multi-tenant buildings applications for signs shall be submitted by the owner.

- (5) All permanent signs must be designed by a recognized sign company<sup>7</sup>
- (6) Where a sign has been referred to the Art and Architectural Commission, the review and report of the Art and Architectural Commission shall include the evaluation of the lettering, coloring and design of signs, sign location, compatibility with building on or adjacent to which the sign shall be located and compatibility of the proposed sign with the architectural character of the buildings in the surrounding area.<sup>8</sup>
- C. Except for exempt signs, whenever any sign is replaced by another sign, enlarged in any manner or altered, dismantled or damaged or otherwise destroyed to the extent of more than 50% of its value, a permit shall be required as provided in this section before the sign is replaced, enlarged, altered or replaced. However, no permit shall be required for additions, deletions or other changes in the names of practitioners on signs relating to professional or office uses.
- D. Permit fees. All applications for permits filed with the Code Enforcement Officer shall be accompanied by a permit fee according to a schedule of fees as established by Borough Council.
- E. Inspections. Any person installing, altering or relocating a sign for which a permit has been issued shall notify the Code Enforcement Officer upon completion of the work. The Code Enforcement Officer may require a final inspection, including an electrical inspection and inspection of the footings of freestanding signs.
- F. Violations.
- (1) When, in the opinion of the Code Enforcement Officer, there exists a violation of this article, the Code Enforcement Officer shall issue a written order to the alleged violator. Such order shall specify those sections of this article of which the individual may be in violation and shall indicate that the violator shall correct such violation within 30 days from the date of the order.
- (2) If, upon inspection, the Code Enforcement Officer finds that the sign is abandoned or structurally, materially or electronically defective, or in any way endangers the public, he shall issue a written order to the owner of the sign and the occupant of the premises stating the nature of the violation and require the owner and occupant to repair or remove the sign within seven days of the date of the order.
- (3) In cases of emergency the Code Enforcement Officer may, without notice, cause the immediate removal of a dangerous or defective sign. Signs removed in this manner must present a hazard to the public health, welfare and safety.
- G. Appeal from sign permit denial. An applicant whose application for a sign permit has been denied by the Code Enforcement Officer may appeal such decision to the Zoning Hearing Board for a variance. Such appeal must be filed with the Borough not later than 30 days after notice of denial.
- H. Penalties. In accordance with § 311.F-1.
- I. Liability for damages. The provisions of this chapter shall not be construed to relieve or to limit in any way the responsibility or liability of any person, firm or corporation which erects or owns a sign for personal injury or property damage caused by the sign, and the provisions of this chapter shall not be construed to impose upon the Borough, its officers or its employees any responsibility or liability by reason of the approval of any sign under the provisions of this chapter.<sup>9</sup>

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7 *Editor's Note: Former Subsections B(6), regarding review of applications by the Planning Commission, as amended, and B(7), regarding forwarding of sign information to the Planning Commission, as amended, which immediately followed this subsection, were repealed 4-21-2011 by Ord. No. 1084. This ordinance also provided for the redesignation of former Subsection B(8) as Subsection B(6).*

8 *Editor's Note: Former Subsection B(9), regarding the review and report of the Planning Commission, which immediately followed this section, was repealed 4-21-2011 by Ord. No. 1084.*

9 *Editor's Note: Former Article F-I, Design Guidelines and Architectural Review, which immediately followed this section, was deleted 8-15-1996 by Ord. No. 903.*

## Article E-V. Nonconforming Uses, Structures and Lots

### § 311.E-1. Legislative intent.

- A. Within the districts established by this chapter or amendments thereto, there exist certain uses, structures and lots which were lawful before this chapter was enacted or amended, but which do not conform to the provisions of this chapter or amendment thereto. These uses, structures or lots are referred to as nonconformities.
- B. The regulations governing existing nonconforming uses, structures and lots are set forth in this article and are intended to provide a gradual remedy for the undesirable conditions resulting from such nonconformities. While such nonconformities are generally permitted to continue, these regulations are intended to restrict further investment in such nonconformities and to bring about their gradual reduction.

### § 311.E-2. Continuation.

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

### § 311.E-3. Enlargement.

*[Amended 5-20-2004 by Ord. No. 989; 5-15-2008 by Ord. No. 1047; 3-18-2010 by Ord. No. 1072]*

- A. A nonconforming use or structure may be extended, enlarged or altered by special exception if:
  - (1) It is clear that such enlargement or extension is not materially detrimental to the surrounding area or the interest of the Borough.
  - (2) The proposed enlargement or extension only occurs on the tract where the nonconformity is currently located.
  - (3) The nonconforming structure, or the area devoted to the nonconforming use, shall not be increased by more than 25%.
  - (4) Any extension or enlargement of a building shall conform to the area, height, building coverage, impervious coverage and setback regulations of the district in which it is located.
  - (5) No more than one extension or enlargement to a nonconforming use or structure shall be granted.
- B. Any and all extensions and/or enlargements of a residential structure that is preexisting nonconforming as to the side yard setback shall be allowed to extend such nonconforming structure by right, provided that the following requirements are met to the satisfaction of the Borough:
  - (1) A full and complete building permit application is provided by the owner of the property. The application shall include a to-scale plan of the property designating all setback dimensions, dimensions from existing structures to all property lines and dimensions from the existing building to all neighboring structures.
  - (2) The application shall be accompanied by a fee that covers the Borough's costs for processing the application, in addition to any other building permit fees that may be required, which fee shall be established from time to time by Council by resolution.
  - (3) The nonconforming structure shall not be increased by more than 25%, and the nonconforming structure shall extend no deeper into the side yard setback than the current nonconformance.
  - (4) The Borough shall then mail a letter notifying the immediate adjacent owners of property, including front, side and rear yards.
  - (5) It is demonstrated and clear to the Borough that such enlargement or extension is not materially

detrimental to the surrounding area or the interest of the Borough.

- (6) The application shall include an architectural rendering of the proposed extension or enlargement for review and approval by the Borough.
- C. The area of the nonconforming use or structure for this section shall be defined as the entire gross floor area(s) of the use or structure, which thereby includes the gross floor area(s) of multiple floors.

#### **§ 311.E-4. Change of use.**

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

- A. The applicant shall show that the nonconforming use cannot be reasonably changed to a conforming use.
- B. The applicant shall show that the proposed change will be no more objectionable in external effects than the existing nonconforming use, or will be more appropriate than the existing nonconforming use with regard to:
  - (1) Traffic generation and congestion.
  - (2) Parking.
  - (3) Noise, smoke, dust, fumes, vapors, gases, heat, odor, glare or vibration.
  - (4) Outdoor storage.
  - (5) Sanitary sewage disposal.

#### **§ 311.E-5. Enclosure.**

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

#### **§ 311.E-6. Abandonment.**

If a nonconforming use of a building or land is abandoned for six months or more, whereby the owner discontinues the use, the subsequent use of such a building or land shall conform with the regulations of the district in which it is located, unless another nonconforming use is approved by the Zoning Hearing Board. Such approved use shall be initiated within 90 days after the end of the six-month period.

#### **§ 311.E-7. Restoration.**

A nonconforming structure or a conforming structure devoted to a nonconforming use which has been destroyed by fire or other cause to an extent of not more than 50% of the value of the structure, or a nonconforming structure which has been legally condemned, may be reconstructed and used for the same nonconforming use, provided that:

- A. The reconstructed structure shall not exceed the height, area and volume of the building destroyed or condemned.
- B. Reconstruction of the structure shall commence within one year from the date the structure was destroyed or condemned, unless the Zoning Hearing Board shall authorize a special exception for an extension of this time limit.

#### **§ 311.E-8. Repairs and maintenance.**

- A. On any nonconforming structure or portion of a structure containing a nonconforming use work may be done in any period of six consecutive months on ordinary repairs or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing, provided that the cubic content existing when it became

nonconforming shall not be increased.

- B. If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by the Code Enforcement Officer to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired or rebuilt except in conformity with the regulations of the district in which it is located.
- C. Nothing in this chapter shall be construed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by the Code Enforcement Officer or other official charged with protecting the public safety.

#### **§ 311.E-9. Displacement.**

No nonconforming use shall displace a conforming one.

#### **§ 311.E-10. Nonconforming lots.**

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

alteration, reconstruction or other use is in compliance with the use, yard, setback and other pertinent provisions of this chapter.

#### **§ 311.E-11. Reduction of lot area.**

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

#### **§ 311.E-12. Registration of nonconforming uses.**

The Code Enforcement Officer shall prepare, or cause to be prepared, within three years after the effective date of this chapter, a complete list of all nonconforming uses, structures, lots and signs in the Borough.

#### **§ 311.E-13. Ownership.**

Whenever a lot is sold to a new owner, a previously lawful nonconforming use may be continued by the new owner.

#### **§ 311.E-14. Violations.**

A nonconforming structure altered or a nonconforming use created in violation of any previous provisions in this article shall be regarded as continuing in such violation and shall not enjoy the privilege of legal continuance conferred by § 311-114 upon other nonconforming structures and uses.

## **Article E-VI. Industrial Performance Standards**

#### **§ 311.E-1. Legislative intent.**

The purpose of this article is to ensure adequate protection for the residents of the Borough against the possible negative effects of certain uses, processes or activities, particularly those carried out in the Industrial District, but not limited to that district.

#### **§ 311.E-2. Administration.**

- A. Interpretation and application of standards.

(1) The performance standards contained herein shall be the minimum standards to be met and



maintained by all uses established after the effective date of this chapter. Standards established by the Pennsylvania Department of Environmental Resources or the United States Environmental Protection Agency shall apply where those standards are more restrictive than the standards set forth below.

- (2) If any existing use or building or other structure is extended, enlarged or reconstructed, the performance standards herein shall only apply to such extended, enlarged or reconstructed portion or portions of such use, building or other structure.
- (3) Determination necessary for administration and enforcement of performance standards set forth herein range from those which can be made with satisfactory accuracy by a reasonable person using normal senses and no mechanical equipment to those requiring great technical competence and complex equipment for precise measurement. It is the intent of this chapter that:
  - (a) Where determinations can be made by the Zoning Officer or other Borough employees using equipment normally available to the Borough or obtainable without extraordinary expense, such determinations shall be so made before notice of violation is issued.
  - (b) Where technical complexity or extraordinary expense makes it unreasonable for the Borough to maintain the personnel or equipment necessary for making difficult or unusual determinations, procedures shall be available for causing corrections of apparent violations of performance standards, protecting individuals from arbitrary, capricious and unreasonable administration and enforcement of performance standards regulations and protecting the general public from unnecessary costs for administration and enforcement.

B. Application submittal.

- (1) Applications for industrial uses shall be accompanied by a certification from a professional engineer registered in the Commonwealth of Pennsylvania that the proposed use can meet the performance standards set forth in this chapter. All applications shall include, but shall not be limited to, the following informational items:
  - (a) Plans of existing or proposed construction and development.
  - (b) A description of existing or proposed machinery, processes and products.
  - (c) Specifications for the mechanisms and techniques used or proposed to be used in restricting possible dangerous or objectionable conditions as set forth in this chapter.
  - (d) Measurement or estimate of the amount or rate of emission of any dangerous or objectionable elements as set forth in this chapter.

C. Application review. All applications for industrial use shall be reviewed by the Borough Engineer for compliance with these performance standards. No application for industrial use shall be approved until it is certified in writing by the Borough Engineer that the proposed use can meet these performance standards.

D. Enforcement.

- (1) The Code Enforcement Officer shall investigate any purported violation of these performance standards. If the Code Enforcement Officer finds, after making determination in the manner set forth in this chapter, that there is a violation of the performance standards set forth herein, he shall take or cause to be taken lawful action to cause correction to within the limits established by such performance standards. Failure to obey lawful orders concerning such corrections shall be punishable under the provisions of Section 1604.2 of this chapter.

*Editor's Note: Former Section 1604.2 of this chapter was deleted 8-15-1996 by Ord. No. 903. See now § 311.F-1C.*

- (2) If, in the considered judgment of the Code Enforcement Officer, there is probable violation of the

performance standards set forth herein, the following procedures shall be followed:

- (a) The Code Enforcement Officer shall give written notice by certified mail or delivered personally to the person or persons responsible for the alleged violation. The notice shall describe the particulars of the alleged violation and the reasons why the Code Enforcement Officer believes there is a violation and shall require an answer or correction of the alleged violation to the satisfaction of the Code Enforcement Officer within 30 days. The notice shall state, and it is hereby declared, that failure to reply or correct the alleged violation to the satisfaction of the Code Enforcement Officer within the time set constitutes admission of violation of the terms of this chapter. The notice shall state that, on request of those to whom it is directed, technical determinations as described in this chapter will be made and that, if violations as alleged are found, costs of such determinations shall be charged against those responsible for the violation, in addition to such other penalties as may be appropriate but that, if it is determined that no violation exists, the cost of the determination will be paid by the Borough.
- (b) If there is no reply within the time limit set but the alleged violation is corrected to the satisfaction of the Code Enforcement Officer, he shall note "Violation Corrected" on his copy of the notice and shall retain it among his official records, taking such other actions as may be warranted.
- (c) If there is no reply within the time limit set and the violation is not corrected to the satisfaction of the Code Enforcement Officer within the time limit set, he shall take or cause to be taken such action as is warranted by continuation of a violation after notice to cease.
- (d) If a reply is received within the time limit set indicating that the alleged violation will be corrected to the satisfaction of the Code Enforcement Officer but requesting additional time, the Code Enforcement Officer may grant an extension of time if he deems it warranted in the circumstances of the case and if the extension will not, in his opinion, cause imminent peril to life, health or property.
- (e) If a reply is received within the time limit set requesting technical determination as provided in this chapter and if the alleged violation continues, the Code Enforcement Officer may call in properly qualified experts to make the determinations.

### § 311.E-3. Performance standards.

#### A. Noise. [Amended 8-15-1996 by Ord. No. 903]

- (1) All noise shall be muffled so as not to be objectionable due to intermittence, beat frequency, or shrillness. In no event shall sound pressure level of noise radiated continuously from a facility after 9:00 p.m. exceed at the lot line the value of 70 dBA. However, where the lot line adjoins or lies within 25 feet of the boundary of a residential district, the sound pressure levels of noise radiated after 9:00 p.m. shall not exceed at the lot line the value of 65 dBA.
- (2) For any source of sound which emits an impulsive sound, the excursions of sound pressure level shall not exceed 80 dBA regardless of time of day or night.

#### B. Vibration. No vibration shall be produced which is transmitted through the ground and is discernible without the aid of instruments at or at any point beyond the lot line; nor shall any vibration produced exceed 0.002g peak measured at or beyond the lot line using either seismic or electronic vibration measuring equipment.

#### C. Air pollution. Ambient Air Quality Standards have been established by the Commonwealth of Pennsylvania and are enforced by the Regional Air Pollution Control Board. However, to govern situations of a local nature, the following additional regulations are provided:

##### (1) Smoke.

- (a) For the purpose of grading the density or equivalent opacity of smoke, the Ringelman Smoke Chart

as published by the United States Bureau of Mines shall be used.

- (b) Smoke emitted from any source shall not be of a darker shade than No. 1 on the Ringelman Smoke Chart, except that smoke of a shade not darker than No. 2 on the Ringelman Smoke Chart may be emitted for not more than four minutes in any eight-hour period.

(2) Odor.

- (a) There shall be no emission of odors into the atmosphere in such quantities as to be offensive at any point on or beyond the lot boundary line within which the operation is situated.
- (b) Odor thresholds shall be measured in accordance with the "Standard Method For Measurement of Odor in Atmosphere" (dilution method) ASTM-57 or its equivalent.

(3) Other air pollutants.

- (a) No use shall emit fly ash, dust, dirt, fumes, vapors or gases into the atmosphere that would cause demonstrable damage to the public health, animals or vegetation or other forms of property or that would cause visible soiling of any structure beyond the lot line of the use creating the emission.
- (b) In no event shall any use permit or cause the discharge of particulate matter into the atmosphere from incinerators in excess of 0.1 grains per cubic foot of gas at standard conditions corrected to 12% CO<sub>2</sub>.
- (c) The Ambient Air Quality Standards for the Commonwealth of Pennsylvania shall be the guide to the release of airborne toxic materials across lot lines. Where toxic materials are not listed in the Ambient Air Quality Standards of the Commonwealth of Pennsylvania, the release of airborne toxic matter shall not exceed 1/30 of the Threshold Limit Value adopted by the American Conference of Governmental Industrial Hygienist beyond the district boundary line.

D. Heat. No heat from any source shall be sensed at the property line of that source to the extent of raising the temperature of air or materials more than 1° F.

E. Glare.

- (1) Glare from any use or activity shall be so limited that direct or indirect light from the source shall not cause illumination in excess of the 0.5 footcandles when measured at any window of the nearest residential property.
- (2) Such light shall not create a nuisance or hazard along the property line.

F. Fire and explosion. All activities or storage involving flammable and explosive materials shall be provided with adequate safety and fire-fighting devices in accordance with the Fire Prevention Code of the Borough of Media.

G. Radioactive materials. The handling of radioactive materials, the discharge of such materials into air and water, and the disposal of radioactive wastes shall be in conformance with the regulations of the Nuclear Regulatory Commission (NRC), as set forth in Title 10, Chapter One, Part 20 — Standards for Protection Against Radiation, as amended; and all applicable regulations of the Commonwealth of Pennsylvania.

H. Nonradioactive liquid or solid wastes. There shall be no discharge at any point into any public or private sewage disposal system or stream or into the ground of any liquid or solid materials except in accordance with the Laws and Regulations of the United States, the Commonwealth of Pennsylvania, Delaware County, the Delaware County Regional Water Quality Control Authority (DELCORA) and the Borough of Media.

I. Electrical and electromagnetic interference. No use shall cause electrical or electromagnetic disturbances that would adversely affect the operation of any equipment other than that of the creator of such disturbances.

- J. Hazardous materials and toxic wastes. The handling and storage of hazardous materials, corrosives, flammables, toxic wastes, toxic materials, combustibles, and EP toxics shall be in accordance with the applicable regulations of the United States Environmental Protection Agency (EPA), the Pennsylvania Department of Environmental Resources (DER), and the Occupational Safety and Health Administration (OSHA).

## **Article E-VII. Adult Entertainment**

*[Added 6-16-1994 by Ord. No. 871]*

### **§ 311.E-1. Uses.**

- A. Only in the ROA, HBO and Industrial Districts - in addition to those uses by special exception stated in Article C-II, Article C-III, and Article C-IV - the land, buildings or premises shall be by special exception only for the following additional uses:
  - (1) Adult arcade.
  - (2) Adult cabaret, adult dance hall, adult club, adult bar, adult tavern, nightclub, restaurant or similar commercial establishment.
  - (3) Adult entertainment.
  - (4) Adult material sales.
  - (5) Adult mini motion picture theater.
  - (6) Adult motel.
  - (7) Adult motion picture theater.
  - (8) Peep shows.
  - (9) Sexual encounter center.
- B. The above additional uses are allowed by permit only in the ROA, HBO and Industrial Districts if the property line of this use is greater than 1,000 feet from the property lines of a:
  - (1) School;
  - (2) House of worship; or
  - (3) Borough-owned park.
- C. For purposes of this chapter or Article E-VI, measures shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where an adult entertainment business is conducted, to the nearest property line of a school, house of worship and/or Borough-owned park.

### **§ 311.E-2. Permit process.**

The Code Enforcement Officer upon the Borough application present applicant with a building permit for adult entertainment business(es) as follows:

- A. In the ROA, HBO and Industrial Districts, a permit shall be issued only if the applicant is successful in obtaining a special exception for the proposed type of adult entertainment and the application successfully meets all health, use and occupancy and/or building permit requirements as defined in the pertinent ordinances and their amendments/revisions in Article F-I of this chapter and the location of said use is demonstrated to comply with § 311.E-60, Article E-VI.
- B. The application for a permit to operate an adult entertainment business must be made on the form provided by the Code Enforcement Officer of the Borough. The application must be accompanied by a sketch or diagram showing the configuration of the premises, including a statement of the total floor

space occupied by the business. The sketch or diagram need not be professionally prepared, but at least be drawn to a designated scale or drawn with marked dimensions on the interior and exterior of the premises to an accuracy of plus or minus six inches.

- C. The applicant must be qualified according to the provisions of Article E-VI and the premises must be inspected and found to be in compliance with the law by the Code Enforcement Officer, the Fire Marshal and the police.
- D. If a person wishes to operate an adult entertainment business as an individual, he (she) must sign the application for permit as an applicant. If a person who wishes to operate an adult entertainment business is other than an individual, each individual that has 10% or greater interest in the business must sign the application for permit as applicant. If a corporation is listed as owner of an adult entertainment business or as the entity which wishes to operate such a business, each individual having a direct or indirect interest of 10% or greater in the corporation must sign the application for permit as applicant.
- E. The fact that a person possesses other types of Borough permit(s) does not exempt the person from the requirement of obtaining an adult entertainment business permit.
- F. The Code Enforcement Officer shall approve the issuance of a permit to an applicant within 30 days after applicant is awarded a special exception by the Zoning Hearing Board of the Borough of Media and will not approve a permit if the Code Enforcement Officer finds one or more of the following to be true:
  - (1) Applicant is under 18 years of age.
  - (2) Applicant or applicant's spouse is overdue on his or her payment to the Borough of taxes, fees, fines or penalties assessed against him or her or imposed upon him or her in relation to an adult entertainment business.
  - (3) Applicant has failed to provide information reasonably necessary for issuance of the permit or has falsely answered a question or request for information on the application form.
  - (4) Permit to be used for the adult entertainment business has been reviewed and has been disapproved by either the Code Enforcement Officer, the Fire Marshal or the police as not being in compliance with the applicable laws and ordinances.
  - (5) The permit fee required by this chapter has not been paid or the permit fees for health, use, occupancy and/or building permits have not been complied with or the fee was not paid before.
  - (6) Applicant of the proposed establishment is in violation of or is not in compliance with any of the provisions of this chapter.
- G. The permit, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, and the address of the adult entertainment business. The permit shall be posted in a conspicuous place at or near the entrance of the adult entertainment business so it can be read at any time.
- H. The permit, if granted, shall have a life of one year from the date of issuance. At that time the applicant must file another application before the expiration of the permit in order to continue doing business without interruption. Application for renewal should be made at least 30 days before the expiration date. When an application is made less than 30 days before the expiration date, the pendency of the application will not prevent the expiration of the permit. Again, all of the above rules listed in this section and the entire article must be complied with as if a new permit is being issued.
- I. The Code Enforcement Officer, Fire Marshall and the police shall complete their certification that the premises is in compliance or not in compliance within 20 days of receipt of the application by the Code Enforcement Officer. This certification shall be promptly presented to the Code Enforcement Officer.
- J. If the Borough Code Enforcement Officer denies a renewal of a license, the applicant shall not be issued a permit for one year from the date of denial, except that after 90 days of lapse since the date of denial, the applicant may be granted a permit if the Code Enforcement Officer finds that the basis for denial of the renewal permit has been corrected or abated.

### § 311.E-3. Inspection.

- A. An applicant or permittee shall permit representatives of the police, Fire Marshall, Code Enforcement Officer or other Borough departments or agencies to inspect the premises of an adult entertainment business for the purpose of ensuring compliance with the law, at any time the adult entertainment business is occupied or opened for business. These inspection departments/agencies shall certify in writing to the Code Enforcement Officer whether compliance is achieved.
- B. A person who operates an adult entertainment business or his agent or employee violates the Zoning Chapter of the Borough of Media (Ordinance No. 823) if he refuses to permit such lawful inspection of the premises at any time it is occupied or opened for business.

### § 311.E-4. Fees.

The annual fee for an adult entertainment business permit is \$500.

### § 311.E-5. Suspension of permit.

The Code Enforcement Officer shall suspend a permit for a period not to exceed 30 days if he determines that a permittee or an employee of the permittee has:

- A. Violated or is not in compliance with any section of this article or the Zoning Chapter.
- B. Engaged in excessive use of alcoholic beverages while on the adult entertainment premises.
- C. Refused to allow an inspection of the adult entertainment premises as authorized by this article.

### § 311.E-6. Revocation of permit.

- A. The Code Enforcement Officer shall revoke a permit if a cause of suspension set forth in § 311-131 occurred and the permit has been suspended within the preceding 12 months.
- B. The Code Enforcement Officer shall also have power to revoke a permit if he determines that:
  - (1) A permittee or any of the persons specified has given false or misleading information or materials submitted to the Borough during the application process.
  - (2) A permittee or employee of the permittee has knowingly allowed prostitution on the premises as defined by the Pennsylvania Crime Codes.
  - (3) A permittee or employee of the permittee knowingly operated the adult entertainment business during a period of time when the permittee's permit was suspended or revoked.
  - (4) A permittee or employee of the permittee knowingly allowed any action of sexual intercourse, sodomy, oral copulation, masturbation or other sexual conduct to occur in or on the permitted premises.
  - (5) A permittee is delinquent in payment of the Borough or state for any taxes or fees past due.
- C. When the Code Enforcement Officer revokes the permit, the revocation shall continue for one year and the permittee shall not be issued an adult entertainment business permit for one year from when the date of revocation became effective. If subsequent to revocation the Code Enforcement Officer finds that the basis for the revocation has been corrected or abated, the applicant may be granted a permit if at least 90 days have elapsed since the date the revocation became effective.
- D. After denial of an application, or denial of a renewal of an application, or suspension or revocation of a permit, the applicant or licensee or permittee may seek prompt judicial review of such administrative action in any court of competent jurisdiction. The administrative action shall be promptly reviewed by the court.

### § 311.E-7. Transfer of permit.

A permittee shall not transfer his permit to another person, nor shall a permittee operate an adult



entertainment business under the authority of a permit at any place other than the address designated within the application.

#### **§ 311.E-8. Exemption.**

As a defense to prosecution under this article that a person appearing in a state of nudity did so in a modeling class operated as follows:

- A. By a proprietary school licensed by the Commonwealth of Pennsylvania or college, junior college or university supported entirely or partly by taxation.
- B. By a private college or university which maintains and operates an educational programs in which credits are transferable to any college, junior college or university supported entirely or partly by taxation.

#### **§ 311.E-9. Injunction.**

A person who operates or causes to be operated an adult entertainment business without a valid permit or in violation of this article is subject to an action in equity or a suit for injunction as well as citations for violations of the Zoning Chapter.

#### **§ 311.E-10. Violations and penalties.**

A person who operates or causes to be operated an adult entertainment business is guilty of a violation and will be fined \$1,000 per day of violation if in violation of the Zoning Chapter if:

- A. He/she operates such a business within 1,000 feet of the places mentioned in
- B. § 311.E-60.
- C. He/she operates such a business outside the districts as listed in § 311.E-60.
- D. He/she operates such a business when a special exception has not been granted for location of this use.

# Article F. Administration

## Article F-I. Administration and Enforcement

### § 311.F-1. Administration.

There shall be a Code Enforcement Officer who shall be appointed by Borough Council and be responsible for the administration and enforcement of this chapter. The Code Enforcement Officer shall not hold any elected office in the Borough.

- A. Duties of Code Enforcement Officer. The duties of the Code Enforcement Officer shall include but not be limited to the following:
- (1) Enforce all provisions of this chapter and all amendments thereto.
  - (2) Receive, examine, record and file all applications and fees for building permits and issue building permits only for any structure or use which conforms to this chapter.
  - (3) Issue permits for uses and construction by special exception or variance, only after such uses or buildings are approved by the Zoning Hearing Board, in accordance with the provisions of this chapter. Permits requiring approval by Borough Council shall be issued only after receipt of an authorization from Borough Council.
  - (4) Receive all required fees.
  - (5) Regularly inspect all areas of the Borough to determine if there are any blatant violations of this chapter and to review the validity of any reported zoning violations.
  - (6) Issue all necessary stop orders, and order in writing correction of all conditions found to be in violation of this chapter. It shall be unlawful for any person to violate any such order lawfully issued by the Code Enforcement Officer, and any person violating such order shall be guilty of a violation of this chapter.
  - (7) Maintain, or cause to be maintained, a map or maps showing the current zoning classification of all land in the Borough.
  - (8) To identify and register all nonconforming uses, lots, structures and signs and keep filed a record of such nonconformities as a public record.
  - (9) Upon request of Borough Council, Planning Commission or Zoning Hearing Board, present facts, records and any similar information to such body on specific requests to assist these bodies in reaching their decisions.
- B. Appeal from decisions of Code Enforcement Officer. An appeal from a decision or action of the Code Enforcement Officer shall be made directly by a party in interest to the Zoning Hearing Board, and such appeal shall be made within 30 days after notice of the decision is made, or if no decision is made, 30 days after the date when a decision is deemed to have been made, in accordance with the Pennsylvania Municipalities Planning Code, as amended.
- C. Violations.
- (1) Complaints regarding violations. Whenever a violation of this chapter is alleged to have occurred, any person may file a written and signed complaint. Such complaint, stating fully the causes and basis thereof, shall be filed with the Code Enforcement Officer who shall record such complaint promptly and immediately investigate and take action thereon as provided in this chapter.
  - (2) Notification of violation. [Amended 8-15-1996 by Ord. No. 903]
    - (a) If it appears to the municipality that a violation of any zoning ordinance enacted under this act or prior enabling laws has occurred, the municipality shall initiate enforcement proceedings by

sending an enforcement notice as provided in this section.

(b) An enforcement notice shall state at least the following:

- [1] The name of the owner of record and any other person against whom the municipality intends to take action.
- [2] The location of the property in violation.
- [3] The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the chapter.
- [4] That such violation shall be discontinued and/or the date before which the steps for compliance must be commenced and the date before which steps must be completed.
- [5] That the recipient of the notice has the right to appeal the Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth in the chapter.
- [6] That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described, including but not limited to the discontinuance of such unlawful use, structure, building, sign and/or land involved in the violation.

(3) Enforcement. No permit of any kind as provided for in this chapter shall be granted by the Code Enforcement Officer for any purpose except in compliance with the provisions of this chapter or a decision of the Zoning Hearing Board or courts of competent jurisdiction.

(4) Enforcement remedies. [Amended 8-15-1996 by Ord. No. 903]

- (a) In case any building, structure or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this chapter, the Borough Council, or with the approval of the Borough Council, the Code Enforcement Officer, in addition to other remedies, may institute in the name of the Borough any appropriate action or proceeding to prevent, restrain, correct, or abate such building, structure or land or to prevent in or about such premises, any act, conduct, business or use constituting a violation.
- (b) Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this chapter or prior enabling laws shall, upon being found liable therefore in a civil enforcement proceeding commenced by a municipality, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by a municipality as a result thereof.
- (c) Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of the Zoning Chapter shall be paid over to the municipality.

### § 311.F-2. Permits.

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

- B. Application for permits. Application for permits shall be made to the Borough Code Enforcement Officer on such forms as may be furnished by the Borough. Each application shall contain all information necessary to ascertain whether the proposed erection, alteration, use or change in use complies with the provisions of this chapter.
- C. Issuance of permits.
  - (1) No building or use permit shall be issued until the Code Enforcement Officer has certified that the proposed building or alteration and the proposed use of the property complies with the provisions of this chapter.
  - (2) Permits shall be granted or refused within 45 days after date of application. In case of refusal the applicant shall be informed of his right to appeal to the Zoning Hearing Board.
- D. Expiration of permits. Permits for the erection, razing, change, alteration or removal of a building shall be valid or effective for a period of not more than six months from the date of issuance thereof and shall thereafter be void, unless the work authorized by such permit shall have been substantially commenced within that period and continues with due diligence from that time forward. In no event shall a zoning permit be construed to authorize the development activities for more than a three-year period of time, after which time a new permit must be sought. If, however, the applicant has been delayed in proceeding with the work for which the permit was granted for reasons beyond his or her control and demonstrably not due to his or her own negligence, at the discretion of the Code Enforcement Officer the permit may be renewed without additional cost to the applicant.

#### **§ 311.F-3. Certificate of occupancy.**

- A. Upon completion of the erection or alteration of any building or portion thereof authorized by any permit obtained in compliance with this chapter, the holder of the permit shall notify the Code Enforcement Officer of completion. No permit shall be considered complete or permanently effective until the Code Enforcement Officer has issued a certificate of occupancy certifying that the work has been inspected and approved as being in conformity with the permit and the provisions of this chapter.
- B. Prior to the transfer of ownership, lease or use of property, a certificate of occupancy must be obtained from the Code Enforcement Officer.
- C. A certificate of occupancy shall be granted or refused within 15 days after the Code Enforcement Officer has been notified of completion of construction or within 15 days of application to occupy premises or land.

#### **§ 311.F-4. Fees.**

- A. Borough Council shall establish, by resolution, a schedule of fees, charges, expenses and collection procedures for building permits, certificates of occupancy, sign permits, special exceptions, variances, appeals, amendments and other matters pertaining to this chapter.
- B. A schedule of fees shall be posted in the office of the Code Enforcement Officer and may be altered or amended by Borough Council only.
- C. No action shall be taken on any application for any special exception, variance, appeal or other similar matter pertaining to this chapter until all application fees, charges and expenses have been paid in full.

*Editor's Note: Former Subsection 2, Penalties, which immediately followed this subsection, was deleted 8-15-1996 by Ord. No. 903. See now § 311-98C.*

## **Article F-II. Amendments**

#### **§ 311.F-1. Power to Amend**

The regulations, restrictions, boundaries and requirements set forth in this chapter may be amended,

supplemented, changed or repealed by Borough Council by amending this chapter in accordance with the provisions of Article VI of the Pennsylvania Municipalities Planning Code, as amended, and the terms of this article.

### **§ 311.F-2. Procedure for amendment.**

- A. An ordinance amending, supplementing or changing the district boundaries (Zoning Map) or the regulations established herein may be initiated:
  - (1) By the Borough Council, upon its own initiative or upon recommendation of the Planning Commission.
  - (2) Upon a petition to Council signed by the owners of 50% or more of the frontage of any area, which shall be not less than the area contained between two streets, wherein a change of zoning regulations is being sought.
  - (3) By a landowner requesting an amendment or repeal. In the case of a curative amendment, the special requirements of the Pennsylvania Municipalities Planning Code shall apply.
- B. The Borough Council shall submit each proposed zoning amendment, other than one prepared by the Borough Planning Commission, to the Planning Commission at least 30 days prior to any hearing which is to be held on the proposed amendment to provide the Planning Commission with an opportunity to submit its recommendations prior to final action.
- C. Before voting on the enactment of an amendment, the Borough Council shall hold a public hearing thereon, pursuant to public notice. Notice of such hearing shall be published for two successive weeks in a newspaper of general circulation in the Borough and by mailing a notice thereof to the parties in interest and to every resident or association of residents of the Borough who shall have registered their names and addresses for this purpose with the Borough. The first publication shall be not more than 30 days or less than 14 days from the date of the hearing and shall state the time and place of the hearing and the nature of the proposed amendment.
- D. If, after any public hearing held upon an amendment, the proposed amendment is revised, or further revised, to include land previously not affected by it, the Borough Council shall hold another public hearing as required by law pursuant to public notice, before proceeding to vote on the amendment.
- E. As required by the Pennsylvania Municipalities Planning Code, at least 30 days prior to the public hearing on the amendment by the Borough, the Borough shall submit the proposed amendment to the County Planning Agency for recommendations. [Amended 1-15-2004 by Ord. No. 984]

## **Article F-III. Zoning Hearing Board**

### **§ 311.F-1. Administration and procedure.**

- A. Creation of the Zoning Hearing Board. A Zoning Hearing Board for the Borough of Media shall be appointed by the Borough Council and shall be authorized to administer all procedures charged to such Boards in accordance with the provisions of Article IX of the Pennsylvania Municipalities Planning Code, as amended. Hereinafter, as used in this article, the term "Board" shall refer to the Zoning Hearing Board, and the term "Planning Code" shall refer to the Pennsylvania Municipalities Planning Code.
- B. Membership of the Board. [Amended 2-20-2003 by Ord. No. 968]
  - (1) The Board shall consist of either three or five residents of the Borough appointed by resolution by the Borough Council. The terms of office of a three-member Board shall be three years and shall be so fixed that the term of office of one member shall expire each year. The terms of office of a five-member Board shall be five years and shall be so fixed that the term of office of one member of a five-member Board shall expire each year. If a three-member Board is changed to a five-member Board, the members of the existing three-member Board shall continue in office until their term

of office would expire under prior law. The Borough shall appoint two additional members to the Board with terms scheduled to expire in accordance with the provisions of this section. The Board shall promptly notify the Borough of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other elected or appointed office in the Borough.

- (2) The Borough may appoint by resolution at least one but no more than three residents of the Borough to serve as alternate members of the Board. The term of office of an alternate member shall be three years. When seated pursuant to the provisions of Section 906 of the Municipalities Planning Code,<sup>30</sup> an alternate shall be entitled to participate in all proceedings and discussions of the Board to the same and full extent as provided by law for Board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth in this act and as otherwise provided by law. Alternates shall hold no other appointed or elected office in the Borough, including membership on the Planning Commission and Zoning Officer. Any alternate may participate in any proceeding or discussion of the Board but shall not be entitled to vote as a member of the Board nor be compensated pursuant to Section 907 of the Municipalities Planning Code<sup>31</sup> unless designated as a voting alternate member pursuant to Section 906 of the Municipalities Planning Code.
- C. Removal of members. Any member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority rule of Borough Council, taken after the member has received 15 days' advance written notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member requests it in writing.
- D. Organization of the Board.
  - (1) The Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than the majority of all members of the Board, but where a majority of members are disqualified to act in a particular matter, the remaining member may act for the Board. As provided for in the Planning Code, the Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf, and the parties may waive further action by the Board, as provided in Section 908 of the Planning Code.
  - (2) The Board shall adopt rules and forms for its procedure in accordance with the provisions of this chapter. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. Such Chairman or, in his absence, the acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public.
  - (3) The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote indicate such fact, and shall keep records of its examination and other official actions, all of which shall be immediately filed in the Office of the Borough Secretary and shall be a public record.
  - (4) The Board shall submit a report of its activities to the Borough Council once a year.
- E. Expenditures for services. Within the limits of funds appropriated by the Borough Council, the Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the Board may receive compensation for the performance of their duties, as may be fixed by the Borough Council but in no case shall it exceed the rate of compensation authorized to be paid to members of the Borough Council.

### **§ 311.F-2. Powers of the Zoning Hearing Board.**

- A. Appeals from the Code Enforcement Officer. The Board shall hear and decide appeals where it is alleged that the Borough Code Enforcement Officer has failed to follow prescribed procedures or has misinterpreted or misapplied any provision of this chapter or the Zoning Map, or any valid rule or regulation governing the action of the Code Enforcement Officer.



- B. Applications. Applications for variances or special exceptions shall include as a minimum the following information:
  - (1) A sketch plan, at scale, showing the layout of the property, the proposed improvements and alterations thereto, and the relationship of the tract to adjacent properties.
  - (2) A reference to the section(s) of the chapter under which the variance or special exception is requested.
- C. Variances. The Board shall hear requests for variances where it is alleged that the provisions of this chapter inflict unnecessary hardship on the applicant. In granting a variance the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the Planning Code and this chapter.
- D. Special exception. The Board shall hear and decide requests for special exceptions authorized by this chapter in accordance with the standards and criteria set forth in § 311.F-11 Standards for Zoning Hearing Board Action below. The Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the Planning Code and this chapter.
- E. Challenge to the validity of chapter or map. The Board shall conduct hearings and make decisions and findings in connection with challenges to the validity of any provision of the Zoning Chapter as authorized by Section 910 of the Planning Code.

### § 311.F-3. Hearings.

Requirements and procedures. The Board shall conduct hearings and make decisions in accordance with the following requirements:

- A. Upon the filing with the Board of an appeal, an application for a special exception, a variance from the terms of this chapter or a challenge, the Board shall fix a time and place for a public hearing thereon, subject to the provisions of the Planning Code, and shall give notice thereof in accordance with § 311.F-9 Notice Requirements of this chapter.
- B. The Board may establish reasonable fees, based on cost, to be paid by the applicant and by persons requesting any notice not required by this chapter.
- C. The parties to the hearing shall be the Borough, any person affected by the application who has made timely appearance of record before the Board, and any other person, including civic or community organizations permitted to appear by the Board.
- D. The Chairman or acting Chairman of the Board, or the hearing officer presiding, shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
- E. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and to cross-examine adverse witnesses on all relevant issues. At the hearings, any party may appear in person, or by agent, or by attorney.
- F. The Board or the hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate; shall not take notice of any communication, reports, staff memoranda or other materials unless the parties are afforded an opportunity to contest the material so noticed; and shall not inspect the site or its surroundings with any party or his representatives unless all parties are given an opportunity to be present.

### § 311.F-4. Notice requirements.

Notice of hearing. In any case where the Board shall hold a public hearing, the Board shall, at the minimum, give notice of such hearing as follows, which notice shall state the time and the place of the hearing and the particular nature of the matter to be considered at the hearing:

- A. By publishing a notice thereof once each week for two successive weeks in a newspaper of general circulation in the Borough, provided that the first publication shall be not more than 30 or less than 14 days from the date of the hearing.
- B. By mailing or delivering due notice thereof to the applicant and other parties in interest, who shall be at least those persons whose properties adjoin the property in question, or be within a two-hundred-foot radius of the property in question.
- C. By mailing or delivering notice thereof to Borough Council, the Borough Secretary and the Code Enforcement Officer.
- D. By conspicuously posting notice of said hearing on the affected tract of land.

#### **§ 311.F-5. Notice of decisions.**

- A. The following requirements shall be observed in the reporting of decisions of the Board:
  - (1) The Board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within 45 days after the last hearing before the Board or hearing officer, subject to the requirements of the Planning Code. Where the Board has power to render a decision and the Board or the hearing officer, as the case may be, fails to render the same within the period required by the Planning Code, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing to an extension of time.
  - (2) A copy of the final decision, where such decision is called for, shall be delivered to the applicant personally or mailed to him not later than the day following its decision date. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, the Board shall provide by mail or otherwise, a brief notice of the decision or findings and a statement of the place to which the full decision or findings may be examined.
- B. Decision of the Board shall, include the following elements:
  - (1) Findings of fact, including a brief summary of relevant testimony and information entered during the proceedings of the Board.
  - (2) Citation by quotation or by reference to the specific sections of the local ordinances and/or the Planning Code, which are relevant to the case in question.
  - (3) Conclusions of the Board, enumerating the reasons why such conclusions are deemed appropriate in light of the facts found.
  - (4) Ruling of the Board, indicating in writing any stipulations or conditions attached to the ruling.

#### **§ 311.F-6. Standards for Zoning Hearing Board action.**

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

- A. Planning Code criteria for variances.
  - (1) The Board shall hear requests for variances where it is alleged that the provisions of the chapter inflict unnecessary hardship on the applicant.
  - (2) A variance from the terms of this chapter shall not be granted by the Board unless and until a written application for a variance is submitted by the applicant who shall have the burden of establishing:
    - (a) That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of the zoning chapter in the neighborhood or district in which the property is located.

- (b) That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning chapter and that the authorization of the variance is therefore necessary to enable the reasonable use of the property.
  - (c) That such unnecessary hardship has not been created by the applicant.
  - (d) That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
  - (e) That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
- (3) In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the Planning Code and this chapter.

B. Standards for review of special exceptions.

- (1) In any instance where the Board is required to consider a request for a special exception, the Board shall consider the following factors where appropriate:
  - (a) That the proposed use is appropriate for the site in question in terms of size, topography, natural features, drainage, sewage disposal, water supply, accessibility, and availability of public services, and that adequate provisions will be made to protect sensitive environmental features such as streams, lakes, wetlands, slopes and mature trees.
  - (b) That the proposed use is compatible with the character of the surrounding neighborhood and will not interfere with or detract from legitimate uses and adjacent properties, and that adequate measures will be provided through building design, site layout, landscaping, planting and operational controls to minimize any adverse impacts caused by noise, lights, glare, odors, smoke, fumes, traffic, parking, loading and signing.
  - (c) That the proposed special exception will serve the best interest of the Borough, the convenience of the community, and the public health, safety and welfare.
  - (d) That the proposed use is consistent with the Media Borough Comprehensive Plan.
  - (e) That the proposed use promotes orderly development, proper population density, and the provision of adequate community facilities and services, including police and fire protection.
  - (f) That the proposed use is suitable in terms of its effect on highway safety and traffic circulation, and that access, on-site circulation and parking are adequate in view of anticipated traffic.
  - (g) That the proposed use will provide for adequate off-street parking, as required in Article XIII.
- (2) In cases where uses permitted by special exception are not accompanied by standards for such uses, the following standards shall apply:
  - (a) In residential districts, the area and bulk regulations shall be not less than those for single-family detached dwellings in the applicable residential district.
  - (b) In nonresidential districts, the area and bulk regulations shall be not less than those for the use which requires the greatest dimensions in the applicable nonresidential districts.
  - (c) The Zoning Hearing Board may require more stringent but reasonable dimensional standards than those listed in Subsection B(2)(a) and (b) above, provided that the Board makes one or more of the following three determinations:

- [1] That the required standards [as noted in Subsection B(2)(a) and (b) above] are clearly insufficient to accommodate the proposed building, facility or use, and that larger dimensional requirements would substantially alleviate that condition.
  - [2] That the required standards are clearly insufficient to provide adequate area for parking and loading, as required by Article XIII, and that larger dimensional requirements would substantially alleviate that condition.
  - [3] That the required standards are clearly insufficient in providing for lot areas and dimensions necessary to protect the adjacent area from the potential adverse impacts of the proposed use, such as noise, vibration, air pollution and similar impacts, and that larger dimensional requirements would substantially alleviate that condition.
- (3) Financial hardship shall not be construed as a basis for granting special exceptions.
  - (4) In granting any special exception, the Board may attach reasonable conditions and safeguards in addition to those expressed in this chapter as it may deem necessary to implement the purposes of the Planning Code and the chapter, which conditions and safeguards may relate to, but not be limited to, screening, lighting, noise, safety, aesthetics and the minimization of noxious, offensive or hazardous elements. Each special exception shall be clearly authorized by a provision in this chapter and shall comply with the more specific standards relating to such special exception contained in sections of this chapter relating to uses by special exception.

#### **§ 311.F-7. Standards of proof.**

- A. For variances. An applicant for a variance shall have the burden of establishing both:
  - (1) That a literal enforcement of the provisions of this chapter will result in unnecessary hardship, as that term is defined by law, including court decisions; and
  - (2) That the allowance of the variance will not be contrary to the public interest.
- B. For special exceptions. An applicant for a special exception shall have the burden of establishing both:
  - (1) That his application falls within the provisions of this chapter which affords to the applicant the right to seek a special exception; and
  - (2) That the allowance of a special exception will not be contrary to the public interest.
- C. Evaluation of the impact of an application on the public interest. In determining whether the allowance of a special exception or variance is contrary to the public interest, the Board shall consider whether the application, if granted, will:
  - (1) Adversely affect the public health, safety and welfare due to changes in traffic conditions, drainage, air quality, noise levels, neighborhood property values, natural features and neighborhood aesthetic characteristics.
  - (2) Be in accordance with the Media Borough Comprehensive Plan.
  - (3) Provide required parking in accordance with Article XIII of this chapter.
  - (4) Adversely affect the logical, efficient and economical extension or provision of public services and facilities such as public water, sewers, refuse collection, police, fire protection and public schools.
  - (5) Otherwise adversely affect the public health, safety or welfare.

#### **§ 311.F-8. Expiration of special exceptions and variances.**

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

### § 311.F-9. Appeals.

- A. Appeals before the Zoning Hearing Board and to Court. All appeals, applications or challenges which properly come before the Board in accordance with the requirements of the Planning Code, and all appeals to Court shall be subject to the time limitations and requirements of Article X and any other applicable provision of said Code. The proceedings set forth in Article X of the Planning Code shall constitute the exclusive mode for securing review of any ordinance, decision, determination or order of Borough Council, its agencies or officers. Appeal to Court shall be taken to the Court of Common Pleas of Delaware County.
- B. Parties appellant before Zoning Hearing Board. Appeals under Section 909 of the Planning Code and proceedings to challenge an ordinance under Section 910 may be filed with the Board in writing by the landowner affected, any office or agency of the Borough, or person aggrieved. Request for a variance under Section 912 and for a special exception under Section 913 may be filed with the Board by any landowner or any tenant with the permission of such landowner.
- C. Time limitations. No persons shall be allowed to file any proceedings with the Board later than 30 days after any application for development, preliminary or final, has been approved by the appropriate Borough Officer, agency or body if such proceeding is designed to secure reversal or to limit the approval in any manner unless such person alleges and proves that he had no notice, knowledge or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval he shall be bound by the knowledge of his predecessor in interest.
- D. Unified appeals. The Board shall hear unified appeals relating to any Borough ordinance which are brought before the Board in conjunction with a zoning matter over which the Board has jurisdiction in accordance with the requirements of Section 913.1 of the Planning Code.
- E. Stay of proceedings. Upon filing of any proceeding referred to in Section 914 of the Planning Code and during its pendency before the Board, all land development pursuant to any challenged ordinance, order or approval of the Code Enforcement Officer or of any agency or body, and all official action thereunder shall be stayed unless the Code Enforcement Officer or any other appropriate agency or body certifies to the Board facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by the Court having jurisdiction of zoning appeals on petition after notice of the Code Enforcement Officer or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Board by persons other than the applicant, the applicant may petition the Court having jurisdiction over zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the Board. The question of whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the Court, as prescribed in Section 916 of the Planning Code.

## Article F-IV. Nonconforming Uses, Structures and Lots

### § 311.F-1. Legislative intent.

- A. Within the districts established by this chapter or amendments thereto, there exist certain uses, structures and lots which were lawful before this chapter was enacted or amended, but which do not conform to the provisions of this chapter or amendment thereto. These uses, structures or lots are referred to as nonconformities.
- B. The regulations governing existing nonconforming uses, structures and lots are set forth in this article and are intended to provide a gradual remedy for the undesirable conditions resulting from such nonconformities. While such nonconformities are generally permitted to continue, these regulations are intended to restrict further investment in such nonconformities and to bring about their gradual reduction.

### § 311.F-2. Continuation.

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

### § 311.F-3. Enlargement.

*[Amended 5-20-2004 by Ord. No. 989; 5-15-2008 by Ord. No. 1047; 3-18-2010 by Ord. No. 1072]*

- A. A nonconforming use or structure may be extended, enlarged or altered by special exception if:
  - (1) It is clear that such enlargement or extension is not materially detrimental to the surrounding area or the interest of the Borough.
  - (2) The proposed enlargement or extension only occurs on the tract where the nonconformity is currently located.
  - (3) The nonconforming structure, or the area devoted to the nonconforming use, shall not be increased by more than 25%.
  - (4) Any extension or enlargement of a building shall conform to the area, height, building coverage, impervious coverage and setback regulations of the district in which it is located.
  - (5) No more than one extension or enlargement to a nonconforming use or structure shall be granted.
- B. Any and all extensions and/or enlargements of a residential structure that is preexisting nonconforming as to the side yard setback shall be allowed to extend such nonconforming structure by right, provided that the following requirements are met to the satisfaction of the Borough:
  - (1) A full and complete building permit application is provided by the owner of the property. The application shall include a to-scale plan of the property designating all setback dimensions, dimensions from existing structures to all property lines and dimensions from the existing building to all neighboring structures.
  - (2) The application shall be accompanied by a fee that covers the Borough's costs for processing the application, in addition to any other building permit fees that may be required, which fee shall be established from time to time by Council by resolution.
  - (3) The nonconforming structure shall not be increased by more than 25%, and the nonconforming structure shall extend no deeper into the side yard setback than the current nonconformance.
  - (4) The Borough shall then mail a letter notifying the immediate adjacent owners of property, including front, side and rear yards.
  - (5) It is demonstrated and clear to the Borough that such enlargement or extension is not materially detrimental to the surrounding area or the interest of the Borough.
  - (6) The application shall include an architectural rendering of the proposed extension or enlargement for review and approval by the Borough.
- C. The area of the nonconforming use or structure for this section shall be defined as the entire gross floor area(s) of the use or structure, which thereby includes the gross floor area(s) of multiple floors.

### § 311.F-4. Change of use.

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

- A. The applicant shall show that the nonconforming use cannot be reasonably changed to a conforming use.
- B. The applicant shall show that the proposed change will be no more objectionable in external effects than



the existing nonconforming use, or will be more appropriate than the existing nonconforming use with regard to:

- (1) Traffic generation and congestion.
- (2) Parking.
- (3) Noise, smoke, dust, fumes, vapors, gases, heat, odor, glare or vibration.
- (4) Outdoor storage.
- (5) Sanitary sewage disposal.

#### **§ 311.F-5. Enclosure.**

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

#### **§ 311.F-6. Abandonment.**

If a nonconforming use of a building or land is abandoned for six months or more, whereby the owner discontinues the use, the subsequent use of such a building or land shall conform with the regulations of the district in which it is located, unless another nonconforming use is approved by the Zoning Hearing Board. Such approved use shall be initiated within 90 days after the end of the six-month period.

#### **§ 311.F-7. Restoration.**

A nonconforming structure or a conforming structure devoted to a nonconforming use which has been destroyed by fire or other cause to an extent of not more than 50% of the value of the structure, or a nonconforming structure which has been legally condemned, may be reconstructed and used for the same nonconforming use, provided that:

- A. The reconstructed structure shall not exceed the height, area and volume of the building destroyed or condemned.
- B. Reconstruction of the structure shall commence within one year from the date the structure was destroyed or condemned, unless the Zoning Hearing Board shall authorize a special exception for an extension of this time limit.

#### **§ 311.F-8. Repairs and maintenance.**

- A. On any nonconforming structure or portion of a structure containing a nonconforming use work may be done in any period of six consecutive months on ordinary repairs or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing, provided that the cubic content existing when it became nonconforming shall not be increased.
- B. If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by the Code Enforcement Officer to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired or rebuilt except in conformity with the regulations of the district in which it is located.
- C. Nothing in this chapter shall be construed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by the Code Enforcement Officer or other official charged with protecting the public safety.

#### **§ 311.F-9. Displacement.**

No nonconforming use shall displace a conforming one.

#### **§ 311.F-10. Nonconforming lots.**

A lot held in single and separate ownership on the effective date of this chapter which does not contain the required minimum area or width may be used for the construction, alteration or reconstruction of a building, or may be otherwise used if the construction, alteration, reconstruction or other use is in compliance with the use, yard, setback and other pertinent provisions of this chapter.

**§ 311.F-11. Reduction of lot area.**

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

**§ 311.F-12. Registration of nonconforming uses.**

The Code Enforcement Officer shall prepare, or cause to be prepared, within three years after the effective date of this chapter, a complete list of all nonconforming uses, structures, lots and signs in the Borough.

**§ 311.F-13. Ownership.**

Whenever a lot is sold to a new owner, a previously lawful nonconforming use may be continued by the new owner.

**§ 311.F-14. Violations.**

A nonconforming structure altered or a nonconforming use created in violation of any previous provisions in this article shall be regarded as continuing in such violation and shall not enjoy the privilege of legal continuance conferred by § 311.F-16 upon other nonconforming structures and uses.