

A street scene in Lansdowne Borough, Delaware County, Pennsylvania. The image shows a sidewalk lined with large, mature trees. A street lamp is visible among the trees. In the background, there are buildings, a car, and a motorcycle. The text 'ZONING ORDINANCE' is overlaid in yellow capital letters on the right side of the image.

# ZONING ORDINANCE

*Lansdowne Borough*

Delaware County, Pennsylvania

2008

# Zoning Ordinance

*Lansdowne Borough*

## 2008

Prepared with the assistance of the  
Delaware County Planning Department

This project was funded in part by a grant from the Commonwealth of Pennsylvania, Department of Community and Economic Development, under the Land Use Planning and Technical Assistance Program (LUPTAP).

# Acknowledgements

Thank you to the following individuals for their assistance in the preparation of this document:

## **Zoning Ordinance Update Task Force**

Gene Wayne  
David Forrest  
Jayne C. Young  
Robert W. Scott  
Sharon Coleman  
Robert Bartmann  
Bill Brown  
Kathleen Lambert

## **Delaware County Planning Department**

John E. Pickett, AICP, Director  
Lois B. Saunders, Deputy Director  
  
Lee Senior, AICP, Project Manager

## **Lansdowne Borough Council**

Gene Wayne, President  
Sharon Coleman, Vice President  
Kevin M. Lee  
Ellen Lustgarten  
Joe Urban  
Stephen Wagner  
Barbara Silzle

### **Mayor**

Jayne C. Young

### **Borough Officials**

Craig Totaro, Manager  
Barbara A. Henry, Secretary  
Robert W. Scott, Solicitor  
Rich Bevilacqua, Engineer  
John Gould, III, Code Enforcement Officer  
Mike Jozwiak, Code Enforcement Officer

### **Planning Commission**

Bill Smith, Chairman  
Robert Bartmann, Vice Chairman  
Christopher Patton  
Suzanne McElroy  
Mark Anthony French  
Tom Lehman  
Marian Schaner

### **Zoning Hearing Board**

Bill Brown, Chairman  
Kathleen Lambert  
Jim Klinger  
Edward Bradley, Solicitor

# Introduction

## How To Use This Document

This Lansdowne Borough Zoning Ordinance can be read at two levels:

1. It is Lansdowne’s official law regarding zoning within the Borough, in accordance with the Pennsylvania Municipalities Planning Code, Act 247, as amended.
2. It is a guide to help citizens understand how we want our town to be developed and procedures we have established to reach that goal.

To make this law easier to read and understand, this document consists of a concise narrative that explains the basic rules, followed by an appendix containing detailed legal requirements.

## Community Development Objectives

### Historic Lansdowne

Lansdowne Borough has a rich industrial and commercial history. One hundred years before it was incorporated as a separate entity from Upper Darby, the area which is now Lansdowne Borough was historically home to various industries. Textile, paper, cotton and dye mills were operated along Darby Creek.



By the mid 19th century a single rail track ran through the town. Big changes followed the construction of a second track in the 1880s by the Pennsylvania Railroad. The freight line brought silk, tinwork, roofing, piping and steel mill trades to the area.

In addition to its rich industrial base, the area became known for its small but elegant hotels and guesthouses including The Evergreen Lodge, Hartel's Guest House and The Windermere. The floral trade also blossomed with the well-known Pennock family, William Leonard and August Valentine Doemling operating floral businesses here.

The expanded rail accessibility also attracted real estate developers. The farmers of the largely agricultural Upper Darby were not particularly interested. Eager to take advantage of new

## Lansdowne Borough

opportunity, leaders of the local business community petitioned the Commonwealth of Pennsylvania and in June of 1893 were granted permission to incorporate the Borough of Lansdowne.

A trolley line along Baltimore Pike, linking the many towns between Media and Philadelphia, was constructed at the turn of the century providing an easy commute between the city and outlying towns.

Situated just six miles from Philadelphia's City Hall, Lansdowne became a haven for middle-class families wanting to settle in eastern Delaware County. Between 1900 and 1910 residential development throughout the borough boomed. The Victorian mansions from this era still grace the town's streets and provide much of the charm that remains today.



The area's best architects, including renowned Philadelphia architect Frank Furness, teamed with builders to display some of their grandest designs in Lansdowne. Furness designed the Lansdowne train station. His thumbprint is also on the Barker Building as well as many private residences throughout the Borough.

## Planning for Revitalization

In 2005, the Borough completed an update of its Comprehensive Plan. The Comprehensive Plan serves as a guide for community development, redevelopment, and revitalization in Lansdowne and articulates the Borough's long-term vision.

As stated in the *Lansdowne and East Lansdowne Joint Comprehensive Plan* of 2005, the vision of the Borough is:

“...to create a community that cherishes its heritage, fosters socially and economically healthy environments, encourages safe human-scale development, and efficiently uses land, infrastructure, and public facilities and services.

The Borough is striving toward a community that:

- Preserves the layout of the Borough, ensuring compatible, neatly spaced residences along streets that are pedestrian-oriented and discourage high volumes of vehicular traffic;

- Encourages diversity in land uses, economic development, housing opportunities, and social and cultural activities;
- Capitalizes on its unique cultural characteristics to develop new opportunities;
- Supports planned and designed public spaces and facilities that promote the maximum opportunity for social interaction and engagement;
- Provides and supports pedestrian-oriented and human-scaled streetscape and urban design that fosters a sense of place, pride of place, belonging, and accessibility for all members of the community;
- Preserves its cultural resources by supporting protection and rehabilitation of historically or architecturally significant structures and sites;
- Provides and maintains attractively landscaped entranceways and streetscapes containing shade trees along clean, well-maintained streets.

In addition to the Comprehensive Plan, Lansdowne has participated in the following plans and studies in recent years, all of which have emphasized retaining and enhancing the traditional character of the Borough:

- Renaissance Action Plan (2003)
- Downtown Redevelopment Plan (2004)
- Baltimore Avenue Revitalization Plan (2007)

In 2006, the Borough established the downtown area as a Certified Local Historic District in accordance with PA Act 167. The district was created to help preserve the unique character of the Borough's traditional business district.

### **Zoning designed to build upon Lansdowne's traditional, historic character**

This zoning ordinance is designed to preserve and enhance the traditional character of Lansdowne Borough. The Borough will use the zoning ordinance to implement the following goals:

1. Build on Lansdowne's unique assets and improve the quality of the built environment by encouraging the restoration and rehabilitation of the Borough's historic buildings;



## **Lansdowne Borough**

- 
2. Protect the Borough's traditional and historic neighborhoods by ensuring that new construction is compatible with existing buildings with regard to setbacks, massing, and appearance;
3. Create vibrant streets and neighborhoods through good urban design that encourages people to walk and bicycle.

# Table of Contents

## 1 General Provisions

100	Title	1-1
101	Purpose	1-1

## 2 Definitions

200	Interpretation of Language	2-1
201	Definition of Terms	2-1

## 3 Applications

300	Permits Required	3-1
301	Applications	3-1
302	Applications in the Neighborhood Conservation and Downtown Districts	3-1
303	Permits	3-2

## 4 Districts

400	Establishment of Districts	4-1
401	Zoning Map	4-1
402	Effect	4-1
403	Review Procedure	4-2
404	Demolition	4-3
405	Neighborhood Conservation District	4-4
406	Downtown District	4-20
407	General Business District	4-36
408	Transit Oriented Development District (Overlay)	4-44
409	Floodplain District (Overlay)	4-53
410	Steep Slopes Conservation District (Overlay)	4-57

## 5 Special Exception Uses

500	Applications	5-1
-----	--------------	-----

## Table of Contents

501	Special Exception Uses	5-1
-----	------------------------	-----

## 6 General Regulations

600	General Regulations	6-1
601	Accessory Uses and Structures	6-2
602	Prohibited Uses	6-3
603	Landscaping	6-4
604	Buffering	6-4
605	Screening	6-5
606	Performance Standards	6-5

## 7 Signs

700	Purpose	7-1
701	Conformance Required	7-1
702	Definitions	7-2
703	General Regulations	7-11
704	Prohibited Signs	7-14
705	Permits Required	7-15
706	Exempt Signs	7-15
707	Conditional Uses	7-16
708	Signs on Premises of Legally Non-conforming Uses	7-16
709	Regulation of Legally Non-conforming Signs	7-16
710	Permits	7-17
711	Signs in Historic Districts	7-18
712	Sign Uses and Restrictions	7-19

## 8 Parking

800	General Requirements	8-1
801	Off-Street Parking Standards	8-1
802	Minimum Required Parking Spaces	8-2
803	Off-Street Parking Surfaces	8-3
804	Overflow Parking Surfaces	8-3
805	Lighting of Parking Areas	8-3
806	Access Driveways	8-4

## Table of Contents

807	Accessory Parking Lots	8-4
808	Shared Parking Lots	8-4
809	Off-Street loading Standards	8-5
810	Parking Structures	8-5
811	Parking Lot Design	8-5
812	Parking Lot Landscaping and Screening Requirements	8-6
813	Special Requirements Applicable to Conservation District	8-7

## 9 Cellular Communications Facilities

900	Compliance Required	9-1
901	Permitted Use By Right	9-1
902	Permitted Uses By Special Exception	9-1
903	Standards for communications antennas, communications towers and communications equipment buildings as special exceptions	9-2

## 10 Nonconforming Uses, Structures, and Lots

1000	Purpose	10-1
1001	Continuation	10-1
1002	Enlargement	10-1
1003	Change of Use	10-2
1004	Enclosure	10-2
1005	Abandonment	10-2
1006	Reconstruction	10-2
1007	Repairs and Maintenance	10-3
1008	Displacement	10-3
1009	Nonconforming Lots	10-3
1010	Reduction of Lot Area	10-3
1011	Nonconforming Signs	10-4
1012	Registration of Nonconforming Uses	10-4
1013	Ownership	10-4
1014	Violations	10-4

## 11 Zoning Hearing Board

## **Table of Contents**

1100 Purpose	11-1
1101 Organization, Power and Duties of the Zoning Hearing Board	11-1
1102 Standards for Action by the Zoning Hearing Board	11-5
1103 Duration and Effectiveness of Zoning Relief	11-5

## **12 Administration and Enforcement**

1200 Purpose	12-1
1201 Zoning Officer	12-1
1202 Zoning Permits	12-1
1203 Fees and Finances	12-2
1204 Enforcement Notice	12-2
1205 Violations and Penalties	12-3

## **13 Severability, Conflicts, Repealer**

1300 Severability	13-1
1301 Conflict With Other Laws	13-1
1302 Conflicts between Main Ordinance and Appendix	13-1
1303 Repealer	13-1

## **Appendix**

### **Lansdowne Borough Zoning Map**

# 1 General Provisions

## 100 Title

This Ordinance shall be known and may be cited as “Lansdowne Borough Zoning Ordinance of 2008.”

## 101 Purpose

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

This Ordinance regulates the use of land and the construction and renovation of buildings in Lansdowne Borough in order to:

1. Preserve and enhance Lansdowne’s traditional small town character, protect its historic resources, and revitalize its older areas.
2. Promote and support good urban design that fosters a sense of place, pride of place, belonging, and accessibility for all members of the community.
3. Promote and support good urban design that encourages walkability and a vibrant street life.
4. Carry out the Community Development Objectives listed in the Community Development Objectives section of this Ordinance and work towards achieving the Vision set forth in the Borough of Lansdowne’s Comprehensive Plan of 2005 known as the “Lansdowne and East Lansdowne Joint Comprehensive Plan.”
5. Implement the “Downtown District Redevelopment Plan” of 2004.
6. Carry out the purpose and scope of Section 105 of the Pennsylvania Municipalities Planning Code, which authorizes the promotion and preservation of Commonwealth historic resources.

### **For Complete Details**

See Appendix A1.

# 2 Definitions

## 200 Interpretation of Language

- (a) The provisions of this chapter shall be held to be the minimum requirements to meet the purposes stated herein.
- (b) Words used in the present tense include the future.
- (c) The word “building” includes “structure” or any part thereof.
- (d) The phrase “used for” includes “arranged for,” “designed for,” “intended for,” “maintained for,” or “occupied for.”
- (e) The word “person” includes any individual, corporation, partnership, incorporated association or any similar entity.
- (f) The words “includes” or “including” shall not limit the provision to the specified examples but are intended to extend the coverage of the provision to all other instances of like kind and character.
- (g) The words “shall” and “will” are mandatory and not discretionary, and the word “may” is permissive.
- (h) The singular shall include the plural, and the plural shall include the singular.

## 201 Definition of Terms

Unless a contrary definition clearly appears, the words and phrases defined in this section shall have the meanings provided below. Any word not defined herein shall be used with a meaning of standard usage unless otherwise defined by the Municipalities Planning Code.

### **ABANDONMENT**

Where a building or land is abandoned for six (6) consecutive months or more, whereby the owner discontinues the maintenance, use or any activity, the building or structure shall be declared abandoned and may be required to be removed. In the case of abandonment of a nonconforming use, Section 10 applies.

### **ACCESSORY BUILDING**

A subordinate building, the use of which is customarily incidental to that of the principal building on the same lot.

## Lansdowne Borough

### ACCESSORY USE

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

### ADULT ENTERTAINMENT USE

A. Adult entertainment uses include any of the following as defined below:

#### **(1) Adult Arcade**

Any place to which the public is permitted or invited to operate still or motion-producing devices which show images to five or fewer persons per machine at any one time and where the image so displayed or distinguished or characterized depicts or describes specified anatomical areas or specific sexual activities.

#### **(2) Adult Bookstore/Adult Novelty Shop/Adult Video Stores:**

(a) Any commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:

1. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video productions, slides or other visual representations which depict or describe specified sexual activities or specified anatomical areas.
2. Instruments, devices or paraphernalia which are designed for use in connection with specified sexual activities.

(b) A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing specified sexual activities or specified anatomical areas and still be categorized as an adult bookstore, adult novelty shop or adult video store. Such other business purposes will not serve to exempt such commercial establishments from being categorized as an adult bookstore, adult novelty shop or adult video store so long as one of its principal business purposes is offering for sale or rental for consideration the specified materials which depict or describe specified sexual activities or specified anatomical areas. Notwithstanding anything contained herein to the contrary, a business engaged in the sale of birth control devices, medications or products incidental to the sale of other medications or products and not as its principal business shall not be deemed to be an adult bookstore, adult novelty shop or adult video store.

#### **(3) Adult Cabaret/ Dance Hall/ Private Club/ Bar/ Tavern/ Nightclub/ Restaurant or Similar Commercial Establishment**

Any type of establishment offering adult entertainment which presents material distinguished or characterized by an emphasis on matter depicting or describing specific sexual activities or specified anatomical areas for observation by patrons

## 2 Definitions

therein. Such presentation or material may be live or through films, motion pictures, video cassettes, slides or other means of photographic reproduction.

### **(4) Adult Motion-Picture Theater**

A structure used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

### **(5) Adult Motel**

A hotel, motel or similar commercial establishment which offers accommodation to the public for any form of consideration, provides patrons with closed circuit television transmission, films, motion pictures, video cassettes, slides or other photographic reproductions which are used for presenting material distinguished or characterized by an emphasis on matter depicting or describing specified sexual activities or specified anatomical areas.

### **(6) Peep Shows**

Any structure which houses a commercial establishment with the capacity for one or more persons, 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.

### **(7) Sexual Encounter Show**

A business or commercial enterprise that, as one of its primary business purposes, offers physical contact in the form of wrestling or tumbling between person of the opposite sex or activities between two or more persons when one or more of the persons is in a state of nudity or seminudity.

B. As used in the “adult entertainment use” definition, the following terms shall have the meanings indicated:

### **(1) Adult Entertainment**

Live or non-live entertainment containing sexual activities or displaying or presenting specified anatomical areas. This definition is a broad overall definition which includes the activities of adult arcades/cabarets/dance halls/private clubs/bars/gentlemen's bars/taverns/adult bookstores, adult video stores, adult minimotion picture theaters and peep shows, adult motels and sexual encounter centers as part of its definition for adult entertainment.

### **(2) Nudity**

The appearance of the specified anatomical area without any covering on the body area.

### **(3) Seminudity**

State of dress in which clothing partially or transparently covers the specified anatomical areas.

### **(4) Specified Anatomical Areas**

## **Lansdowne Borough**

Human genitals, pubic region, anus, buttocks, female breasts below the top of the areola or human male genitals in a discernibly turgid state, even if completely and opaquely covered.

### **(5) Specified Sexual Activities**

Activities which include any of the following:

- (a) Human genitals in a state of sexual stimulation or arousal.
- (b) Acts or simulated acts of sexual intercourse, masturbation, sodomy, oral copulation or bestiality.
- (c) Fondling or other erotic touching of specified anatomical areas.

### **ALL-WEATHER SURFACE**

A material used to provide the top layer of a parking lot which will not suffer significant deterioration during inclement weather.

### **ALTERATION OF A BUILDING**

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

### **ALTERATION, INCIDENTAL**

Modifications to an existing structure that are of a cosmetic nature, replacement of utilities, or rearrangement of non-load-bearing partitions.

### **ANTENNA**

Any device or mechanism used in the collection, transmission, routing or receiving of telecommunications transmissions, radio signals or radio frequency energy, including but not limited to, use by or provisions of wireless communications, cellular communications and personal communications services.

### **ANTENNA SUPPORT STRUCTURE**

Any pole, telescoping mast, tower, tripod or any other structure which supports or has attached to it an antenna or antennae.

### **APARTMENT**

A dwelling unit located in a building containing three (3) or more dwelling units.

## 2 Definitions

### **APARTMENT BUILDING**

A structure containing three (3) or more dwelling units.

### **ARTIST'S STUDIO**

A building or portion of a building used as a place of work by an artist, photographer or artisan.

### **AUTOMATIC CAR WASH**

A structure containing facilities for washing automobiles and automatic or semiautomatic application of cleaner, brushes, rinse water, and heat for drying.

### **AUTOMOBILE REPAIR SERVICES, MAJOR**

General repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers, including bodywork, welding, and major painting service.

### **AUTOMOBILE REPAIR, MINOR**

The replacement or repair of any automobile part that does not require removal of the engine head or pan, engine transmission, or differential but may include incidental body and fender work, minor painting, and upholstery service.

### **BASEMENT**

A space having  $\frac{1}{2}$  or more of its floor-to-ceiling height below the average level of the adjoining grounds and with a floor to ceiling height of not less than  $6\frac{1}{2}$  feet.

### **BEAUTY SALON**

An establishment wherein cosmetology is offered or practiced on a regular basis for compensation including, but not limited to, day spas, hair salons, nails salons, and barbershops.

### **BED AND BREAKFAST**

Overnight accommodations and a morning meal in a dwelling unit (B & B) provided to transients for compensation.

### **BILLBOARD**

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

### **BLOCK**

## **Lansdowne Borough**

A portion of the Borough comprising all of the lot areas on both sides of a street between two street corners; provided, however, that where one street comes to an end at its junction with another street, then the lines of the street which ends shall be projected to comprise a corner for the purpose of this definition.

### **BOARDER**

See “ROOMER”

### **BOROUGH**

The Borough of Lansdowne, Delaware County, Pennsylvania.

### **BOROUGH COUNCIL**

The governing body of the Borough of Lansdowne, Delaware County, Pennsylvania.

### **BUFFER PLANTING STRIP**

A strip of required yard space not occupied by any building or structure adjacent to the boundary of a property or district, not less in width than is designated in this Ordinance and which is landscaped as provided for in this Ordinance.

### **BUILDING**

A structure or appendage to a structure which is affixed to the land, contains one or more floors and which has a roof supported by walls.

### **BUILDING COVERAGE RATIO**

The proportion of the total lot area covered by the building and any accessory buildings. Calculations of building coverage shall include sun parlor, foyers, porches and breezeways.

### **BUILDING HEIGHT**

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

### **BUILDING LINE**

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

### **BUILDING SETBACK LINE**

## 2 Definitions

A line parallel to the street right-of-way line, at a distance that is at least 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 (4) feet in order to promote variations of building placement on a block.

### **BUSINESS OFFICE**

A building or portion of a building where the sale of non-tangible goods or real estate is sold to the general public. Business offices include real estate, insurance, securities and travel offices.

### **BUSINESS OR TRADE SCHOOL**

A secondary or higher educational facility primarily teaching usable skills that prepares students for jobs in a trade or business and meeting the state requirements as a business, trade, or vocational school.

### **CAR WASH**

Any building or premises used for washing motor vehicles.

### **CELLULAR COMMUNICATION FACILITY**

Includes but is not limited to the antenna, antenna support structures and cell sites.

### **CENTER LINE**

A line midway between and parallel to the right-of-way lines of a street or railroad.

### **CERTIFICATE OF OCCUPANCY**

A statement signed by the Zoning Officer indicating that a building or structure is in conformity with all applicable codes of the Borough and stating its zoning classification.

### **CHILD DAY CARE CENTER**

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

### **CLUB**

## **Lansdowne Borough**

An organization catering exclusively to members and their guests for recreational, social, athletic, educational, political, patriotic or cultural purposes.

### **COMMON OPEN SPACE**

A parcel or parcels of land or an area of water within a development site which is designed and intended for the use or enjoyment of all residents of the development for active or passive recreational purposes and which is maintained by an association or similar entity representing residents. The common open space area is exclusive of areas used for buildings, parking, loading and streets.

### **COMPATIBLE USES**

Uses of different character which are capable of being located near each other in harmony and without conflict. Some of the elements which affect compatibility include the absence of a nuisance, density of development, the ratio of floor area to lot size, extent of pedestrian and vehicular traffic generated, volume of goods handled and impact upon physical development.

### **COMPREHENSIVE PLAN**

A comprehensive long-range plan intended to guide the growth and development of a community or region and one that includes analysis, recommendations and proposals for the community's population, economy, housing, transportation, community facilities, land use and related areas.

### **CONVERSION**

A change in the use of a building such as the change of a residential or retail use to offices. Such change may be accomplished without subdivision or the introduction of a newer owner. Where the use and dimensional regulations of the Ordinance permit, such conversion may be accomplished by appropriate alteration upon the issuance of the necessary permits.

### **DEVELOPER**

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

### **DEVELOPMENT**

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

### **DWELLING**

A building or unit designed and constructed for residential use

## **2 Definitions**

### **DWELLING, SINGLE-FAMILY ATTACHED (TOWN/ROW HOUSE)**

A single-family dwelling unit within a building which unit has at least one (1) party wall in common with other dwelling units in the same row; a townhouse or rowhouse. After the effective date of this Ordinance, no such building shall be constructed with more than six (6) attached units.

### **DWELLING, SINGLE-FAMILY DETACHED**

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

### **DWELLING, SINGLE-FAMILY SEMI-DETACHED (TWIN)**

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

### **DWELLING, TWO-FAMILY DETACHED (DUPLEX)**

A building designed or occupied exclusively as a residence for two (2) families living independently of one another. The usual arrangement is for one unit to be located above the other.

### **DWELLING, MULTI-FAMILY**

A building containing three or more dwelling units, including units that are located above ground floor retail or service uses.

### **DWELLING UNIT**

A grouping of 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.

### **FAMILY**

Any number of individuals living together as a single housekeeping unit when said individuals are related by blood, marriage, or adoption, or are registered as domestic partners pursuant to the codified ordinances of the Borough of Lansdowne, including foster children; or any number of individuals living together as a single housekeeping unit with single kitchen facilities where not more than two (2) of such individuals (i) are unrelated by blood, marriage, or adoption, (ii) are not registered as domestic partners, or (iii) are not foster children. For the purposes of this ordinance, "family" does not include any society, club, fraternity, sorority, association, lodge, federation, or like organizations; or any group of individuals who are living in a group arrangement as a result of criminal offenses.

### **FAMILY DAY CARE HOME**

## **Lansdowne Borough**

A home, other than the child's own home, operated for profit or not-for-profit, in which child care is provided at any one time to 4, 5, or 6 children unrelated to the operator.

### **FLOOR AREA RATIO (FAR)**

Representing the gross floor area of all buildings or structures on a lot divided by the total lot area.

### **FOOD PREPARATION/CATERING**

The preparation, packaging, separation, shrink-wrapping and vacuum sealing of food items for the purpose of later consumption; or the preparation, cooking, and baking of raw food items, generally in large quantities, for transport to off-site locations for consumption.

### **FREESTANDING BUILDING**

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

### **GASOLINE SERVICE STATION**

Any area of land, including structures thereon, or any building or part thereof that is used for the sale of gasoline or other motor vehicle fuel or accessories and which may include facilities for lubricating, washing or otherwise servicing motor vehicles, but which shall not include painting or body and fender repairs.

### **GASOLINE STATION, SELF-SERVICE**

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

### **GLARE**

The effect produced by light from a luminaire with an intensity sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

### **GROUP LIVING ARRANGEMENT**

A group of mentally or physically disabled residents, under state approved supervision, living together as the functional equivalent of a family, i.e., set parental-like care, available 24 hours a day, 365 days a year. The intent of a group living arrangement is to provide long-term residency (one year or more) in a residential setting. The maximum number of residents shall not exceed seven (7), excluding supervisors. These facilities shall not be used to

## 2 Definitions

accommodate persons recovering from the effects of drugs or alcohol or inmates of penal institutions. The facilities shall not be trade related.

### **HAZARDOUS SUBSTANCE**

Any substance or material that, by reason of its toxic, caustic, corrosive, abrasive, or otherwise injurious properties, may be detrimental or deleterious to the health of any person handling or otherwise coming into contact with such material or substance.

### **HAZARDOUS USE**

A building or structure or any portion thereof that is used for the storage, manufacture, or processing of highly combustible or explosive products or materials that are likely to burn with extreme rapidity or that may produce poisonous fumes or explosions; for storage or manufacturing that involves highly corrosive, toxic, or noxious alkalies, acids, or other liquids or chemicals producing flame, fume, or poisonous, irritant, or corrosive gases; and for the storage or processing of any materials producing explosive mixtures of dust or that result in the division of matter into fine particles subject to spontaneous ignition.

### **HISTORIC STRUCTURE**

Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - (a) By an approved state program as determined by the Secretary of the Interior; or
  - (b) Directly by the Secretary of the Interior in states without approved programs.
4. Historic resources identified in the Official Historic Resource Survey of Lansdowne Borough, adopted by resolution, July 16, 2008.

### **HOME OCCUPATION**

A use customarily carried on within a dwelling by the inhabitants thereof which is incidental and subordinate to the use of the dwelling for living purposes and does not change the residential character of the building. A home occupation shall not be interpreted to include a barbershop, beauty shop, tearoom, tourist home or kennel.

## **Lansdowne Borough**

### **HOSPITAL**

An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions and including as an integral part of the institution related facilities, such as laboratories, outpatient facilities, training facilities, medical offices, and staff residences.

### **HOTEL**

A facility offering transient lodging accommodations to the general public and which may include additional facilities and services, such as restaurants, meeting rooms, entertainment, personal services, and recreational facilities.

### **IMPACT, HEAVY**

Any use that poses a health hazard, a significant threat from fire, or involves the use of hazardous materials in any way that could endanger persons or property in the event of accidental discharge or combustion.

### **IMPACT, LIGHT OR MEDIUM**

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

### **IMPERVIOUS SURFACE**

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

### **INDUSTRY, LIGHT**

Industrial processes where the finished item, material or product does not exceed 15 cubic feet, which are conducted in an enclosed building and comply with all performance standards listed in Section 6, General Regulations. No deliveries shall be made in trucks having more than one axle.

### **INSTITUTIONAL USE**

A nonprofit, religious, or public use, such as a religious building, library, public or private school, hospital, or government-owned or –operated building, structure, or land used for public purpose.

### **LANDSCAPED PLANTING AREA**

An area landscaped with grass, ground cover, shrubs, or similar plantings placed where required by this Ordinance and permanently maintained. See Section 6, General Regulations.

### **LAUNDRY FACILITY**

An establishment providing washing, drying, or dry-cleaning machines on the premises for rental use to the general public.

### **LOADING SPACE**

An off-street space or berth for the loading or unloading of commercial vehicles. Such spaces shall comply with Section 8, Parking.

### **LOT**

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

### **LOT AREA**

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

### **LOT, CORNER**

A lot bounded by intersecting streets on at least two (2) sides. Both yards adjacent to streets shall be considered front yards.

### **LOT DEPTH**

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

### **LOT LINE**

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

### **LOT LINE, FRONT**

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

### **LOT LINE, REAR**

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

### **LOT LINE, SIDE**

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

## **Lansdowne Borough**

### **LOT, MINIMUM AREA OF**

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

### **LOT WIDTH**

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

### **MIXED USE DEVELOPMENT**

The development of a neighborhood, tract of land, building, or structure with a variety of complementary and integrated uses, such as, but not limited to, residential, office, manufacturing, retail, public, and recreation, in a compact urban form.

### **MULTI-TENANT BUILDING**

A building designed or converted to accommodate two (2) or more commercial tenants. Each tenant shall operate a use that is permitted in the district where the building is located.

### **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. Specific requirements are contained Section 6 – General Regulations.

### **NONCONFORMING BUILDING OR STRUCTURE**

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

### **NONCONFORMING LOT**

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

### **NONCONFORMING USE**

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

### OFFICE

**1. Business Office**

A building or portion of a building where the sale of non-tangible goods or real estate is sold to the general public. Business offices include real estate, insurance, securities and travel offices.

**2. General Office**

A building or portion of building where administrative or clerical services are conducted or where duties not involving the sale of services are performed. General offices include administrative offices for industry, employment offices, and other similar offices, not including municipal or governmental offices or client-based social service providers.

**3. Client-based Social Service Provider**

A type of general office consisting of a facility that provides on-site assistance to persons with limited ability for self-care. This term includes a facility that provides assistance for psychological, psychiatric, and/or medical problems, employment, welfare and other similar forms of assistance.

**4. Professional Office**

A building or portion of a building where a member of a recognized profession sells services to the general public. Professional offices include doctor, lawyer, engineer, accountant offices and other similar offices.

**5. Municipal or Governmental Office**

A building or portion of a building occupied by a governmental entity which shall include offices for the Borough, the County, the State and/or for the Federal government, excluding client-based social service providers.

### OFF-STREET PARKING SPACE

A temporary storage area for a motor vehicle that is directly accessible to an access aisle and that is not located on a dedicated street right-of-way.

### OPEN SPACE

Any parcel or area of land or water, essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or enjoyment or for the use and enjoyment of owners, occupants, and their guests.

### OPEN SPACE, COMMON

Land within or related to a development, not individually owned or dedicated for public use, that is designed and intended for the common use or enjoyment of the residents of the

## **Lansdowne Borough**

development and their guests and that may include such complementary structures and improvements as are necessary and appropriate.

### **PARKING SPACE**

A reasonably level space, having a surface slope not exceeding six (6) percent. Such space shall have an area as listed Article 8, Parking, which shall be exclusive of passageways, driveways, or other means of circulation or access.

### **PARKING STRUCTURE**

A building or structure consisting of more than one level and used to store motor vehicles on a short-term, temporary basis.

### **PEDESTRIAN WALKWAY**

A right-of-way for pedestrians, separate from vehicular traffic and including access ramps, stairs, and routes through buildings and other areas that are available for public use.

### **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 that replaces, supplements, or repeals any or all of the provisions of Act 247.

### **PERMIT**

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

### **PERSONAL SERVICES**

Establishments primarily engaged in providing services involving the care of a person or his or her personal goods or apparel. Personal services include laundry, dry cleaning, dressmakers, copy centers, beauty salons, shoe repair, and tailors.

### **PLACE OF WORSHIP**

(1) A church, synagogue, temple, mosque, or other facility that is used for prayer by persons of similar beliefs; (2) a special purpose building that is architecturally designed and particularly adapted for the primary use of conducting formal religious services on a regular basis.

### **PRINCIPAL BUILDING OR USE**

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

## 2 Definitions

which land, a building or a subordinate structure, or the use thereof is designed, arranged, or intended.

### **RECREATION AREA**

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

### **RESTAURANT, FAST FOOD**

Any restaurant where the design or method of operation involves the serving of the food or beverage, which is not normally delivered to the customer's table, by an employee of the restaurant. This includes all establishments where over 30% of the business involves the sale of refreshments or beverages taken out and consumed in places other than the interior of the restaurant or where any food or drink is served or dispensed by means of a drive-through window. Notwithstanding anything contained herein to the contrary, a coffee shop shall not be deemed to be a fast food restaurant unless such coffee shop serves or dispenses food or drink by means of a drive-through window.

### **RESTAURANT, STANDARD OR SIT-DOWN**

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

### **RETAIL STORE**

Any store or shop in which commodities are sold directly to the consuming public.

### **RIGHT-OF-WAY (ROW)**

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

### **RIGHT- OF -WAY LINE**

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

### **RINGELMANN SMOKE CHART**

A scale for grading the density of smoke as published by the United States Bureau of Mines or any chart, recorder, indicator, or device that is approved by the Bureau or appropriate state department as the equivalent for the measurement of smoke density.

### **ROOF LINE**

## **Lansdowne Borough**

The line that marks the lowest point of the roof.

### **ROOF RIDGE LINE**

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

### **SATELLITE ANTENNA**

An antenna together with all attachments and parts, the purpose of which is to receive communication from orbiting satellites. Such antennas shall comply with Section 6, General Regulations.

### **SCHOOL**

Any building or part thereof that is designed, constructed, or used for education or instruction in any branch of knowledge.

### **SCREENING**

A method of visually shielding or buffering one abutting or nearby structure or use from another by fencing, berms, or densely planted vegetation. Specific standards contained in Article 6 – General Regulations.

### **SETBACK**

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

### **SHOPPING CENTER**

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

### **SIDEWALK**

A paved, surfaced, or leveled area, paralleling and usually separated from the traveled way, used as a pedestrian walkway.

### **SIDEWALK CAFÉ**

An outdoor area set up and maintained for the purpose of selling, offering for sale, and serving food or beverages for immediate consumption on-site by an adjoining restaurant or other business which sells, offers for sale, and serves food and/or beverages for immediate consumption.

### **SIDEWALK DISPLAY**

## 2 Definitions

The outdoor display of merchandise for sale by a business use.

### **SIGN**

See Section 7, Signs for definitions.

### **SPECIAL EXCEPTION**

Special permission granted by the Zoning Hearing Board in accordance with the provision of Section 11, Zoning Hearing Board only in specified circumstances and only upon the compliance with specified conditions.

### **STEEP SLOPES**

Land with a gradient in excess of fifteen (15%) percent.

### **STREET**

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

### **STREET WALL**

The wall of a building adjoining a sidewalk at the edge of the street right-of-way; or architectural elements such as walls, pillars, and colonnades, in lieu of a building wall when an existing building is already set back from the street wall line.

### **STREETSCAPE**

The space formed by buildings located close to 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.

### **STRUCTURE**

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

### **STUDIO**

The workshop of an artist, sculptor, photographer, or craftsperson.

### **SWIMMING POOL (PRIVATE)**

Any body of water, tank, or receptacle of water having a depth at any point of greater than two (2) feet used or intended to be used for swimming or bathing solely by the owner, his family

## **Lansdowne Borough**

and guests of the household and constructed, installed, established, or maintained outside any building in or above the ground upon any premises as an accessory use to the residence. Such swimming pools shall comply with Article 6, General Regulations.

### **TOWNHOUSE BUILDING**

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

### **TRACT**

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

### **TRADITIONAL BUILDING**

A building constructed prior to 1950 in Lansdowne Borough, typically two or three stories in height, adjoining or located close to the sidewalk.

### **TRAILER, CONSTRUCTION/OFFICE**

A moveable structure located at or near a work or construction site for storage or other purpose related to or supporting construction or office activity, except in General Business district.

### **TRAILER, OFFICE/STORAGE**

A moveable structure located in an industrial district used for office, storage or similar purposes.

### **TRANSIT ORIENTED DEVELOPMENT (TOD)**

Development concentrated around and oriented to transit stations in a manner that promotes transit riding or passenger rail use. The term does not refer to a single real estate project, but represents a collection of projects, usually mixed use, at a neighborhood scale that are oriented to a transit node.

### **VARIANCE**

Relief granted pursuant to the Articles VI and IX of the Municipalities Planning Code and Section 6, General Regulations, of this Ordinance.

### **VOCATIONAL SCHOOL**

## **2 Definitions**

A secondary or higher educational facility primarily teaching usable skills that prepares students for jobs in a trade or business and meeting the state requirements as a business, trade, or vocational school.

### **YARD**

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

### **YARD, FRONT**

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

### **YARD, REAR**

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

### **YARD, SIDE**

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

### **ZONING ORDINANCE**

An ordinance that divides the Borough or other unit of local government into areas or zones that specify allowable uses for real property and size and locational restrictions for buildings within these areas.

### **ZONING PERMIT**

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

# 3 Applications

## 300 Permits Required

1. A zoning permit is required to:
  - (a) Build or install any structure, including signs, fences and storage buildings.
  - (b) Change the existing use of any land or building.
  - (c) In the Conservation and Downtown Districts:
    - i. To alter the exterior of any building, including without limitation the enclosure of an existing porch.
    - ii. To demolish any existing building of historic value.

## 301 Applications

1. Applications for zoning permits should be made to the Zoning Officer in the Lansdowne Codes Enforcement Department. Applications must be signed by the property owner, lessee, or authorized agent.
2. In the case of new structures or additions, the applicant must submit a plan, also known as a plat, for the Borough's review and approval. The plat must conform to the specifications in the Lansdowne Borough Subdivision and Land Development Ordinance.
3. In the case of signs, see Article 7 – Signs.
4. For proposals to change the existing use of any land or building, the applicant shall fill out a form provided by the Zoning Officer.

## 302 Applications in the Conservation and Downtown Districts

1. In addition to the information required in Section 301, applicants in the Conservation and Downtown Districts shall submit the following information:
  - (a) For new buildings and additions:
    1. A scale drawing, known as an elevation, showing the façade of the proposed building facing the street.

2. A description of the materials comprising the façade of the proposed building.

(b) For alterations to existing façades:

1. No less than one photograph of the façade of the building facing the street.
2. A sketch of the proposed changes to the façade of the building.
3. A written description of the proposed changes to the façade to be altered, including the materials to be used.

(c) For fences and sheds:

1. A photograph or sketch showing the appearance of the proposed fence or shed from the street.
2. A scale drawing showing the location of the fence or shed on the property.

### **303 Permits**

1. No building shall be occupied or used until a Certificate of Occupancy is issued by the Zoning Officer. Certificates will only be issued after the Zoning Officer determines the building is sound and meets the provisions of this Ordinance.
2. Zoning permits will be valid for six months after they are issued, although the Zoning Officer may grant extensions of up to 90 days each. The zoning permit will expire if the authorized work is suspended or abandoned for a period of six months after it begins.
3. The Zoning Officer may revoke a zoning permit in the case of any false statement or misrepresentation in either the application or the plans on which the zoning permit is based. If a zoning permit is revoked, any other permits issued on the strength of the zoning permit shall automatically become invalid.

### **For Complete Details**

See Appendix A3