

Borough of Doylestown, PA
Monday, April 20, 2015

Chapter 27. Zoning

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Part 1. TITLE, PURPOSE AND INTERPRETATION

§ 101. Short Title.

[Ord. 1972-10, 10/16/1972, Art. I, § 101; as amended by Ord. 1985-9, 5/23/1985]

This Chapter **27** shall be known and may be cited as the Doylestown Borough Zoning Ordinance of 1985.

§ 102. Purpose.

[Ord. 1972-10, 10/16/1972, Art. I, § 102]

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

1. Encouraging the most appropriate use of land.
2. Preventing the overcrowding of land.
3. Conserving the value of land and buildings.
4. Lessening congestion in the roads and streets.
5. Avoiding undue congestion of population.
6. Providing for adequate light and air.
7. Securing safety from fire, panic, and other dangers.
8. Facilitating the adequate provision of transportation, water, sewerage, schools, parks and other facilities.

9. Giving reasonable consideration, among other things, to the character of the district and its suitability for particular uses.
10. Giving effect to the policies and proposals of the Doylestown Borough Comprehensive Plan.

§ 103. Interpretation.

[Ord. 1972-10, 10/16/1972, Art. I, § 103]

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

Part 2. DEFINITIONS

§ 201. General Interpretation.

[Ord. 1972-10, 10/16/1972, Art. II, § 200]

1. Unless a contrary intention clearly appears, the following words and phrases shall have for the purpose of this Chapter the meanings given in the following clauses.
2. For the purpose of this Chapter words and terms used herein shall be interpreted as follows:
 - A. Words used in the present tense include the future.
 - B. The singular includes the plural.
 - C. The word "person" includes a corporation, partnership, and association as well as the individual.
 - D. The word "lot" includes the word "plot" or "parcel."
 - E. The term "shall" is mandatory.
 - F. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be occupied."
 - G. The word "Commission" and the words "Planning Commission" always mean the Doylestown Borough Planning Commission.
 - H. The word "Council" or the words "Borough Council" always mean the Doylestown Borough Council.
 - I. The word "Board" or the words "Zoning Hearing Board" always mean the Doylestown Borough Zoning Hearing Board.
3. Any word or term not defined herein shall be used with a meaning of standard usage.

§ 202. Specific Definitions.

[Ord. 1972-10, 10/16/1972, Art. II, §§ 201-231; as amended by Ord. 1975-13, 6/7/1975, § 5; by Ord. 1978-5, 4/17/1978, § 1; by Ord. 1978-6, 5/15/1978, § 1; by Ord. 1983-2, 5/16/1983, §§ 1-3, 5; by Ord. 1984-9, 5/17/1984, § 1; by Ord. 1987-5, 5/18/1987; by Ord. 1987-12; by Ord. 1991-3, 2/18/1991, § 1; by Ord. 1999-5, 5/17/1999, § 1; by Ord. 1999-9, 6/28/1999, § 1; by Ord. 1999-10, 6/28/1999, § 1; by Ord. 2000-5, 6/26/2000, § 1; by Ord. 2001-6, 5/21/2001, § 1; by Ord. 2001-15, 12/17/2001, § 1; by Ord. 2002-13, 12/16/2002, § 1; and by Ord. 2003-5, 3/17/2003, § 1; and by Ord. 2003-7, 8/18/2003, § 1; and by Ord. 2005-3, 3/3/2005, § 1; and by Ord. 2010-2, 3/15/2010, § 1; and by Ord. 2010-10, 9/20/2010]

ACCESSORY — See “building accessory” and/or “use accessory.”

ACCESSWAY

A vehicular travel lane, such as a driveway, shared driveway or aisle in an off-street parking area, which is interconnected to adjoining streets and/or alleys.

ADULT COMMERCIAL FACILITY

See § 406 (29.1).

ALTERATIONS

As applied to a building or structure, a change or rearrangement in the structural parts, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.

ALTERNATIVE TOWER STRUCTURE

Any man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

ANTENNA

Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunication signals or other communication signals.

APPLICANT

A landowner or developer, as hereinafter defined, who has filed an application for development including his heirs, successors and assigns.

APPLICATION FOR DEVELOPMENT

Every application, whether preliminary, tentative or final, required to be filed and approved prior to start of construction or development including but not limited to an application for a building permit, for the approval of a subdivision plat or plan or for the approval of a development plan.

AREA

LOT AREA — The area contained within the property lines of the individual parcels of land shown on a subdivision plan, excluding any area within an existing street right-of-way, and including the area of any easement

BUILDING AREA — The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings, exclusive of uncovered porches, terraces, and steps

FLOOR AREA — The sum of the areas of the several floors of building structure, including areas used for human occupancy and basements, attics, and penthouses, as measured from the exterior faces of the walls. It does not include cellars, unenclosed porches, attics not used for human occupancy, or any floor space in

accessory building or in the main building intended and designed for the parking of motor vehicles in order to meet the parking requirements of this Chapter, or any such floor space intended and designed for accessory heating and ventilating equipment

AUTOMATIC TELEPHONE EXCHANGE OFFICE

A building or part of a building used for the transmission and exchange of telephone or radio-telephone messages; provided that, in residential districts, such use shall not include the transaction of business with the public, storage of materials trucks or repair facilities, or housing of repair crews.

BASEMENT

A story partly underground and having more than 1/2 of its height (measured from floor to ceiling) above the grade plane. A basement shall be counted as a story above grade plane for the purpose of height measurement or determining square footage when the basement is used for business or dwelling purposes or when the finished surface of the floor above the basement is:

- A. More than six feet above the grade plane; or
- B. More than six feet above the finished ground level for more than 50% of the total building perimeter; or
- C. More than 12 feet above the finished ground level at any point.

BOARD

Any body granted jurisdiction under a land use ordinance or under the Pennsylvania Municipalities Planning Code to render final adjudications.

BUILDING

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

BUILDING, ACCESSORY

A subordinate building located on the same lot as a principal building and clearly incidental and subordinate to the principal building. Any portion of a principal building devoted or intended to be devoted to an accessory use is not an accessory building.

BUILDING, PRINCIPAL

A building in which is conducted, or is intended to be conducted, the principal use of the lot on which it is located.

BUILDING COVERAGE

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

BUILDING HEIGHT

A vertical distance measured from the grade plane of the building to the highest point of the roof for flat roofs, to the declines of mansard roofs and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

BUILDING SETBACK LINE

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

CELLAR

A story partly underground and having more than 1/2 of its height (measured from floor to ceiling) below the grade plane. A cellar shall not be considered in determining the permissible number of stories or square footage, nor shall it be used for human habitation. A cellar shall be considered a basement and counted as a story above grade plane for the purpose of height measurement or determining square footage when the basement is used for business or dwelling purposes or when the finished surface of the floor above the basement is:

- A. More than six feet above the grade plane; or
- B. More than six feet above the finished ground level for more than 50% of the total building perimeter; or
- C. More than 12 feet above the finished ground level at any point.

COMMON OPEN SPACE

A parcel or parcels of land or an area of water, or a combination of land and water within a development site and designed and intended for the use or enjoyment of residents of a development not including streets, off-street parking areas and areas set aside for public facilities.

COMMUNICATIONS EQUIPMENT BUILDING

An unmanned building or cabinet containing the communications equipment required for the operation of a wireless telecommunications facility.

COMMUNITY DESIGN GUIDELINES

A 1998 booklet for the Borough of Doylestown which depicts appropriate and inappropriate features pertaining to: building orientation and siting; scale and massing of buildings; roofs and walls; storefronts; signage; landscaping; streetscape improvements; and parking lots.

COMPLETELY DRY SPACE

A space which will remain totally dry during flooding; the structure is designed and constructed to prevent the passage of water and water vapor.

CONDITIONAL USE

A use permitted in a particular zoning district pursuant to the provisions of Article VI of the Pennsylvania Municipalities Planning Code and this chapter.^[1]

CORNER STORE

A small commercial building that is typically located on the corner of two intersecting streets, which is less than 1,500 square feet in gross floor area, but typically in the range of 600 to 800 square feet, in which the sale of retail items is offered for the convenience of the neighborhood. The corner store shall be located within the interior of a traditional neighborhood and shall not be located on an existing perimeter street or road frontage. The corner store typically serves persons within a ten-minute walk of the facility.

DECISION

Final adjudication of any board or other body granted jurisdiction under any land use ordinance or the Pennsylvania Municipalities Planning Code to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to the Court of Common Pleas of the county and judicial district wherein the borough lies.

DETERMINATION

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

- A. Doylestown Borough Council.
- B. Doylestown Borough Zoning Hearing Board. Determinations shall be appealable only to the boards designated as having jurisdiction for such appeal.

DEVELOPER

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

DEVELOPMENT

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

DEVELOPMENT PLAN

The provisions for development, including a planned residential development, a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase "provisions of the development plan" when used in the Pennsylvania Municipalities Planning Code shall mean the written and graphic materials referred to in this definition.

DORMITORY

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

DWELLING

DWELLING — A building containing one or more dwelling units.

DWELLING UNIT — Any room or group of rooms located within a residential building and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating by one family.

MULTIFAMILY DWELLING — A dwelling not otherwise defined in this Section 202 having one or more than one dwelling unit from ground to roof and having a total of three or more dwelling units which are completely separated by party walls but share or have independent outside access.

SINGLE-FAMILY DETACHED DWELLING — A dwelling having only one dwelling unit from ground to roof, independent outside access and open space on all sides.

SINGLE-FAMILY ATTACHED DWELLING — A dwelling having only one dwelling unit from ground to roof, independent outside access; except for end units, two or more walls in common with adjoining dwellings, which dwelling is part of a group of not less than three dwelling units.

SINGLE-FAMILY SEMI-DETACHED DWELLING — A dwelling having only one dwelling unit from ground to roof, independent outside access and not more than one wall in common with an adjoining dwelling.

TWO-FAMILY DUPLEX DWELLING — A dwelling having no more than two dwelling units from ground to roof, independent outside access and open space on all sides.

ELECTRIC SUBSTATION

An assemblage of equipment for purposes other than generation or utilization, through which electric energy in bulk is passed for the purposes of switching or modifying its characteristics to meet the need of the general public.

ESSENTIALLY DRY SPACE

A space which will remain dry during flooding, except for the passage of some water vapor or minor

seepage; the structure is substantially impermeable to the passage of water.

FAA

The Federal Aviation Administration.

FAMILY

one or more persons residing together in a single nonprofit dwelling unit, whether or not related by blood or marriage, who share an essential commonality of purpose limited to traditional residential use of the dwelling unit and such other uses related to the occupancy thereof by persons who suffer from a "handicap" as that term is defined in § 3602(h) of the Fair Housing Act [42 U.S.C. § 3602(h)] and are protected as such from discrimination under the provisions of § 3604 thereof [42 U.S.C. § 3604], and uses accessory thereto, and no other, with single common kitchen and dining facilities and shared access to all areas of the dwelling unit except for sleeping areas and where there is no allocation of space or spaces between or among occupants of the dwelling unit or uses therein by means of leases or other formal agreements. The word "family" as used herein shall not include roomers, boarders or lodgers, members of group homes [except those protected as suffering from a "handicap" under the provisions §§ 3602(h) and 3604 of the Fair Housing Act] or any use otherwise defined, described or regulated in this chapter.

FCC

The Federal Communications Commission.

FENCE

A man-made barrier erected for purposes, including, but not limited to, enclosure, exclusion, protection, privacy, screening, security, retainment and aesthetics and located at the perimeter of or within the required yards of private property. This definition shall include the term "wall" as it is commonly used.

TEMPORARY FENCE

A fence having an anticipated use which will not exceed six months.

LIVING FENCE

Any fence or hedge composed of live materials.

FLOOD

A temporary inundation of normally dry land areas.

FLOOD-FRIDGE (FF)

That portion of the floodplain outside the floodway, where one-hundred-year-flood elevations have been determined in the Flood Insurance Study.

FLOODPLAIN (FA)

A relatively flat or low land area adjoining a river, stream or watercourse which is subject to partial or complete inundation; an area subject to the unusual and rapid accumulation or runoff of surface waters from any source.

FLOODPLAIN AREA

A relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.

FLOODPROOFING

Any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities,

structures and their contents.

FLOODWAY

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

GRADE PLANE

A reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finish ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than six feet from the building, between the building and a point six feet from the building.

GREEN SPACE

The open space in a traditional neighborhood, consisting of open space, as defined in § 525, to be used for active or passive recreation, community gardens or resource protection, all of which shall be deed restricted against future development, and subject to landscaping in accordance with a landscape plan that complies with the borough's Landscape Design Standards as determined by Borough Council. Green space areas shall be useable, easily identifiable and freely accessible to all residents and inhabitants of a traditional neighborhood.

GROSS DENSITY

The total number of dwelling units divided by the total number of acres in the tract, including any land occupied or proposed to be occupied by buildings, roads or road rights-of-way, required walkways, access ways or service areas, individual lot areas of semidetached dwelling units, yards or parking areas. Dedicated public open space, or private open space, including open space used as hereinafter required for buffering between different residential districts, shall not be excluded in computing gross density under this section.

GROUP HOME

A community living arrangement whereby two or more persons reside together in a single nonprofit dwelling unit, whether or not related by blood or marriage, and share an essential commonality of purpose in addition to traditional residential use of the dwelling unit and uses accessory thereto, including, but not limited to, such other uses related to the occupancy thereof by persons who suffer from a "handicap" as that term is defined in § 3602(h) of the Fair Housing Act [42 U.S.C. § 3602(h)] and are protected as such from discrimination under the provisions of § 3604 thereof [42 U.S.C. § 3604], with or without support staff and whether or not licensed by any governmental authority, with single common kitchen and dining facilities and whether or not space or spaces are allocated between or among occupants of the dwelling unit or uses therein. The phrase "group home" as used herein shall not include roomers, boarders or lodgers, members of a family [except those protected as suffering from a "handicap" under the provisions §§ 3602(h) and 3604 of the Fair Housing Act] or any use otherwise defined, described or regulated in this chapter.

HEARING

An administrative proceeding conducted by a board pursuant to Section 909.1 of the Pennsylvania Municipalities Planning Code.^[2]

HEIGHT

When referring to a tower or alternative tower structure, the distance measured from the finished grade of the lot upon which it is situate to the highest point on the tower or alternative tower structure, including the base pad and any antenna.

HERITAGE CHARACTER

The pedestrian scale and proportion of the streetscape, the space between buildings and green space that provides the Borough of Doylestown with a distinct form and structure as depicted in the Community Design Guidelines.

HISTORIC STRUCTURE

Any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminary determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- B. Certified or preliminary determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminary determined by the Secretary to qualify as a registered historic district;
- C. Individually listed on a State Inventory of Historic Places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (1) By an approved state program as determined by the Secretary of the Interior; or
 - (2) Directly by the Secretary of the Interior in states without approved programs.

IDENTIFIED FLOODPLAIN AREA

The floodplain area specifically identified in this chapter as being inundated by the one-hundred-year flood.

IMPERVIOUS SURFACES

Those surfaces which do not absorb rain. All buildings, parking areas, driveways, roads, sidewalks and any areas in concrete, asphalt and packed stone shall be considered impervious surfaces within this definition. In addition, all other areas as may be determined hereafter by the Borough Engineer to be impervious within the meaning of this definition will also be classified as "impervious surfaces."

INTEGRATED JUDICIAL CENTER

A government owned or controlled facility which operates as a courthouse and which provides accommodations and supporting facilities and services for judicial functions of county, state or federal governments and other related governmental functions which may include, but not be limited to, courtrooms, conference rooms, judicial chambers and offices, detention and holding facilities, offices of the Clerk of the Court of Common Pleas of the District and the administrative staff of the Court, as well as the offices of the Prothonotary, Clerk of Courts, and Clerk of Orphans Court Division, the District Court Administrator, the County Law Library, the offices of Jury Commissioners, Register of Wills, Sheriff, District Attorney and Public Defender, and such other functions, agencies and units of or related to the unified judicial system as may be designated in accordance with law, within an integrated development of buildings and structures, and which shall emulate the traditional building design, height, bulk, and area found in the office district of the Borough of Doylestown and as documented in the Community Design Guidelines of the Borough of Doylestown, 1998.

LAND DEVELOPMENT

- A. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:

- (1) A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
 - (2) The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
- B. A subdivision of land.
- C. The following forms of development are hereby excluded from the definition of land development as above set forth pursuant to the provisions of 53 P.S. § 10503(1.1):
- (1) The conversion of an existing single-family detached dwelling or single-family semidetached dwelling into not more than three residential units, unless such units are intended to be a condominium;
 - (2) The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building.

LANDOWNER

The legal or beneficial owner or owners of land, including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner or other person having a proprietary interest in land.

LAND USE ORDINANCE

Any ordinance or map adopted pursuant to the authority granted in Articles IV, V, VI and VII of the Pennsylvania Municipalities Planning Code.^[3]

LIVE-WORK UNITS

A dwelling unit in combination with a place of business within the same building, whereby the resident occupant lives above the shop, studio or other place of employment that is located below on the ground floor of the building. Live-work units as provided in Section 406, Subsection 4.1 hereof, is a form of the use dwelling in combination as otherwise provided for herein.

LOT

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

LOT LINES

LOT LINE — Any boundary line of a lot, including a public right-of-way line.

LOT LINE, REAR — Any lot line which is parallel to or within 45° of being parallel to a right-of-way, except for a lot line that is itself a legal right-of-way line, and except that in the case of a corner lot the owner shall have the option of choosing which of the two lot lines that are not legal right-of-way lines is to be considered a rear lot line. In the case of a lot having no right-of-way frontage or a lot of an odd shape, only the one lot line furthest from any legal right-of-way shall considered a rear lot line.

LOT LINE, SIDE — Any lot line which is not a legal right-of-way line or a rear lot line.

STREET LINE — See "street line."

SAMPLE LOT CONFIGURATIONS — Letters correspond to above definitions.

LOWEST FLOOR

The lowest floor of the lowest fully enclosed area (including basement). An unfurnished, flood-resistant

partially enclosed area, used solely for parking of vehicles, building access and incidental storage, in an area other than a basement area is not considered the lowest floor of a building, provided that such space is not designed and built so that the structure is in violation of the applicable nonelevation design requirements of this chapter.

MANUFACTURED HOME

A structure, transportable in one or more sections, which is built on a permanent chassis and is designated for use with or without a permanent foundation when connected to the required utilities, for floodplain management purposes. The term "manufactured home" also includes a mobile home or parked trailer, travel trailer or similar vehicle placed on a site for greater than 180 consecutive days. For issuance purposes the term "manufactured home" does not include parked trailers, travel trailers and other similar vehicles.

MANUFACTURED HOME PARK OR MOBILE HOME PARK

A parcel or contiguous parcels of land which have been so designated and improved that they contain two or more manufactured homes or mobile homes.

MEDIATION

A voluntary negotiating process in which parties in a dispute mutually select a neutral mediator to assist them in jointly exploring and settling their differences, culminating in a written agreement which the parties themselves create and consider acceptable.

MINOR REPAIR

The replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exitway requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, oil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

MOBILE HOME

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

MOBILE HOME LOT

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

MUNICIPAL ENGINEER

A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the Engineer for the Borough of Doylestown.

NEW CONSTRUCTION

Structures for which the start of construction commenced on or after the effective date of this chapter, and includes any subsequent improvements thereto.

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.

NONCONFORMING STRUCTURE, LOT OR USE

See § 901.

NURSING HOME

See § 406 (20).

ONE-HUNDRED-YEAR FLOOD

A flood that, on the average, is likely to occur once every 100 years (i.e., that has a one-percent chance of occurring each year, although the flood may occur in any year.)

PREEXISTING TOWERS AND PREEXISTING ANTENNAS

Any tower or antenna for which a zoning and building permit has been properly issued prior to the effective date hereof.

PUBLIC GROUNDS

Includes:

- A. Parks, playgrounds, trails, paths and other recreational areas and other public areas;
- B. Sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities; and
- C. Publicly owned or operated scenic and historic sites.

PUBLIC HEARING

A formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to taking action in accordance with the Pennsylvania Municipalities Planning Code.^[4]

PUBLIC MEETING

A forum held pursuant to notice under the Act of July 3, 1986 (P.L. 388, No. 84), known as the "Sunshine Act."^[5]

PUBLIC NOTICE

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

PRINCIPAL

See "building principal" and/or "use principal."

RECREATIONAL VEHICLE

A vehicle which is built on a single chassis; not more than 400 square feet, measured at the largest horizontal projections; designed to be self-propelled or permanently towable by a light-duty truck; and not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

REGULATORY FLOOD ELEVATION

The one-hundred-year-flood elevation plus a freeboard safety factor of 1 1/2 feet.

REPORT

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

RIGHT-OF-WAY

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

EXISTING RIGHT-OF-WAY

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

FUTURE RIGHT-OF-WAY

The right-of-way deemed necessary by the Doylestown Borough Subdivision and Land Development as appropriate to provide adequate width for future street improvements.

ROOMER, BOARDER OR LODGER

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

SEWER

PRIVATE SEWER — An on-lot septic tank disposal system generally providing for disposal of effluent for only one building or a group of buildings on a single lot.

PUBLIC SEWER — Any municipal or privately owned sewer system in which sewage is collected from buildings and piped to an approved sewage disposal plant or central septic tank disposal system. It may also be referred to as "off-lot" or "offsite" sewer. This shall include capped sewers when installed to borough specifications.

SIGN

See §§ 701 to 703.

SITE

A tract parcel or parcels of land, held in single or joint ownership, containing one or more lots shown on a land development or subdivision plan.

SITE AREA

The area of the site excluding any area within an existing street right-of-way, and including the area of any easements.

SOLAR ENERGY EQUIPMENT

Any device, structure or electronics that converts solar energy into electrical energy, heats water or produces hot air or similar function through the use of solar panels. The primary function of solar energy equipment is to reduce on-site consumption of energy produced by a public/private utility company.

SOLAR PANEL

A device containing one or more receptive cells equal to or greater than two square feet, the purpose of which is to convert solar energy into electrical or thermal energy.

SPECIAL EXCEPTION

A use permitted in a particular zoning district pursuant to the provisions of Articles VI and IX of the Pennsylvania Municipalities Planning Code and this chapter.^[6]

STORAGE SHEDS

A structure enclosed on all sides with roof, not to exceed eight feet in height and 100 square feet in area, for the storage of lawn, garden and swimming pool equipment.

STORY

That part of a building located between a floor and the floor or roof next above. The first story of a building is the lowest story having 75% or more of its wall area above grade level. A "half-story" is a story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two feet above such story.

STREET

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

STREET LINE

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

STREETSCAPE

The space formed by buildings located close to the street, which is embellished with street trees and sidewalks, and accentuated with front porches, low fences and other appointments that are emblematic of a traditional neighborhood such as street lamps, curbs and on-street parking. The streetscape is framed by buildings which help create the "outdoor room" type of character typical of a traditional neighborhood setting.

STRUCTURE

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

- A. Driveways, parking areas and mechanical equipment such as air conditioners, compressors, generators, electrical transformers not owned by a public utility, aboveground fuel tanks, shipping containers or truck trailers not licensed or inspected for over the road use and used for stationary storage shall be included in the definition of "structure."

SUBDIVISION

The division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land, including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development; provided, however, that the subdivision by lease of land for agricultural purposes into

parcels of more than 10 acres, not involving any new streets or easement of access or any residential dwelling, shall be exempted.

SUBSTANTIAL DAMAGE

For purposes of Part **12** of this chapter, damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% or more of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT

For purposes of Part **12** of this chapter, any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

- A. Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- B. Any alteration of an historic structure, provided that the alteration will not preclude the structure's continued historic structure designation.

TAVERN

Any business operation which engages in the retail sale, use and/or consumption of alcoholic beverages, including but not limited to liquor, wine, malt or brewed beverages, on the business premises, and which is conducted pursuant to a license from the Pennsylvania Liquor Control Board. The word "tavern" as used herein shall not include a beer distributor operation conducted pursuant to a license from the Pennsylvania Liquor Control Board.

TELECOMMUNICATIONS FACILITY (WIRELESS)

A facility, including communications antenna or array, communications equipment building or shelter, communications tower and such other equipment and improvements necessary, incidental or accessory thereto, situate on a lot, building or structure within the Borough of Doylestown and used or to be used in the provision of personal wireless services pursuant to the Telecommunications Act of 1996, as amended.

TOWER

Any structure, other than a building, that is designed and constructed primarily for the purpose of supporting one or more antennas and includes self-supporting lattice towers, guyed towers, monopole towers and alternative tower structures, including the base pad and any support thereto.

TRADITIONAL NEIGHBORHOOD

A compact place consisting of residential and nonresidential land use, linked by an interconnected network of streets, alleys and sidewalks and accentuated by green spaces, buildings placed close to the street, on-street parking and varied block lengths, all of which emulate the pattern of streets, alleys, blocks and lots typically found in the CR District and parts of the downtown of the Borough of Doylestown.

TRADITIONAL NEIGHBORHOOD DEVELOPMENT

An area of land developed for a compatible mixture of residential units for various income levels and nonresidential commercial and workplace uses, including some structures that provide for a mix of uses within the same building. Residences, shops, offices, workplaces, public buildings, and parks are interwoven within the neighborhood so that all are within relatively close proximity to each other. Traditional neighborhood development is relatively compact, limited in size and oriented toward pedestrian activity. It has an identifiable center and a discernible edge. The center of the neighborhood is in the form of a public

park, commons plaza, square or prominent intersection of two or more major streets. Generally, there is a hierarchy of streets laid out in a pattern of interconnecting streets and blocks that provides multiple routes from origins to destinations and are appropriately designed to serve the needs of pedestrians and vehicles equally.

TRAVEL TRAILER

A vehicular portable structure built on a chassis designed as a temporary dwelling for travel, recreation, vacation and other short-term uses having a body width not exceeding eight feet and a body length not exceeding 32 feet.

UNLICENSED LIQUOR ESTABLISHMENT

Any business operation, not conducted pursuant to a license from the Pennsylvania Liquor Control Board, which does not engage in the retail sale of alcoholic beverages but does facilitate the use or consumption of alcoholic beverages privately owned by the patrons thereof, including but not limited to liquor, wine, malt or brewed beverages, on the business premises. The phrase "unlicensed liquor establishment" as used herein shall not include a sit-down restaurant (Use 33) conducted as a principal use under Part 4, Section 406, Subsection 33 of this chapter.

USE

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

USE, ACCESSORY

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

USE, PRINCIPAL

The main use on a lot.

USABLE DEVELOPMENT AREA

The gross development area in the R-2A Residential 2-A Zoning District not including any portion thereof which is unusable either because of periodic flooding or for any other reason; provided, however, that the gross development area may include such unusable areas up to 5% of the entire site before excluding such portions in the computation of gross density.

VARIANCE

Relief granted pursuant to the p revisions of Articles VI and IX provisions of the Pennsylvania Municipalities Planning Code.^[7]

WIND ENERGY EQUIPMENT

Any device, structure or electronics that converts wind energy into electrical energy through the use of a wind turbine. Wind energy equipment is intended to primarily reduce on-site consumption of energy produced by a public/private utility company.

WIND TURBINE

A device that converts wind energy into electricity through the use of a generator and includes the nacelle, rotor, tower, and base. A wind turbine is occasionally more commonly referred to as a "windmill" or "wind generator."

YARD

An open space unobstructed from the ground up, on the same lot with a structure, extending along a lot

line or street line and inward to the structure. The size of a required yard shall be measured as the shortest distance between the structure and a lot line or street line.

YARD, FRONT

A yard between a structure and a street line and extending the entire length of the street line. In the case of a corner lot, the yards extending along all streets are front yards. In the case of a lot other than a corner lot that fronts on more than one street, the yards extending along all streets are front yards.

YARD, REAR

A yard between a structure and a rear lot line and extending the entire length of the rear lot line.

YARD, SIDE

A yard between a structure and a side lot line, extending from the front yard to the rear yard. In the case of a lot having no street frontage or a lot of odd shape, any yard that is not a front yard or a rear yard shall be considered a side yard.

[1]: *Editor's Note: See 53 P.S. § 10101 et seq.*

[2]: *Editor's Note: See 53 P.S. § 10909.1.*

[3]: *Editor's Note: See 53 P.S. § 10101 et seq.*

[4]: *Editor's Note: See 53 P.S. § 10101 et seq.*

[5]: *Editor's Note: See 65 P.S. § 271 et seq.*

[6]: *Editor's Note: See 53 P.S. § 10101 et seq.*

[7]: *Editor's Note: See 53 P.S. § 10101 et seq.*

Part 3. ESTABLISHMENT OF DISTRICTS

§ 301. Establishment of Districts.

[Ord. 1972-10, 10/10/1972, Art. III, § 300]

Doylestown Borough is hereby divided into districts of different types, each type being of such number, shape, kind and area, and of such common unity of purpose and adaptability of use that are deemed most suitable to carry out the objectives of this Chapter.

Every parcel of land and every building or other structure in the Borough, except as otherwise provided by law or by ordinance, shall be subject to the regulations, restrictions, and requirements specified for the district in which it is located.

§ 302. Types of Districts.

[Ord. 1972-10, 10/16/1972, Art. III, § 301; as amended by Ord. 1975-13, 7/7/1975, § 1; by Ord. 1977-11, 8/15/1977, § 1; by Ord. 1982-7, 4/19/1982; by Ord. 2000-5, 6/26/2000, § 2; and by Ord. 2003-7, 8/18/2003, § 2]

The districts are established and designated as follows:

1. R-1 District — Residential 1.
2. R-2 District — Residential 2.
3. R-2A District — Residential 2-A.

4. R-3 District — Residential 3.
5. CR District — Central Residential.
6. CR-4 District — Central Residential Highrise.
7. O District — Office.
8. RC District Retail Commercial.
9. RC-1 District — Retail Commercial 1.
10. CC District — Central Commercial.
11. FC District — Free-Standing Commercial.
12. CI District — Central Industrial.
13. PI District — Planned Industrial.
14. TND-1 District — Traditional Neighborhood Development 1.
15. TND-2 District — Traditional Neighborhood Development 2.

§ 303. Zoning Map.

[Ord. 1972-10, 10/16/72, Art. III, § 302; as amended by Ord. 1973-1, 1/15/73, § 6]

1. Districts are bounded and defined as shown on the map entitled "**Zoning Map** of Doylestown Borough", which accompanies this Chapter and which, with all explanatory matters whereon, is hereby made a part of this Chapter.
2. The **Zoning Map** of Doylestown Borough is amended and changed as indicated on the **Zoning Map** attached hereto which shall be known as and referred to as the "**Zoning Map** of Doylestown Borough, as Revised in 1985.

§ 304. Interpretation of District Boundaries.

[Ord. 1972-10, 10/16/1972, Art. III, § 303]

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

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

4. Where district boundaries divide a lot, the location of such boundaries is deemed to be lines which connect two identification points.

§ 305. Statement of Purposes and Intent for the Districts.

[Ord. 1972-10, 10/16/1972, Art. III, § 304; as amended by Ord. 1975-13, 7/7/1975, § 2; by Ord. 1977-11, 8/15/1977, § 1, 3; by Ord. 1985-9, 5/23/1985; by Ord. 1999-10, 6/28/1999, § 4; by Ord. 2000-5, 6/26/2000, § 3; and by Ord. 2003-7, 8/18/2003, § 3]

1. R-1 Residential I District. The purpose and intent of this district is to retain the character of existing single-family residential areas, to maintain the existing low residential density, and to encourage the preservation of permanent open space by providing appropriate standards, to exclude activities incompatible with development and to create conditions conducive to carrying out the broad purposes of this Chapter.
2. R-2 Residential 2 District. The purpose and intent of this district is to retain the character and to maintain the existing medium residential density areas where single-family homes are permitted, as well as to encourage serviceable and efficient land development while providing for the preservation of permanent open space and to create conditions conducive to carrying out the broad purposes of this Chapter.
3. R-2-A. Residential 2-A District. The purpose and intent of this District is to allow for residential development at medium density, in accordance with the general intent and purposes of this Chapter, specifically providing for cluster developments of single family semi-detached dwelling units, providing for the retention of open space for use in buffering these Districts from adjoining Residential Districts of a different classification as well as to encourage serviceable and efficient land development in a fashion conducive to carrying out the broad purposes of this Chapter.
4. R-3 Residential 3 District. The purpose and intent of this district is to provide appropriate areas for multi-family development in order to broaden the Borough's housing base and, therefore, serve a greater variety of housing needs, to provide reasonable standards to prevent overcrowding of land, to regulate the density of population, to avoid undue congestion in the streets, to allow for the harmonious development of apartments and other uses which are compatible with higher density residential development, and to create conditions conducive to carrying out the broad purposes of this Chapter.
5. CR Central Residential District. The purpose and intent of this district is to retain and maintain the character and density of the central residential areas where a variety of housing types are permitted, as well as to provide standards for the development of new housing sites in order to broaden the borough's housing base and to add to the vitality of the core of the borough, to provide reasonable standards to prevent overcrowding of land, to regulate the density of population, to avoid undue congestion in the streets, to allow for the harmonious development and to create conditions conducive to carrying out the broad purposes of this chapter.
6. CR-H District — Central Residential Highrise. The purpose and intent of this district is to allow for high-rise residential development with reasonable standards to provide appropriate areas for multifamily development in order to broaden the borough's housing needs and to create conditions conducive to carrying out the broad purposes of this chapter.
7. O — Office District. The purpose and intent of this district is to provide reasonable standards for the harmonious development of administrative, business and professional offices, health facilities, educational and religious institutions and other related uses, all of which are necessary for service to borough residents; to provide standards which will encourage development of a character compatible with other adjacent uses

and of such design to create minimum interference with the public streets; and to otherwise create conditions conducive to carrying out the broad purposes of this chapter.

8. RC Retail Commercial District. The purpose and intent of this district is to provide areas for modern office, retail, personal service and related uses. Standards are included to promote the grouping of retail and service uses to be compatible with adjacent shopping center development, to help ensure an attractive setting for permitted land uses and to create conditions conducive to carrying out the broad purposes of this chapter.
9. RC-1 Retail Commercial I District. The purpose and intent of this district is exactly the same as subsection **8** above, the RC Retail Commercial District, except that video game rooms and pinball arcades may not be permitted in the RC-1 District.
10. CC Central Commercial District. The purpose and intent of this district are to provide areas for modern office, retail, specialty, personal service and business uses in areas where said uses already exist and for special residential uses requiring special facilities and services and to promote the development of this district as a regional core, integrating the above uses and needs with varied regional transportation facilities and other services, encouraging coordinated efforts to meet circulation and parking needs, to provide for the public convenience and to fulfill the other broad purposes of this chapter.
11. FC Free-Standing Commercial District. The purpose and intent of this district is to provide reasonable standards for the orderly development of highway-oriented businesses and commercial uses; to provide for the development of those businesses which, due to the nature of their activities, must most appropriately be located with adequate street frontages along major roads; to avoid undue congestion on the streets; and to otherwise create conditions conducive to carrying out the broad purposes of this chapter.
12. CI Central Industrial District. The purpose and intent of this district is to provide for the continuation and reasonable expansion of existing industries and the establishment of new industries within the existing industrial area. Performance and development standards will help ensure desirable and attractive industrial areas and help create conditions conducive to carrying out the broad purposes of this chapter.
13. PI Planned Industrial District. The purpose and intent of this district is to provide for the requirements of modern industrial development in undeveloped areas. Among other things, this district is intended to provide desirable locations for those types of industry which are harmonious with, and do not constitute a hazard or nuisance to, surrounding areas. Performance and development standards will help ensure desirable and attractive industrial areas and help create conditions conducive to carrying out the broad purposes of this chapter.
14. TND-1 Traditional Neighborhood Development 1 District. The purpose and intent of this district is:
 - A. To provide for a traditional neighborhood with a diversity of uses, block sizes, dwelling unit types and green spaces in a compact arrangement that promotes internal and external walkability.
 - B. To encourage new development which emulates the character found in the Borough of Doylestown in places such as the Central Residential District and parts of the downtown.
 - C. To promote a streetscape quality to neighborhoods that furthers the identity of the Borough of Doylestown as a charming habitat in the central Bucks County area.
 - D. To encourage a combination of business and residential uses in the North Broad Street corridor which enables jobs and employment opportunities close to home.
15. TND-2 Traditional Neighborhood Development 2 District. The purpose and intent of this district is:

- A. To provide for a traditional neighborhood with a diversity of uses, block sizes, dwelling-unit types and green spaces in a compact arrangement that promotes internal and external walkability.
- B. To encourage new development which emulates the character found in residential building types typically found in the Central Commercial District portions of the downtown. These types include attached structures with building facades aligned close to the sidewalks, and have stoops, porticos, or porches. The buildings are typically two to three stories in height, and front on a street, alley, or public green space.
- C. To promote a streetscape quality to neighborhoods that furthers the identity of the Borough of Doylestown as a charming habitat in the central Bucks County area.
- D. To encourage a combination of business, live-work as well as purely residential uses in the North Main Street corridor which enables jobs and employment opportunities close to home.

§ 306. Territory Added to R-1 Residential 1 District.

(This section is reserved to accommodate future ordinances.)

§ 307. Territory Added to R-2 Residential 2 District.

[Ord. 1976-5, 11/15/1976, § 1; Ord. 1978-2, 2/20/1978, § 1]

1. The **Zoning Map** of Doylestown is hereby amended so as to remove the following described geographical area from a zoning district designated as Office ("O") and to place such area in a zoning district designated as Residential 2 (R-2):
Beginning at a point in the centerline of East Street 285 feet northwest of the intersection of the center lines of East Street and North Street and extending in a southwesterly direction therefrom a distance of 184 feet to a point; thence extending and continuing therefrom along the rearmost property line of all properties fronting on the westerly side of North Street between East Street and Spruce Street; it being intended that the line of demarcation creating the said R-2 district along the west side of North Street shall extend across any property having frontage as of the date hereof, on both North Street and North Main Street so as to bisect any such parcel, placing the easternmost one-half thereof into the said Residential 2 (R-2) district.
2. The **Zoning Map** of the Borough of Doylestown is hereby amended so as to remove the following described geographical area from a zoning district designated as Central Commercial (CC) and to place such area into a zoning district designated as Residential-2 (R-2):
Beginning at a point on southeasterly side of West Ashland Street (50 feet wide) at the westerly corner of the land of James Leonard Harris;
Thence (1) by land of James Leonard Harris south 50° six minutes east 128.13 feet to a concrete monument on the north-westerly side of the Doylestown Branch of the North Pennsylvania Railroad (Reading Co.);
Thence (2) along the northwesterly side of the same by a curve to the right, having a radius of two thousand eight hundred sixty-four and ninety three one-hundredths feet[??], an arc distance of 403.62 feet to an iron pipe a corner;
Thence (3) along land of Dorothy M. Rufe north 50° six minutes west 60.80 feet to an iron pipe a corner;
Thence (4) along the southeasterly side of the proposed extension of West Ashland Street (50 feet wide)

north 39° 54 minutes east 397.20 feet to the place of beginning.
Containing 38,916 square feet of land.

§ 308. Territory Added to R-2-A Residential R-2-A District.

[Ord. 1975-14, 7/7/1975, § 1]

1. The **Zoning Map** of the Borough of Doylestown is hereby amended so as to remove the following described geographical area from a Zoning District designated as Residential 2 (R-2) and to place such area into a zoning district designated as Residential 2-A (R-2-A):

Beginning at a point on the southwesterly side of Dublin Pike said point being measured the following (2) courses and distances from a point in the center line of Dublin Pike said point in the center line of Dublin Pike being measured south 51° eight minutes 20 seconds east 100.38 feet from the intersecting line of Doylestown Township and Doylestown Borough (1) south 40° 20 minutes 40 seconds west 40 feet to a point; (2) south 51° eight minutes 20 seconds east 27.63 feet to the first mentioned point and place of beginning.

Thence south 51° eight minutes 20 seconds east along the southwesterly side of Dublin Pike 363.40 feet to a point on the said southwesterly side of Dublin Pike, thence leaving the southwesterly side of Dublin Pike and proceeding the following courses and distances: south 38° 51 minutes 40 seconds west 94.81 feet to a point; thence south 17° 55 minutes 20 seconds west 92 feet to a point; thence south 72° four minutes 40 seconds east 93.28 feet to a point; thence south 51° eight minutes 20 seconds east 130 feet to a point; thence south 39° 50 minutes zero seconds east 310.19 feet to a point; thence south zero degrees 10 minutes zero seconds west 82.85 feet to a point; thence south 65° one minute zero seconds west 285 feet to a point; thence north 51° 33 minutes zero seconds west 83.85 feet to a point of angle; thence south 1° 35 minutes zero seconds west leaving said point of angle 83.85 to a point; thence south 65° one minute zero seconds west 295 feet to a point; thence south 24° 59 minutes zero seconds east 289.19 feet to a point; thence south 52° 52 minutes 30 seconds west 168.54 feet to a point; thence south 37° 37 minutes 40 seconds west 243.76 feet to a point; thence south 1° two minutes 30 seconds west 72.03 feet to a point; thence south 37° 37 minutes 40 seconds west 123.82 feet to a point; thence north 36° 15 minutes 10 seconds west 77.58 feet to a point of curve; thence on the arc of a circle curving to the left having a radius of 525 feet the arc distance of 23.59 feet to a point; thence north 88° 49 minutes 40 seconds west 200 feet to a point; thence south 16° 18 minutes 10 seconds west 228.36 feet to a point; thence south 40° 53 minutes 10 seconds west 225 feet to a point; thence south 49° six minutes 50 seconds east 130 feet to a point; thence south 40° 53 minutes 10 seconds east 95 feet to a point; thence north 49° six minutes 50 seconds west 97.19 feet to a point; thence north 40° 53 minutes 10 seconds east 20 feet to point of curve; thence on the arc of a circle to the right having a radius of 1352.69 feet the arc distance of 145.20 feet to a point; thence north 42° 57 minutes 50 seconds west 82.77 feet to a point; thence north 17° 23 minutes 55 seconds east 50.81 feet to a point; thence north 7° 56 minutes 10 seconds east 304.14 feet to a point; thence north 17° 23 minutes 55 seconds east 423.85 feet to a point of curve; thence on the arc of a circle curving to the right having a radius of 916.45 feet the arc distance of 157.02 feet to a point; thence north 27° 12 minutes 55 seconds east 155.43 feet to a point; thence north 34° 48 minutes 35 seconds east 302.66 feet to a point; thence north 27° 12 minutes 55 seconds east 409 feet to a point; thence north 8° 58 minutes 40 seconds west 50.80 feet to a point; thence south 8° 23 minutes 50 seconds east 46.52 feet to a point of curve; thence on the arc of a circle curving to the right having a radius of 475 feet the arc distance of 86.49 feet to a point; thence north 3° 15 minutes 50 seconds east 146.73 feet to a point; thence north 73° 20 minutes 00 seconds west 40.95 feet to a point; thence south 67° 46 minutes 35 seconds east 75.32 feet to a point; thence north 28° 21 minutes 40 seconds east 288.37 feet to the southwesterly side of Dublin Pike, being the first mentioned point and place of beginning.

§ 309. Territory Added to R-3 Residential 3 District.

[Ord. 1973-1, 1/15/1974, § 4; as amended by Ord. 1980-7, 6/16/1980, § 1; and by Ord. 1983-10, 11/21/1983, § 1]

1. The **Zoning Map** of the Borough of Doylestown is hereby amended so as to remove the following described geographical area from a zoning district designated as Residential 2 (R-2) and to place such area in a zoning district designated as Residential 3 (R-3):
Beginning at a point marking the intersection of the center lines of East Street and North Street and extending in a generally south-easterly direction along the center line of East Street approximately 374.33 feet to a point; thence along the rear property line of lots having frontage on North Street to a point marking the intersection of the center lines of North Street and Davis Road; thence in a generally northerly direction along the center line of North Street to a point marking the intersection of the center lines of North Street and East Street, the point and place of beginning.

2. The **Zoning Map** of the Borough of Doylestown is hereby amended so as to remove the following described geographical area from a zoning district designated as Residential 2 (R-2) and to place such area in a zoning district designated as Residential 3 (R-3):

PREMISES "A"

Beginning at an iron pin for a corner in the Upper State Road in line of other land of George Sommer, thence by the same north 36° 45 minutes west, 231.6 feet to an iron pin for a corner, thence north 44° 51 minutes east, 114.65 feet to a corner in or near the middle of Limekiln Road or West Street, said corner being located by an iron pin on the road bank 17 feet therefrom; thence along the middle of the said Limekiln Road or West Street South 50° 45 minutes East, 317.7 feet to an iron pin for a corner in the intersection of said Limekiln Road or West Street and the Upper State Road; thence along said Upper State Road or State Street South 70° 43 minutes West, 199.6 feet to the place of Beginning.

Containing nine hundred twenty-two one-thousandths of an acre of land, more or less.

PREMISES "B":

Beginning at a corner of lands now owned by John A. Regan Estate in the middle of West Street, thence by said lands passing over an iron pipe 17.8 feet from the beginning of these lands south 44° 36 minutes west 114.65 feet to an iron pipe a corner, thence by the same lands south 36° 20 minutes east 231.6 feet to a corner in West State Street, thence along West State Street south 70° 12 minutes west 31.56 feet to a corner, thence by other lands of George Sommer of which the within described premises was a part north 51° four minutes west 260.28 feet to an iron pipe a corner and north 38° 56 minutes east 200 feet to a corner in the middle of West Street aforesaid, thence along the middle thereof south 51° four minutes east 64 feet to the place of beginning.

3. The **Zoning Map** of the Borough of Doylestown is hereby amended so as to remove the following described geographical area from a zoning district designated as Residential 2 (R-2) and to place such area into a zoning district designated as Residential 3 (R-3):

Beginning at a marble stone set for a corner stone in the Doylestown Borough limits in the middle of a public road known as East Street, being a corner now or late of N.P. and D.E. Bower's land; thence along the middle of said street North 50°, 18 minutes 32 seconds West 60 feet to a corner, being land now or late of Charles R. Rogers and Valerie Ann Rogers; thence south 39° 22 minutes, west 149.45 feet to a point; thence south 50° 30 minutes east 60 feet to a point; thence north 39°, 22 minutes east 149.25 feet to a point in the center of East Street, being the first mentioned point and place of Beginning.

§ 310. Territory Added to CR Central Residential District.

[Ordinance 1983-11, 11/21/1983, § 1; Ord. 1973-1, 1/15/1973, § 5; as amended by Ord. 1983-11, 11/21/1983, §§ 1 and 2; by Ord. 1995-7, 11/20/1995, § 1; and by Ord. 2001-14, 12/17/2001, § 1]

1. The **Zoning Map** of the Borough of Doylestown is hereby amended so as to remove the following described geographical area from a zoning district designated as Residential 2 (R-2) and to place such area in a zoning district designated as Central Residential (CR):
Beginning at a point marking the intersection of the center lines of West Ashland Street and South West Street and extending therefrom in a southwesterly direction along the center line of West Ashland Street to a point marking the intersection of the center lines of West Ashland Street and Lafayette Street; thence in a northwesterly direction along the center line of Lafayette Street approximately 120 feet to a point; thence in a northeasterly direction along the rear property lines of lots having frontage on West Ashland Street to a point on the center line of South West Street; thence in a southeasterly direction along the center line of South West Street to a point marking the intersection of the center lines of South West Street and West Ashland Street, the point and place of beginning.
2. The **Zoning Map** of the Borough of Doylestown is hereby amended so as to remove the following described geographical area from a zoning district designated as Central Commercial (CC) and to place such area into a zoning district designated as Central Residential (CR):
Beginning at a point in the center line of East Ashland Street at its point of intersection with the center line of Pine Street; thence along the center line of Pine Street in a general northwesterly direction to a point of intersection with the center line of Taylor Avenue; thence along the center line of Taylor Avenue in a general southwesterly direction to a point of intersection with the southwesterly side of Taylor Street; thence along the southwesterly side of Taylor Street in a general southeasterly direction a distance of 79.05 feet to a point being the northeasterly corner of a lot known as Bucks County Tax Parcel Number 8-8-326; thence along the northwesterly side of same in a general southwesterly direction a distance of 64.74 feet to a point being the northwesterly corner of said Bucks County Tax Parcel Number 8-8-326; thence along the southwesterly side of same in a general southeasterly direction a distance of 64.74 feet to a point being the northwesterly corner of said Bucks County Tax Parcel Number 8-8-326; thence along the southwesterly side of same in a general southeasterly direction a distance of 150.56 feet to a point in the center line of East Ashland Street; thence along the center line of East Ashland Street in a general northeasterly direction to the point and place of beginning.
3. The **Zoning Map** of the Borough of Doylestown is hereby amended so as to remove the following described geographical area from a zoning district designated as Office (O) and to place such area into a zoning district designated as Central Residential (CR):
Beginning at a point in the center line of Shewell Avenue at its point of intersection with the center line of Union Street; thence along the center line of Union Street in a general Northeasterly direction a distance of 148 feet to a point; thence extending and continuing along the northeasterly side of those lots being known as Bucks County Tax Parcel Numbers 8-4-350, 8-4-351, 8-4-352, 8-4-353, 8-4-354, 8-4-355, 8-4-356, and 8-4-357 respectively, in a general southeasterly direction to a point being the easterly corner of Bucks County Tax Parcel Number 8-4-357; thence along the southeasterly side of same in a general southwesterly direction to a point in center line of Shewell Avenue; thence along the center line of Shewell Avenue in a general northwesterly direction to the point and place of beginning.
4. The **Zoning Map** of the Borough of Doylestown adopted as part of Chapter 27, Part 3, § 303 of the Code of Ordinances of the Borough of Doylestown, is hereby amended so as to remove the following described geographical area from a zoning district designated CI District — Central Industrial and to place such area into a zoning district designated as CR District — Central Residential:
All that certain lot, tract, area or parcel of ground located in the Borough of Doylestown, County of Bucks, Commonwealth of Pennsylvania, situate at the southerly corner of Doyle Street and Hamilton Street, being

Bucks County Tax Parcel Number 8-4-179, and being more fully described in the office of the Recorder of Deeds of Bucks County, Pennsylvania, in Land Record Book 247, Page 250.

5. The **Zoning Map** of the Borough of Doylestown adopted pursuant to Chapter **27**, Part **3**, § 303 of the Code of Ordinances of the Borough of Doylestown, is hereby amended so as to remove the following described geographical area from a zoning district designated as CI District — Central Industrial and to place such area into a zoning district designated as CR District Central Residential:

All those seven certain lots, tracts, areas, or parcels of ground located in the Borough of Doylestown, County of Bucks, Commonwealth of Pennsylvania, situate along North Hamilton Street and Harvey Avenue southeast of their intersection with Doyle Street, being Bucks County Tax Parcel Numbers 8-4-242, 8-4-243, 8-4-243-2, 8-4-243-3, 8-4-243-5, 8-4-244, and 8-4-179-1.

§ 311. Territory Added to CR-H Central Residential Highrise.

[Ord. 1977-11, 8/15/1977, §§ 9 and 10; Ord. 1988-7, 3/21/1988, § 1]

1. The **Zoning Map** of the Borough of Doylestown is hereby amended so as to remove a certain described geographical area located at the southwest corner of South Main Street and Hart Avenue, owned by Sidney D. Simon, et ux, from a zoning district designated as Central Commercial (CC) and to place such area into a zoning district designated as Central Residential — Highrise (CR-H).
2. The **Zoning Map** of the Borough of Doylestown is hereby amended so as to remove a certain described geographical area located between Veterans Land and North Broad Street owned by Center Square Associates and Herbert Barness Investments from a zoning district designated as Central Residential (CR) and to place such area into a zoning district designated as Central Residential — Highrise (CR-H)
3. The **Zoning Map** of the Borough of Doylestown is hereby amended so as to remove a certain described geographical area located by West State Street (U.S. Route 202) on the Northwest, Lafayette Street on the Northeast, School Lane on the Southeast, and Memorial Drive on the Southwest from a zoning district designated as Residential District — 2 (R-2) and to place such area into zoning district designated as Central Residential Highrise (CR-H).

§ 312. Territory Added to O Office District.

[Ord. 1987-6, 7/16/1987; as amended by Ord. 2008-6, 7/21/2008]

1. The following described geographical areas are hereby removed from a zoning district designated Residential 2 (R-2) and placed into a zoning district designated as O District — Office:
 - A. Tax Map Parcel 8-6-27. All those two certain vacant lots or pieces of ground, known and designated as lots fifteen and seventeen in Section "C", and recorded November 12, 1926 as follows:
Beginning at a point on the Southwesterly side of Swamp Road, at the distance of 250 feet measured along a course North 48° 40 minutes West along the said side of Swamp Road from the Northwesterly side of Center Street (40 feet wide); Thence extending along the North westerly side of lot number 19 on the said Plan South 41° 20 minutes 170 feet to a point a corner of number 16 on the said plan; Thence along the Northeasterly side of lot numbers 16 and four on the side Plan North 48° 40 minutes West 100 feet to a point a corner line of number 13 on the said lot number 13 North 41° 20 minutes East 170 feet to a point on the said Southwesterly side of the said Swamp Road; and Thence

along the said side of the said road South 48° 40 minutes East 100 feet to the first mentioned point and place of beginning.

- B. Tax Map Parcel 8-6-28. All those certain lots of land, with the buildings and improvements thereon erected, being known and designated as lot numbers 19 and 21 in Section "C" on a Plan of Doylestown Annex as recorded in the Office of the Recorder of Deeds, bounded and described as follows:
Beginning at a point on the Southwest side of Swamp Road at the distance of 150 feet (measured along a course North 48° 40 minutes West along the side of Swamp Road) from the Northwest side of Center Street 40 feet wide thence extending along the Northwest side of Lot 23 South 41° 20 minutes West 170 feet to a point a corner of Lot 20; thence along the Northeast side of Lots 20 and 18 North 48° 40 minutes West 100 feet to a corner of Lot 17; thence along the Southeast side of Lot 17 North 41° 20 minutes East 170 feet to a point in the Southwest side of Swamp Road; thence along the same South 48° 40 minutes East 100 feet to the place of beginning.
- C. Tax Map Parcel 8-6-29. All that certain lot or piece of ground, known and designated as Lot 23 in Section "C", recorded on November 12, 1926, in Plan Book No. 2, page 14, as follows:
Beginning at a point on the Southwesterly side of Swamp Road at the distance of 100 feet (measured along a course North 48° 40 minutes West along the said side of said Swamp Road) from the Northwesterly side of Center Street (40 feet wide) thence extending along the Northwesterly side of Lot No. 25 on the said Plan, South 41° 20 minutes West, 170 feet to a point a corner of Lot No. 22 on said Plan; thence along the Northeasterly side of said Lot No. 22 North 48° 20 minutes West, 50 feet to a point a corner in Lot No. 21 of said Plan; thence along the Southeasterly side of said Lot 21 North 41° 20 minutes East, 170 feet to a point on the said Southwesterly side of said Swamp Road; and thence along the said road, South 48° 40 minutes East, 50 feet to the first mentioned point and place of beginning.
- D. Tax Map Parcel 8-6-30. All those seven certain vacant lots or plots of ground, known and designated as Lot Number 15, 17, 19, 21, 23, 25 and 27 in Section "C", in Plan Book No. 2 page 14, as follows:
Beginning at a point formed by the intersection of the Southwesterly side of Swamp Road, as laid out on said Plan, with the Northwesterly side of Center Street (40 feet wide); thence extended along the said side of Swamp Road North 48° 40 minutes West 350 feet to a point; thence South 41° 20 minutes West 170 feet to a point; thence extending on a line parallel to Swamp Road South 48° 40 minutes East 350 feet to a point in the Northwesterly side of Center Street aforesaid; thence extending along the said side of Center Street North 41° 20 minutes East 170 feet to the point and place of beginning.
- E. Tax Map Parcel 8-6-63. All those five certain lots or pieces of ground with the buildings and improvements thereon erected, known and numbered as Lots No. 2, 3, 5, 7 and 9, Section "E", on Plan of Doylestown Annex Tract, in Plan Book No. 2, page 14, bounded and described as follows, to wit:
Beginning at a point of intersection of the southwesterly side of Swamp Road, as shown on said plan, with the southeasterly side of Center Street (40 feet wide); thence from said point of beginning, extending along the said southwesterly side of Swamp Road South 48° 40 feet East 250 feet to a point, a corner of Lot Number 11 on said plan; thence extending along the same South 41° 20 feet West 170 feet to a point, a corner of Lot Number 8 on said plan; thence extending along the same and Lots 6, 4 and 1 North 48° 40 feet West 250 feet to a point on the Southeasterly side of Center Street, aforesaid; thence extending along the same North 41° 20 feet East 170 feet to the first mentioned point and place of beginning.
2. The **Zoning Map** of the Borough of Doylestown adopted pursuant to Chapter 27, Part 3, Section 303, of the Code of Ordinances of the Borough of Doylestown, is hereby amended so as to remove the following described geographical area from a zoning district designated as CI District — Central Industrial and to

place such area into a zoning district designated as O District — Office:

ALL THAT CERTAIN lot, tract, area, or parcel of ground located in the Borough of Doylestown, County of Bucks, Commonwealth of Pennsylvania, consisting of Bucks County Tax Parcel Numbers 08-005-009, 08-005-010, 08-005-012, 08-005-013, 08-005-014, and 08-005-015, as consolidated, all as depicted on the plan known as the "BOUNDARY SURVEY WITH TOPOGRAPHY" plan prepared by Carroll Engineering Corporation, 949 Easton Road, Warrington, Pennsylvania 18976, dated March 13, 2006 and being more fully and legally described as follows:

BEGINNING at the point of intersection of the title line and centerline of Doyle Street (50 feet wide) with the title line and centerline of Broad Street (33 feet wide);

THENCE (1) Extending along the said title line and center line of Broad Street, South 50° 43 minutes 37 seconds East, a distance of 551.80 feet to a point, said point being a point of intersection of the title line and centerline of Broad Street and the title line and centerline of Union Street (50 feet wide);

THENCE (2) Extending along the said title line and center line of Union Street, South 38° 02 minutes 56 seconds West a distance of 238.03 feet to a point;

THENCE (3) Leaving the said title line and centerline of Union Street and extending along the common line of parcel 08-005-009, lands now or formerly of the County of Bucks and parcel 08-005-016, lands now or formerly of Le N. Hue, North 51° 55 minutes 37 seconds West, a distance of 286.15 feet to a point;

THENCE (4) Extending along the aforesaid common line of parcel 08-005-009, lands now or formerly of the County of Bucks and parcel 08-005-016, lands of Le N. Hue, South 37° 45 minutes 23 seconds West, a distance of 55.90 feet to an axle found;

THENCE (5) Extending along the said common line of parcel 08-005-009, lands now or formerly of the County of Bucks and parcel 08-004-342, lands now or formerly of Doyle Development, and crossing an iron bar found 26.34 feet from the centerline of Doyle Street, North 51° 57 minutes 37 seconds West, a distance of 265.76 feet to a point on the title line and centerline of Doyle Street (50 feet wide);

THENCE (6) Extending along the said title line and centerline of Doyle Street, North 38° 02 minutes 23 seconds East, a distance of 305.64 feet to the aforesaid point of intersection of the title line and centerline of Doyle Street (50 feet wide) with the title line and centerline of Broad Street (33 feet wide), said point also being the PLACE OF BEGINNING.

SAID LANDS being the existing six Bucks County Tax Parcels, to wit: 08-005-009, 08-005-010, 08-005-012, 08-005-013, 08-005-014, and 08-005-015 on Block 5, in Doylestown Borough, as consolidated; CONTAINING in area 150,958 square feet or 3.4655 acres of land, more or less.

§ 313. Territory Added to RC Retail Commercial District.

(This section is reserved to accommodate future ordinances.)

§ 313.1. Territory Added to RC-1 Retail Commercial 1 District.

(This section is reserved to accommodate future ordinances.)

§ 314. Territory Added to CC Central Commercial District.

[Ord. 1973-1, 1/15/1973, § 2 and 7; as amended by Ord. 1983-11, 11/21/1983, § 3; and by Ord. 1999-3, 2/22/1999, § 1]

1. The **Zoning Map** of the Borough of Doylestown is hereby amended so as to remove the following described geographical area from a zoning district designated as Retail Commercial (RC) and to place such area in a zoning district designated as Central Commercial (CC):
Beginning at a point marking the intersection of the center lines of West State Street and West Court Street and extending therefrom in a southwesterly direction along the center line of West Court Street to a point marking the intersection of the center lines of West Court Street and Franklin Street; thence in a northwesterly direction along the center line of North Franklin Street to a point marking the intersection of the center lines of North Franklin Street and Beek Street; thence in a westerly direction along the center line of Beek Street to a point marking the intersection of the center lines of Beek Street and West Street; thence in a westerly direction along the center line of West Street to a point marking the intersection of the center lines of West Street and Decatur Street and Wood Street; thence in an easterly direction along the center lines of Wood Street to a point marking the intersection of the center lines of Wood Street and North Clinton Street, being the place of beginning of a zoning district formerly designated as Central Commercial (CC).
2. The **Zoning Map** of the Borough of Doylestown is hereby amended so as to remove the following described geographical area from a zoning district designated as Office (O) and to place such area in a zoning district designated as Central Commercial (CC):
Beginning at a point marking the intersection of the center lines of East Court Street and Printer's Alley and extending therefrom in a northeasterly direction along the center line of East Court Street to a point marking the intersection of the center lines of East Court Street and Pine Street; thence in a southeasterly direction along the center line of Pine Street to a point marking the intersection of the center lines of Pine Street and Garden Alley; thence in a southwesterly direction along the center line of Garden Alley to a point marking the intersection of the center lines of Garden Alley and Printer's Alley; thence in a northwesterly direction along the center line of Printer's Alley to a point marking the intersection of the center lines of Printer's Alley and East Court Street, the point and place of beginning.
3. The **Zoning Map** of the Borough of Doylestown is hereby amended so as to remove the following described geographical area from a zoning district designated as Central Residential (CR) and to place such area into a zoning district designated as Central Commercial (CC):
Beginning at a point in the center line of South Clinton Street at its point of intersection with the center line of West Court Street; thence along the center line of South Clinton Street in a general southeasterly direction to a point of intersection with the center line of Mary Street; thence along the center line of Mary Street in a general southwesterly direction a distance of 240 feet to a point; thence extending and continuing along the southwesterly side of those two lots known as Bucks County Tax Parcel Numbers 8-8-129-1 and 8-8-129 respectively in a general northwesterly direction to a point in the center line of West Court Street; thence along the center line of West Court Street in a general northeasterly direction to the point and place of beginning.
4. The **Zoning Map** of the Borough of Doylestown adopted pursuant to Chapter **27**, Part **3**, Section 303 of the Code of Ordinances of the Borough of Doylestown, is hereby amended so as to remove the following described geographical area from a zoning district designated as CR District — Central Residential and to place such area into a zoning district designated as CC District — Central Commercial:
All that certain lot, tract area or parcel of ground located in the Borough of Doylestown, County of Bucks, Commonwealth of Pennsylvania, situate at 78 Shewell Avenue, being Bucks County Tax Parcel Number 8-4-324 and being more fully described in the Office of the Recorder of Deeds of Bucks County, Pennsylvania in Land Record Book 2126 page 946.

§ 315. Territory Added to FC Free-Standing Commercial District.

[Ord. 1984-3, 2/24/1984, § 1; as amended by Ord. 1984-15, 8/20/1984, §§ 1 to 3; Ord. 1988-9, 4/18/1988, § 1]

1. The **Zoning Map** of the Borough of Doylestown is hereby amended so as to remove the following described geographical area from a zoning district designated as Planned Industrial (PI) and to place such area into a zoning district designated as Free standing Commercial (FC).
Beginning at a corner on the southeasterly side of Atkinson Drive (50 feet wide), said corner being measured along the said side of Atkinson Drive North 39° 45 minutes East 472.63 feet from a corner of lands of the Pennsylvania Department of Transportation (T.P. #8-5-5); thence from the point of beginning along the said side of Atkinson Drive north 39° 45 minutes east 132.80 feet to an iron pin corner, being the corner of lands of Wilson G. Varcoe (T.P. #8-5-24); thence party along the said land and partly along land now or late of Lester A. Kohl and Marian H. Kohl (T.P. #8-5-26) south 3° 25 feet 15 inches east 182.09 feet to a point; thence north 50° 15 minutes west 124.58 feet to the first mentioned point and place of beginning.

2. The **Zoning Map** of the Borough of Doylestown is hereby amended so as to remove the following described geographical area from a zoning district designated as Central Residential Highrise (CR-H) and to place such area into a zoning district designated as Free-Standing Commercial (FC):
Beginning at a point in the bed of South Main Street (50 feet wide) and in line of lands of Bucks County Industrial Development Authority,
 - (1) Thence along the Bucks County Industrial Development Authority south 83° 26 feet west-463.98 feet to a point in line of lands now or formerly of David Burpee on the Doylestown Township/Doylestown Borough Municipal Boundary,
 - (2) Thence along Burpee and the municipal boundary north 13° 34 feet west 34.80 feet to a corner,
 - (3) Thence still along Burpee and the municipal boundary south 82° 40 feet west 13.42 feet to a point,
 - (4) Thence still along Burpee and the municipal boundary north 6° 52 feet 30 inches west 442.15 feet to a corner of Burpee, the 30 feet access strip to Hart Avenue and Clinton Street,
 - (5) Thence along the 30 feet access strip north 83° 39 feet east 200.68 feet to a point of curvature,
 - (6) Thence along a curve to the left in a northeasterly direction having a radius of 30 feet the arc distance of 47.12 feet to a point on the southerly side of Hart Avenue,
 - (7) Thence into the bed of Hart Avenue north 6° 21 feet west 20 feet to a point,
 - (8) Thence along the bed of Hart Avenue north 83° 39 feet east 102.36 feet to a point,
 - (9) Thence south 6° 21 feet east 20 feet to a point on the southerly side of Hart Avenue,
 - (10) Thence along Tax Parcel #8-8-381 south 6° 40 feet east 125 feet to a point,
 - (11) Thence still along Tax Parcel #8-8-381 north 83° 39 feet east 25 feet to a corner of lands now or formerly of Alfred Croce,
 - (12) Thence along lands of Croce south 6° 40 feet east 140 feet to a point,
 - (13) Thence still along lands of Croce north 83° 39 feet east 125 feet to a point in the bed of South Main Street,
 - (14) Thence along the bed of South Main Street south 6° 40 feet east 239.64 feet to the first mentioned point and place of beginning.

3. The **Zoning Map** of the Borough of Doylestown is hereby amended so as to remove the following

described geographical area from a zoning district designated as Central Commercial (CC) and to place such area into a zoning district designated as Free-Standing Commercial (FC):

Beginning at a point on the Doylestown Township/Doylestown Borough Municipal Boundary and the property line of the Burpee Tract in line with the extended center of Hart Avenue,

- (1) Thence along the extended center of Hart Avenue north $83^{\circ} 39$ feet east 216.21 feet to a point in the intersection of Hart Avenue & Clinton Street,
- (2) Thence through the bed of Clinton Street south $6^{\circ} 21$ feet east 20 feet to a point on the southerly side of Hart Avenue,
- (3) Thence along the center of a 30 feet wide access to Burpee Tract and an arc to the right in a southwesterly direction having a radius of 15 feet the arc distance of 23.56 feet to a point,
- (4) Thence along the center of the 30 feet access strip south $83^{\circ} 39$ feet west 200.86 to a point on the Doylestown Township/Doylestown Borough Municipal Boundary,
- (5) Thence along the municipal boundary north $6^{\circ} 52$ feet 30 inches west 15 feet to a point,
- (6) Along the municipal boundary and the Burpee property line north 7° four feet 28 inches west 20 feet to the first mentioned point and place of beginning.

4. The **Zoning Map** of the Borough of Doylestown is hereby amended so as to remove the following described geographical area from a zoning district designated as Central Residential Highrise (CR-H) and to place such area into a zoning district designated as Free-Standing Commercial (FC):

Beginning at a point of curvature on the southerly side of Hart Avenue, (40 feet wide), said point being south $83^{\circ} 39$ feet west 227.36 feet from the westerly side of South Main Street, (50 feet wide).

- (1) Thence along lands of Sidney D. & Betty G. Simon and an arc to the right in a southwesterly direction having a radius of 30 feet the arc distance of 47.12 feet,
- (2) Thence still along lands of Simon south $83^{\circ} 39$ feet west 200.68 feet to a corner of lands of Burpee on the Doylestown Township/Doylestown Borough Municipal Boundary,
- (3) Thence along the municipal boundary north $6^{\circ} 52$ feet 30 inches west 15 feet to the center of the 30 feet wide access for Burpee to Hart and Clinton Street,
- (4) Thence along the center of the 30 feet wide access strip north $83^{\circ} 39$ feet west 200.86 feet to a point of curvature,
- (5) Thence along a curve to the left in a northeasterly direction having a radius of 15 feet the arc distance of 23.56 feet to a point on the southerly side of Hart Avenue,
- (6) Thence into the bed of Hart Avenue north $6^{\circ} 21$ feet west 20 feet to a point,
- (7) Thence still in the bed of Hart Avenue north $83^{\circ} 39$ feet east 15 feet to a point,
- (8) Thence through the bed of Hart Avenue south $6^{\circ} 21$ feet east 20 feet to the first mentioned point and place of beginning.

5. The **Zoning Map** of the Borough of Doylestown is hereby amended so as to remove the following described geographical area from a zoning district designated as Retail Commercial District (R-1) and to place such area into a zoning district designated as Free-Standing Commercial (FC).

A. All those three certain lots or parcels of ground situate in the Borough of Doylestown, County of

Bucks, Commonwealth of Pennsylvania situate along the East Side of South Main Street and being more fully described in Deed Book 2721 Page 629 and Deed Book 2724 page 1134, Being Bucks County Tax Map Parcel Numbers 8-8-469, 8-8-469-1 and 8-8-470, as consolidated.

§ 316. Territory Added to CI Central Industrial District.

1. The **Zoning Map** of the Borough of Doylestown is hereby amended so as to remove the following described geographical area from a zoning district designated as Central Residential (CR) and to place such area in a zoning district designated as Central Industrial (CI):

Beginning at a point marking the intersection of the center lines of Union Street and North Broad Street and extending therefrom in a northwesterly direction along the center line of North Broad Street to a point marking the intersection of the center lines of North Broad Street and Doyle Street; thence in a southwesterly direction along the center line of Doyle Street approximately 176.5 feet to a point; thence in a southeasterly direction along the rear of properties fronting on North Broad Street to a point along the center line of Union Street; thence northeastwardly along the center line of Union Street to a point marking the intersection of the center lines of Union Street and North Broad Street, the point and place of beginning.

2. The **Zoning Map** of the Borough of Doylestown is hereby amended so as to remove the following described geographical area from a zoning district designated as Central Residential (CR) and to place such area into a zoning district designated as Central Industrial (CI):

Beginning at a point in or near the center of Doyle Street (50 feet wide) which point is measured the following course and distance from a steel axle in or near the center of Broad Street, viz: (1) south 39° 43 minutes west 457.09 feet to the point and place of beginning; thence extending along Lot No. 1 as shown on said plan south 51° 17 minutes east 266.30 feet to a point; thence extending along land of Joe Monahan south 39° 23 minutes west 48.75 feet to an iron pin; thence extending along lands of David C. Phy, William Kernen and Recreation Group Inc. north 51° 23 minutes 35 seconds west 266.60 feet to a steel axle; thence extending in and along the center of Doyle Street north 39° 43 minutes east 53.91 feet to the point and place of beginning, known as 130 Doyle Street.

Beginning at a point in or near the center of Doyle Street (50 feet wide), which point is measured the following course and distance from a steel axle in or near the center of Broad Street, viz: (1) south 39° 43 minutes west 405.72 feet to the point and place of beginning; thence extending along lands of George Barbine south 50° 17 minutes east 266 feet to an iron pin; thence extending along lands of Paul Mills and Joe Monahan south 39° 23 minutes west 51.37 feet to a point; thence extending along Lot No. 2 of said plan north 50° 17 minutes west 266.30 feet to a point; thence extending in and along the center of Doyle Street north 39° 43 minutes east 51.37 feet to the point and place of beginning, known as 120 Doyle Street.

3. The **Zoning Map** of the Borough of Doylestown is hereby amended so as to remove the following described geographical area from a zoning district designated as Residential-2 (R-2) and to place such area into a zoning district designated as Free-Standing Commercial (FC):

Beginning at a common corner of land now or late of the Bucks County Industrial Development Authority and lands now or late of the Borough of Doylestown, said point located the following two courses and distances from the intersection of the centerline of East Street and the centerline of North Street; (1) along the centerline of North Street N 38° 23 feet 30 inches E 235.40 feet to a point; thence N 51° 46 feet 30 inches W 385.01 feet; thence extending from the point of beginning along the said Bucks County Industrial Development Authority the following two courses and distances; (1) N 47° 45 feet W 88.75 feet to a point; (2) N 43° 38 feet E 140.24 feet to a corner of lands now or late of N. T. Hao and V. Ho; thence along the same S 47° 45 feet E 88.75 feet to a corner of lands now or late of Thomas & Loretta Stotsenburgh; thence

along the same and lands now or late of William C & Sara F. Stotsenburgh S 43° 38 feet W 140.24 feet to the first mentioned point and place of beginning.

§ 317. Territory Added to PI Planned Industrial District.

[Ord. 1973-1, 1/15/1973, § 1; as amended by Ord. 1973-6, 3/20/1973, § 1]

1. The **Zoning Map** of the Borough of Doylestown is hereby amended so as to remove the following described geographical area from a zoning district designated as Central Residential (CR) and to place such area in a zoning district designated as Planned Industrial (PI):

Beginning at a point marking the intersection of the center line of a proposed street known as Chapman's Lane and center of the bed of a creek between North Main Street and Hillcrest Drive, and extending therefrom in a southwesterly direction along the center line of the bed of said creek to a point marking the intersection of the center lines of the bed of said creek and North Broad Street; thence extending therefrom in a northwesterly direction along the center line of North Broad Street to a point of intersection of the center line of North Broad Street and corner of the lot in the plan of development of Sandy Ridge Acres, known as Lot. No. 97; thence northeasterly along said Lot No. 97 for a distance of 169.95 feet; thence in a generally northeasterly direction along the rear of lots on the Plan of Sandy Ridge Acres having frontage on Broad Street, Hillcrest Circle, and Hillcrest Drive to a point marking the intersection of the center line of Murray Drive and a corner of the lot in the plan of development of Sandy Ridge Acres known as Lot No. 21; thence in a generally south-easterly direction along the center line of proposed Chapman's Lane to the place and point of origin.

2. The **Zoning Map** of the Borough of Doylestown is hereby amended so as to remove the following described geographical area from a zoning district designated as Residential 3 (R-3) and to place such area into a zoning district designated as Planned Industrial (PI):

All that certain tract or parcel of land with the buildings and improvements thereon erected, situate in the Borough of Doylestown, County of Bucks and Commonwealth of Pennsylvania, bounded and described according to a survey and plan dated June 6, 1957 made by Donal Weisel, registered Surveyor, as follows, to wit: Beginning at an iron spike in the middle of a lane or driveway leading to North Main Street and in the middle of a small bridge carrying the said land or driveway over Cook's Run; thence by lands of Lewis Jamison and by lands about to be conveyed by Doylestown Farmers Market, Inc. to Doylestown Country Fair, Inc. of Doylestown, and along the middle of the aforesaid lane or driveway North 54° 27 minutes west 100.38 feet to an iron bolt a corner; thence by the last mentioned lands the four following courses and distances: (1) south 35° 33 minutes west 17 feet to an iron pipe a corner; (2) north 54° 21 minutes west 128.01 feet to an iron pipe a corner; (3) south 35° 17 minutes west 58.39 feet to an iron pipe a corner; (4) north 51° 58 minutes west 183.86 feet to an iron pipe a corner; thence by other lands of Lewis Jamison north 38° two minutes east 262.38 feet to an iron pipe a corner in a line of lands of the Estate of Francis Mireau, deceased, thence along the said line (passing over an iron pipe 22.88 feet from the end of this line) and by the first above-mentioned lands of Lewis Jamison south 49° 32 minutes east 388.02 feet to an iron pipe a corner in Cook's Run; thence down Cook's Run by the said lands of Lewis Jamison south 30° 38 minutes west 162.40 feet to the place of beginning. Containing 1.975 acres of land. Together with the use in common with Doylestown Country Fair, Inc. of Doylestown and Lewis Jamison the abutting owners of the present paved driveway the center line of which is designated by the first above described course and distance, and the use of a right-of-way 25 feet wide through lands of Lewis Jamison on the present driveway to North Main Street, the center line of which runs from the above described iron spike in the small bridge over Cook's Run south 52° 59 minutes east 641.64 feet to a point and south 53° 39 minutes east 714.97 feet to a point in North Main Street.

§ 318. Territory Added to TND-1 Traditional Neighborhood Development 1 District.

[Ord. 2000-5, 6/26/2000, § 4]

1. The **Zoning Map** of the Borough of Doylestown is hereby amended so as to remove the following described geographical area from a zoning district designated as PI District — Planned Industrial and to place such area into a zoning district designated as TND-1 Traditional Neighborhood Development 1 District: All those two certain lots or parcels of ground situate in the Borough of Doylestown, County of Bucks, Commonwealth of Pennsylvania at the northerly corner of Broad Street and Veterans Lane, being Bucks County Tax Parcels No. 8-17-4 and No. 8-17-5 and being more fully described in the Office of the Recorder of Deeds of Bucks County in Deed Book 1387, Page 551, and Deed Book 1751, Page 254.

§ 319. Territory Added to TND-2 Traditional Neighborhood Development 2 District.

[Ord. 2003-7, 8/18/2003, § 4; and by Ord. No. 2005-13, 10/17/2005, § 1]

1. The **Zoning Map** of the Borough of Doylestown is hereby amended so as to remove the following described geographical area from a zoning district designated as FC District — Freestanding Commercial and to place such area into a zoning district designated as TND-2 Traditional Neighborhood Development 2 District:
All those two certain lots or parcels of ground situate in the Borough of Doylestown, County of Bucks, Commonwealth of Pennsylvania, along the westerly side of North Main Street north of its intersection with Union Street, being Bucks County Tax Parcels No. 08-005-035 and No. 08-005-037 and being more fully described in the Office of the Recorder of Deeds of Bucks County in Deed Book 1752 Page 1401 and Deed Book 23 Page 1908, respectively.
2. The **Zoning Map** of the Borough of Doylestown is hereby amended so as to remove the following described geographical area from a zoning districts designated in part as PI District — Planned Industrial and in part FC District — Freestanding Commercial and to place such area into a zoning district designated as TND-2 Traditional Neighborhood Development 2 District:
All that certain lot or parcel of ground situate in the Borough of Doylestown, County of Bucks, Commonwealth of Pennsylvania, along the westerly side of North Main Street north of its intersection with Union Street, being Bucks County Tax Parcel No. 08-005-036 and being more fully described in the Office of the Recorder of Deeds of Bucks County in Deed Book 23 Page 1908.
3. The **Zoning Map** of the Borough of Doylestown is hereby amended so as to remove the following described geographical area from a zoning district designated as FC District — Freestanding Commercial and to place such area into a zoning district designated as TND-2 Traditional Neighborhood Development-2 District:
All that certain lot or parcel of ground situate in the Borough of Doylestown, County of Bucks, Commonwealth of Pennsylvania, along the easterly side of North Main Street south of its intersection with Swamp Road, being Bucks County Tax Parcel No. 08-002-001 and being more fully described in the Office of the Recorder of Deeds of Bucks County in Deed Book 3860 Page 923.

Part 4. USE REGULATIONS

§ 401. Applicability of Regulations.

[Ord. 1972-10, 10/16/1972, Art. IV, § 400]

Except as provided by law or in this Chapter, in each district, no building, structure, or land shall be used or occupied except for the purposes permitted in § 406 of this this Part and for the zoning districts so indicated.

§ 402. Uses by Right, Conditional Uses, Special Exceptions, and Uses not Permitted.

[Ord. 1972-10, 10/16/1972, Art. IV, § 410]

1. A use listed in § 406 is permitted by right in any district under which it is denoted by the letter "P", subject to all applicable requirements of this Chapter and subject to the issuance of a zoning permit in accordance with Part **10**.
2. A use listed in § 406 is permitted as a conditional use in any district under which it is denoted by the letter "C", provided Borough Council, subsequent to recommendations by the Planning Commission, and pursuant to express standards and criteria set forth in § 406 and other applicable sections of this Chapter, authorizes the issuance of a zoning permit in accordance with Part **10**.
3. A use listed in § 406 is permitted as a special exception in any district under which it is denoted by the letter "S", provided the Zoning Hearing Board, pursuant to express standards and criteria set forth in § 406 and other applicable sections of this Chapter, and to any other reasonable conditions the Board may establish, authorizes the issuance of a zoning permit in accordance with § 1107 and Part **10** of this Chapter.
4. A use listed in § 406 is not permitted in any district under which it is denoted by the letter "N".

§ 403. Uses Are Subject to Other Regulations.

[Ord. 1972-10, 10/16/1972, Art. IV, § 420]

Uses permitted by right, or as conditional uses, or by special exception, shall be subject, in addition to use regulations, to such regulations of yard, lot size, lot width, building area, provisions for off-street parking and loading, and to such other provisions as are specified in other Parts hereof.

In particular, the laws of the Commonwealth and the regulations of the Bucks County Department of Health regarding water supply and waste disposal shall be adhered to.

§ 404. Pre-existing Conditional Uses and Special Exceptions.

[Ord. 1972-10, 10/16/1972, Art. IV, § 430]

Any use existing on the effective date of this Chapter which is classified as requiring a conditional use or a special

exception in the district in which the land occupied by the use is located, and which was lawful at the time the use was established, shall be deemed to have been granted a conditional use or special exception subject to maintaining the character and extent of operations and structures existing on that date. Any application for change in use or structure shall be subject to the procedures specified in Parts 9 and 10.

§ 405. Temporary Accessory Uses.

[Ord. 1972-10, 10/16/1972, Art. IV, § 440]

No garage or other accessory building, partial structure or other temporary structure shall be erected or moved onto a lot and used for any dwelling purposes unless authorized by the issuance of a temporary zoning permit. Such permit shall clearly set forth that the structure proposed is intended for temporary dwelling purposes and that the authorized structure is to be vacated upon the expiration of a specific time limit not to exceed two years. On receipt of the zoning permit, the applicant shall certify that he has knowledge of the terms of the permit and the penalty that can be invoked for violation.

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

§ 406. Table of Use Regulations.

[Ord. 2004-7, 5/17/2004, § 1; Ord. 2004-7, 5/17/2004, § 2; Ord. 2004-7, 5/17/2004, § 3; Ords. 1974-10, 1978-6 and 1981-3; Ord. 1972-10, 10/16/1972, Art. IV, § 450; as amended by Ord. 1973-2, 1/15/1973, §§ 1, 2, 5, 11; by Ord. 1973-11, 7/30/1973, § 1; by Ord. 1974-6, 5/20/1974, §§ 1, 2; by Ord. 1974-10, 8/19/1974, §§ 4, 9, 11, 12, 15; by Ord. 1975-13, 7/7/1975; §§ 3, 6; by Ord. 1975-20, 11/3/1975, § 1; by Ord. 1976-7, 12/6/1976, § 1; by Ord. 1977-11, 8/15/1977, §§ 5, 6; by Ord. 1978-5, 4/19/1978, § 1; by Ord. 1978-6, 5/15/1978, § 2; by Ord. 1978-11, 9/10/1978, §§ 1, 2; by Ord. 1979-6, 4/2/1979, §§ 1, 2; by Ord. 1979-17, 9/17/1979, §§ 1, 2; by Ord. 1981-3, 7/20/1981, §§ 1, 3; by Ord. 1982-7, 4/19/1982, §§ 2, 3, 4; by Ord. 1983-5, 6/25/1983, §§ 1-3; by Ord. 1983-8, 10/17/1983, § 1; by Ord. 1985-1, 1/21/1985, § 1; by Ord. 1985-15, 12/16/1985, § 1; by Ord. 1986-10, 11/17/1986; by Ord. 1991-10, 6/17/1991, § 1; by Ord. 1995-7, 11/20/1995, § 2; by Ord. 1998-5, 6/15/1998, §§ 1, 2, 3, 4; and by Ord. 1998-11, 12/21/1998, § 1; by Ord. 1999-9, 6/28/1999, § 2, 3; by Ord. 1999-10, 6/28/1999, § 3, 5; by Ord. 2000-5, 6/26/2000, §§ 5, 6, 7; by Ord. 2000-10, 10/16/2000, § 1; by Ord. 2000-12, 11/20/2000, §§ 1, 2, 3; by Ord. 2001-6, 5/21/2000, §§ 2, 3, 4; by Ord. 2001-15, 12/17/2001, §§ 2, 3; by Ord. 2002-13, 12-16-2002, §§ 2, 3; by Ord. 2003-5, 3/17/2003, §§ 2, 3; by Ord. 2003-7, 8/18/2003, §§ 5, 6; by Ord. No. 2005-13, 10/17/2005, §§ 2.3 and 4; by Ord. 2008-7, 7/21/2008, §§ 1, 2; and by Ord. 2010-2, 3/15/2010 §§ 2 and 3; by Ord. 2010-8, 8/16/2010, § 1; and by Ord. 2011-2, 2/28/2011, §§ 1 and 2]

Residential Uses.

1. Single-family detached dwelling.
2. Single-family semi-detached dwelling.
3. Single-family attached dwelling.
4. Two family duplex dwelling.
- 4.1. Traditional neighborhood development (TND).
 - A. A planned development of residential and business development shall be allowed as provided for herein and in the **Table of Use Regulations**, subject to the following provisions:

B. Purpose. The purpose and intent of this use is:

- (1) To provide for a traditional neighborhood with a diversity of uses, block sizes, dwelling unit types and green spaces in a compact arrangement that promotes internal and external walkability.
- (2) To encourage new development which emulates the character found in the Borough of Doylestown in places such as the Central Residential District and part of the downtown.
- (3) To promote a streetscape quality to neighborhoods that furthers the identity of the Borough of Doylestown as a charming habitat in the central Bucks County area.
- (4) To encourage a combination of business and residential uses in the North Broad Street corridor which enables jobs and employment opportunities close to home.

C. Key design elements.

- (1) Unlike conventional suburban development patterns (with separated land uses, deep setbacks, no on-street parking, culs-de-sac and no sidewalks), traditional neighborhoods shall promote a more compact, integrated and sustainable development pattern and shall have the following key design elements:
 - (a) Civic anchor in the neighborhood. Such as a park, meeting hall, corner store, post office, library or community center, to provide a place for gathering and special events.
 - (b) Mix of uses. Combines residential, civic, recreational, commercial and open space uses in a diversified but seamless arrangement; also combines first floor retail with second floor dwellings and/or offices; encourages live-work units.
 - (c) Building types. Focuses on buildings designed by type, not solely by function, to allow for adaptations and changes in use (e.g. from dwelling, to shop, to work place, to civic); most appropriate when an expression of regional/local style.
 - (d) Park and open space land. Creates the green, square or park to help anchor the neighborhood; a system of green spaces ecologically balanced with the built environment and distributed within the neighborhood; includes a green edge of open space to help shape the neighborhoods.
 - (e) Network system of interconnecting streets. Organizes a block and pattern of lots; integrates with lanes, alleys, neighborhood streets; links to pedestrian and other transportation systems; streets and street walls create outdoor rooms.
 - (f) On-street/parallel parking. Provides a separator between vehicular and pedestrian traffic; utilizes cartway as an aisle; (with overflow parking to the rear or side of buildings); promotes effective traffic calming by slowing down the speed of vehicles, especially along narrower streets.
 - (g) Alleys. Allows for preservation of frontage streetscape; moves vehicular access to detached garages in the rear; provides access for deliveries, utilities and staging construction.
 - (h) Shallow setbacks. Helps to create an outdoor room sense of space, with two- to three-story buildings, typically from 60 feet to 85 feet across from one another on both sides of the street; promotes a human scale relationship for the pedestrian as part of the public realm; buildings placed at a build-to line create a street wall.

- (i) Front porch/portico/colonnade. Serves as transition element from the private realm of the building to public realm of the sidewalk and street; provides shade; promotes a finer, more ornamental texture of the building; creates a cozy space to sit, read, relax; provides outdoor room to greet and socialize with neighbors.
- (j) Sidewalks/crosswalks/pedestrian paths/walkways. Serves to link uses, buildings and lots together; accommodates a healthy pedestrian circulation network; provides close to home opportunities for exercise; enhances wayfinding and an appreciation of the neighborhood/place.
- (k) Shade trees. Provide (as street trees) the canopy/overhead plane to help create an outdoor room; and as shade trees, provides an old shade character.
- (l) Other vertical infrastructure. Includes fences, hedges, walls, street lamps, benches, gazebo, pavilion, pergola, monuments or like features.

D. Use and building type regulations.

- (1) Traditional neighborhood development shall focus first on building types and second on uses within buildings. Except for civic buildings, other buildings in a traditional neighborhood shall have a size, height, scale and proportion that is compatible with traditional Doylestown residential buildings. Therefore, the corner store, the office or other business use should blend with the residential architecture of the neighborhood.
- (2) Regardless whether fee-simple lots or some form of common ownership is to be used, when Traditional Neighborhood 1 developments are first created, the proposed lots shall be laid out and designated as either residential, nonresidential (which may include live-work units) or green space. Residential lots shall be further categorized as either single-family detached, single-family semidetached, single-family attached or multifamily. All lots shall be laid out so that the dimensional, coverage and all other requirements specified in this subsection shall be satisfied. However, the actual lot lines do not need to be legally established. Any future development on an individual lot, regardless whether or not it has been legally established, shall conform to this initial use designation for that particular lot.
- (3) The following uses shall be permitted by right, provided that all detailed design standards of Subsections **F**, **G** and **H** of this Subsection 4.1 are met:
 - (a) Adaptive reuse of existing buildings.
 - (b) Conversions of existing buildings, in accordance with § 406.5.
 - (c) Civic buildings such as community center buildings, meeting hall, post office, library or place of worship.
 - (d) Commercial uses in buildings, limited to uses such as a corner store, coffee shop, newsstand, delicatessen, or flower shop which are permitted under § 406(29) and (31) of this chapter, provided they are designed to be compatible with and limited to the convenience of the neighborhood, subject to the following additional regulations:
 - 1) All commercial uses shall be located on the first floor (street level) and shall be located in buildings having frontage on an arterial, collector, or primary street as designated on the **Highway Classification** Map of the Borough of Doylestown, which is attached to and made a part of this chapter.

- 2) To encourage a variety of types of commercial uses, the following regulations shall apply with respect to the gross floor area to be devoted to individual uses:
 - (i) One individual commercial use shall be permitted with a gross floor area up to but not to exceed 2,600 square feet;
 - (ii) Two individual commercial uses (in addition to the use permitted under Subsection (i) above) shall be permitted, each with a gross floor area up to but not to exceed 2,000 square feet;
 - (iii) Each additional permitted individual commercial use shall not exceed 1,500 square feet of gross floor area.
 - (e) Live-work units, provided that same are not located within a nonresidential area of a traditional neighborhood.
 - (f) A range of dwelling unit types as set forth and described in Subsection **E(2)(b)** of this Subsection 4.1.
 - (g) Offices, limited to uses permitted under Sections 406 (23) and (24) of this chapter, except for offices of physicians, dentists and medical and related offices, provided that they are designed to be compatible with the residential neighborhood, as set forth in Subsections **D(1)** and **F** of this Subsection 4.1.
 - (h) Home occupation, in accordance with § 406 (60).
 - (4) The following uses shall be permitted as accessory uses:
 - (a) Accessory uses that are clearly incidental to the uses permitted by right, such as parking, residential accessory structures or nonresidential accessory structures, provided that storage sheds are not permitted, and further provided that all accessory structures meet all setback requirements of principal buildings and structures.
 - (5) All dwellings shown on the initial approved plan shall not be converted to nonresidential use.
- E. Use composition, dwelling unit composition and density/intensity.
- (1) Use composition.
 - (a) Nonresidential development shall comprise at least 10% of the total tract area and may comprise up to 25% of the total tract area, exclusive of the area of perimeter street rights-of-way, subject to the following:
 - 1) Combined office, commercial or retail development, live-work units and civic buildings may comprise up to 25% of the total tract area;
 - 2) Not more than 17.5% of the total gross floor area devoted to nonresidential development may be devoted to commercial uses permitted under Subsection 4.1D(3) (d) hereof.
 - (2) Dwelling unit composition.
 - (a) There shall be a diversity of dwelling unit types and lot sizes, with variations in lot widths to promote additional diversity of dwelling unit sizes.

- (b) A mix of dwelling unit types shall be achieved, using the following minimum or maximum percentages, whereby the mix of unit types shall be provided within each block to the maximum extent possible:
 - 1) Multifamily, which either share outside access or are designed to have independent outside access: 5% minimum to 22% maximum.
 - 2) Single-family attached: 10% minimum to 65% maximum.
 - 3) Single-family semidetached: 5% minimum to 30% maximum.
 - 4) Live-work units: 10% maximum.
 - 5) Single-family detached: 5% minimum to 70% maximum.
- (3) Density/intensity.
 - (a) The density for residential dwelling units shall not exceed 6.5 dwelling units per gross acre, inclusive of any live-work unit(s), calculated over the entire tract acreage, exclusive of the area of existing perimeter street rights-of-way.
 - (b) The intensity of nonresidential development, including offices, civic buildings and the business portion of the live-work unit(s), shall not exceed 16,000 square feet of building per net acre of land used for nonresidential use, exclusive of the area of existing perimeter street rights-of-way. To reduce the amount of building coverage, nonresidential buildings shall be two or three stories in height to maximize green space.
- F. Detail design standards.
 - (1) Green space requirements.
 - (a) A green space of at least 35 feet in width shall be designated and maintained along any property line which directly abuts lots with existing single-family detached dwellings. Such green space shall be free of any structures, except for boundary fences, walls, curbing, pathways or sidewalks connecting adjacent neighborhoods, and existing buildings or structures. Such green space shall be landscaped in accordance with a landscape plan that complies with Ordinance 1999-19 pertaining to landscaping design standards and is approved by Borough Council.
 - (b) Within the traditional neighborhood, a variety of green spaces shall be designed to complement residential and nonresidential development. A minimum of 20% of the total site area shall be designated, landscaped and maintained as green space, exclusive of any stormwater management facilities or areas.
 - (c) Green space shall take on the form of a park, parklet, green, playfield, playground, buffer or approved landscaped area, in accordance with a landscape plan that complies with the borough's Landscape Design Standards as determined by Borough Council.
 - (d) Green spaces shall be at least 2,000 square feet in area in order to count toward the 20% minimum requirement.
 - (e) Green space shall be owned and maintained in a form that is acceptable to Borough Council. All green space shall be subject to a declaration of covenants, easements and restrictions in a form that is acceptable to the Borough Solicitor.

- (f) Green space shall be landscaped in accordance with Subsections **F(5)(a)** and **(b)** of this Subsection 4.1.
- (2) Streets, alleys and accessways.
- (a) Streets, alleys and accessways shall form an interconnected vehicular circulation network to the maximum extent possible as determined by Borough Council.
 - (b) All streets shall be sufficient in width to provide for on-street parking on at least one side. An on-street parking space shall measure at least seven feet wide by 22 feet long when parallel to the curbline.
 - (c) Streets with on-street parking on one side shall be 27 feet in width (with two ten-foot travel lanes and one seven-foot parking bay).
 - (d) Streets with on-street parking on both sides shall be 34 feet in width (with two ten-foot travel lanes and two seven-foot parking bays).
 - (e) Alleys shall be provided to enable buildings to be placed closer to the street and thereby enhance the curb appeal of the traditional neighborhood. Alleys shall be provided to move vehicular access to the rear of buildings to the maximum extent possible and thereby to move garage doors and curb cuts away from the frontage streetscape.
 - (f) Alleys that are two-way and proposed for dedication to the borough shall be at least 16 feet in width. Alleys that are two-way and not proposed for dedication to the borough may be reduced to 14 feet in width.
 - (g) Alleys that are one-way and not proposed for dedication shall be at least 12 feet in width.
 - (h) All one-way accessways and driveways shall be at least nine feet in width.
- (3) Curb cuts, driveways and garages.
- (a) Garages, driveways and/or parking lots shall not be the dominant aspect of the building design and/or the streetscape as viewed from the street.
 - (b) To the maximum extent possible as determined by Borough Council, garages shall be accessed from an alley. In those places where alleys are not possible to service development as determined by Borough Council, curb cuts may be permitted, provided that the garage door is recessed at least 18 feet from the front facade, and further provided that no more than 10% of the total number of dwelling units are accessed by such curb cuts.
 - (c) Where garages are accessed from an alley and a parking apron is provided perpendicular to an alley, such garage shall be 18 feet from the edge of the alley.
 - (d) Where garages are accessed from an alley and a parking apron is provided parallel to an alley, such garage shall be eight feet from the edge of the alley.
 - (e) Garages for residential dwelling units shall meet one of the following design options, listed in the order of preference for the traditional neighborhood:
 - 1) The garage is rear-entry, such that garage doors are on the opposite side of the house from the front facade, preferably accessed from an alley.
 - 2) The garage is located behind the rear facade of the house. Such garage may be

detached from or attached to the dwelling, and the garage doors may face any direction.

- 3) The garage is front-entry and recessed at least 18 feet from the front facade (excluding any porches or decks) of the building. When residential garages face a street, the garage shall comprise no more than 25% of the total area of the front facade elevation of a dwelling unit, measured from ground level to the lower edge of the roof. A garage door facing a street shall not exceed a width of 12 feet.
 - 4) The garage is side-entry, such that garage doors are perpendicular or radial to the street which the front facade faces.
- (4) Sidewalks and Pathways.
- (a) Sidewalks of at least four feet six inches in width shall be constructed and maintained along all streets.
 - (b) Pathways of at least four feet six inches in width shall be constructed and maintained to link to existing off-site pathways and to enhance the use of green areas as required by Borough Council.
- (5) Street trees and other landscaping.
- (a) All street trees, landscaping and plantings shall comply with Ordinance No. 1999-19 pertaining to landscaping design standards.
 - (b) Other landscaping in the form of perimeter buffers, screens, foundation plantings, fencing, walls, pergolas, gazebos, monuments or other civic art shall be essential to a traditional neighborhood and shall be subject to plan approval by Borough Council.
 - (c) Nonresidential parking areas shall be buffered from residential areas by landscaping and/or compatible small-scale residential buildings and/or structures.
- (6) Buildings and neighborhood design.
- (a) The buildings in the traditional neighborhood shall relate to the context and fabric of existing places in the borough typically found within the Central Residential (CR) District with respect to residential buildings and the older buildings in the Central Commercial (CC) District and parts of the downtown with respect to nonresidential buildings. The size, mix proportion and form of buildings shall emulate the heritage character of these Doylestown neighborhoods and shall follow principles of appropriateness, as documented in the Community Design Guidelines of the Borough of Doylestown, 1998, and to the examples included in **Appendix A** to this Zoning Ordinance, entitled "Representative Residential Buildings."^[1]

[1]: *Editor's Note: **Appendix A** is included at the end of this chapter.*
 - (b) A minimum of 60% of the principal residential buildings shall include a front door accessing onto an unenclosed front porch with a minimum floor area of 72 square feet. Such porch shall be covered by a permanent roof and shall not be enclosed in the future
 - (c) No principal building shall include a flat roof. Significant roof pitches and variations in roof lines are specifically encouraged.
 - (d) With respect to nonresidential buildings, blank walls shall not be permitted along any

exterior wall facing a street, parking area or walking area. Exterior walls in these locations shall have architectural treatments that are the same as the front facade, including consistent style, materials, fenestration and details.

- (7) Parking and parking lots.
- (a) Parking shall be located on street to the maximum extent possible to provide the streetscape appearance that is traditional in the borough and to serve as an insulator between moving vehicles and pedestrians walking along the adjoining sidewalks.
 - (b) Parking lots shall be located to the rear or sides of buildings.
 - (c) Parking lots and/or garages shall not be the dominant aspect of the building design and/or the streetscape as viewed from the street.
 - (d) Live-work units shall have the parking ratio as required for a dwelling, as provided in Part 8, Off Street Parking and Loading.
 - (e) Parking ratios for all other uses shall also be in accordance with Part 8, Off Street Parking and Loading, except that the parking ratio for multifamily dwellings shall comply with Section 801, Subsection 1 of this chapter. However, if Part 8 imposes an excessive standard, as determined by Borough Council, the applicant shall demonstrate through the use of empirical data from other built projects that a lesser standard can adequately serve the proposed use(s). In any event, the borough shall hold in escrow the monetary value of the parking spaces not built for a period of two years after commencement of the use, and the development plan shall show the layout of the required parking areas to be held in reserve and include calculations on the potential impervious surface area addition. If after two years, the use is adequately serviced by the parking provided, escrow funds may be released. If the provided parking is not adequate, then the escrow funds shall be used to construct the needed parking.
 - (f) All nonresidential parking areas shall be visually screened from existing and proposed streets by hedges, buffer plantings or similar elements.
- (8) Off-street loading areas, outdoor storage and trash disposal areas.
- (a) Nonresidential uses shall meet the following requirements:
 - 1) All loading areas and loading docks shall be located to the sides and rears of buildings. Loading docks shall not be visible from public streets. All loading areas and loading docks shall be set back at least 25 feet from residential areas.
 - 2) Outdoor storage or display of materials shall not be permitted.
 - 3) Trash disposal areas shall be located within buildings or within an opaque screened area that completely hides the trash and is located to the side or rear of the building. All outdoor trash disposal areas shall be set back at least 25 feet from residential property lines.

G. Dimensional requirements.

- (1) Streetscape.
 - (a) The most critical dimension in the traditional neighborhood is the width of the streetscape

from building walls on one side of the street to building walls on the opposite side of the street.

- 1) Where blocks are created with buildings close to the street and sidewalk, the typical streetscape width shall be in the range from 60 feet to 75 feet for nonresidential building streetscapes and 70 feet to 85 feet for residential building streetscapes.
 - 2) Where buildings parallel or encircle a green space, the streetscape width may be wider as a function of the width of an approved green space.
- (2) Building setback for principal buildings.
 - (a) Front or side yard from an interior street or alley: six feet minimum; 25 feet maximum.
 - (b) Front or side yard from streets along the tract perimeter: 10 feet minimum; 30 feet maximum.
 - (3) Side yards for principal buildings.
 - (a) Six feet minimum; 12 feet aggregate.
 - (b) Twelve feet minimum building separation distance in the case of development where individual lots are not created, such as condominium development.
 - (4) Rear yards for principal buildings.
 - (a) Eighteen feet minimum yard setback.
 - (b) Eighteen feet minimum building setback from street or alley edge in the case of development where individual lots are not created, such as condominium development.
 - (c) Thirty-six feet minimum building separation distance, where individual lots are not created, such as condominium development, and in the case where there is no street or alley between buildings that do not have conventional lots.
 - (5) Single-family detached dwellings.
 - (a) Minimum lot area: 4,000 square feet.
 - (b) Minimum lot width at the minimum building setback line: 35 feet.
 - (c) In the case where individual lots are not created, such as condominium development, an equivalent lot area and lot width shall apply.
 - (6) Single-family semidetached, twin or duplex dwellings.
 - (a) Minimum lot area: 2,500 square feet per unit.
 - (b) Minimum lot width at the minimum building setback line: 25 feet.
 - (c) In the case where individual lots are not created, such as condominium development, an equivalent lot area and lot width shall apply.
 - (7) Single-family attached dwellings and live-work units.
 - (a) Minimum lot area: 1,800 square feet.

- (b) Minimum lot width at the minimum building setback line: 20 feet.
- (c) In the case where individual lots are not created, such as condominium development, an equivalent lot area and lot width shall apply.
- (8) Multifamily dwellings.
 - (a) Maximum building length: 80 feet.
- (9) Principal nonresidential use.
 - (a) Minimum lot area: 10,000 square feet.
 - (b) Minimum lot width at the minimum building setback line: 65 feet.
 - (c) In the case where individual lots are not created, such as condominium development, an equivalent lot area and lot width shall apply.
- (10) Building coverage.
 - (a) Maximum building coverage for the district: 35%.
- (11) Impervious surface coverage.
 - (a) Maximum impervious surface coverage for the district: 70%.
- (12) Maximum building heights.
 - (a) Forty-two feet/three stories.
- H. Other requirements.
 - (1) All buildings within the development shall be served by a public water supply and public centralized sewage disposal system.
 - (2) All public utility lines and similar facilities servicing the proposed development and its area shall be installed underground, and electric transformers shall be installed underground or within the walls of a completely enclosed building.
 - (3) If the development is to be carried out in phases, each phase shall be so planned that the intent of this chapter shall be fully complied with at the completion of any phase. Any phased development shall be fully described and defined on the subdivision or land development plan.
 - (4) All streets and alleys, whether public or private, shall have a right-of-way. The right-of-way width for alleys may be the same width as the paved area.
- I. Relationship to other ordinance provisions.
 - (1) The regulations in this Subsection 4.1 shall take precedence over other provisions of Chapter **27** to the extent that this Subsection 4.1 specifies additional or varied requirements. Otherwise, all applicable sections of Chapter **27**, and the Subdivision and Land Development Ordinance, shall apply.

4.2. Traditional neighborhood development (TND-2).

- A. A planned development of residential and business development shall be allowed as provided for

herein and in the **Table of Use Regulations**, subject to the following provisions:

- B. Purpose. The purpose and intent of this use is:
- (1) To provide for a traditional neighborhood with a diversity of uses, block sizes, dwelling-unit types and green spaces in a compact arrangement that promotes internal and external walkability.
 - (2) To encourage new development which emulates the character found in residential building types typically found in the Central Commercial District portions of the downtown. These types include attached structures with building facades aligned close to the sidewalks, and have stoops, porticos, or porches. The buildings are typically two to three stories in height, and front on a street, alley, or public green space.
 - (3) To promote a streetscape quality to neighborhoods that furthers the identity of the Borough of Doylestown as a charming habitat in the Central Bucks County area.
 - (4) To encourage a combination of business, live-work as well as purely residential uses in the North Main Street corridor which enables jobs and employment opportunities close to home.
- C. Key design elements.
- (1) Unlike conventional suburban development patterns (with separated land uses, deep setbacks, no on-street parking, culs-de-sac and no sidewalks), traditional neighborhoods shall promote a more compact, integrated and sustainable development pattern and shall have several of the following key design elements:
 - (a) Civic anchor in the neighborhood. Such as a park, meeting hall, corner store, post office, library or community center, to provide a place for gathering and special events.
 - (b) Mix of uses. Combines residential, civic, recreational, commercial and open space uses in a diversified but seamless arrangement; also combines first floor office or retail with second floor dwellings, thereby encouraging live-work units.
 - (c) Building types. Focuses on buildings designed by type, not solely by function, to allow for adaptations and changes in use (e.g., from dwelling, to shop, to work place, to civic); most appropriate when an expression of regional/local style.
 - (d) Park and open space land. Creates the green, square or park to help anchor the neighborhood; a system of green spaces ecologically balanced with the built environment and distributed within the neighborhood; includes a green edge of open space to help shape the neighborhoods.
 - (e) Network system of interconnecting streets. Organizes a block and pattern of lots; integrates with lanes, alleys, neighborhood streets; links to pedestrian and other transportation systems; streets and street walls create outdoor rooms.
 - (f) On-street/parallel parking. Provides a separator between vehicular and pedestrian traffic; utilizes cartway as an aisle (with overflow parking to the rear or side of buildings); promotes effective traffic calming by slowing down the speed of vehicles, especially along narrower streets.
 - (g) Alleys. Allow for preservation of frontage streetscape; moves vehicular access to attached or detached garages in the rear; provides access for deliveries, utilities and staging construction.

- (h) Shallow setbacks. Helps to create an outdoor room sense of space, with two — to 3 1/2 story buildings, typically from 60 feet to 85 feet across from one another on both sides of the street; or typically 30 feet to 40 feet from a street center line when streets are not double-loaded with buildings; promotes a human-scale relationship for the pedestrian as part of the public realm; buildings placed at a build-to line create a street wall. Where units do not front directly on a public street, they shall front on a public park or green with an adjacent pedestrianway or sidewalk.
- (i) Front porch/portico! stoop. Serves as transition element from the private realm of the building to public realm of the sidewalk and street; provides shade and protection from the weather; promotes a finer, more ornamental texture of the building; creates a cozy space to sit, read, relax; provides outdoor room to greet and socialize with neighbors.
- (j) Sidewalks/crosswalks/pedestrian paths/walkways. Serves to link uses, buildings and lots together; accommodates a healthy pedestrian circulation network; provides close to home opportunities for exercise; enhances wayfinding and an appreciation of the neighborhood/place.
- (k) Shade trees. Provide (as street trees) the canopy/overhead plane to help create an outdoor room; and as shade trees, provides an old shade character.
- (l) Other vertical infrastructure. Includes fences, hedges, walls, street lamps, benches, gazebo, pavilion, pergola, monuments or like features.

D. Use and building type regulations.

- (1) Traditional neighborhood development shall focus first on building types and second on uses within buildings. Except for civic buildings, other buildings in a traditional neighborhood shall have a size, height, scale and proportion that is compatible with traditional Doylestown residential buildings. Therefore, the corner store, the office, the live-work unit, or other business use should blend with the residential architecture of the neighborhood.
- (2) Regardless whether fee-simple lots or some form of common ownership is to be used, when traditional neighborhood developments are first created, the proposed lots shall be laid out and designated as either residential, nonresidential (which may include live-work units) or green space. Residential lots shall be further categorized as either single-family detached, single-family semidetached, single-family attached or multifamily. All lots shall be laid out so that the dimensional, coverage and all other requirements specified in this subsection shall be satisfied. However, conventional lot lines do not need to be legally established if condominium ownership is proposed. Any future development on an individual lot, and any future use in an individual building or dwelling unit, shall conform to this initial use designation for that particular lot, except that live-work units may be created as provided for in Subsection **D(6)** below.
- (3) The following uses shall be permitted by right, provided that all detailed design standards of this ordinance are met:
 - (a) A range of dwelling unit types as set forth and described in Subsection **E(2)(a)** of this Subsection 4.2.
 - (b) No-impact home-based business.
 - (c) Home occupation, in accordance with § 406 (6o).

- (4) The following uses shall be permitted as accessory uses:
- (a) Accessory uses that are clearly incidental to the uses permitted by right, such as noncommercial vehicle parking. Residential accessory structures or nonresidential accessory structures not approved as part of a final land development plan shall not be permitted. Storage sheds, trampolines, skateboard ramps, other residential accessory structures, or the outside storage of recreational vehicles, trailers, or boats are not permitted. Accessory structures shall meet all setback requirements of principal buildings and structures. Fences shall not be permitted in any front yard, and only those fences and walls designed as part of the original development plan shall be permitted. Decks and other accessory structures shall not be constructed with the deck floor elevation more than nine feet above average finished grade adjacent. The decks and railings shall be coated in a monochromatic all-weather finish and in no case shall the deck and the railing be left as unfinished lumber. No permanent awnings or covers shall be installed over decks and only retractable-type awnings and umbrellas shall be permitted.
- (5) All dwellings shown on the initial approved plan shall not be converted to nonresidential use, except that live-work units shall be governed by Subsection 4.2D(6).
- (6) The following uses shall be permitted by special exception approved and granted by the Zoning Hearing Board pursuant to the provisions of Part **11** of this chapter:
- (a) Live-work units, provided that same comply with the detailed design standards of Subsections **F**, **G** and **H** and the following:
 - 1) No more than 30% of the total number of dwelling units may be converted to live-work units.
 - 2) All live-work units shall have frontage on North Main Street.
 - 3) The nonresidential portion of the dwelling used for the live-work unit shall not exceed 50% of the total gross floor area and shall not be located above the second floor.
 - 4) The residential occupant of the live-work unit must also be an owner or principal employee of the business occupying the unit.
 - 5) The business occupying the live-work unit shall not have more than three employees present on site at any time, including the principal or owner.
 - 6) The live-work unit must be identified by a sign no larger than four square feet and as provided for in Section 708 of this chapter.
 - 7) No retail, medical, or dental offices or other office uses generating comparable visitor traffic to the aforementioned shall be permitted in live-work units.
 - 8) Live-work units shall be subject to use and occupancy permits and inspections.
 - (b) Civic buildings such as a community center building, meeting hall, post office, library or place of worship.
 - (c) Small commercial buildings, limited to uses such as a corner store, coffee shop, newsstand, delicatessen or flower shop which are permitted under Section 406 (29) and (31) of this chapter, of less than 1,500 square feet of gross floor area, provided that they are designed to be compatible with and limited to the convenience of the surrounding neighborhood.

- (d) Offices, limited to uses permitted under Section 406 (23) and (24) of this chapter, except for offices of physicians, dentists and medical and related offices, provided that they are designed to be compatible with the residential neighborhood, as set forth in Subsections **D(1)** and **F** of this Subsection 4.2.
- E. Use composition, dwelling unit composition, and density/intensity.
- (1) Use composition.
 - (a) Uses set forth in Subsection 4.2D(6)(b), (c) and (d) may comprise up to 10% of the total tract area, exclusive of the area of perimeter street rights-of-way, subject to the following:
 - 1) Commercial or retail development may comprise up to 5% of the total tract area.
 - 2) Office development and civic buildings collectively may comprise up to 33% of the total tract area.
 - (2) Dwelling unit composition.
 - (a) There may be a diversity of dwelling unit types and lot sizes, with variations in lot widths to promote additional diversity of dwelling unit sizes. Dwelling unit types may include single-family detached, single-family semidetached, single-family attached, live-work units, and multifamily units.
 - (3) Density/intensity.
 - (a) The density for residential dwelling units shall not exceed 6.8 dwelling units per gross acre, inclusive of any live-work unit(s), calculated over the entire tract acreage, exclusive of the area of existing perimeter street rights-of-way.
- F. Detailed design standards.
- (1) Green space requirements.
 - (a) A green space of at least 10 feet in width shall be designated and maintained along any property line. Such green space shall be free of any structures, except for side and rear alleys, boundary fences, walls, curbing, pathways or sidewalks connecting adjacent neighborhoods, and existing buildings or structures. Such green space shall be landscaped in accordance with a landscape plan that complies with Ordinance 1999-19 pertaining to landscaping design standards and is approved by Borough Council.
 - (b) With the traditional neighborhood, a variety of green spaces shall be designed to complement residential and nonresidential development. A minimum of 20% of the total site area shall be designated, landscaped and maintained as green space. The areas of surface stormwater management facilities shall only be included in the green space calculation if approved by Borough Council.
 - (c) Green space shall take on the form of a park, parklet, green, playfield, playground, buffer or approved landscaped area, in accordance with a landscape plan that complies with the Borough's Landscape Design Standards as determined by Borough Council.
 - (d) Green spaces shall be at least 4,000 square feet in contiguous area in order to count toward the 20% minimum requirement.
 - (e) Green space shall be owned and maintained in a form that is acceptable to Borough Council.

All green space shall be subject to a declaration of covenants, easements and restrictions in form and substance acceptable to the Borough Solicitor.

- (f) Green space shall be landscaped in accordance with Subsections **F(5)(a)** and **(b)** of the Subsection 4.1.
- (2) Streets, alleys and accessways.
- (a) Streets, alleys and accessways shall form an interconnected vehicular circulation network to the maximum extent possible as determined by Borough Council.
 - (b) All streets shall be sufficient in width to provide for on-street parking on at least one side. An on-street parking space shall measure at least seven feet wide by 22 feet long when parallel to the curbline.
 - (c) Streets with on-street parking on one side shall be 27 feet in width minimum (with two ten-foot wide travel lanes, and one seven-foot wide parking bay).
 - (d) Streets with on street parking on both sides shall be 34 feet in width minimum (with two ten-foot wide travel lanes, and two seven-foot wide parking bays).
 - (e) Alleys shall be provided to enable buildings to be placed closer to the street and thereby enhance the curb appeal of the traditional neighborhood. Alleys shall be provided to move vehicular access to the rear of buildings to the maximum extent possible and thereby to move garage doors and curb cuts away from the frontage streetscape.
 - (f) Alleys that are two-way shall be at least 18 feet in width. Where Fire Department access is required as determined by the Borough Fire Marshal, then the alley shall be 18 feet wide. Alleys may be reduced to 14 feet in width when an additional two-foot shoulder is provided on both sides of the alley comprised of masonry pervious paving blocks capable of supporting fire-fighting equipment.
 - (g) Alleys that are one-way and not proposed for dedication shall be at least 12 feet in width.
 - (h) All one-way accessways and driveways shall be at least nine feet in width.
- (3) Curb cuts, driveways and garages.
- (a) Garages, driveways and/or parking lots shall not be the dominant aspect of the building design and/or the streetscape as viewed from the street.
 - (b) Garages shall be accessed from an alley. Curb cuts along streets shall not be permitted to access garages.
 - (c) Where garages are accessed from an alley and a parking apron is provided perpendicular to an alley, the front of the garage shall be at least 18 feet from the edge of the alley.
 - (d) Where garages are accessed from an alley and a parking apron is provided parallel to an alley, the front of the garage shall be at least eight feet from the edge of the alley.
 - (e) Garages for residential dwelling units shall meet one of the following design options, listed in the order of preference for the traditional neighborhood:
 - 1) The garage is rear-entry, such that garage doors are on the opposite side of the house from the front facade, accessed from an alley.

- 2) The garage is located behind the rear facade of the house. Such garage may be detached from or attached to the dwelling, and the garage doors may face any direction.
- (f) Garages shall be a maximum of 15 feet high measured as the mean elevation between ridge and eave. Garages shall have a minimum roof slope of 8:12. Garages may have accessory habitable spaces on the second floor but shall not contain separate dwelling units. Garages that contain habitable spaces shall have a fire suppression system in accordance with NFPA 13.
- (4) Sidewalks and pathways.
 - (a) Sidewalks of at least four feet six inches in width shall be constructed and maintained along all streets. A four-foot curb lawn shall be provided between the sidewalk and the curb to facilitate street trees.
 - (b) Pathways of at least six feet in width shall be constructed and maintained to link to existing offsite pathways and to enhance the use of green areas as required by Borough Council.
- (5) Street trees and other landscaping.
 - (a) All street trees, landscaping and plantings shall comply with Ordinance 1999-19 pertaining to landscaping design standards, and with Ordinance 200 1-8 regarding replacement trees, both as may be amended from time to time.
 - (b) Other landscaping in the form of perimeter buffers, screens, foundation plantings, fencing, walls, pergolas, gazebos, monuments or other civic art shall be essential to a traditional neighborhood and shall be subject to plan approval by Borough Council. However, masonry walls shall be used to connect dwellings to garages at the ends (external portion) of a group of attached units so that a continuous wall is formed. Fences shall be used to separate yard spaces of internal adjoining units to enhance privacy.
 - (c) Nonresidential parking areas shall be buffered from residential areas by landscaping and/or compatible small-scale residential buildings and/or structures.
 - (d) A dedicated four-foot wide planting strip shall be provided between the curb and sidewalk to facilitate street trees in accordance with Section 520.
- (6) Buildings and neighborhood design.
 - (a) The buildings in the traditional neighborhood shall relate to the context and fabric of existing places in the Borough typically found within the older residential building types in the Central Commercial (CC) District and parts of the downtown. The size, mix proportion and form of buildings shall emulate the heritage character of these Doylestown neighborhoods and shall follow principles of appropriateness, as documented in the Community Design Guidelines of the Borough of Doylestown, 1998 and shall, for each proposed building, specifically conform to **Appendix B** which is attached to and made a part of this chapter.^[2]

[2]: *Editor's Note: **Appendix B** is included at the end of this chapter.*
 - (b) All dwelling units shall have a covered front porch at least six feet in depth. The porch shall have a permanent roof, but shall not be enclosed.

- (c) No principal building shall include a flat roof. Significant roof pitches and variations in roof lines shall be provided.
 - (d) All principal buildings shall have variations, including:
 - 1) Recesses and projections in the facades, so that no more than two adjoining dwelling units are on the same plane, and the recess or projection is at least three feet.
 - 2) Heights of facades, so that no more than two adjoining dwelling units are at the same height, and the height difference is at least one foot.
 - 3) The front facade of each dwelling unit shall be composed of brick, stucco, or stone, and shall incorporate at least one or a combination of the following elements: window headpieces, keystones and rowlocks, quoin corners, water table courses, precast concrete details, and/or corbelled row locks. These materials shall also be used on all side walls that face a public street or public park or green.
 - (e) Brick or stucco chimneys shall be provided for all dwelling units.
 - (f) With respect to nonresidential buildings, blank walls shall not be permitted along any exterior wall facing a street, parking area or walking area. Exterior walls in these locations shall have architectural treatments that are the same as the front facade, including consistent style, materials, fenestration and details.
 - (g) All buildings in the TND-2 District shall be protected with a fire suppression system in accordance with NFPA 13R. Accessory garages not used for human habitation are not required to have fire suppression. Attached garages shall be provided with fire suppression as required above for the principal building.
- (7) Parking and parking lots.
- (a) Parking shall be located on street to the maximum extent possible to provide the streetscape appearance that is traditional in the Borough and to serve as an insulator between moving vehicles and pedestrians walking along the adjoining sidewalks.
 - (b) Parking lots shall be located to the rear or sides of buildings.
 - (c) Parking lots and/or garages shall not be the dominant aspect of the building design and/or the streetscape as viewed from the street.
 - (d) Live-work units shall have the parking ratio as required for a dwelling, as provided in Part **8** of this chapter, Off-Street Parking and Loading. Employees working in the live-work units shall be directed to park at available off-site public parking areas to reserve available parking for customers and business invitees.
 - (e) Parking ratios for all other uses shall also be in accordance with Part **8**, Off Street Parking and Loading, except that the parking ratio for multifamily dwellings shall comply with Section 801, Subsection **1** of this chapter. However, if Part **8** imposes an excessive standard, as determined by Borough Council, the applicant shall demonstrate through the use of empirical data from other built projects that a lesser standard can adequately serve the proposed use(s). In any event, the Borough shall hold in escrow the monetary value of the parking spaces not built for a period of two years after commencement of the use, and the development plan shall show the layout of the required parking areas to be held in reserve and include calculations on the potential impervious surface area addition. If after two years,

the use is adequately serviced by the parking provided, escrow funds may be released. If the provided parking is not adequate, then the escrow funds shall be used to construct the needed parking.

- (f) Except for parking at a green, park, playfield, or playground, all nonresidential parking areas shall be screened from streets by walls, fences, and evergreen hedges.
- (8) Off-street loading areas, outdoor storage and trash disposal areas.
 - (a) Nonresidential uses shall meet the following requirements:
 - 1) All loading areas and loading docks shall be located to the rears of buildings. Loading docks shall not be visible from public streets. All loading areas and loading docks shall be set back at least 25 feet from residential areas.
 - 2) Outdoor storage or display of materials shall not be permitted.
 - 3) Trash disposal areas shall be located within buildings or within an opaque screened area that completely hides the trash and is located to the side or rear of the building. All such outdoor trash disposal areas shall be set back at least 25 feet from residential property lines, and at least 10 feet from any perimeter property line of the site.
 - (b) Residential units shall have a designated place to store household trash receptacles within an enclosed building. Trash placed out for pickup shall have a designated area for each unit and shall be of an improved all-weather surface.
 - (c) Postal deliveries shall be to individual mail slots or boxes in the individual dwelling units and shall not be grouped into multi-box community receptacles.

G. Dimensional requirements.

- (1) Streetscape.
 - (a) The most critical dimension in the traditional neighborhood is the width of the streetscape from building walls on one side of the street to building walls on the opposite side of the street.
 - 1) Where blocks are created with buildings close to the street and sidewalk, the typical streetscape width shall be in the range from 60 feet to 80 feet for nonresidential building streetscapes and 70 feet to 85 feet for residential building streetscapes.
 - 2) Where buildings parallel or encircle a green space, the streetscape width may be wider as a function of the width of an approved green space.
- (2) Building setback for principal buildings.
 - (a) Front or side yard from an interior street or alley (excluding right-of-way radius): 20 feet minimum; 25 feet maximum. Where buildings parallel or encircle a green space, the setbacks may be greater as a function of the width of an approved green space.
 - (b) Front or side yard from streets along the tract perimeter (excluding right-of-way radius): 20 feet minimum; 25 feet maximum.
- (3) Side yards for principal buildings.

- (a) Six feet minimum; 12 feet aggregate.
 - (b) For office or other nonresidential uses, side yards of 10 feet minimum shall be provided.
 - (c) Twelve feet minimum principal building separation distance in the case of development where individual lots are not created, such as condominium development.
- (4) Rear yards for principal buildings.
- (a) Eighteen feet minimum yard setback.
 - (b) Eighteen feet minimum principal building setback from street or alley edge in the case of development where individual lots are not created, such as condominium development.
 - (c) Thirty-six feet minimum principal building separation distance, where individual lots are not created, such as condominium development.
- (5) Single-family detached dwellings.
- (a) Minimum lot area: 4,000 square feet.
 - (b) Minimum lot width at the minimum building setback line: 35 feet.
 - (c) In the case where individual lots are not created, such as condominium development, an equivalent lot area and lot width shall apply.
- (6) Single-family semidetached, twin or duplex dwellings.
- (a) Minimum lot area: 2,500 square feet per unit.
 - (b) Minimum lot width at the minimum building setback line: 25 feet.
 - (c) In the case where individual lots are not created, such as condominium development, lots shall be shown on the plan and an equivalent lot area and lot width shall apply.
- (7) Single-family attached dwellings and live-work units.
- (a) Minimum lot area: 1,800 square feet.
 - (b) Minimum lot width at the minimum building setback line: 20 feet.
 - (c) In the case where individual lots are not created, such as condominium development, lots shall be shown on the plan an equivalent lot area and lot width shall apply.
- (8) Multifamily dwellings.
- (a) Maximum building length: 80 feet.
- (9) Principal nonresidential use.
- (a) Minimum lot area: 10,000 square feet.
 - (b) Minimum lot width at the minimum building setback line: 65 feet.
 - (c) In the case where individual lots are not created, such as condominium development, lots shall be shown on the plan an equivalent lot area and lot width shall apply.

(10) Building coverage.

- (a) Maximum building coverage for the district and any individual dwelling, whether the lot has been platted or not, shall be 35%.
- (b) Maximum impervious surface coverage for the district and any residential individual lot, whether the lot has been platted or not, shall be 50%.
- (c) Maximum impervious surface coverage for any nonresidential individual lot, whether the lot has been platted or not, shall be 50%.
- (d) In order to promote design flexibility and traditionally configured lots, building coverage and impervious surface ratios may be averaged over the total proposed lots as long as the averages do not exceed the limits set forth above.

(11) Maximum building heights.

- (a) Thirty feet/2 1/2 stories. Any buildings in excess of two stories are required to provide interior window-mounted drop-down chain escape ladders, with at least one installed in each habitable room above the second floor.

(12) Accessory garages.

- (a) Setbacks for accessory garages shall be as follows:
 - 1) Six feet aggregate, with one side yard setback permitted to be one foot minimum, providing the fire resistance rating of the side walls conform with the applicable building code based on separation distances.
 - 2) Eighteen feet minimum rear yard setback.
 - 3) Eighteen feet minimum principal building setback from street or alley edge in the case of development where individual lots are not created, such as condominium development.

H. Other requirements.

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

I. Relationship to other ordinance provisions.

- (1) The regulations in this Subsection 4.2 shall take precedence over other provisions of Chapter **27** to the extent that this Subsection 4.2 specifies additional or varied requirements. Otherwise, all applicable sections of Chapter **27**, and the Subdivision and Land Development Ordinance, shall apply.
- J. In order to promote flexibility of design within a traditional neighborhood development, modifications from specific design criteria contained in this Section 4.2 may be appropriate. The Borough Council of Doylestown Borough shall have the authority to grant modifications of such requirements if, in the Borough Council's discretion, it determines that such modifications will result in a better design of a traditional neighborhood development and will not adversely affect the health, safety, and welfare of the Borough.
5. Conversion.
- A. Conversion of an existing single-family detached dwelling (Use 1) to a single-family semi-detached dwelling (§ 202), a single-family attached dwelling (Use 3), a two-family duplex dwelling (§ 202), or a multifamily dwelling, low-rise (Use 7); or
 - B. Conversion of an existing two-family duplex dwelling (§ 202), or single-family semidetached dwelling (§ 202) to a multifamily dwelling, low-rise (Use 7);
 - C. Conversions under A and B above shall be subject to the following provisions:
 - (1) The lot area per dwelling unit shall not be reduced thereby to less than the lot area required for single-family attached dwellings except within a zoning district designated Residential 1 or Residential 2 where the minimum lot area shall be 10,000 square feet per dwelling unit.
 - (2) The yard, building area, and other applicable requirements for the district shall not be reduced.
 - (3) No structural alteration shall be made to the exterior of the building except as may be necessary for purposes of safety.
 - (4) For purposes of this subsection, "existing single-family detached dwelling" means that the dwelling existed substantially in its current configuration as of the date of adoption of this Zoning Ordinance, to wit: May 23, 1985.
6. Cluster Development.
- A. Single Family Dwellings. A planned development of single family dwellings on lots with modified dimensional requirements shall be allowable as provided herein and as illustrated on § 406, **Table of Use Regulations**, provided that:
 - (1) Such developments shall include only the type or types of single family dwellings which are individually allowable as a permitted use in the zoning district in which such cluster development is proposed.
 - (2) An amount of land shall be set aside as permanent usable open space. Such open space shall:
 - (a) Be used for recreation, resource protections, amenity, or buffers; be freely accessible to all residents; be protected by the provisions of this Chapter and the subdivision and land development ordinance to insure that it remains in such uses. Open space shall comprise at least 25% of the total development area and shall not include any land occupied or proposed to be occupied by buildings, roads, parking areas or road right-of-way, required walkways, access ways or service areas; nor shall it include the yard or individual lot areas of single or

multi-family dwelling units or parking areas as required by the provisions of this Chapter. Open space shall be left in a natural state except in the case of recreation areas which may contain impervious surfaces.

- (b) If a portion of any development is unusable either because of periodic flooding or for any other reason, then the portion of such development declared by Borough Council to be unusable shall be excluded from any calculation for permissible density and usable open space.
- (c) Such open space shall be suitable for use as a park or playground, or other similar public purpose, or because of its topography, vegetation, or other natural character, be left open with no particular use assigned to it. In designating proposed uses for open space, the following classes are submitted as examples and may be used:
 - 1) Lawn. A grass area with or without trees which may be used by all residents for a variety of purposes and it shall be mowed regularly to insure a neat and tidy appearance.
 - 2) Natural area. An area of natural vegetation undisturbed during construction which may contain trees and/or meadows. Meadows shall be maintained as such and not left to become weed infested or to become overgrown with undesirable plants such as poison ivy. Litter, dead trees and brush shall be removed.
 - 3) Recreation area. An area designated for a specific recreation use including, but not limited to, tennis, swimming, shuffle board play fields, baseball fields, football fields, and tot lots. Such areas shall be maintained so as to avoid creating a hazard or nuisance, and shall perpetuate the proposed use.
- (d) The open space shall be laid out in accordance with the best principles of site design. It is intended that the open space shall be as close to all residences as possible, with greenways leading to major recreation areas. Major recreation areas shall be located to serve all residents. As nearly as practicable, open spaces shall be provided in a single area equivalent to 25% of the total development area, it being the intent of the open space provisions of this Chapter to avoid, where possible, attempts to satisfy the open space requirements by the inclusion of numerous small areas which have no individual utility as such. In addition, a minimum of 50% of the total area required to be set aside as open space shall be designated for use as a single major recreation area and be of such shape and configuration as is customary for the recreational use intended to be provided therein. The remainder of the area to be set aside as open space shall be used as above so as to accommodate the spirit of the open space requirements set forth herein.
- (e) The following forms of ownership, at the discretion of Borough Council, shall be used to preserve, or maintain open space:
 - 1) Condominium. The open space may be controlled through the use of condominium agreements. Such agreements shall be in conformity with the Unit Property Act of 1963 and the Uniform Condominium Act of 1980. All open space land shall be held as a "common element". Such land shall not be eligible for sale to another party except for transfer to another method of ownership permitted under this section and then only where there is no change in the open space ratio.
 - 2) Homeowners Association. The open space may be held in common ownership by a homeowners association and this method shall be subject to all provisions of the

Homeowners Association requirements which are set forth in the Pennsylvania Municipalities Planning Code.

- 3) Fee simple dedication. The Borough may require but shall not be required to accept any portion or portions of the open space. In the event Borough Council chooses to require an offer of dedication of any such open space, such dedication shall be without cost to the Borough.
 - (f) Not more than 30% of the total of the development area may be occupied by the buildings and not more than 75% of the total development area may be occupied by the buildings, individual lot areas, parking, streets, required walkways, access ways, and service areas. The balance of the total development area, not less than 25% of the total development area shall be maintained in permanent open space as herein required.
 - (g) All land held for open space shall be so designated on the plans and shall not be separately sold, further developed or subdivided.
- (3) All procedural requirements of the Borough's subdivision and land development regulations shall be complied with, adhered to and upheld.
- (4) Alteration of Site Requirements.
- (a) To encourage and promote flexibility and ingenuity in the layout and design of a Cluster Development, Borough Council is authorized to alter dimensional requirements for building spacing, front yards and lot width specified in the **Table of Dimensional Requirements**. Such alterations shall be in keeping with modern and evolving principles of site planning and development. All such alterations shall be made upon proof by the builder that the standards listed herein will be met in his design.
 - (b) The burden of proof shall be upon the applicant. The applicant shall submit drawings, plans, and models required by Borough Council. The applicant may be required to deposit a bond with the Borough to insure performance.
 - (c) Standards:
 - 1) Building Spacing. The requirement for building spacing or side yards as they are often defined is based on several related factors.
 - 2) Privacy. The minimum building spacing requirement is intended to provide privacy within the dwelling unit. Where windows are placed in only one of two facing walls or there are no windows, or where the applicant provides adequate screening for windows, or where the windows are at such a height or location to provide adequate privacy, the building spacing may be reduced.
 - 3) Light and Air. The building spacing provides one method of insuring that each room has adequate light and air. Building spacing may be reduced where there are no windows or very small window areas, and where rooms have adequate provisions for light and air from another direction.
 - 4) Use. Areas between buildings are often used as service yards, for storage of trash, clotheslines, or other utilitarian purposes. Where this use is similar for both houses, a reduction of building space permitting effective design of a utility space shall be permitted. Kitchens and garages are suitable uses for rooms abutting such utility yards.

- 5) **Building Configuration.** Where building configuration is irregular so that the needs expressed above are met by the building configuration, reduced building spacing is permissible, as determined by average spacing or by measuring spacing where rooms open toward adjacent buildings.
- 6) **Front Yard.** The minimum front yard is intended to provide privacy and usable yard area for residents. In practice, however, front yards are rarely used, so that only the privacy factor is important. Where the developer provides privacy by reducing traffic flow through street layout such as cul-de-sacs, or by screening or planting, or by facing the structure toward open space or a pedestrian way, or through the room layout of front elevation, the front yard requirement may be reduced.
- 7) **Lot Width.** A minimum lot width is intended to prevent the construction of long, narrow buildings with inadequate privacy, light and air. There are situations as in cul-de-sacs, steep slopes or off-set lots, where because of lot configuration or topography, narrow or irregular lots provide the best possible design. Where the design is such that light, air and privacy can be provided, especially for living spaces and bedrooms, a narrower lot width may be permitted.

Where designs are such that the above standards are not met, the minimum requirements in the **Table of Dimensional Requirements** may be increased and the maximum requirements may be reduced.

- (5) No structures or use shall be located closer than 25 feet from the perimeter of the development.
 - (6) A buffer strip of at least five feet shall be provided along all parking areas and service areas and retained in natural woods or landscaped with live plants so that plant materials used shall be at least six feet in height when planted and be of such species as will provide, within two years, a complete year round visual screen of at least eight feet in height.
 - (7) Designated planting and recreation facilities within the open space areas shall be provided by the developer. A performance bond or other security shall be required to cover costs of installation as required.
- B. **Single Family Semi-Detached Dwellings.** Cluster Development of single family semi-detached dwellings. General requirements and standards applicable to cluster developments of single family semi-detached dwellings in R-2-A Districts.
- Cluster developments of single family semi-detached dwellings shall be allowable as provided herein and as illustrated on § 406, **Table of Use Regulations** provided that:
- (1) A minimum site area of 25 acres is required for a cluster development of single family semi-detached dwellings in any R-2-A Districts.
 - (2) Such development is subject to the Subdivision and Land Development Regulations of Doylestown Borough in effect on the date of submission of plans. Any site to be developed for this use within an R-2-A District must be given preliminary plan approval under the Subdivision and Land Development Regulations as an entirety. Subsequent final plan approval may be granted by Borough Council in stages; provided, however, that the various stages must be in conformity with the previously approved preliminary plan.
 - (3) An amount of land equal to at least 25% of the gross site area as calculated under § 202, Gross Density, shall be set aside as permanent open space. Such open space shall:

- (a) Be usable for recreation, resource protection, amenity or buffer; be freely accessible to all residents; be protected by the provisions of this Chapter and the Subdivision and Land Development Regulations to insure that it remains in such uses. Open space shall not include any land occupied or proposed to be occupied by buildings, roads, or road rights-of-way, required walkways, access ways or service areas except to the extent that such are an integral part of the open space use; nor shall it include the yard or individual lot areas of single family semi-detached dwelling units, or parking areas as required by the provisions of this Chapter. Open space shall be left in a natural state except in the case of recreation areas which may contain impervious surfaces.
- (b) All open space shall be suitable for use as a park or playground or other similar public purpose, or because of its topography, vegetation, or other natural character, be left open with no particular use assigned to it. In designating proposed uses for open space, the following classes are submitted as examples and may be used:
 - 1) Lawn. A grass area with or without trees which may be used by all residents for a variety of purposes and it shall be mowed regularly to insure a neat and tidy appearance.
 - 2) Natural Area. An area of natural vegetation undisturbed during construction which may contain trees and/or meadows. Meadows shall be maintained as such and not left to become weed infested or to become overgrown with undesirable plants. Litter, dead trees and brush shall be removed.
 - 3) Recreation Area. An area designated for a specific recreation use including, but not limited to, tennis, shuffleboard, playfields, swimming, baseball fields, football fields, and tot lots. Such areas shall be maintained so as to avoid creating a hazard or nuisance, and shall perpetuate the proposed use.
- (c) Open space shall include a buffering area, which shall be at least 20% of the gross site area in one contiguous parcel, between any cluster development of single family semi-detached dwellings and abutting residential districts of a different classification. The buffering areas shall be designed and developed with integration of any of the uses along with, or individually in, passive recreation areas. The buffering areas shall be designed primarily to separate differing residential districts by means of a more extensive planting of trees, bushes, etc., to create a more heavily wooded or landscaped buffering area. All plantings shall be governed by the provisions of the Borough's Subdivision and Land Development Regulations in effect. In addition to the specific requirements of the Borough's Subdivision and Land Development Regulations, a landscape plan shall be submitted along with preliminary development plans showing, in detail, the extent and type of landscaping and planting which shall be done in the buffering areas. The approval of the final development plans shall be conditioned upon the inclusion of any escrow agreement or bonding requirement otherwise imposed by the Borough in an amount sufficient to insure completion of the landscaping and planting in the buffering areas. If final plans are submitted for approval in stages, the provision of such surety in the form of cash or appropriate bond shall relate to the stage then subject to approval.
- (d) The open space utilized as buffering areas between any R-2-A District developed for single family semi-detached dwellings shall be of a minimum width of 60 feet except where a public road or right-of-way separates such development from adjoining residential districts. This open space shall be laid out in accordance with the best principles of site design and it is specifically intended that this open space shall be an amenity to both the residents of the

single family semi-detached dwelling development and the residents in the adjoining residential districts of a different classification. The sixty-foot minimum requirement for this buffering area may be modified to a limited extent where, due to the irregular configuration of the site in question, or adjoining parcels, strict adherence to the sixty-foot minimum would frustrate sound site design of the R-2-A District and such deviation does not impair or detract from the spirit and intent of the buffering area provided.

- (e) If a portion of any development is unusable either because of periodic flooding or for any other reason, then that portion of such development shall be excluded from any calculation for permissible open space except for areas required for retention of surface water runoff where such retention areas are to be designed, developed and utilized as part of the open space buffering area, planted and maintained in lawn and/or trees.
- (4) Areas required for retention of surface water runoff shall be gradually sloped to direct the flow of surface water runoff away from residential properties abutting the single-family semidetached cluster development. Retention areas shall be designed to prevent the accumulation of water to heights greater than three feet at all times at the deepest part of the retention area, which shall be located as far as practicable from other residential properties abutting the development. In no case shall any part of any retention area be closer than 10 feet from any such abutting residential property.
- (5) The following forms of ownership, at the discretion of Borough Council, shall be used to preserve and/or maintain open space:
 - (a) Condominium. The open space may be controlled through the use of condominium agreements. Such agreements shall be in conformity with the Unit Property Act of 1963 and the Uniform Condominium Act of 1980. All open space land shall be held as a "common element." Such land shall not be eligible for sale to another party except for transfer to another method of ownership permitted under this section and then only where there is no change in the open space ratio.
 - (b) Homeowners' association. The open space may be held in common ownership by a homeowners' association and this method shall be subject to all provisions of the homeowners' association requirements which are set forth in the Pennsylvania Municipalities Planning Code.^[3] A homeowners' association shall be satisfactory in organizational form and substance to Borough Council and provide a method for the maintenance of all open space areas, in perpetuity, without cost or expense to the borough. The homeowners' association must be established and approved by Borough Council before any homes or dwellings are sold or otherwise conveyed, and membership in such homeowners' association must be mandatory for each buyer or owner and any successive buyer or owner of all homes or dwelling units within such development.
[3]: Editor's Note: See 53 P.S. § 10101 et seq.
 - (c) Fee-simple dedication. The borough may require but shall not be required to accept any portion or portions of the open space. In the event Borough Council chooses to require an offer of dedication of any such open space, such dedication shall be without cost to the borough.
- (6) All land held for open space shall be so designated on the plans and shall not be separately sold, further developed or subdivided.

6.1. Mobile Home Park.

- A. Mobile home parks shall be buffered in accordance with the buffering requirements of Part **6** of this chapter.
- B. All mobile home parks shall be served by public sewer systems and public water systems.
- C. No mobile home shall be erected on a mobile home lot except on a mobile home pad. Each mobile home shall have its own pad, which shall be at least equal in length and width to the dimensions of the mobile home to be placed thereon.
- D. Each mobile home shall be placed on a concrete slab of at least the same length and width as the mobile home, with a minimum thickness of six inches, and which shall have installed in it a minimum of six tie-down rings to which the mobile home shall be secured. Pads shall be on footings at least one foot below the frost line.
- E. All mobile homes within a mobile home park shall have the space between the floor of the mobile home and the mobile home stand completely enclosed. Such enclosure may be provided by a permanent masonry foundation or by temporary materials or skirting. Skirting shall be:
 - (1) Compatible in design with the mobile home to which it is attached.
 - (2) Sufficiently tight to prevent access by small animals but also to allow ventilation to inhibit interior decay and deterioration.
 - (3) Totally opaque so that no part of the space between the floor of the mobile home and the mobile home stand is externally visible.
 - (4) Constructed of materials designed and commonly used for weather surfaces and at least of such rigidity and strength as the exterior surface of the mobile home itself.
- F. There shall be a minimum distance of 25 feet between an individual mobile home, including accessory structures associated therewith, and other mobile homes, the adjoining pavement of a park street or a common parking area or other common areas or structures.
- G. All mobile home lots shall front upon a fully improved and opened street, and the required front yard setback shall be measured from the ultimate right-of-way line of such street.
- H. No parking, loading or service areas shall be located less than 50 feet from a street ultimate right-of-way line or other property line.
- I. All utilities shall be placed underground within the mobile home park.
- J. The minimum number of mobile home spaces completed and ready for occupancy before the first occupancy is permitted shall be nine.
- K. Not more than 10% of the total number of mobile home spaces shall be rented for residential use of a mobile home for periods of less than 180 days.
- L. All interior parking, service, access ways and streets shall be constructed in accordance with the provisions of Article V of the Doylestown Borough Subdivision and Land Development Regulations (Ordinance No. 1974-1), as amended.
- M. Areas for nonresidential purposes.
 - (1) No part of any mobile home park shall be used for nonresidential purposes except such uses that are required for direct servicing, management or maintenance of the mobile home park and its

residents.

- (2) Nothing contained in this subsection shall be deemed to prohibit the sale of a mobile home located on a mobile home lot and connected to utilities.

N. Parking: two off-street parking spaces shall be provided for each mobile home.

7. Multifamily dwelling, low rise: having three or more dwelling units and not having more than three stories, subject to the following provisions:

A. **Table of Dimensional Requirements:**

	Average Apt. Size square feet	Minimum Lot Area per Dwelling Unit square feet	Off-Street Parking Spaces
Efficiency	500	1,300	1.50
1 bedroom	655	1,750	1.75
2 bedroom	950	2,000	1.75
3 bedroom	1,125	2,250	2.00
4 bedroom	1,330	2,550	2.25

B. General:

Maximum floor area ratio (on lot)	45%
Minimum lot size	3 acres
Minimum building setback line	50 feet
— street	
— parking	30 feet
Maximum number of units per building	16 d.u.'s
Building spacing	50 feet
Minimum street frontage	200 feet
Maximum building height	35 feet
Minimum rear yard	35 feet
Minimum lot width at building setback line	200 feet
Open space: minimum open space	20%
Impervious cover: maximum impervious cover	40%

C. Design standards:

- (1) Buffer yards: minimum width 20 feet.
 minimum planting:
 - 1 deciduous tree per 50 feet
 - 1 flowering tree per 50 feet
 - 1 coniferous tree per 20 feet
 - 1 shrub per 10 feet

The requirements above are not spacing requirements for planting, only a formula for determining quantity. Total quantity of plant material required is determined by dividing the outer perimeter of the buffer yard by the plant material requirements listed above. A naturalistic planting design with plants arranged in groups or clusters rather than symmetrically shall be encouraged. All plant materials shall be planted within the buffer yard.

- (2) Parking lots. All parking spaces shall be off-street and developed within the confines of the building lot in accordance with the standards set forth herein. In addition, parking spaces shall

comply with the following requirements: (1978-6)

Parking spaces shall be grouped in lots. These lots shall take access from the vehicular circulation system on the building lot. The vehicular circulation system shall not pass through parking lots.

Provisions for pedestrian circulation paths from the parking lot(s) to the building shall be provided. These paths shall be constructed of an all-weather surface.

No parking space shall be more than 250 feet from an entrance to the low rise building(s) it serves.

Parking lots shall be landscaped according to the following:

Divide the maximum number of parking spaces required by this Chapter by the requirements below to determine the total requirement for plant material. All plant material shall be located on the parking lot(s).

One deciduous or coniferous tree and five shrubs per 10 parking spaces to be planted in the parking lot area.

- (3) Storage of trash. All trash shall be stored either within the building or, if stored outside, be visually screened with plant material and/or fencing. The trash storage container(s) shall be easily accessible to service vehicle(s).
- (4) Landscaping adjacent to Building(s). Divide the outside perimeter of the building(s) by the planting requirements below to determine the total requirement for plant material in the area between the building and the parking or vehicular circulation areas.
 - 3 deciduous trees per 120 feet
 - 1 flowering tree per 120 feet
 - 1 coniferous tree per 60 feet
 - 1 shrub per 20 feet
- (5) Existing areas, groves or stands of mature or largely mature trees (i.e. greater than 12 inches in caliper), consisting of five or more individuals at the discretion of the Borough may be used in fulfilling landscaping or buffer planting requirement.
- (6) Fire lane. For any multi-family dwelling, the Borough may require that an area on the site be set aside for a fire lane."

8. Multi-family Dwelling, High-Rise. Having more than three stories but not more than six stories: A building containing nine or more dwelling units, not having party walls forming a complete separation between individual dwellings but having a single common entrance and hallway system and provided with an elevator. Such multiple dwelling shall be subject to the following provisions:

A. High-Rise Apartments:

- (1) High-rise apartments are multi-family buildings where individual dwelling units share a common outside access, and elevators serve each floor. Such buildings are not less than four nor more than six stories high. Each unit shares with other units a common yard area, which is the sum of the required lot areas of all dwelling units within the buildings.

B. Table of Dimensional Requirements:

	Average Apt. Size Minimum square feet	Lot area per d.u. square feet	Off-Street Spaces	Parking
Efficiency	500	700	1.50	
1 BR	655	825	1.75	

2 BR	900	1,030	1.75
3 BR	1,030	1,210	2.00
4 BR	1,330	1,510	2.25

General:

Maximum Floor Area Ratio (on lot)	90%
Minimum Lot Area	5 acres
Maximum Number of Stories	6
Maximum Horizontal Dimension	180 feet
Minimum Road Frontage	200 feet
Minimum Building Setback Line — street	200 feet
Minimum Building Spacing	150 feet
Side Yard	60 feet
Rear Yard	60 feet

C. Open Space — minimum open space: 25%.

D. Impervious Cover — maximum impervious cover: 42%.

E. Design Standards.

(1) Buffer Yards — minimum width: 35 feet.

Minimum planting — 1 deciduous tree per 40 feet

1 flowering tree per 50 feet

1 coniferous tree per 30 feet

The requirements above are not spacing requirements for planting, only a formula for determining quantity. Total quantity of plant material required is determined by dividing the outer perimeter of the buffer yard by the plant material requirements listed above. A naturalistic planting design with plants arranged in groups or clusters rather than symmetrically shall be encouraged. All plant materials shall be planted within the buffer yard.

(2) Parking lots. See § 406(7)(C)(2).

(3) Storage of trash. See § 406(7)(C)(3).

(4) Landscaping adjacent to buildings. See § 406(7)(C)(4).

(5) Minimum building setback line at parking: 20 feet.

(6) Access. Two access points to a high-rise multiple-family dwelling shall be provided from an arterial highway or a collector street as designated on the **Highway Classification** Map herein.

(7) Fire Lane. See § 406(7)(C)(6).

9. Professional Life-Care Center. A professional life-care center is a form of residential use designed and operated exclusively for housing of mature adults, without children, sharing certain support facilities specifically designed for such adult individuals. Such support facilities may include nursing care facilities, common dining facilities, on-site service shops limited to pharmacy (not to exceed 500 square feet), meeting rooms and recreational facilities designed specifically for such adult individuals and not for general public use. Such support facilities are to be managed by a professional management organization specializing in the provision of such needs which are peculiarly designed for and desired by such adult individuals. 'Mature adults' shall be defined herein as individuals 55 years of age or older.

Development Regulations. The design and development criteria as set forth in this Chapter, as amended heretofore, with regard to § 406(8) for multi-family dwelling, high-rise, shall apply except as specifically modified or supplemented hereinbelow. Where said design and development regulations are modified hereinbelow, said modifications shall supersede and control the development of a professional life-care center.

- A. Lot Area Per Dwelling Unit. Same as for use § 406(8).
- B. Minimum Floor Area of Dwelling Units. Same as for Use § 406(8).
- C. Gross Floor Area. Same as for Use § 406(8).
- D. Density. Same as for Use § 406(8). Three nursing beds shall be considered the equivalent of one dwelling unit in determining the permitted number of dwelling units. The combined density of nursing beds and dwelling units shall not exceed the equivalent of 18 dwelling units per gross acre.
- E. Open Space. Same as for Use § 406(8).
- F. Recreation Area. Same as for Use § 406(6) as specified in § 582(C) of this Chapter. Outdoor sitting areas shall be provided which shall be landscaped and suitably furnished for use as such.
- G. Access. Same as for Use § 406(8).
- H. Off-Street Parking Design Requirements. Same as for Use § 406(5)(C)(2).
- I. Off-Street Parking Design Requirements — Ratio of Parking Spaces to Dwelling Units. There shall be a minimum of 1.25 parking spaces provided for each dwelling unit; provided, however, that as a part of the conditional use approval Borough Council may require additional parking to be provided in the event nursing home facilities other than dwelling units are contemplated, not to exceed 1.5 parking spaces per nursing bed. Parking, including provisions for future parking, if required, shall not be permitted in recreation areas or in areas designated as flood plain areas as defined in § 612 of this Chapter or in areas designated as retention/ detention basins.
- J. Building Spacing. All buildings shall be connected by common passage ways allowing for access from one building to the other without the need to go out of doors. However, the buildings proper shall maintain the minimum spacing as required for Use § 406(8) hereinabove.
- K. All common dining facilities, service shops and support facilities shall be located on the first floor of each building.
- L. There shall be no dwelling units containing more than two bedrooms and in no event shall more than 10% of the dwelling units contain two bedrooms.
- M. The ratio of nursing beds within that portion of the professional life-care facilities set aside for nursing home facilities shall not exceed one bed for every three (1) dwelling units.
- N. All common dining facilities, service shops and support facilities shall be designed for and restricted to provision for the needs of the occupants of the dwelling units and their guests, and shall not provide for nor offer goods and services to the public in general as commercial operations. No signs or promotional advertising for such service facilities shall be visible from the exterior of any building.
- O. Fire Protection. All common areas as well as the dwelling units, nursing home facilities and dining facilities within professional life-care centers shall be provided with sprinkler systems for fire protection and shall contain and be served by wet-charged stand pipes to the top floor.

P. Consideration of Conditional Use For Professional Life-Care Center. Borough Council, in addition to the other considerations as set forth in this Chapter with regard to the grant of a conditional use, shall specifically consider the appropriateness of the site characteristics and location of the site with regard to the following before the grant of a conditional use for any proposed professional life-care center:

- (1) Public water and sewer facilities.
- (2) Impact on adjacent existing uses.
- (3) Adequacy of transportation plan to be submitted by the applicant outlining transportation service available or to be provided by the owner or manager of the life-care center providing access to primary services at reasonable intervals. Borough Council may require that private transportation facilities, e.g., bus or courtesy cars, be provided and maintained for the benefit of the residents of the center.

9.1. Group Home.

A. Off-Street Parking Requirements. There shall be a minimum of 1.50 parking spaces provided for each room used as a bedroom plus one parking space for each full-time employee or support staff person engaged at the group home facility.

B. Landscaping and planting, including evergreens, shall be provided and maintained.

10. Rooming House. A building or part of a building occupied or intended to be occupied by two or more roomers, boarders or lodgers, providing the minimum lot area per sleeping room shall be 2,000 square feet notwithstanding other provisions of this chapter.

11. Dwelling Unit in Combination with an existing or permitted office or commercial use, providing the lot and parking requirements are met for both uses.

Institutional, Recreational and Educational Uses.

12. Religious Use. Including churches, synagogues, religious foundations or societies plus associated convents, parish houses and other housing for religious personnel, subject to the following provisions:

- A. Minimum lot size shall not be less than one acre.
- B. Maximum height restrictions shall not apply to church or synagogue buildings.
- C. There shall be direct access to an arterial or collector highway or primary access street as designated on the **Highway Classification** Map herein.

13. School. Including religious and nonsectarian, denominational, private or public school, not conducted as a private gainful business, subject to the following provisions:

- A. Minimum lot size shall be not less than two acres.
- B. There shall be direct access to an arterial or collector highway or primary access street as designated in the **Highway Classification** Map herein.

14. Cultural facility. Including art galleries, libraries or museums, open to the public or connected with a permitted educational use and not conducted as a private gainful business.

15. Auditorium, community center, adult education center or other similar facility operated by an educational, philanthropic or religious institution, subject to the following provisions:

- A. The use shall not be conducted as a private gainful business.
 - B. No outdoor recreation area shall be located nearer to any lot line than the required front yard depth.
16. Day nursery, nursery school, kindergarten or other agency giving day care to children, provided that outdoor play areas shall be sufficiently screened and sound-insulated so as to protect the neighborhood from inappropriate noise and other disturbance.
 17. Recreational facility owned or operated by the borough or other governmental agency.
 18. Recreational facility owned or operated by a nongovernmental agency, subject to the following additional provisions:
 - A. The use shall not be conducted as a private gainful business.
 - B. No outdoor active recreation area shall be located nearer to any lot line than the required front yard.
 - C. Outdoor play areas shall be sufficiently screened to protect the neighborhood from inappropriate noise and other disturbance.
 19. Private club or lodge, subject to the following additional provisions:
 - A. The use shall not be conducted as a private gainful business.
 - B. The use shall be for members and guests only.
 20. Nursing home. A nursing home, also commonly known as a convalescent home, is a licensed establishment which provides full-time convalescent or chronic care, or both, for three or more individuals who are not related by blood or marriage to the operator and who, by reason of chronic illness or infirmity, are unable to care for themselves. No surgical nor obstetrical services shall be provided in such a home; a hospital or sanitarium shall not be construed to be included in this definition. Provided:
 - A. A lot area of not less than two acres is provided.
 - B. No more than 100 patients shall be accommodated at any one time.
 - C. Landscaping and planting, including evergreens, shall be provided and maintained.
 21. Hospital. A hospital, for the purpose of this chapter, is a licensed establishment which provides health services primarily for inpatient medical or surgical care of the sick or injured, including such related facilities as laboratories, out-patient departments, training facilities, central service facilities and staff offices as an integral part of the establishment. Provided:
 - A. A lot area of not less than two acres shall be required.
 - B. Landscaping and planting, including evergreens, shall be provided and maintained.
 22. Medical center. A group of facilities providing health services such as medical research facilities, including laboratories, out-patient departments, training facilities, medical offices and central service facilities operated as an integral part of the facility and commercial uses supplementary to it, provided that:
 - A. Lot and parking requirements 21 and 26 are met for hospital, medical office and laboratory (Uses 21 and 26) to the extent to which each type is represented at the medical center.
 - B. Landscaping and planting are provided and maintained.

Business and Office Uses

23. Professional service limited to offices of physicians, lawyers, clergymen, teachers, dentists, architects, engineers, insurance agents, opticians and medical and related offices which do not involve the actual storage, exchange or delivery of merchandise on the premises, provided that, in the R-3 District:
 - A. The use shall have frontage on and access to a collector or arterial highway, as designated in the **Highway Classification** Map herein.
 - B. Such use shall be carried on wholly indoors and within the principal building.
 - C. There shall be no use of show windows nor display nor advertising visible outside the premises to attract customers or clients other than one nonilluminated sign not exceeding four square feet in area.
24. Business service limited to banks and offices for real estate, stock and bond brokers, accountants, adjusters, appraisers, utility companies, provided the additional provisions in Use 23 are met.
25. Business service limited to governmental offices.
- 25.1. Integrated judicial center shall be allowed as provided for herein and in the **Table of Use Regulations**, subject to the following provisions:
 - A. Table of Dimensional Standards.
 - (1) Minimum lot area: 60,000 square feet.
 - (2) Minimum front yard: 10 feet.
 - (3) Minimum side yard: five feet.
 - (4) Minimum rear yard: five feet.
 - (5) Minimum upper story step-back: 15 feet (above 3rd story).
 - (6) Minimum upper story step-back: 15 feet (above 5th story).
 - (7) Maximum floor area ratio: 450%.
 - (8) Maximum building coverage: 95%.
 - (9) Maximum building height: seven stories/112 feet.
 - (10) Minimum lot width at setback: 200 feet.
 - B. Additional height, bulk, and area standards.
 - (1) Upper story step-back. Four-story or higher buildings must step back upper stories by at least 15 feet measured from the face of the wall of the 3rd story (25 feet minimum measured from street or lot line). Six-story or higher buildings shall step back an additional 15 feet measured from the wall of the 5th story (40 feet minimum measured from street or lot lines). Required upper story step-backs may be reduced to a minimum of five feet measured from the face of the wall of the story below if they occur on a facade facing a side or rear yard only. Step-backs for integrated parking structures shall not be reduced. Step-backs on one or more of the first three floors that satisfy the intent of this section are permitted.
 - (2) Horizontal building modulation. Building facades shall conform to the following standards:
 - (a) The maximum width (as measured horizontally along the building exterior) without building

modulation shall be 60 feet. If the principal use of the building is for the parking of motor vehicles, there shall be a permitted tolerance of 5%.

- (b) The minimum depth of modulation shall be the greater of six feet or not less than 0.2 multiplied by the height of the structure (finish grade to top of wall). The minimum width of modulation shall be 15 feet. When the principal use of the building is for the parking of motor vehicles, the depth of such modulation shall be a minimum of 3.5 feet. No modulations shall be required on a wall of a parking facility which does not front on a public street.
 - (c) Roof decks or balconies may be used as all or part of the building modulation.
 - (d) The requirements of the horizontal building modulation subsection shall be considered satisfied if existing building facades of contributing historic structures are preserved and incorporated into the proposed building. Building setbacks for stories 1 through 3 may be reduced to align with adjacent existing building facades and as otherwise permitted by Section 513 of this chapter.
- (3) Modulated roofline. Roofs are a design element and should relate to the building facade articulations. The roofline of all facades visible from a street or public park or open space shall be modulated according to the following standards:
- (a) For flat roofs or facades with a horizontal eave, fascia, or parapet: change roofline so that no unmodulated segment of roof exceeds 60 feet. Minimum vertical dimension of roofline modulation is the greater of two feet or 0.1 multiplied by the wall height (finish grade to top of wall).
 - (b) For gable, hipped, or shed roofs: a minimum slope of three feet vertical to 12 feet horizontal.
 - (c) Other roof forms such as arched, vaulted, dormer, or saw-toothed may satisfy this design principle if the individual segments of the roof with no change in slope or discontinuity are less than 60 feet in width (measured horizontally).
- (4) Building articulation shall be accomplished with design elements such as the following, so long as the articulation interval does not exceed 60 feet.
- (a) Repeating distinctive window patterns at intervals less than the articulation interval.
 - (b) Providing a balcony or bay window for each articulation interval.
 - (c) Changing the roofline by alternating dormers, stepped roofs, gables, or other roof elements to reinforce the modulation or articulation interval.
 - (d) Changing materials with a change in building plane.
 - (e) Providing lighting fixtures, trellis, tree, or other landscape feature within each interval.
- (5) Vertical articulation. To moderate the vertical scale of buildings, the design shall include techniques to clearly define the building's top, middle and bottom. The following techniques are suggested methods of achieving vertical articulation:
- (a) Top: sloped roofs, strong eave lines, cornice treatments, horizontal trellises, etc.
 - (b) Middle: windows, balconies, material changes, railings and similar treatments that unify the building design.

- (c) Bottom: pedestrian-oriented fronts, pedestrian scale building details, awnings, and arcades.
 - (d) Where appropriate, the applicant shall coordinate the horizontal elements (i.e., cornices, window lines, arcades, etc.) in a pattern and height to reflect similar elements on neighboring buildings that exhibit the Borough's desired scale and character.
- (6) Building exteriors shall be constructed from high quality, durable materials. Preferred exterior building materials that reflect the Borough's desired traditional main street character are as follows:
- (a) Masonry;
 - (b) Cast stone;
 - (c) Tile;
 - (d) Other materials subject to approval by Borough Council.
 - (e) If concrete or concrete blocks (concrete masonry units) are used for walls that are visible from a street, public park or open space or pedestrian route, then the concrete or concrete block construction must be architecturally treated in one or more of following ways:
 - 1) Use of textured surfaces such as split face or grooved.
 - 2) Use of other masonry types such as brick, glass block, or tile in conjunction with the concrete or concrete blocks.
 - 3) Use of decorative coursing to break up blank wall areas.
- (7) Fenestration. The arrangement, proportion and design of windows and doors (fenestration) shall conform to the following:
- (a) The height to width ratio of single openings and group openings are to be proportionately scaled to the wall.
 - (b) Door and window details and trim suitably scaled to the wall.
 - (c) Reduce large expanses of glass used in windows and doors to smaller component windows reminiscent of traditional main street vernacular when adjacent to existing buildings, sidewalks or other pedestrian use areas.
 - (d) The total square footage of windows along a facade facing a street shall be a minimum of 15% of the square footage of the facade.
- C. Parking. Three spaces per 1,000 square feet of net area devoted to courtrooms, public areas and court offices, plus one space for each regular employee. Parking may be provided at and off-site location, provided it is within 300 feet and is owned and operated by a governmental body. This requirement may reduced or modified by the Zoning Hearing Board by special exception if there is sufficient evidence that existing or proposed parking will sufficiently provide for the required use(s).
26. Health service limited to medical or dental offices, laboratories and clinics, provided the additional provisions of Use 23 are met.
27. Veterinary office, kennel or animal hospital defined herein as any building used for the treatment, housing or boarding of small domestic animals such as dogs, cats, goats, rabbits and birds or fowl by a veterinarian

or other person.

28. Trade or professional school, music or dancing school.

Commercial Uses

29. Retail shop: stores for the retail sales of antiques, books, beverages, confections, drugs, dry goods, flowers, foodstuffs, gifts, garden supplies, hardware, household appliances, jewelry, notions, periodicals, stationery, tobacco, paint, wearing apparel and other similar goods, but not including stores requiring extensive outdoor display or which allow food or beverages to be consumed on or immediately about the premises.
- 29.1. Adult commercial facility. Any establishment or facility which as a regular and substantial course of conduct performs or operates as an adult bookstore, adult video store, adult theater, adult motion-picture theater, adult cabaret, adult motel/hotel, adult arcade, or any other business or concern which, as a regular and substantial portion of its operation or business, offers its patrons or customers pornographic products, merchandise, services, or entertainment, which are distinguished or characterized by an emphasis on matter depicting or relating to specified anatomical areas or specified sexual activities as described below, but not including those uses or activities, the regulation of which is preempted by state law:
- A. Specified anatomical areas:
- (1) Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areola; and
 - (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- B. "Specified sexual activities" means any of the following:
- (1) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts;
 - (2) Sex acts, actual or simulated, including intercourse, oral copulation, masturbation or sodomy;
 - (3) Excretory functions as part of or in connection with any of the activities set forth in Subsection **B(1)** and **(2)** above; or
 - (4) Human genitals in a state of sexual stimulation or arousal.
- C. An adult commercial facility use shall be subject to the following conditions and requirements:
- (1) The use and the building or structure within which the use is conducted shall be located no less than 200 feet from any residential use or district, public or private school, church, recreation facility or any other religious, institutional or educational use.
 - (2) The use and the building or structure within which the use is conducted shall be located no less than 750 feet from any other adult commercial facility use.
 - (3) The use shall not include conduct which is prohibited pursuant to the provisions of 18 Pa.C.S.A. § 5903 (relating to obscene and other sexual materials and performances), 18 Pa.C.S.A. § 3127 (relating to indecent exposure), 18 Pa.C.S.A. § 5901 (relating to open lewdness), 18 Pa.C.S.A. § 6504 (relating to public nuisances), or any other applicable statute, law or regulation.
 - (4) No pornographic material shall be visible from any window, door or exterior of any building on the lot or parcel where the use is conducted nor from any other location upon such lot or parcel.
 - (5) No person under 18 years of age shall be permitted within any building or other area where the

adult commercial facility use is conducted.

- (6) Parking: one off-street parking space shall be provided for each four seats devoted to patron use, or one off-street parking shall be provided for each 50 square feet of gross floor area devoted to the adult commercial facility use, whichever is greater, plus one additional off-street parking space for each employee of such facility.
30. Bulk commercial: stores for the sale of lumber, automobiles, agricultural machinery, boats or any other items requiring extensive outdoor display.
31. Personal service: including barber shop, beauty parlor, laundry or cleaning agency, self-service laundry and wearing apparel.
32. Repair service, including shops for appliances, watches, guns, bicycles, locks, etc.
33. Eating place: for the sale and consumption of food and beverages without drive-in service (service as table or sit-down counter facilities only), provided that in the CR-H District such use shall be permitted as a conditional use under and subject to the following conditions:
- A. The use shall have direct access onto an arterial highway, as designated in the **Highway Classification** Map herein.
- B. Where residential uses or districts abut the proposed use, the following additional requirements shall be met:
- (1) Buffer yards:
- (a) Front yard.
- 1) Minimum width: 15 feet.
 - 2) Minimum landscape details:
 - 3) For each 30 feet of frontage on a public right-of-way, one three-and-one-half-inch caliper deciduous tree such as acer saccharinum (sugar maple) or quercus rubra (red oak) shall be planted.
 - 4) Parking areas shall be screened from the street with either:
 - (i) A six-foot-high wooden or masonry fence; or
 - (ii) A six-foot-high conifer hedge such as ilex opalco (Americal Holly), ilex glabra (ink berry holly) or taxus bocata (upright yew).
- (b) Side and rear yards.
- 1) Minimum width: 15 feet.
 - 2) Minimum landscape details:
 - (i) One five-foot-high wooden or masonry fence or wall along each side or rear property line; and/or
 - (ii) An evergreen planting screen shall be used to provide an adequate visual barrier. The plant material used shall be of a minimum height of four feet at the time of planting and shall be planted in a staggered arrangement in order to provide an

immediate effect. Deciduous and semideciduous shrubs may be used with evergreens to provide accent and color. It is recommended that a landscape architect licensed by the Commonwealth of Pennsylvania be employed to ensure the proper use and arrangement of plant material, and to provide an aesthetically pleasing effect.

- (2) Outdoor lighting. The purpose of this section is to provide for sufficient lighting to illuminate parking and pedestrian areas for security without allowing the same illumination to have detrimental or unaesthetic effects on bordering residential properties.
 - (a) All exterior light sources shall not exceed 10 feet in height.
 - (b) All exterior lighting shall be located and directed so that its glare will not cross lot lines of the proposed use.
 - (c) The level of illumination at the property line shall not be greater than 0.2 footcandles.
 - (d) Land development plans for such use shall include a lighting plan to demonstrate how the above requirements will be met.

33.1. Tavern.

33.2. Unlicensed liquor establishment.

34. Eating place for the sale and consumption of food and beverages with drive-in or take-out service.

35. Mortuary or funeral home, provided the additional provisions of Use 23 are met.

36. Public entertainment facility. Activities operated as a gainful business, open to the public for the purpose of public entertainment or recreation, including but not limited to bowling alleys, motion-picture theaters, health clubs, etc.; but not including outdoor facilities such as golf courses, driving ranges, amusement parks. Adequate measures to prevent noise and other noxious influences from disturbing nearby residential properties must be taken.

37. Video Game Room/Pinball Arcade. Any place of business or establishment or any structure containing four or more pinball machines or other mechanical or electrical devices which provide amusement, or entertainment, which may be operated or set in motion upon the insertion of a coin or token, excluding juke boxes, telephone devices or machines that sell merchandise.

38. Motel, hotel, tourist home, or building or group of buildings for the accommodation of transient guests, chiefly motorists, containing guest rooms for rent.

Automotive Service Uses.

39. Parking area or garage defined herein as a lot of record upon which the parking or storing of automotive vehicles is the primary use, provided:

- A. Such area will be used for parking of cars of employees, customers or guests of existing establishments in the same district where subject parking area is proposed.
- B. No sale, rental, service nor repair operation shall be performed.
- C. The parking or storage of trucks or trailers shall not be permitted.
- D. All parking areas shall meet the design standards for off-street parking included in the Doylestown Borough Subdivision and Land Development Regulations.

- E. All parking lots must conform to the provisions of § 609.
40. Gasoline Service Stations: where gasoline, oil, grease, batteries, tires, or automobile accessories are sold at retail, but not including self-service car wash or mechanical car wash, major mechanical and body work, painting, spraying or welding, or the storage of vehicles, provided the following conditions are met:
- A. Each lot shall have an area of not less than 20,000 square feet.
 - B. Each interior lot shall have a width of not less than 100 feet. For a corner lot, the minimum lot frontage shall not be less than 100 feet on each street.
 - C. The front yard along each street upon which a lot abuts shall not be less than 50 feet measured from the right-of-way line of such street, except as to gasoline pumps as provided in subsection **H**. In the event a proposed or future right-of-way appears on an official plan of the Pennsylvania Department of Transportation or of the Borough of Doylestown for the widening of any streets or roads in the Borough of Doylestown, the required front yard shall be measured from such proposed or future right-of-way.
 - D. Each interior lot shall have two side yards of not less than 25 feet each. Each corner lot shall have a front yard measured from the right-of-way line of each street on which the lot faces which shall equal 50 feet and at least one side yard which shall be not less than 25 feet.
 - E. Each lot shall have a rear yard of not less than 25 feet.
 - F. No buildings or structures shall be less than 100 feet from any residential district.
 - G. No buildings or structures shall exceed 30 feet in height.
 - H. Gasoline pumps shall be set no less than 20 feet from the street right-of-way line or proposed right-of-way line, and not less than 100 feet from any residential property line.
 - I. No gasoline service station shall be permitted within 1,000 feet of a church, public or parochial school, public library, or public recreation area.
 - J. Buffer yards and screening shall be provided and maintained in accordance with § 609 hereof.
 - K. All open space except driveways, parking stalls, and service areas shall be landscaped. The term landscaping shall include:
 - (1) The treatment and maintenance of open space with shrubbery, trees, lawn or flowers to present an attractive, well-kept appearance.
 - (2) The retention of natural wooded areas.
Landscaping may also include ornamental flagstone and brick work.
 - L. All activities not performed at the gasoline pumps shall be performed in completely enclosed buildings.
 - (1) Access shall be by not more than two driveways for each 100 feet of frontage upon any street.
 - (2) No two of said driveways shall be closer to each other than 40 feet and no driveway shall be closer to a side property line than 10 feet.
 - (3) Each driveway shall be not more than 20 feet in width, measured at right angles to the center line of the driveway, not including permissible curb return radii. The entire flare of any return radius

shall fall within the right-of-way.

- (4) No driveway shall be closer than 10 feet to the point of intersection of two property lines at any corner as measured along the property line, and no driveway shall cross such extended property line.
 - (5) On all corner properties there shall be a minimum distance of 50 feet, measured from the lot line, between any entrance or exit drive and the right-of-way line or proposed right-of-way line of the street which parallels said access drive, and a minimum distance of 10 feet from any adjoining property line.
 - (6) In all cases there shall be a safety island between the sidewalk, curb and gutter and all areas which are held open to vehicles, except for the permitted access driveways. On the ends and street side of each island shall be constructed a concrete curb, the height, location and structural specifications of which shall be in accordance with those approved by Borough Council.
 - (7) Vehicles awaiting repair for a reasonable period of time, not to exceed 24 hours, shall not be construed to be "storage of vehicles" in violation of this section.
 - (8) The holding for rental of automobiles, trucks and/or trailers, shall not be construed to be "storage of vehicles" in violation of this Chapter provided that:
 - (a) Such automobiles, trucks, and/or trailers, are owned by a recognized rental agency.
 - (b) No automobiles, trucks or trailers held for rental shall be displayed beyond the front line of the principal building on the lot and in the case of a corner lot, beyond the side line of the principal building facing the street.
 - (c) Such automobiles, trucks, and/or trailers shall be confined to the premises on which the principal use is located.
 - (9) Outside storage of dismantled vehicles or inoperable vehicles not awaiting repair, as above, used or new automobile parts, with the exception of reasonably and orderly displayed articles offered for sale in the ordinary course of business, or similar articles, shall be prohibited.
 - (10) Outside parking or storage of vehicles except as above shall be prohibited.
 - (11) Inside storage of all trash and/or refuse shall be provided. "Inside storage" shall be construed to prohibit the storage and/or collection of any trash and/or refuse other than by means of a fully enclosed and roofed structure.
41. Self-Service Gasoline Pumps, being any gasoline pumping device which is designed for operation by, or which is in fact operated by, a gasoline customer rather than by an authorized gasoline pump attendant, in conjunction with gasoline service stations or as a separate and distinct use, provided the following conditions are met:
- A. All conditions set forth in § 406(40) shall be met.
 - B. At least one qualified attendant shall be on duty at all times when the self-service pumps are open for business. One attendant shall be within arms length of emergency controls, including main power shut-off switches, at all times when flammable or combustible liquids are being dispensed.
 - C. When self-service pumps are used in conjunction with gasoline service stations a minimum of two qualified attendants shall be on duty at all times when the station is open for business. One attendant

shall be within arms length of emergency controls, including main power shut-off switches, at all times when flammable or combustible liquids are being dispensed by a self-service pump.

- D. Instructions for the operation of the dispensers (self-service pumps) shall be conspicuously posted on the dispenser or the dispenser island. The following warning shall also be conspicuously posted on each dispenser island:
 - (1) WARNING. It is unlawful to dispense gasoline into any portable container unless the container is constructed of metal or is approved by the Fire Marshall“;
 - (2) NO SMOKING;
 - (3) STOP MOTOR.
- E. All applicable provisions of the Pennsylvania State Police Fire Marshall’s Code (Pa. State Police Regulations for the Storage Handling, and Use of Flammable and Combustible Liquids, 1971, pursuant to Section I of the Act of April 27, 1927, P.L. 450, as amended, 35 P.S. § 1181, shall be complied with.
- F. Applicable provisions of the BOCA Basic Fire Prevention Code, Article 17, Service Stations and Garages, shall be complied with.
- G. All other applicable Federal, State and Local Laws and regulations shall be complied with.
- H. Fire extinguishers of a size, type and location approved by the Fire Official shall be provided in all facilities.

- 42. Repair garage, including paint spraying and body-and-fender work or car-washing facility, provided that all repair and paint work is performed within an enclosed building.
- 43. Sale of automotive accessories, parts, tires, batteries, and other supplies, providing installation of parts shall be in an enclosed structure.

Transportation Facilities.

- 44. Bus or taxicab terminal
- 45. School bus yard
- 46. Truck terminal
- 47. Railroad station, railway service
- 48. Helistop. Any landing area used for the landing and taking off of helicopters for the purpose of picking up or discharging passengers or cargo, subject to the following additional provisions:
 - A. A minimum landing area of 10,000 square feet with each dimension being at least 100 feet; if a rooftop landing area, the minimum landing area shall be 40 by 40 feet.
 - B. Excepting rooftop landing areas, the entire landing area is to be surrounded by a fence at least six feet in height.
 - C. No fueling, refueling, service nor storage facilities shall be included.
 - D. The proposed helistop will not adversely affect the adjoining land uses, the safety and welfare of nearby residents, nor the future growth and development of the area in which it is to be located.

Utilities.

49. Communication facility, including telephone or telegraph exchange, microwave relay station and radio or television broadcasting studio.

49.1. Municipal Designated Wireless Telecommunications Facility. A wireless telecommunications facility designated as such by Borough Council which is situate upon a lot, building or structure which is owned, operated or leased or otherwise controlled by the Borough of Doylestown or another public entity such as the County of Bucks, the Central Bucks School District or the Commonwealth of Pennsylvania or which is held in private ownership but contains an existing building or structure which is not less than 60 feet in height and where the owner or lessee thereof has consented to such designation.

A. The following are hereby designated as municipal designated wireless telecommunications facilities:

Location	Owner/Lessee	Tax Parcel Number
Bucks County Courthouse	County of Bucks	8-9-1
Spruce Street water tower	Doylestown Borough	8-5-206
Maplewood water tower	Doylestown Borough	8-15-59
War Memorial Field	C.B. School District	8-3-1
Heritage Towers	Heritage Towers	8-5-8
Center Square Towers	Center Square Towers	8-5-8-3
Harvey Avenue Maintenance Facility	Doylestown Borough	8-4-30

B. The Zoning Officer may administratively approve an application and issue a zoning and building permit for the municipal designated wireless telecommunications facility use, provided that a lease, license or other suitable agreement permitting such use has been entered into between the applicant and the owner or lessee of the lot, building or structure upon which the use is proposed, and provided further that the applicant complies with all other applicable provisions of this chapter.

C. Where a municipal designated wireless telecommunications facility is so designated as a result of the existence of an existing building or structure with a height of 60 feet or more and the consent of the private owner to such designation, any antenna or array used or to be used in conjunction therewith shall be located on the top of such existing building or structure and the construction of any new or additional tower shall not be permitted.

D. The provisions of Part 6, § 613, of this chapter shall not be applicable to applications for a zoning and building permit hereunder except for Subsections 2B, 2C(3), 2E, 2F, 2I, 2J, 3A(5), 3A(6), 3A(7), 3A(10), 5A and 5B of § 613 aforesaid, which shall be fully applicable hereto.

E. An applicant for a zoning and building permit hereunder shall establish that all franchises or other approvals required by law for the operation of the proposed private wireless telecommunications facility have been obtained and shall file a copy of same, at the time of application, with the Zoning Officer.

49.2. Private Wireless Telecommunications Facility. A wireless telecommunications facility, other than a municipal designated wireless telecommunications facility, which is privately owned, operated or controlled.

A. A private wireless telecommunications facility shall be permitted by special exception granted by the Zoning Hearing Board pursuant the express standards and criteria set forth in this section and § 613 of this Chapter and subject to the standards, criteria and procedures set forth in Part 11 hereof.

B. The private wireless telecommunications facility use shall not be permitted unless the applicant for special exception establishes by clear and convincing evidence, after exercising due diligence, that a municipal designated wireless telecommunications facility (Use 49.1) was unavailable or unsuitable and could not reasonably be used to accommodate the provision of wireless services proposed by the

applicant.

- C. The private wireless telecommunications facility use shall not be permitted in the Historic District created and defined pursuant to Chapter **4**, Part **2**, of the Code of Ordinances of the Borough of Doylestown.
 - D. The private wireless telecommunications facility use shall not be permitted unless the applicant for special exception establishes by clear and convincing evidence that the applicant has fully complied with all applicable provisions of Part **6**, § 613 of this chapter.
 - E. The applicant for special exception shall establish that all franchises or other approvals required by law for the operation of the proposed private wireless telecommunications facility have been obtained and shall file a copy of same, at the time of application, with the Zoning Officer.
 - F. A different existing use of any existing structure on the same lot shall not preclude a private wireless telecommunications facility use thereon.
 - G. Tables of dimensional requirements.
 - (1) Minimum lot area: 40,000 square feet.
 - (2) Minimum width at setback/street line: 200 feet.
 - (3) Minimum front yard: 35 feet.
 - (4) Minimum side yard: 15 feet.
 - (5) Minimum rear yard: 15 feet.
 - (6) Minimum building spacing: 100 feet.
 - (7) Maximum building height: eight feet.
 - (8) Maximum lot coverage: 20%.
- 49.3. Architecturally Integrated Wireless Telecommunications Facility. A wireless telecommunications facility designed to be integrated into a preexisting building whereby all equipment, wiring, antennas, and radiating elements are enclosed and contained within and behind existing architectural elements of the building so as to not be visible from the exterior of the structure. The provisions of § 613.3A(5), (6), (7), (8), (9), and (10) shall apply to this use.
- 50. Supply utility, including water supply works and storage, electric substations, plus necessary rights-of-way and transmission lines; provided that:
 - A. Except in RC and CC Districts, no public business office shall be operated in connection with such use.
 - B. In no district shall any storage yard or storage building be operated in connection with such use unless such storage facility is essential to service customers in the district in which it is located.
 - C. All transmission lines shall be underground.
 - D. A seventy-five-foot buffer yard shall be provided along all property lines.
 - 51. Petroleum product and gas substation, provided that the provisions of Use 49(C) and (D) above are met.
 - 52. Municipal facility, including public water works, storage and distribution systems; public works maintenance

shop and storage yard; and sanitary sewerage works, pumping stations plus associated collection lines and rights-of-way, but not including refuse dump, incinerator nor sanitary landfill.

- 53. Emergency facility, including fire station, ambulance and rescue services.
- 54. Fire signal.

Industrial Uses.

- 55. Wholesale business and storage, provided that:
 - A. In RC and CC Districts, such uses shall be restricted to offices.
 - B. In FC, CI and PI Districts, the storage provisions of Use 63 are met.
- 56. Warehousing, not including outdoor storage unless the provisions of Use 64 are met.
- 57. Manufacturing, including the production, processing, cleaning, printing, testing and distribution of materials, goods, foodstuffs and other products. Such manufacturing, processing or assembling of small parts and products such as electronic instruments and devices, radios and phonographs, medical and surgical instruments, optical products, pharmaceuticals, toiletries, jewelry, mechanical instruments and other similar small parts and products.
- 58. Laboratory for research testing, or experimentation.
- 59. Contractor's office and storage, including building, cement, electrical, heating, plumbing, masonry, painting and roofing contractors, provided that the storage provisions of Use 64 are met.

Accessory Uses.

- 60. Home occupation. Activities customarily carried on in a dwelling unit which are clearly incidental and secondary to the use of the dwelling for residential purposes, provided that:
 - A. The home occupation shall be carried on wholly indoors and within the principal building.
 - B. There shall be no maintenance of a stock in trade, no use of show windows nor display nor advertising visible outside the premises to attract customers or clients other than home occupation announcement signs as permitted and regulated in Part 7 and no exterior storage of materials.
 - C. No alterations, additions or changes to the structure shall be permitted in order to accommodate or facilitate a home occupation.
 - D. No articles shall be sold or offered for sale except such as may be produced on the premises.
 - E. No repetitive servicing by truck for supplies and materials shall be required.
 - F. The home occupation shall be carried on only by members of the immediate family residing in the structure.
 - G. No equipment or process shall be used in a home occupation which creates unreasonable noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot; nor shall any equipment or process be used which creates visible or audible interference with television or radio reception on neighboring properties.
 - H. The maximum amount of floor area devoted to the home occupation or occupations shall not exceed more than 25% of the ground floor area of the principal residential structure or 400 square feet, whichever is less. At least 850 square feet of the total floor area, excluding attic or cellar areas, shall

remain exclusively in residential use.

60.1. No Impact Home-Based Business, provided that:

- A. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- B. The business shall employ no employees other than family members residing in the dwelling.
- C. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- D. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
- E. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
- F. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
- G. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
- H. The business may not involve any illegal activity.

61. Residential accessory building or structure or use, including but not limited to:

- A. Parking spaces for the parking of passenger automobiles; but excluding parking of commercial vehicles other than vehicles not exceeding one-half-ton loading capacity that are needed for travel to and from work by residents of the principal building, are completely enclosed within a building; and also excluding repairs, sale of gas and other such commercial uses.
- B. Structures such as fences and walls.
- C. Building, such as storage shed, provided that:
 - (1) As to free-standing storage sheds only, the minimum rear yard and side yard(s) shall be 2 1/2 feet, provided that the maximum area shall not exceed 100 square feet, the maximum height shall not exceed eight feet only one such storage shed shall be permitted on any property, and that such storage sheds shall not be located closer to any street than the rearmost wall of the principal building.
 - (2) No storage shed shall be permitted within the required front yard on any property nor shall any storage shed be located closer to the front yard of any abutting property than as the yard requirements of the applicable zoning district may otherwise require.
 - (3) As to attached storage sheds or those with a height greater than eight feet or area larger than 100 square feet, the front, rear and side yard setbacks of principal and accessory buildings within the applicable zoning district shall govern.
- D. For accessory garage structures other than those listed in Subsection **C** above, see § 518.
- E. Private swimming pool wherever constructed as a stationary or permanent structure or wherever temporarily erected for use, provided that the provisions of the Doylestown Borough Chapter **23**

regulating swimming pools is complied with.

- F. The keeping of one roomer, boarder or lodger as an accessory use to any dwelling unit; provided, however, that the following requirements are complied with:
- (1) In R-1 and R-2 Districts, one additional off-street parking space shall be provided on the property in which the boarder resides.
 - (2) No cooking facilities shall be provided to a boarder other than those used by occupants of the principal dwelling.
 - (3) No separate entrance shall be provided to any boarder other than existing entrances available to occupants of the principal dwelling.
 - (4) Internal access from the area occupied by a boarder to the principal residence shall be maintained at all times.
 - (5) No sign of any kind shall be placed on any property advertising the existence of availability of boarding facilities.
- G. Earth Station for Satellite Communication. A structure for purposes of this chapter as a parabolic ground-based or mountable reflector, together with its pedestal and any other attachments and parts thereof, commonly referred to as a "dish antenna," used or intended to receive radio or electromagnetic waves from an overhead satellite shall be permitted subject to the following regulations. This use shall in no event be construed to permit as an accessory use or structure an earth station for satellite communication used or intended to be used for the propagation or transmission of radio or electromagnetic waves, such uses being and regulated above pursuant to Subsection **49**, Communication Facility. Earth Stations shall be permitted and may be erected provided that:
- (1) There is strict compliance with all dimensional requirements set forth in Part **5** of this chapter, except as otherwise provided for herein. No earth stations shall be permitted in any front or side yard area.
 - (2) No more than one earth station shall be permitted on any lot.
 - (3) The diameter or longest straight-line distance between any two points on the perimeter of any earth station shall not exceed nine feet.
 - (4) The total dimensional height of any earth station, including base and mounting structure, shall not exceed 10 feet.
 - (5) When roof mounted, the earth station shall not be mounted upon chimneys and shall be subject specifically to the provisions of § 523 of this chapter, provided that nothing therein contained shall be construed to increase the dimensional restrictions set forth in Subsection **G(3)** and **(4)** above.
 - (6) When mounted other than upon a roof, including the ground, the earth station shall be visually screened, the design of which shall be subject to the approval of the Borough Planning Commission and Borough Council.
 - (7) There shall be strict compliance with the Doylestown Borough Building Code and all other applicable laws, statutes, and regulations of the United States, Commonwealth of Pennsylvania, County of Bucks and the Borough of Doylestown.

- (8) Prior to the erection of any earth station, a zoning permit shall be obtained pursuant to the provisions of Part **10** of this chapter.
 - (9) The provisions of this Subsection 61(G) shall be fully applicable to Subsection **63** below insofar as Subsection **63** relates to accessory structures and uses in the PI District.
62. Temporary structure or use. A temporary permit may be issued for structures or uses necessary during construction or other special circumstances of a nonrecurring nature, subject to the following additional provisions:
 - A. The life of such permit shall not exceed six months, renewable at three-month intervals.
 - B. Such structure or use shall be removed completely upon expiration of the permit without cost to the borough.
63. Accessory building or structure, or uses customarily incidental to the uses permitted in R-3, RC, CC, FC, CI and PI Districts in connection with such uses, except outside storage, provided that any use accessory to a use permitted only under a special exception shall be established only if and as provided in such exception.
64. Outside storage other than storage as a primary use of the land, necessary but incidental to the normal operation of a primary use.
 - A. Such use shall be subject to the following provisions:
 - (1) No part of the street right-of-way, no sidewalks nor other areas intended or designed for pedestrian use, no required parking areas, and no part of the required front yard shall be occupied by outside storage.
 - (2) Outside storage areas shall occupy an area of less than 1/2 the existing building coverage.
 - (3) Outside storage areas shall be shielded from view from the public streets.
 - B. Uses requiring more substantial amounts of land area for storage may be exempt from the provisions of paragraphs (2) and (3) above when granted as a special exception by the Zoning Hearing Board. Such uses shall be subject to the following additional provisions:
 - (1) No more than 25% of the lot area shall be used in outdoor storage.
 - (2) Particular uses appropriate for consideration under this provision include, but are not limited to, bulk commercial (Use 30), school bus yard (Use 44), and truck terminals (Use 45). Among the uses that shall not be considered appropriate for inclusion under this provision are retail shops and stores (Use 29), repair shops for appliances (Use 32), gasoline service station (Use 39), sale of automotive accessories (Use 42), wholesale business (Use 55), warehousing (Use 56), manufacturing (Use 57) and contractor offices and shops (Use 59).
65. Outside display of goods, wares or merchandise, upon a fixture, table, machine or other device for the display and/or sale of merchandise, limited to the portion of the sidewalk adjacent to the inside line thereof, extending not more than 24 inches toward the curblin, where the sidewalk is sufficiently wide so that a free and unencumbered walkway at least six feet in width remains available for the use of pedestrians. Penalties for violation of these provisions shall be as stated in Chapter **21**, § 304 to 306 herein.
66. Travel trailer, storage of, subject to the following provisions:
 - A. In all districts, no more than one trailer shall be stored on a lot.

- B. Such trailers shall be owned by the occupant of the lot upon which the trailer is stored.
 - C. Such trailers must be unoccupied.
 - D. The provisions for outside storage included in Use 64 must be complied with.
 - E. Provisions (A) and (B) above shall not apply to the storage of trailers as a permitted principal use.
67. Sign subject to the provisions and requirements of Part 6.

Part 5. DIMENSIONAL REQUIREMENTS

§ 501. Purpose.

[Ord. 1972-10, 10/16/1972, Art. V, § 500]

The dimensional requirements for all zoning districts in Doylestown Borough are summarized in the **Table of Dimensional Requirements** (§ 502). The purpose of the summary is as a reference in making comparisons between dimensional requirements in the various districts. Covered in this part are general dimensional requirements for special circumstances, applicable in all districts.

§ 502. District Regulations.

[Ord. 1972-10, 10/16/1972, Art. V, § 501, as amended by Ord. 1973-2, 1/15/1973, §§ 3 and 4; as amended by Ord. 1974-6, 5/20/1984, § 3; by Ord. 1974-10, 8/19/1974, §§ 6-8, 10, 13, 16, 18; by Ord. 1975-13, 7/7/1975, § 4; Ord. 1977-11, 8/15/1977, §§ 7, 8; by Ord. 1978-6, 5/15/1978, §§ 4, 18; by Ord. 1979-17, 9/17/1979, § 3; by Ord. 1985-8, 5/23/1985; by Ord. 1986-15, 12/15/1986; by Ord. 1995-7, 11/20/1995, § 3; by Ord. 1998-5, 6/15/1998, § 5; by Ord. 1999-9, 6/28/1999, § 4; by Ord. 2000-5, 6/26/2000, § 8; and by Ord. 2001-6, 5/21/2001, § 5; and by Ord. 2002-13, 12-16-2002, § 4; and by Ord. 2003-7, 8/18/2003, § 7]

The regulations for each district pertaining to maximum overall density, minimum lot area, minimum lot area per dwelling unit, minimum lot width, minimum front yard, minimum side yard, minimum rear yard, maximum height and maximum building coverage shall be as specified in this part unless specifically stated for all particular use in the **Table of Use Regulations** in Part 4. (See Table in attachment at the end of this chapter.)

A.

Density, Lot Area and Lot Width Regulations.

§ 503. Maximum Density.

[Ord. 1972-10, 10/16/1972, Art. V, § 502]

The maximum number of dwelling units per acre of land shall not exceed the numbers specified in § 502 for the district involved.

§ 504. Lot Area.

[Ord. 1972-10, 10/16/1972, Art. V, § 503]

1. Where a minimum lot area is specified, no principal building nor use shall be created or established on any lot of lesser area, except as may be permitted in § 502.
2. The lot area and yards required for any new building or use shall not include any part of a lot that is required by any other building or use to comply with the requirements of this Chapter. No required lot area and yard shall include any property, the ownership of which has been transferred subsequent to the effective date of this Chapter if such property was a part of the area required for compliance with the dimensional requirements applicable to the lot from which such transfer was made.
3. Lot coverage shall not exceed the requirements specified in § 502 for the district involved.

§ 505. Minimum Lot Width.

[Ord. 1972-10, 10/16/1972, Art. V, § 504]

Where a minimum lot width is specified, no principal building shall be erected on any part of a lot which has a width less than specified, except as may be permitted by § 506.

§ 506. Exceptions to Minimum Lot Areas and Lot Widths.

[Ord. 1972-10, 10/16/1972, Art. V, § 505]

1. The provisions of § 502 shall not prevent the construction of a single-family dwelling, provided the yard requirements are observed, on any lot which was lawful when created and which prior to the effective date of this Chapter was in separate ownership duly recorded by plan or deed.
2. This exception shall not apply to any two or more contiguous lots in a single ownership as of or subsequent to the effective date of this Chapter in any case where a reparceling or replatting could create one or more lots which would conform to the provisions of § 502.

B.

Traffic Visibility Regulations.

§ 507. Traffic Visibility Across Corners.

[Ord. 1972-10, 10/16/1972, Art. V, § 506]

1. In any district, no structure, fence nor planting shall be maintained between a plane two feet above curb level and a plane seven feet above curb level so as to interfere with traffic visibility across the corner within that part of the required front or side yard which is within a triangle bounded by the street lot line and a straight line drawn between points on each lot 25 feet from the intersection of said lot lines or extension thereof.
2. At each point where a private accessway intersects a public street or road, a clear-sight triangle of 10 feet measured from the point of intersection of the street line and the edge of the accessway shall be maintained, within which vegetation and other visual obstructions shall be limited to a height of not more than two feet above the street grade.

§ 508. Front and Side Yards of Corner Lots.

[Ord. 1972-10, 10/16/1972, Art. V, § 507]

On a corner lot, the yard facing each street shall equal the required front yard for lots facing that street.

§ 509. Spacing of Non-residential Buildings on the Same Lot.

[Ord. 1972-10, 10/16/1972, Art. V, § 508]

Where two or more main buildings for other than residential uses are proposed to be built upon property in one ownership, front, side and rear yards are required only at lot lines abutting other property. See § 521 for requirements for residential uses.

C.

Front Yard Regulations.

§ 510. Front Yard Regulations.

[Ord. 1972-10, 10/16/1972, Art. Vi, § 509; as amended by Ord. 1981-3, 7/20/1981, § 4]

Where a minimum depth of front yard is specified in § 502 an open space of at least the specified depth shall be provided between the legal right-of-way, or the future right-of-way, wherever the latter exceeds the legal right-of-way, and the nearest point of any building or structure. Only landscaped areas, signs, and necessary drives and walks shall be permitted in the required front yard set-back area except as may be provided in § 802(7).

§ 510.1. Mechanical Equipment in Front Yards.

[Ord. 2005-3, 3/3/2005, § 2]

Mechanical equipment such as air conditioners, compressors, generators and electrical transformers shall not be permitted within required front yards. Existing mechanical equipment that is situated within required front yard areas may be replaced in the same location, provided it is of the same size and capacity as the replaced equipment and is located no closer to the property line than the old equipment.

§ 511. Projections into Front Yards.

[Ord. 1972-10, 10/16/1972, Art. V, § 510]

Ground-story bays and porches not over half the length of the front wall may project into any front yard 3 1/2 feet. Chimneys, flues, columns, sills, and ornamental features may project not more than one foot, and cornices and gutters not more than two feet, over a required front yard.

§ 512. Fences and Terraces in Front Yards.

[Ord. 1972-10, 10/16/1972, Art. V, § 511]

Subject to § 507, the provisions of § 502 shall not apply to front fences, hedges, nor walls less than seven feet high above the natural grade in the required front yard, nor to terraces, steps, uncovered porches, or other similar features not over three feet high above the level of the floor of the ground story.

§ 513. Front Yard Reduction.

[Ord. 1972-10, 10/16/1972, Art. V, § 513]

Where there is an existing building on each of two lots adjacent on either side to a lot on which a proposed building is to be erected, where both such existing buildings have an alignment nearer to the street than the required front depth elsewhere specified in this Chapter, and when both such existing buildings are within 100 feet of the proposed building, the average of the existing front yard depths of such adjacent lots shall be the minimum required front yard depth of the lot on which the proposed building is to be erected.

D.

Side Yard Regulations.

§ 514. Side Yard Requirements.

[Ord. 1972-10, 10/16/1972, Art. V, § 514]

Where a minimum width of side yard is specified in § 502, no building nor structure shall be erected within the specified distance from either side lot line, except as permitted in § 515.

§ 514.1. Driveways and Parking Areas in Side Yards.

[Ord. 2005-3, 3/3/2005, § 3]

Residential driveways and parking areas shall be permitted to be located in a required side yard, provided that they are located no closer than two feet from either side lot line. Nonresidential driveways and parking areas shall be located no closer than six feet from either side lot line and subject to the buffer requirements of § 803.1. This shall not prevent a driveway from taking access from public or private street by crossing a required side or rear yard.

§ 514.2. Mechanical Equipment in Side Yards.

[Ord. 2005-3, 3/3/2005, § 4]

Mechanical equipment such as air conditioners, compressors, generators and electrical transformers shall not be permitted within required side yards. Existing mechanical equipment that is situated within required side yard areas may be replaced in the same location, provided it is of the same size and capacity as the replaced equipment and is located no closer to the property line than the old equipment.

§ 515. Projections into Side Yards.

[Ord. 1972-10, 10/16/1972, Art. V, § 515]

Bays, balconies, chimneys, flues and fire escapes may project into a required side yard not more than 1/3 of its width, and not more than four feet in any case. Ground-story bays and porches not over half the length of the side wall may project into any side yard 3 1/2 feet.

§ 516. Fences and Terraces in Side Yards.

[Ord. 1972-10, 10/16/1972, Art. V, § 516]

Subject to § 507, the provisions of § 502 shall not apply to fences, hedges, or walls not over seven feet high above the natural grade, nor to terraces, steps, uncovered porches, or other similar features not over three feet high above the floor of the ground story.

E.

Rear Yard Regulations.

§ 517. Rear Yard Requirements.

[Ord. 1972-10, 10/16/1972, Art. V, § 517]

No building or structure shall be built within the minimum depth from the rear lot line specified in § 502, except as permitted in § 518.

§ 517.1. Driveways and Parking Areas in Rear Yards.

[Ord. 2005-3, 3/3/2005, § 5]

Residential driveways and parking areas shall be permitted to be located in a required rear yard, provided that they are located no closer than two feet from either side lot line. Nonresidential driveways and parking areas shall be located no closer than six feet from rear lot lines, and subject to the buffer requirements of § 803.1. This shall not prevent a driveway from taking access from public or private street by crossing a required side or rear yard.

§ 517.2. Mechanical Equipment in Rear Yards.

[Ord. 2005-3, 3/3/2005, § 6]

Mechanical equipment such as air conditioners, compressors, generators and electrical transformers shall not be permitted within required rear yards. Existing mechanical equipment that is situated within required rear yard areas may be replaced in the same location, provided it is of the same size and capacity as the replaced equipment and is located no closer to the property line than the old equipment.

§ 518. Accessory Garage Structures Within Required Rear Yards.

[Ord. 1972-10, 10/16/1972, Art. V, § 518]

Required rear yards may be occupied by an accessory garage for accessory garage use and other permitted accessory buildings, structures, or use, provided that:

1. Such accessory building, structure, or use shall be situated not less than the distance required for side yards in the district in which such building, structure or use is located;
2. Not less than 15 feet further back from the street line than the rearmost portion of the principal building; and
3. Such accessory building, structure, or use shall not exceed 15 feet in height.

§ 519. Rear Yard Requirements for Triangular Lots.

[Ord. 1972-10, 10/16/1972, Art. V, § 519]

In the case of a triangular lot with no rear lot line, the distance between any point on the building and corner of the lot farthest from the front lot line shall be at least twice the minimum depth specified in § 502.

§ 520. Fences and Terraces in Rear Yards.

[Added by Ord. 1982-23, 1/17/1983, § 1]

Subject to § 507, the provisions of § 502 shall not apply to fences, hedges, or walls not over seven feet high above natural grade, nor to terraces, steps, uncovered porches, or other similar features not over three feet high above the floor of the ground story.

F.

Building Spacing and Height Regulations.

§ 521. Minimum Building Spacing.

[Ord. 1972-10, 10/16/1972, Art. V, § 520]

The building spacing percent, as specified in § 502, is the minimum percent ratio of horizontal distance between facing walls of any two buildings on one lot, one of which is residential, and the height of the taller of the two buildings.

1. The minimum horizontal distance between facing walls of any two buildings on one lot, one of which is a residential building, shall be at their closest point at least the greater of (i) 25 feet; or (ii) the distance which bears the minimum ratio specified in § 502, **Table of Dimensional Requirements**.
2. Facing walls are defined as walls opposite to and parallel with one another or wall lines or extensions of wall lines of opposite walls which intersect at angles of less than 65°.

§ 522. Maximum Height of Buildings.

[Ord. 1972-10, 10/16/1972, Art. V, § 521; as amended by Ord. 1978-6, 5/15/1978, § 5; and by Ord. 2005-3, 3/3/2005, § 7]

1. No building shall exceed the maximum height of buildings specified in § 502 except as specified in § 523.
2. Height shall be measured from the grade plane of the building to the highest point of the roof for flat roofs, to the decklines of mansard roofs and to the mean height between eaves and ridge for gable, hip and

gambrel roofs.

3. For height exceptions of roof-top mechanical systems or elevator penthouses see § 523.

§ 523. Height Exceptions of Maximum Regulations.

[Ord. 1972-10, 10/16/1972, Art. V, § 522; as amended by Ord. 1978-6, 5/15/1978, § 6]

Penthouses whose purpose is to handle the equipment necessary for required elevator installation or rooftop mechanical equipment shall not exceed 12 feet in height above the finished roof line. All roof-top mechanical systems shall be visually screened, the design of which shall be subject to the approval of the Planning Commission and Borough Council.

G.

Building Coverage and Floor Area.

§ 524. Lot Coverage.

[Ord. 1972-10, 10/16/1972, Art. V, § 523; as amended by Ord. 1978-6, 5/15/1978, § 7]

The lot coverage is the maximum percent of the total lot area which may be covered by the ground floor area of any building or buildings.

For any building or group of buildings on a lot, neither the building coverage nor the floor area requirements shall exceed the maximum percentiles specified in § 502.

1. The floor area ratio is the maximum square-foot amount of total floor area permitted for each square foot of lot area.
2. Where a maximum floor area ratio is specified in § 502, no development shall be permitted which exceeds the floor area permitted as specified.
3. For all multi-family low-rise and high-rise dwellings, lot coverage shall include all impervious surfaces in addition to land covered by the ground floor area of any building or buildings. Coverage of the gross site area by impervious surfaces shall not exceed 40% for multi-family low rise dwellings and 42% for multi-family high-rise dwellings.

ARTICLE H.

Open Space and Recreation Space Requirements.

§ 525. Open Space.

[Ord. 1972-10, 10/16/1972, Art. V, § 524; as amended by Ord. 1978-6, 5/15/1978, § 8]

1. Open space is land that shall be provided for the purpose of recreation, resource protection, amenity, or buffers; is freely accessible to all residents; and is protected by the provisions of this Chapter to ensure that it remains in such uses. Open space does not include land occupied by buildings, roads, or road rights-of-way; nor does it include the yards or lots of single or multi-family dwelling units or parking areas as required by the provisions of this Chapter. Open space shall be left in a natural state except in the case of recreation uses which may contain impervious surfaces. Such impervious surfaces shall be included in the calculation of the impervious surface ratio.

2. Where a minimum amount of open space is specified in § 502, no development shall be permitted which provides less open space than that specified.
3. Cluster Development (R-2-A District), multi-family low-rise and multi-family high-rise development shall meet the open space requirements of the Zoning Chapter. The plan shall contain or be supplemented by such material as required to establish the method by which open space shall be perpetuated, maintained, and administered. The plan and other materials shall be construed as a contract between the land owner(s) and the municipality, and shall be noted on all deeds.
4. The open space shall be laid out in accordance with the best principles of site design. It is intended that the open space shall be as close to all residences as possible, with greenways leading to major recreation spaces and community facilities.
5. All land held for open space shall be so designated on the plans. The plans shall contain the following statement for the lands in categories (A), (B), or (C) below: "Open space land may not be separately sold, nor shall such land be further developed or subdivided." All subdivision plans shall further designate the use of open space, the type of maintenance to be provided, and a planting plan or schedule. In designating use and maintenance, the following classes may be used.
 - A. Lawn. A grass area with or without trees which may be used by the residents for a variety of purposes and which shall be mowed regularly to insure a neat and tidy appearance.
 - B. Natural Area. An area of natural vegetation undisturbed during construction, or replanted. Such areas may contain pathways. Meadows shall be maintained as such and not left to become weed-infested. Maintenance may be minimal, but shall prevent the proliferation of weeds and undesirable plants such as honeysuckle and poison ivy. Litter, dead trees and brush shall be removed, and streams shall be kept in free-flowing condition.
 - C. Recreation Area. An area designated for a specific use, including but not limited to tennis, swimming, shuffle board, playfield, and tot lot. Such areas shall be maintained so as to avoid creating a hazard or nuisance, and shall perpetuate the proposed use.
6. Designated planting and recreation facilities within the open space areas shall be provided by the developer. A performance bond or other securities may be required to cover costs of installation in accordance with provisions of the subdivision ordinance.
7. All open space, shown on the Final Development Plan as filed in the office of the Borough Manager of Doylestown and subsequently recorded in the Office of the Recorder of Deeds of Bucks County, must be conveyed in accordance with one or more of the following methods:
 - A. Dedication in fee-simple to the Borough of Doylestown may, but shall not be required to, accept any portion of the open space, provided:
 - (1) Such land is freely accessible to, and of benefit to the general public of Doylestown Borough;
 - (2) There is no cost involved;
 - (3) The Borough agrees to and has access to maintain such lands, and;
 - (4) It must be acceptable with regard to size, shape, location and improvement.
 - B. By conveying title (including beneficial ownership) to a corporation, association, funded community trust, condominium or other legal entity.

- (1) The terms of such instrument of conveyance must include provisions suitable to the Borough for guaranteeing:
 - (a) The continued use of such land for the intent purpose;
 - (b) Continuity of proper maintenance for those portions of the open space requiring maintenance;
 - (c) The availability of funds required for such maintenance;
 - (d) Adequate insurance protection;
 - (e) Provisions for payment of applicable taxes;
 - (f) Recovery for loss sustained by casualty, condemnation, or otherwise;
 - (g) Such other covenants and/or easements that the Borough shall deem desirable to fulfill the purposes and intent of this Chapter.
- (2) The following are prerequisites for such a corporation or association:
 - (a) It must be set up before any homes or dwelling units are sold or leased or otherwise conveyed.
 - (b) Membership must be mandatory for each buyer and/or lessee and any successive buyer and/or lessee.
 - (c) It must be responsible for liability insurance, taxes, recovery for loss sustained by casualty, condemnation or otherwise, and the maintenance of recreation and other facilities.
 - (d) Members of beneficiaries must pay their pro-rata share of the costs, and the assessment levied can become a lien on the property.
 - (e) It must be able to adjust the assessment to meet conditions.
 - (f) Such corporation or association shall not be dissolved nor shall it dispose of the open space, by sale or otherwise, except to an organization conceived and established to own and maintain the open space. The corporation or association must first offer to dedicate the open space to the Borough before any such sale or disposition of the open space.
- (3) The dedication of open space, streets or other lands in common ownership of the corporation, association or other legal entity, or the Borough, shall be absolute and not subject to reversion for possible future use for further development.
- (4) All documents pertaining to the conveyance and maintenance of the open space shall meet the approval of the Borough Solicitor as to legal form and effect and to the Planning Commission as to suitability for the proposed use of the open space.

§ 526. Recreation Space.

[Ord. 1972-10, 10/16/1972, Art. V, § 525; as amended by Ord. 1978-6, 5/15/1978, § 9]

1. Definition: recreation space is defined as the part or parts of a lot designed and developed for use by the

occupants of the lot for recreation, gardens, or any leisure activities. Such spaces shall be effectively separated from automobile traffic and readily accessible by all those for whom it is required. At least 75% of the area shall have a grade of less than 8% and all recreation space counted in this computation shall be at least 20 feet away from any residential wall containing a window. Finally, each individual recreation space counted shall have minimum dimensions of 100 feet.

2. Where a minimum amount of recreation space is specified in § 502, no development shall be permitted which provides less recreation space than that specified.
3. A minimum percentage of the required open space in any multifamily low-rise or high-rise development shall be devoted to recreation space according to the following requirements:
 - A. Multi-family low-rise: 10%.
 - B. Multi-family high-rise: 16%.

Part 6. GENERAL PERFORMANCE STANDARDS

§ 601. Compliance.

[Ord. 1972-10, 10/16/1972, Art. VI, § 600]

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

§ 602. Noise.

[Ord. 1972-10, 10/16/1972, Art. VI, § 601; as amended by Ord. 2002-8, 9/23/2002, § 4]

The sound level of all uses and activities permitted pursuant to the provisions of this chapter shall fully comply with the provisions of Chapter **10**, Part **4**, of the Code of Ordinances of the Borough of Doylestown, known as the "Doylestown Borough Noise Control Ordinance."

§ 603. Smoke.

[Ord. 1972-10, § 10/16/1972, Art. VI, § 602]

No smoke shall be emitted from any chimney or other source of visible gray opacity greater than No. 1 on the Ringlemann Smoke Chart as published by the U.S. Bureau of Mines, except that smoke of a shade not darker than No. 2 on the Ringlemann Chart may be emitted for not more than four minutes in any thirty-minute period.

§ 604. Dust, Fumes, Vapors, and Gases.

[Ord. 1972-10, 10/16/1972, Art. VI, § 603]

1. The emission of dust, dirt, fly ash, fumes, vapors, or gases which can cause any damage to human health, to

animals, or vegetation, or to other forms of property, or which can cause any soiling or staining of persons or property at any point beyond the lot line of the use creating the emission, is herewith prohibited.

2. No emission of liquid or solid particles from any chimney or other source shall exceed 0.3 grains per cubic foot of the covering gas at any point beyond the lot line of the use creating the emission. For measurement of the amount of particles in gases resulting from combustion, standard correction shall be applied to a stack temperature of 500° F. and 50% excess air in stack at full load.

§ 605. Heat.

[Ord. 1972-10, 10/16/1972, Art. VI, § 604]

No use shall produce heat perceptible beyond its lot lines.

§ 606. Odor.

[Ord. 1972-10, 10/16/1972, Art. VI, § 605]

No use shall emit odorous gases or other odorous matter in such quantities as to be offensive at any point on or beyond its lot lines. The guide for determining such quantities of offensive odors shall be the 50% response level of Table I (Odor Thresholds in Air), "Research on Chemical Odors: Part I — Odor Thresholds for 5 Commercial Chemicals", October 1968, Manufacturing Chemists Association, Inc., Washington, D.C.

§ 607. Glare.

[Ord. 1972-10, 10/16/1972, Art. VI, § 606]

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

§ 608. Vibrations.

[Ord. 1972-10, 10/16/1972, Art. VI, § 607]

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

§ 609. Buffer Yards.

[Ord. 1972-10, 10/16/1972, Art. VI, § 610; as amended by Ord. 1978-6, 5/15/1978, § 10; and by Ord. 1988-4, 2/15/1988, § 1]

Buffer yards are required in all commercial-residential high-rise (CR-H), Freestanding Commercial (FC), Retail Commercial (RC) and Industrial District (P-I) and (C-I) along the district boundaries between themselves and residential districts and along common boundaries between themselves and existing residential uses.

1. The buffer yards shall be measured from the district boundary line or property line or from the near street line where a street serves as the district boundary line.

2. Buffer yards shall be not less than 15 feet in width in F-C and R-C Districts except for multi-family low-rise where the minimum buffer shall be 20 feet in width. Buffer yards shall not be less than 35 feet for multi-family high-rise in the CR-H District and not less than 30 feet in C-I and P-I Districts.
3. The buffer yard may be coterminus with required front, side or rear yards and in the case of conflict, the larger yard requirement shall apply.
4. In all buffer yards the entire area shall be maintained and kept clean of all debris, rubbish, weeds and tall grass in conformance with Chapter **10**, §§ 201-204 of the Code of Ordinances, Borough of Doylestown and shall be planted as required herein.
5. No structure, manufacturing or processing activity, or storage of materials shall be permitted in the buffer yard; however, parking of passenger automobiles shall be permitted in the portion of the buffer yard exclusive of the exterior fifteen-foot width. In the CR-H District parking for multi-family high-rise dwelling(s) shall be in the buffer yard exclusive of the exterior 20 feet of width and shall not encroach into more than 50% of the total buffer yard area.
6. The exterior 15 feet of each buffer yard shall include a dense screen planting of trees, shrubs, or line to serve as a barrier to visibility, air-borne particles, glare and noise. Such screen planting shall be in accordance with the following requirements;
 - A. The required screen planting shall be designed, planted and maintained in accordance with the standards and specifications of Part 4, of the Doylestown Borough Subdivision and Land Development Ordinance.
 - B. Where screen plantings are required along street frontages these requirements shall be in addition to requirements for street trees specified in Part 4 of the Doylestown Borough Subdivision and Land Development Ordinance.
 - C. The screen planting shall be so placed that at maturity it will not be closer than three feet from any street or property line.
 - D. In accordance with the provisions of § 507, a clear-sight triangle shall be maintained at all street intersections and at all points where private accessways intersect public streets.
 - E. The screen planting shall be broken only at points of vehicular or pedestrian access.
7. No screen planting shall be required along streets which form district boundary lines, provided that:
 - A. No outdoor processing or manufacturing activity and no outside storage of materials shall be so located as to be visible from any adjacent Residential District or residential uses.
 - B. Only the front of any proposed building shall be visible from any adjacent Residential Districts or residential uses.
8. Prior to the issuance of any Zoning Permit, complete landscape plans showing the arrangement of all buffer yards and the placement, species and size of all plant materials, and type of all fences to be placed in such buffer yard, shall be reviewed by the Zoning Officer to ascertain that the plans are in conformance with the terms of this Chapter.

§ 610. Storage and Waste Disposal.

[Ord. 1972-10, October 16, 1972, Article VI, § 620]

1. No highly flammable or explosive liquids, solids, or gases shall be stored in bulk above ground, except tanks or drums of fuel directly connecting with energy devices, heating, or appliances located or operated on the same lot as the tanks or drums of fuel.
2. All outdoor storage facilities for fuel, raw materials and products, and all fuel, raw materials and products stored outdoors, shall be enclosed by an approved safety fence.
3. No materials or wastes shall be deposited upon a lot in such form or manner that they may be transferred off the lot by natural causes or forces, nor shall any substance which can contaminate a stream or watercourse or otherwise render such stream or watercourse undesirable as a source of water supply or recreation, or which will destroy aquatic life, be allowed to enter any stream or watercourse.
4. All materials or wastes which might cause fumes or dust, or which constitute a fire hazard, or which may be edible or otherwise attractive to rodents or insects, shall be stored outdoors only if enclosed in containers adequate to eliminate such hazards.

§ 611. Storm Water Management.

[Ord. 1988-4, 2/15/1988, § 2; as amended by Ord. 1994-5, 4/18/1994, § 1; and by Ord. 1995-8, 11/20/1995, § 1]

All applications for development shall comply fully with the provisions of Chapter **8**, Part **1**, of the Code of Ordinances of the Borough of Doylestown, known as the "Doylestown Borough Stormwater Management Ordinance."

§ 612. Protection of Solar Access.

[Ord. 2007-6, 8/20/2007, § 1]

1. Definitions. The following words and phrases, when used in this Section shall have, unless the context clearly indicates otherwise, the meaning given to them in this Section. All other words and terms not defined herein shall be used with a meaning of standard usage:

BASE ELEVATION

The grade plane of the finished grade of a structure. For the purposes of this determination, all fences, covered and uncovered walkways, driveways, patio covers and other similar elements shall be considered separate structures. "Base elevation" shall be used for the determination of cellars and basements and building height.

NORTHERLY LOT LINE

Any lot line, of which there may be more than one per lot, that forms a generally north-facing boundary of a lot and has a bearing greater than or equal to 40° from either true north or true south. For curved lot lines, the bearing of the lot line at any point shall be the bearing of the tangent to the curve at that point.

PLAN VIEW

A plot plan of the parcel which shows the horizontal dimensions of a parcel and each structure on the parcel.

RESIDENTIAL ZONE**THE R-1 DISTRICT****RESIDENTIAL 1, R-2 DISTRICT****RESIDENTIAL 2, R-3 DISTRICT****RESIDENTIAL 3, AND THE CR DISTRICT**

Central Residential Zoning Districts as established and designated pursuant to Part **3** of this Chapter.

SHADOW PLAN

A plot plan which shows the extent of shading caused by a proposed structure and is in compliance with the requirements of this Section on December 21, the winter solstice, at 9:00 a.m., noon, and 3:00 p.m., Eastern Standard Time.

SOLAR ACCESS

The ability of a location to receive direct sunlight as provided by the height limitations.

2. Required Standards. The maximum height of a structure in a residential zone as measured from the base elevation shall not exceed 24 feet in the R-3 District — Residential 3 and CR District — Central Residential Zoning Districts and 28 feet in the R-1 District — Residential 1 and R-2 District — Residential 2 Zoning Districts. The height limitations imposed by this Section shall take precedence over any other height limitation imposed by this Chapter to the extent that the height limitations imposed by this Section are more restrictive. The requirements of this Section shall take precedence over other provisions of this Chapter to the extent that this Section specifies other additional or varied requirements, otherwise, all applicable sections of this Chapter shall control.
3. Exemptions. The following shall be exempt from the requirements of this Section:
 - A. Any portion of a structure in existence, or for which a valid building permit was issued, prior to the effective date of the ordinance first enacting this Chapter.
 - B. Any portion of a structure which received approval by the Historical and Architectural Review Board prior to the effective date of the ordinance first enacting this Chapter.
 - C. Any flagpole, antenna, ornamental spire, chimney, or other building element less than four feet along each horizontal dimension.
 - D. A utility pole and line.
 - E. Any structure which, on all sides, is lucent or a minimum of 75% translucent.
 - F. Any portion of a structure for which a shadow plan is prepared and submitted by the applicant demonstrating that shadows cast by that portion of the structure on December 21, the winter solstice, at 9:00 a.m., noon, and 3:00 p.m., Eastern Standard Time, will:
 - (1) Not exceed the boundaries of a simultaneous shadow cast by a legally existing structure, or by a hill or other topographical feature other than trees or other vegetation; or
 - (2) Not shade that portion of any adjacent residentially zoned lot which is occupied by a dwelling which conforms to the dimensional requirements of this Chapter or which is vacant and could legally and without modification of required yards be occupied in the future by a dwelling; or

- (3) Fall entirely within the boundaries of an existing covered or uncovered paved off-street parking area, or paved driveway leading thereto.

§ 613. Siting of Towers and Antennas.

1. Applicability.
 - A. Unless otherwise provided, all new towers or antennas proposed to be constructed in the Borough of Doylestown shall be subject to the provisions of this section, except as provided in Subsections **1B** through **D**, inclusive.
 - B. This section shall not apply to any tower, or the installation of any antenna, that is under 70 feet in height and is owned and operated by a federally licensed amateur radio station operator or is used exclusively for receive only antennas.
 - C. This section shall not apply to preexisting towers and preexisting antennas, except for the provisions of Subsections **2E** and **F** hereof which shall be fully applicable hereto.
 - D. This section shall not apply to private residence mounted satellite dishes or television antennas.
2. General Standards and Requirements.
 - A. Lot Size. For purposes of determining whether the installation of a tower or antenna satisfies the dimensional requirements of this chapter, the dimensions of the entire lot shall control, notwithstanding the fact that the antenna or tower may be located on a leased or licensed area within such lot.
 - B. Inventory. Each applicant proposing an antenna and/or tower shall provide to the Zoning Officer an inventory of its existing and/or approved wireless telecommunications facilities with towers or antennas that are located within the Borough of Doylestown or within one mile of the boundaries thereof, including specific information about the location, height and design of each such facility. The Borough of Doylestown may share such information with other applicants seeking approval to construct towers and/or antennas pursuant to this section.
 - C. Aesthetics. Towers and antennas shall meet the following aesthetic requirements:
 - (1) Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.
 - (2) At a tower site, the design of the communications equipment building and related structures shall, to the extent possible, use materials, colors, textures, screening and landscaping that will blend them into the natural setting and surrounding buildings.
 - (3) If an antenna is installed on a structure other than a tower, the antenna, communications equipment building and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
 - D. Lighting. Towers shall not be artificially lighted unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.

- E. State and Federal Requirements. All towers must meet or exceed current standards and regulations of the FAA, the FCC and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this section shall, if such changes are applicable thereto, bring such towers and antennas into compliance with such revised standards and regulations.
 - F. Building Codes. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with the standards contained in applicable federal, state or local building codes.
 - G. Measurement. For purposes of measurement, tower setbacks and separation distances shall be calculated and applied to facilities located in the Borough of Doylestown irrespective of municipal jurisdictional boundaries.
 - H. Nonessential Services. Towers and antennas shall be regulated and permitted pursuant to this section and shall not be regulated or permitted as essential services, public utilities or private utilities.
 - I. Signs. No signs shall be allowed on an antenna or tower.
 - J. Communications Equipment Buildings and Support Equipment. All communications equipment buildings and support equipment associated with antennas or towers shall comply with the requirements of Subsection **5** hereof.
3. Standards for Approval of Antennas on Existing Buildings or Towers.
- A. Special conditions for antennas to be placed on existing buildings.
 - (1) Antennas shall not be located upon any dwelling unit.
 - (2) Antennas shall be permitted to exceed the height of the existing building by no more than 20 feet, notwithstanding the existing height limitations for buildings in the applicable zoning district.
 - (3) Omnidirectional or whip antennas shall not exceed 20 feet in height and seven inches in diameter.
 - (4) Directional or panel antennas shall not exceed five feet in height and three feet in width.
 - (5) A certification shall be submitted from a Pennsylvania registered professional engineer certifying that the proposed antenna and related equipment and structures will not exceed the structural capacity of the building considering winds and other loads associated with the antenna location.
 - (6) Detailed construction and elevation drawings indicating how the antennas will be mounted upon the building.
 - (7) Copies of all agreements and/or easements necessary to provide access to the building on which the antennas are to be mounted and which permit the installation and maintenance of the antennas and the communications equipment building shall be provided to the Zoning Officer.
 - (8) The applicant shall establish by substantial evidence that any proposed antennas comply with all applicable standards established by the FCC governing human exposure to electromagnetic radiation.
 - (9) The applicant shall establish by substantial evidence that the proposed antenna will not cause radio frequency interference with other communications facilities.
 - (10) The applicant shall establish by substantial evidence that the owners or operators of the antennas

are properly licensed by the FCC.

B. Special conditions for antennas to be placed on preexisting towers.

- (1) A preexisting tower which is modified or reconstructed to accommodate the collocation of an additional antenna or antennas shall be of the same tower type as the existing tower.
- (2) A preexisting tower may be modified or rebuilt from its original height to a taller height, not to exceed 30 feet over the tower's existing height, to accommodate the collocation of an additional antenna.
- (3) The preexisting tower's premodification height shall be used to calculate distance separations.

4. Specific Standards and Requirements for Approval of Towers.

A. Information Required. The following information and materials shall be submitted:

- (1) A scaled site plan clearly indicating the location, type and height of the proposed tower, on-lot uses and zoning (including when adjacent to other municipalities), all properties within the applicable separation distances set forth in Subsection **4E** hereof, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower, antenna and any other structures, topography, parking and other information deemed necessary by the Zoning Officer to assess compliance with this chapter.
- (2) The legal description of the proposed parent lot and, if applicable, any leased or licensed interior areas.
- (3) The setback distance between the proposed tower and the nearest residential unit and residentially zoned properties.
- (4) The separation distances from other towers described in the inventory of existing facilities submitted pursuant to Subsection **2B** hereof shall be shown on an updated site plan or map as well as the type of construction of the such existing towers and the owner/operator of same.
- (5) A landscape plan showing specific landscape materials.
- (6) The method of fencing and finished color and, if applicable, the method of camouflage and illumination.
- (7) A statement as to whether construction of the tower will accommodate collocation of additional antennas for future users.
- (8) A description of the suitability of the use of existing towers, other alternative tower structures or alternative technology not requiring the use of towers or structures to provide the services to be provided through the proposed new tower.
- (9) A specific analysis and determination of the cost of removing the tower in the event of its abandonment or other termination of use.

B. Factors to be considered in granting special exceptions. In addition to any other standards and criteria set forth in this chapter, the following factors shall be considered in determining whether to grant a special exception.

- (1) The height of the proposed tower.

- (2) The proximity of the tower to residential structures and residential district boundaries.
 - (3) The surrounding topography.
 - (4) The surrounding tree coverage and foliage.
 - (5) The design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.
 - (6) The proposed ingress and egress.
 - (7) The availability of suitable existing towers, other alternative tower structures or alternative technologies not requiring the use of towers or structures.
- C. Availability of Suitable Existing Towers, Other Alternative Tower Structures or Alternative Technology. No new tower shall be permitted unless it has been demonstrated by clear and convincing evidence that no existing tower, alternative tower structure or alternative technology that does not require the use of towers or structures can reasonably accommodate the proposed antenna.
- D. Setbacks. The following setback requirements shall apply to all towers:
- (1) Towers shall be set back a distance equal to at least 125% of the height of the tower from any adjoining lot line.
 - (2) Guys and accessory buildings must satisfy the minimum zoning district setback requirements.
- E. Separation. The following separation requirements shall apply to all towers:
- (1) Separation from off-lot uses and designated areas.
 - (a) Tower separation shall be measured from the base of the tower to the lot line of the off-lot uses and/or designated areas as specified in Table 1.
 - (b) Separation requirements for towers shall comply with the minimum standards established in Table 1.

Table 1

Off-Lot Use/Designated Area	Separation Distance
Any residential dwelling unit	200 feet or 300% of the height of the tower, whichever is greater
Any land with a zoning classification permitting residential uses (limited to Uses 1 through 4.1 and 6 through 11)	200 feet or 300% of the height of the tower, whichever is greater
Nonresidentially zoned land or nonresidential uses	None — only setbacks apply

- (2) Separation distances from on-lot uses or buildings. Towers shall be separated from existing on-lot principal residential uses or existing residential buildings by a distance equal to 125% of the height of the tower.
- F. Security Fencing. Towers shall be enclosed by security fencing not less than seven feet in height and shall also be equipped with an appropriate anti-climbing device.
- G. Landscaping. Tower facilities shall be landscaped with a minimum four-foot wide buffer of plant materials that effectively screens the view of the tower compound from property used for residential

or other purposes. Existing mature trees and natural land forms on the lot shall be preserved to the maximum extent possible. The provisions of Article 5, Section 520 of Ordinance No. 1974-1, as amended, known as the "Doylestown Borough Subdivision and Land Development Regulations," shall apply to towers and related buildings and facilities regulated pursuant to this section.

5. Communications Equipment Buildings.
 - A. Antennas mounted on rooftops. Communications equipment buildings used in conjunction with antennas mounted on rooftops shall comply with the following:
 - (1) The communications equipment building shall not contain more than 144 square feet of gross floor area or be more than eight feet in height.
 - (2) If the communications equipment building is located on the roof of a building, the area of the communications equipment building or buildings shall not exceed 30% of the roof area.
 - (3) Communications equipment buildings shall comply with all applicable building codes.
 - B. Antennas located on towers. Communications equipment buildings used in conjunction with antennas mounted on towers shall not contain more than 144 square feet of gross floor area or be more than eight feet in height, and shall be located in accordance with the **Table of Dimensional Requirements** set forth in § 406, Subsection 49.2G of this chapter.
6. Removal of Abandoned Towers.
 - A. Any tower that is not operated for a continuous period of 12 months shall be considered abandoned, and the owner of such tower shall remove the same within 90 days of receipt of notice from the Zoning Officer of such abandonment. Failure to remove such abandoned tower within said ninety-day period shall be sufficient warrant for the Borough of Doylestown, either with its own personnel or by independent contract, to elect to remove same, and the total cost of such removal shall be the sole responsibility and liability of the owner.
 - B. In order to ensure the removal of an abandoned tower pursuant to the provisions of Subsection **6A** hereof; the owner of any proposed tower shall furnish and keep in full force and effect a bond with sufficient surety from a bonding company authorized to conduct business within the Commonwealth of Pennsylvania in favor of the Borough of Doylestown or such other financial security as may be acceptable to the Borough of Doylestown, in the amount of \$10,000 or such other greater amount as deemed necessary to reflect the actual cost of such removal given the specific characteristics of the tower.

§ 614. Fences.

[Ord. 2005-3, 3/3/2005, § 8]

1. Standards.
 - A. All fences and screens must be erected within the property lines, and no fence or screen shall be erected or planted so as to encroach upon a public right-of-way.
 - B. See-through fences shall not exceed six feet in height when erected in the rear and side yards to the front building line of the existing building. When erected from the front building line of the existing building toward the front property line, such see-through fence shall not exceed four feet in height.

- C. Solid fences or screens shall not exceed six feet in height and shall not be permitted in front yards.
 - D. Barbed wire shall not be used except in special circumstances required for security purposes such as towers, municipal facilities, and public utilities, or as approved by the Zoning Officer.
 - E. Fences shall have their most pleasant or decorative side facing the adjacent lot with all support posts and stringers facing inward toward the owner's yard unless such posts or supports are an integral part of the decorative design of the fence.
 - F. Fences on corner lots shall not violate the requirements of § 507 of this chapter regarding traffic visibility across corners.
2. Exempt Fences. The following fences are exempt from permit requirements, and at the discretion of the Zoning Officer, from the provisions of this Article, provided that they are not so constructed as to obstruct the vision of motor vehicle operators or to create other hazards to public safety:
 - A. Temporary fences constructed of materials approved by the Zoning Officer and not in excess of six feet in height which are erected at a construction site for the purpose of security and protection.
 - B. Fences erected at the order of the Zoning Officer for the protection of the public.
 - C. Decorative fences not exceeding 18 inches in height and garden fences not exceeding 24 inches in height.
 3. Living Fences. Living fences are subject to all of the provisions of this chapter, except that they shall be exempt from the permit provisions of this chapter. In addition, the living fence shall be planted so that the projected mature size of the living fence shall not be closer than two feet to any sidewalk in existence, any prospective sidewalk or lot line. Living fences must be maintained in a neatly trimmed condition and shall not interfere with the visibility of vehicular and pedestrian traffic.
 4. Prohibited Fences. It shall be unlawful to erect, construct, install or maintain the following fence structures:
 - A. A fence which is, in whole or in part, beyond the boundary of private property.
 - B. A fence which is within six feet of a fire hydrant.
 - C. A fence that is in violation of § 507 or creates in any manner a visual obstruction to vehicular traffic and thus creates a hazardous condition.
 - D. A fence in a dilapidated condition whose appearance is neglected, unkempt or the condition of which, in whole or in part, is in substantial disrepair and, as a consequence, is either unsound, hazardous or ineffectual. Fences shall be coated in a monochromatic finish or shall be left to natural weathering. In no instance shall fence coatings contain any words, symbols, graphics or visual communications in nature of graffiti or signage.
 - E. Any fence erected containing any hazardous substances, such as broken glass, barbed wire, spikes, nails or similar materials designed to inflict pain or injury to any person or animal. Any fence constructed of such materials shall be deemed to be in violation of this section.
 - F. Barbed or razor wire fences.
 5. General Requirements.
 - A. All fences shall be regulated by this Article with the exclusion of earth- or water-retaining walls which shall be governed by other portions of the Code of Ordinances. All fences shall be constructed of

masonry, wood, metal or other materials appropriate to their location and purpose.

- B. The fence structure shall be adequate to withstand wind-loading and shall in no way inhibit or divert the free flow of surface water from its natural course prior to the installation.
 - C. If posts or supporting members are in or on the ground, they shall be of decay-, corrosion- and termite-resistant material, whether treated or natural.
 - D. All fences shall be maintained in a nonhazardous condition and shall not be allowed to become dilapidated.
 - E. All permitted fences shall be located on the property of the applicant and not within any public right-of-way. No fence shall be permitted to be located within or so as to enclose a drainage easement or over a water meter box or manhole except upon the written authorization of the Zoning Officer. Fences may be permitted within utility easements, subject to the right of the Borough to remove, without cost or obligation to replace or to restore any such fence. A suitable gate to provide access will be provided when water meters are located in a utility easement.
6. Permit Required.
- A. All fences shall require a permit prior to the installation or erection, except as exempted elsewhere in this chapter, and it shall be unlawful for any person to erect, alter or locate a fence within the Borough without first having made an application for and having been issued a permit therefor. A permit is required for fence replacement or any repair of existing fences exceeding 50% or more of the value of the existing fence.
 - B. The application for a fence permit shall be made to the Borough Zoning Officer and shall include a site plan to scale in duplicate showing:
 - (1) All structures on the site.
 - (2) All easements, rights-of-way and dedications.
 - (3) The proposed location, length and height of the fence.
 - (4) A description of the materials contained in the fence.
 - (5) Location of traffic sight triangles at corners if applicable.
 - (6) Location of fire hydrants, if applicable.

§ 615. Solar Energy Equipment.

[Ord. 2010-10, 9/20/2010]

Any solar energy equipment authorized by this chapter shall be considered accessory structures and the generation of energy or heat as an accessory use to the principal use in any zoning district and shall be subject to and comply with the following:

- 1. Solar energy equipment shall be located on the same lot as the principal use.
- 2. Solar energy equipment shall comply with all minimum side and rear yard setback and height requirements for principal structures of the applicable zoning district.

3. Power generated by solar energy equipment shall not exceed 50 kilowatts of maximum output capacity per principal residential use or 100 kilowatts of maximum output capacity per principal nonresidential use. There shall be no commercial use of the solar energy equipment for generation of energy, except for energy purchased by a public utility in accordance with law or other government regulations.
4. Solar panels shall comply with the physical performance requirements contained in this chapter, including building height.
5. The solar energy equipment shall meet and be installed in accordance with all applicable requirements of the Pennsylvania Uniform Construction Code.
6. No freestanding solar energy equipment shall be located in the front yard. Solar energy equipment affixed to the roof of the principal structure and visible from the front yard shall be permitted.
7. Roof-mounted solar panels shall include integrated solar panels as the surface layer of the roof structure with no apparent change in relief or projection or surface-mounted panels projecting no more than six inches above the plane of the roof.
8. Only integrated or surface-mounted solar panels shall be installed on the front facing roof as viewed from an adjacent public street. Roof-mounted solar panels that project more than six inches above the plane of the roof shall only be permitted on a side- or rear-facing roof. In any case, they shall not project more than three feet above the plane of the roof surface and shall not be higher than the ridge.
9. Ground-mounted panels shall be oriented away from windows of adjacent or neighboring buildings to reduce occurrences of direct sun reflection and glare.

§ 616. Wind Energy Equipment.

[Ord. 2010-10, 9/20/2010; as amended by Ord. 2011-3, 2/28/2011, § 1]

Any wind energy equipment authorized by this chapter shall be considered an accessory structure and the generation of energy as an accessory use to the principal use in any zoning district and shall be subject to and comply with the following:

1. Wind energy equipment shall only be permitted by special exception. Wind energy equipment shall be located on the same lot as the principal use. Only one wind turbine shall be permitted per residential lot. Nonresidential installations may have up to three wind turbines.
2. Power generated by wind energy equipment shall not exceed 50 kilowatts of maximum output capacity for residential uses or 100 kilowatts of maximum output capacity for nonresidential uses. There shall be no commercial use of the wind energy equipment for generation of energy, except for energy purchased by a public utility in accordance with law or other government regulations.
3. No wind energy equipment shall be located in the front yard setback areas.
4. Wind energy equipment shall comply with all minimum side and rear yard setback requirements of the applicable zoning district.
5. Wind energy equipment shall not exceed a height of 35 feet on any residentially zoned lot, including R1, R2, R3, CR, TND-1 and TND-2, or any lot of less than 1.5 acres net lot area. On lots greater than 1.5 acres within nonresidential zoning districts, wind energy equipment shall not exceed 65 feet in height. The height of a wind turbine shall be measured from the average approved finished grade at the perimeter of the base of

the turbine to the highest vertical point of the rotor at its maximum vertical position.

6. Only a single pole or monopole structure shall be permitted for all wind turbine supports. The pole shall be self-supporting upon its foundation without the use of guy wires or other supports. Wind turbines shall not be mounted on residential buildings. Wind turbines may be located on nonresidential buildings, provided that the structural supports are designed and documented as required by the Building Code Official.
7. Wind turbines shall not be artificially lighted.
8. Wind energy equipment shall comply with all applicable requirements of the Federal Aviation Administration.
9. Wind turbines shall be set back from buildings on the same lot, utility buildings or occupied structures on the same lot by no less than 15 feet; Wind Turbines shall be setback from property lines, street ultimate rights-of-way, utility rights-of-way or easement, or liquid fuel sources a distance of not less than 1.1 times the height measured from the average approved finished grade at the perimeter of the base to the highest vertical point of the rotor at its maximum vertical position. If this requirement cannot be met, the distances may be reduced by special exception from the Zoning Hearing Board in accordance with § 1120 of the Zoning Ordinance.
10. Clearly visible warning signs concerning falling objects shall be placed, to the extent possible, to warn against ice and rotor throws. Signs are to be placed a minimum of three feet from the ground and be a minimum of one square foot, but not exceeding two square feet in surface area.
11. Wind turbines shall be equipped with an automatic braking, governing or feathering system to prevent uncontrolled rotation, overspeeding and excessive pressure on the tower structure, rotor blades and turbine components.
12. The minimum height of the lowest position of the wind turbine rotor shall be 15 feet above the surface of the ground.
13. Ladder or steps affixed to a wind turbine shall not be provided any lower than 15 feet above its base, and this portion of the structure shall not be climbable.
14. The design color and other visual features of the wind turbine shall be white, off-white or gray.
15. All exterior utilities, cables, electrical lines, and other connections shall be located in a conduit and buried underground.
16. All ground-mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.
17. There shall be no antennas, advertising or other items or material affixed to or otherwise placed on the wind energy equipment, except those required for safety or identification of manufacturer.
18. Operation of the wind energy equipment shall comply with all other performance requirements of this chapter, including noise and vibration. Wind turbines shall be exempt from the provisions relating to protection of solar access.
19. Reasonable efforts shall be made to minimize shadow flicker to any building on a nonparticipating landowner's property.
20. The wind energy equipment shall meet and be installed in accordance with all applicable requirements of the Pennsylvania Uniform Construction Code and all other applicable ASTM and related standards.

Part 7. SIGN REGULATIONS

§ 701. Purpose.

[Ord. 1972-10, 10/16/1972, Art. VII, § 700; as amended by Ord. 1981-1, 1/19/1981, § 1]

It is recognized that signs perform important functions in identifying residences and businesses. It is hereby found and declared; however, that control of signs is necessary to promote the health, safety and general welfare by lessening hazards to pedestrian and vehicular traffic, by preserving property values, by preventing unsightly and detrimental development which has a blighting influence upon residential, business and industrial uses, by preventing signs from reaching such excessive size that they obscure one another to the detriment of all concerned, and by securing certain fundamentals of design for the Borough.

A.

Definitions and General Sign Regulations.

§ 702. Sign.

[Ord. 1972, 10/16/1982, Art. VII, § 701; as amended by Ord. 1981-1, 1/19/1981, § 1; and by Ord. 2005-3, 3/3/2005, § 9]

Any permanent or temporary structure or part thereof, or any device attached, painted or represented directly or indirectly on a structure or other surface that shall display or include any letter, word, insignia, flag or representation used as, or which is in the nature of an advertisement, announcement, visual communications, direction, or which is designed to attract the eye or bring the subject to the attention of the public. The word "sign" shall include signs which are affixed to the inside of windows and glass doors, or displayed within 24 inches of the interior surface of a window or door, and are intended to be seen from a street or public thoroughfare.

§ 703. Area of Signs.

[Ord. 1972-10, 10/16/1972, Art. VII, § 702; as amended by Ord. 1981-1, 1/19/1981, § 1]

1. The area of a sign shall be construed to include all lettering, wording, and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed (but not including any supporting framework and bracing which are incidental to the display itself).
2. Where the sign consists of individual letters or symbols attached to a building, wall, or window, the area shall be considered to be that of the smallest rectangle or other regular geometric shape which encompasses all of the letters and symbols.
3. In computing square-foot area of a double faced sign, only one side shall be counted; however, both sides must be identical. If the interior angle formed by the two faces of the double-faced sign is greater than 45°, then both sides of such sign shall be considered in calculating the sign area.

§ 704. Illumination of Signs.

[Ord. 1972-10, 10/16/1972, § 703; as amended by Ord. 1981-1, 1/19/1981, § 1]

1. Directly Illuminated Sign. A sign designed to give forth artificial light directly (or through transparent or translucent material) from a source of light within such sign, including but not limited to neon and exposed lamp signs.
 - A. Festoon lighting is a directly illuminated sign comprised of either:
 - (1) A group of incandescent light bulbs hung or strung overhead or on a building or structure; or
 - (2) Light bulbs not shaded or hooded or otherwise screened to prevent the direct rays of the light from shining on an adjacent property or right-of-way.
2. Indirectly Illuminated Sign. A sign illuminated by an outside light source.
3. Flashing Sign. An illuminated sign on which the artificial light is not maintained stationary and constant in intensity and color at all times when in use.
4. Non-Illuminated Sign. A sign which is not illuminated either directly or indirectly.

§ 705. Location of Signs.

[Ord. 1972-10, 10/16/1972, § 703; as amended by Ord. 1981-1, 1/19/1981, § 1]

1. On-Premises Sign. A sign which advertises or otherwise directs attention to an activity conducted on the same lot.
2. Off-Premises Sign. A sign which advertises or otherwise directs attention to a commodity, political activity, public event, industry, home occupation or other similar activity which is sold, offered or conducted elsewhere than on the lot upon which the sign is located.

§ 706. Types of Signs.

[Ord. 1972-10, 10/16/1972, Art. VII, § 705; as amended by Ord. 1981-1, 1/19/1981, § 1]

1. Free-Standing Sign. A self-supporting sign resting on or supported by means of poles or standards either on the ground or on the roof of a building. The height of free-standing signs on the ground shall be measured from the ground level beneath the sign and shall include all framework.
2. Parallel Sign. A sign mounted parallel to a wall or other vertical building surface. Parallel signs shall not extend beyond the edge of any wall or other surface to which they are mounted, or shall not project more than eight inches from its surface.
3. Projecting Sign. Any sign mounted to a wall or other vertical building surface other than a parallel sign. Projecting signs shall not project more than two feet from the wall or surface to which they are mounted nor in any way interfere with normal pedestrian or vehicular traffic.
4. Nonstationary Sign. A sign which, by means of some mechanical device, changes its position constantly or at regular intervals by rotating around an axis or shifting in horizontal or vertical alignment.
5. Moveable Sign. A sign which is not fixed to a permanent supporting structure or building and is displayed on

either a temporary or long term basis.

6. Vehicular Sign. A vehicle to which a sign is painted or affixed and which is used or parked in such a manner that carrying of such sign or signs no longer is incidental to the vehicle's primary purpose, but becomes a primary purpose in itself.
7. Directory Sign. A sign which provides a list of the persons, businesses, or other activity located within a building.

§ 707. General Sign Regulations.

[Ord. 1972-10, 10/16/1972, Art. VII, § 706; as amended by Ord. 1981-1, 1/19/1981, § 1; by Ord. 2000-5, 6/26/2000, § 9; by Ord. 2003-7, 8/18/2003, § 8; and by Ord. 2006-13, 10/16/2006, § 1]

1. Prohibition. Flashing signs, signs which hang from awnings, movable signs, festoon lighting, roof signs and nonstationary signs shall not be permitted in any CR, O, R1, R2, R2-A, R3, CR-H, TND-1 or TND-2 District, or in the Historical District as defined in Chapter 4, Part 2, Sections 201 through 212 of the Code of Ordinances of the Borough of Doylestown. In all other districts, such signs may be permitted by the Zoning Hearing Board as a special exception in accordance with the following requirements:
 - A. An application for a sign described in this Paragraph A shall be made to the Zoning Officer, along with an application fee as prescribed by Borough Council from time to time.
 - B. Upon receipt of the application, the Zoning Hearing Board shall hold a public hearing at the expense of the applicant in accordance with existing policies and may approve a sign described in this paragraph if it finds that the sign:
 - (1) Shall be shielded from residential properties.
 - (2) Shall represent no hazard to safe motor vehicle operation.
 - (3) Shall operate during hours that are not offensive to surrounding residential properties.
2. Obstruction. No sign shall be erected or maintained within a distance of 25 feet from the intersection of any street lines or the intersection of a street line and the edge of a private accessway, unless the location of the sign is situated at least eight feet above the level of the street center line. No sign shall be so located or arranged that it interferes with traffic through glare, through blocking or reasonable sight lines for streets, sidewalks or driveways, through confusion with a traffic control device (by reasons of color, location, shape or other characteristic) or through any other means.
3. Overhanging. No sign shall overhang any walkway or public right-of-way, except for overhanging signs that meet all other criteria as specified elsewhere in this chapter and which are within an Historical District.
4. Maintenance. All signs permitted in this Part must be constructed of durable materials and must be kept in good condition and repair. Any sign which is allowed to become dilapidated shall be removed by the borough at the expense of the owner or lessee of the property on which it is located.
5. Nonconforming Signs. Signs existing at the time of passage of this Part which do not conform to the requirements of this Part shall be considered nonconforming signs. Once removed for repair, replacement or any other reason, a nonconforming sign shall not be replaced unless with a conforming sign. However, nonconforming signs may be repainted or repaired in place, provided that such repainting or repaired sign does not exceed the dimensions of the existing sign.

6. Directly Illuminated Signs. Directly illuminated signs, including but not limited to neon, light emitting diode (LED), and electronic digital signs, shall be prohibited in the Historic District created and designated pursuant to the provisions of Chapter 4, Part 2, of the Code of Ordinances of the Borough of Doylestown. Where otherwise permitted, directly illuminated signs shall utilize a dark background (translucent or opaque) and bright letters instead of bright backgrounds and dark or opaque letters.
7. Separate Frontage. If an establishment has walls fronting on two or more streets, the total sign area permitted shall be computed at 1 1/2 times the total sign area permitted for buildings with a single frontage.
8. Signs Within Street Lines. Signs erected by a duly constituted governmental body, including traffic signs and similar regulatory notices, shall be allowed within street lines. No other signs shall be permitted within street lines, except that this provision shall be waived for parallel signs in areas where no front yard setback is required.
9. Yard Requirements. No portion of any freestanding sign shall be located closer to any lot line than 1/2 the required yard for the district in which it is located. If this requirement cannot be met, then freestanding signs shall be prohibited on such properties. This requirement shall not apply to signs as stipulated in § 708.
10. The total square footage of all signs on one frontage shall not exceed 100 square feet. Nonadvertising, directional signs shall not be included in the computation of total sign area.
11. Temporary window signs such as sale of items or promotions shall be on a timed basis so as not to become a permanent sign. The display of temporary window signs shall not exceed 60 days.
12. Where two or more businesses share an entrance to a building, they shall be required to group their signs in a single directory sign.
13. Glare. The light source for an indirectly illuminated sign shall be so directed and shielded that no direct rays are visible either on or off lot.
14. Freestanding signs shall be so landscaped as to screen any utility and/or service equipment associated with them.

B.

Signs in Residential and Office Districts

§ 708. On-Premises Signs.

[Ord. 1972-10, 10/16/1972, Art. VII, § 707; as amended by Ord. 1981-1, 1/19/1981, § 1; by Ord. 2000-5, 6/26/2000, § 10; and by Ord. 2003-7, 8/18/2003, § 9]

In CR, O, R1, R2, R2-A, R3, TND-1 and TND-2 Districts, no on-premises sign shall be permitted except as follows:

1. One nonilluminated sign advertising for sale of agricultural produce raised on the premises, where such sale is permitted, not to exceed eight square feet in area.
2. Signs displayed strictly for the direction, safety or convenience of the public, including signs which identify rest rooms, telephone booths, parking area entrances or exits, freight entrances or the like, provided that the area of any such sign shall not exceed four square feet.
3. Flags representing governmental, educational or religious organizations.
4. One nonilluminated sign or indirectly illuminated sign displaying only the name and address of the occupant

of a premises, provided that the area of any such sign shall not exceed 150 square inches. The provisions of § 708(8) does not apply to this type of sign.

5. One nonilluminated or indirectly illuminated sign for home occupations or accessory offices, indicating only names of persons and their occupations, provided that the area of any such sign shall not exceed 1.5 square feet.
6. One nonilluminated or indirectly illuminated directory sign for a permitted nonresidential building or use, provided that the area of any such sign shall not exceed 16 square feet.
7. One nonilluminated or indirectly illuminated sign in connection with a lawfully maintained nonconforming use, provided that the area of any such sign shall not exceed 12 square feet.
8. One nonilluminated sign advertising the sale or rental of the premises upon which said sign has been erected or one sign indicating that said premises have been sold or rented, provided that the area of any such sign shall not exceed four square feet and such signs shall be removed within 20 days after an agreement of sale or rental has been entered into.
9. One temporary nonilluminated sign erected in connection with the development or proposed development of the premises by a builder, contractor, developer or other persons interested in such sale or development, provided that the area of any such sign shall not exceed 20 square feet and that the sign shall be removed within 20 days after the last structure has been initially occupied or upon expiration of the building permit, whichever is sooner.
10. Temporary nonilluminated sign of mechanics or artisans may be erected and maintained during the period such persons are performing work on the premises on which such signs are erected, provided that such sign shall be removed upon completion of work by the mechanic or artisan and the total area of all such signs shall not exceed 20 square feet.
11. Signs announcing no trespassing; signs indicating the private nature of a road, driveway or premises; and signs controlling fishing or hunting on the premises, provided that the total area of such sign shall not exceed four square feet.
12. Nonilluminated memorial or historical signs or tablets.

§ 709. Off-Premises Signs.

[Ord. 1986-1; as amended by Ord. 2004-5, 4/19/2004, § 1; Ord. 1972-10, 10/16/1972, Art. VII, § 708; as amended by Ord. 1973-2, 1/15/1973, § 7; by Ord. 1981-1, 1/19/1981, § 1; by Ord. 1986-3, 1/20/1986; and by Ord. 2007-2, 3/26/2007, § 1]

Off-premises signs are not permitted except as provided for in this section and in Sections 712 and 714 of this chapter. (Signs permitted under Subsections 1, 2, 3, and 4 of this section may also be on-premises signs.)

1. Signs necessary for the direction, regulation and control of traffic, street name signs, legal notices, warnings and railroad crossings and other official signs which are similarly authorized or erected by a duly constituted governmental body.
2. Temporary signs advertising political parties or candidates for election may be erected or displayed and maintained, provided that:
 - A. They are erected or displayed by the owner or lessee of the lot or by the candidate, political party or

other authorized agent of them or either of them with the permission of the owner or lessee of the lot.

- B. The size of any such sign is not in excess of 12 square feet.
 - C. Nothing herein contained shall be construed to permit the placing of any such signs within any street line as defined in § 202 or within or on any public alley, sidewalk, park, parking lot or other public place, which is hereby prohibited.
3. Temporary nonilluminated signs directing persons to temporary exhibits, shows, events or proposed developments may be erected subject to the following requirements:
 - A. Signs shall not exceed 12 square feet in area.
 - B. Signs shall not be posted earlier than two weeks before the occurrence of the event to which it relates and must be removed within 20 days after the date of the exhibit, show or event. When related to a proposed development, such sign must be removed immediately upon sale or rental of the final unit in such development.
 - C. Escrows: refer to § 715(D).
 4. Nonilluminated signs used for directing patrons, members or audiences to service clubs, churches or other nonprofit organizations, provided that sign indicate only the name of the organization and the place, date and time of meeting and shall not exceed four square feet in area.
 5. Freestanding off-premises advertising signs (billboard signs) shall be permitted by special exception in accordance with § 1120 of this chapter, subject to the following standards and conditions:
 - A. The minimum required lot area shall be two acres.
 - B. The minimum required lot width at both the street line and the front yard setback line shall be 300 feet.
 - C. A maximum of one sign shall be permitted on a lot.
 - D. Minimum spacing from other signs permitted under this subsection shall be a linear distance of 600 feet measured between the two closest points of the base of each sign.
 - E. The minimum setback from the street line shall be 50 feet.
 - F. The total area of the sign shall not exceed 250 square feet.
 - G. The maximum height of the sign shall be 35 feet.
 - H. Only nonilluminated signs, as defined in § 704 of this chapter, shall be permitted.

§ 710. Locational Restricted.

[Ord. 1972-10, 10/16/1972, Art. VII, § 709; as amended by Ord. 1981-1, 1/19/1981, § 1]

1. Free-standing ground signs may not exceed six feet in height.
2. Parallel and projecting signs or portions of such signs shall not be located above the ceiling of the ground

floor of any building, nor more than 12 feet above the upper surface of the nearest curb, whichever is less.

C.

Signs in Retail and Central Commercial Districts.

§ 711. On-Premises Signs.

[Ord. 1972-10, 10/16/1972, Art. VII, § 710; as amended by Ord. 1981-1, 1/19/1981, § 1; and by Ord. 1986-3, 1/20/1986, § 2]

In RC, RC-1 and CC Commercial Districts, no on-premises signs shall be permitted except as follows:

1. All signs permitted in § 708 at the standard prescribed therein except as otherwise provided in this section.
2. Parallel and projecting business signs, provided:
 - A. The total area of all parallel and projecting signs for each establishment shall not exceed one square foot for each foot of length of the front building wall or length of that portion of such wall which is devoted to such establishment.
 - B. If such establishment does not occupy any floor area on the ground level of the building, other than an entry way, the maximum area per foot of length of the front building wall (or portion) shall be only 1/2 square feet.
 - C. Signs painted or affixed to the inside or outside of windows shall be included in this computation.
 - D. In no case; however, may the total area of parallel and projecting signs and any signs affixed to the inside or outside of windows exceed 10% of the area of the wall (including windows and door area and cornices) to which they are attached.
3. Freestanding business signs, provided:
 - A. Only one such sign shall be permitted on each property for each street frontage subject to the provisions of § 707(5).
 - B. In the Retail Commercial District the area of any such sign shall not exceed one square foot for each two feet of lot frontage, or 20 square feet, whichever is smaller. In the Central Commercial District the area of any such sign shall not exceed one square foot for each two feet of lot frontage, or 16 square feet, whichever is smaller.
 - C. The maximum height of free-standing business signs in the Retail Commercial District shall not exceed 14 feet. The maximum height of free-standing business signs in the Central Commercial District shall not exceed eight feet.

§ 712. Off-Premises Signs.

[Ord. 1972-10, 10/16/1972, Art. VII, § 711; as amended by Ord. 1981-1, 1/19/1981, § 1; by Ord. 1986-3, 1/20/1986, § 3; and by Ord. 2007-2, 3/26/2007, § 2]

All off-premises signs permitted in § 709, Subsections 1, 2, 3, and 4 of this chapter, at the standards prescribed therein, are permitted in RC, RC-1, and CC Commercial Districts.

D.**Signs in Free-Standing Commercial and Industrial Districts.****§ 713. On-Premises Signs.**

[Ord. 1972-10, 10/16/1972, Art. VII, § 712; as amended by Ord. 1981-1, 1/19/1981, § 1]

In FC, CI and PI and CR-H Districts, no on-premises signs shall be permitted except as follows:

1. All signs permitted in § 708 at the standards prescribed therein.
2. Parallel business signs subject to the following provisions:
 - A. The total area of any parallel sign shall not exceed 1 1/2 square feet for each foot of length of the front building wall or length of that portion of such wall which is devoted to such establishment, or 50 square feet, whichever is less.
 - B. Signs painted or affixed to the inside or outside of windows shall be included in this computation.
3. Free-standing business signs, provided:
 - A. The area of such signs shall not exceed one square foot for each two feet of lot frontage or 60 square feet, whichever is less.
 - B. The maximum height of free-standing business signs shall not exceed 14 feet.
 - C. Only one such sign shall be permitted in each property for each street frontage subject to the provisions of § 707(6).

§ 714. Off-Premises Signs.

[Ord. 1972-10, 10/16/1972, Art. VII, § 713; as amended by Ord. 1981-1, 1/19/1981, § 1; and by Ord. 2007-2, 3/26/2007, § 3]

All off-premises signs permitted in § 709, Subsections 1, 2, 3, and 4 of this chapter, at the standards prescribed therein, are permitted in FC, CI, and PI Districts. All off-premises signs permitted in § 709, Subsection 5 of this chapter, at the standards prescribed therein, are permitted in the PI District.

§ 715. Sign Permits.

1. It shall be unlawful to erect, construct or otherwise alter any sign in Doylestown Borough without first filing with the Zoning Officer and obtaining a permit. Normal sign maintenance shall not require a permit.
2. Applications for permits for the erection, construction, or alteration of signs shall be accompanied by drawings of the proposed work showing the details of the sign and the structural requirements.
3. All signs erected, constructed or otherwise altered in any zoning district which is also located within the Historical District as defined in Chapter 4, §§ 201 to 212, shall require prior approval of the Historical and Architectural Review Board.

4. The erector of temporary signs permitted under § 709(3) or an authorized agent of a sponsor of an exhibit, show, event or proposed development shall apply for and obtain a permit from the Borough Zoning Officer and deposit with the Borough at the time of his application, such sum as may be established from time to time by resolution of Council, or fraction thereof, as a guarantee that all such signs will be removed promptly within 20 days after the date of the exhibit, show, event or development to which such signs relate. At the time of deposit, the erector or authorized agent shall indicate upon which streets such signs are to be located. If such signs are not removed at the end of the twenty-day period, the Borough shall cause them to be removed and the deposit guaranteeing removal shall be forfeited to the Borough. In addition, failure to remove such signs as prescribed shall constitute a violation of this chapter subjecting offenders to the penalties prescribed in § 1305 hereof.
5. The erection of temporary political signs permitted under § 709(2) by any owner or lessee of the lot, candidate, political party or other authorized agent shall not require a permit or other approval, provided however, that it shall be unlawful for any such owner or lessee of the lot, candidate, political party or other authorized agent to permit such signs to remain erected more than 10 days after the date of the election to which they relate and failure to remove such signs as required hereby shall subject such offenders to the penalties prescribed in § 1305 hereof.

Part 8. OFF-STREET PARKING AND LOADING

§ 801. Required Off-Street Parking Space.

[Ord. 1972-10, 10/16/1972, Art. VIII, § 800; as amended by Ord. 1973-2, 1/15/1973, §§ 8, 9; by Ord. 1976-6, 11/15/1976, § 1; by Ord. 1978-6, 5/15/1978, § 12; by Ord. 1981-3, 7/20/1981, § 6; by Ord. 1986-8, 6/16/1986, § 1; by Ord. 1999-10, 6/28/1999, § 6; by Ord. 2000-6, 7/17/2000, § 1; and by Ord. 2006-3, 3/27/2006, § 1]

Off-street parking spaces shall be provided and satisfactorily maintained in accordance with the following provisions for each use defined in § 406 which, after the effective date of this chapter is erected, enlarged or altered for use for any of the following purposes:

1. Residential (Uses 1 to 6): two spaces per dwelling unit.
2. Residential (Uses 7, 8, 9 and 9.1): see section 406, subsections **7, 8, 9** and 9.1, respectively.
3. Residential (Use 10): two spaces per three beds.
4. Institutional, Recreational and Educational (Uses 12 through 19 and Uses 36 and 37): one space per five seats plus one space per two employees on the premises. In schools where fixed seats are not provided, one space for every 300 square feet of floor area intended to be used by patrons, guests, members, clients or customers plus one space per two employees on the premises at any one time.
5. Institutional (Uses 20 through 22): 1 1/2 spaces for each patient bed, not including cribs and bassinets. For Use 22, the requirements under § 801(6) shall be met also.
6. Office (Uses 23 through 28): one space for every 300 square feet of gross floor area devoted to office use, except within a zoning district designated as Central Commercial (CC) where off-street parking shall be provided as follows: No off-street parking spaces shall be required for the first 400 square feet of gross floor area devoted to office use. For each additional 400 square feet, or portion thereof, of gross floor area devoted to office use, one off-street parking space shall be provided and maintained.

7. Retail and Consumer Service (Uses 29 through 34): one space for every 300 square feet of gross floor area devoted to patron use or one space for each five seats, whichever is greater, except within a zoning district designated as Central Commercial (CC) where off-street parking shall be provided as follows: No off-street parking spaces shall be required for the first 400 square feet of gross floor area devoted to patron use or the first five seats, whichever is greater. For each additional 400 square feet, or portion thereof, of gross floor area devoted to patron use or each five seats, whichever is greater, one off-street parking space shall be provided and maintained.
8. Mortuary or Funeral Home (Use 35): one off-street parking space for each four seats provided for patron use, or at least one off-street parking space for each 50 square feet of gross floor area used or intended to be used in the operation of the establishment, whichever requires the greater number of off-street parking spaces, plus one additional space for each full-time employee.
9. Motel, Hotel, Tourist Home (Use 38): one space for each unit. In addition, subsection (g) above shall be applicable for any eating place, including banquet facilities, on the premises.
10. Automotive Service (Uses 39 through 43): one space for every 150 square feet of gross floor area plus one space for every employee.
11. Transportation Facilities (Uses 44 through 48): off-street parking spaces as the Zoning Hearing Board shall determine adequate to serve customers, patrons, visitors, employees and vehicles normally parked on the premises.
12. Communication Facilities, Supply and Sanitary Utilities (Uses 49 through 52): two off-street parking spaces at each terminal or substation plus one space for each full-time employee.
13. Fire Station (Use 53): six off-street parking spaces for each fire truck where no community room is a part of the building; or where a community room is provided, two off-street parking spaces for each fire truck plus one off-street parking space for each 300 square feet of community room.
14. Industrial (Uses 55 through 59): three spaces for every five employees on the premises at any one time. Wherever multideck or underground parking is provided, the maximum permitted building coverage shall be increased by 100 square feet for each berth provided underground, 50 square feet for each berth provided on a two-story aboveground parking structure, and 25 feet for each berth provided on an additional deck. A parking structure shall not be defined as a building when computing building coverage.
15. Customary Home Occupation (Use 60): one off-street parking space in addition to spaces otherwise required.
16. No requirements: Uses 39, 54, 61 through 67.

§ 802. General Regulations Applying to Required Off-Street Parking Facilities.

[Ord. 1972-10, 10/16/1972, Art. VIII, § 801; as amended by Ord. 1981-3, 7/20/1981, § 7; by Ord. 1986-8, 6/16/1986, § 2; by Ord. 1988-10, 5/16/1988, § 1; and by Ord. 2000-6, 7/17/2000, § 2]

1. Existing Parking. Structures and uses in existence at the date of adoption of this Chapter shall not be subject to the requirements of this Part so long as the kind and extent of use is not changed, provided that any existing parking facilities serving such structures or uses shall not in the future be reduced below that

which existed at the date of adoption of this chapter.

2. **Change in Requirements.** Whenever there is an alteration of a structure or a change or extension of a use which changes the parking requirements according to the standards of § 801, the total additional off-street parking required for the alteration, change or extension shall be provided in accordance with the requirements of that section; provided, however, that when a change of use is proposed from Use 7, 8, 12, 20, 21 or 38 or from any residential use under Part 4 of this chapter to any office, retail or consumer service use, including Uses 23 through 34, whereby the combined total aggregate area of the proposed use will involve more than 3,500 square feet or will involve two or more existing or proposed units or leaseholds, then the total off-street parking requirements of that section for such proposed use shall be fully applicable thereto regardless of the nature or extent of any existing off-street parking facilities serving the existing use.
3. **Conflict with Other Uses.** No parking area shall be used for any use that interferes with its availability for the parking need it is required to serve.
4. **Continuing Character of Obligation.** All required parking facilities shall be provided and maintained as long as the use exists which the facilities were designed to serve. Off-street parking facilities shall not be reduced in total extent after their provision, except upon the approval of the Zoning Hearing Board and then only after proof that, by reason of diminution in floor area, seating area, the number of employees, or change in other factors controlling the regulation of the number of parking spaces, such reduction is in conformity with the requirements of this Part.

Reasonable precautions shall be taken by the owner or sponsor of particular uses to assure the availability of required facilities to the employees or other persons whom the facilities are designed to serve. Such facilities shall be designed and used in such a manner as to at no time constitute a nuisance, a hazard or unreasonable impediment to traffic.

5. **Joint Use.** Two or more uses may provide for required parking in a common parking lot if the total space provided is not less than the sum of the spaces required for each use individually. However, the number of spaces required in a common parking facility may be reduced below this total by special exception under Part 11 if it can be demonstrated to the Zoning Hearing Board that the hours or days of peak parking needed for the uses are so different that a lower total will provide adequately for all uses served by the facility.
6. **Fractional Spaces.** Where the computation of required parking space results in a fractional number, any fraction of the next highest number shall be counted as "one."
7. **Location of Parking Spaces.**
 - A. It is recognized that adequate off-street parking facilities within the borough are essential to the economic viability of its business community and the safety and convenience of its citizens. It is further recognized that the duty to provide such facilities should fall upon those who develop or redevelop their property, to the extent that such facilities are required by such development or redevelopment.
 - B. Required off-street parking spaces shall be on the same lot with the principal use served. Where this requirement cannot be met, the Zoning Hearing Board may authorize, as a special exception, the use of land located within 300 feet of the lot on which the principal use is located, as a parking area for the principal use; provided, however, that such off-lot parking shall be permitted only to the extent that parking cannot be reasonably provided on the lot on which the principal use is located. This special exception shall be subject to the following conditions and standards:
 - (1) No more than 30% of the required off-street parking can be provided off lot up to a maximum of six spaces.

- (2) No land located in any R1, R2 or CR Zoning District shall be utilized for off-lot parking purposes.
- (3) Direct pedestrian access to and from the off-lot parking area via public accessways wherever possible.
- (4) Adequate security lighting shall be provided for all off-lot parking areas and pedestrian accessways.
- (5) Wherever off lot parking is proposed in combination with on-lot parking, the on-lot parking shall be reserved for customer/client use to the greatest extent possible to satisfy the standards of § 801 of this chapter. Signage shall be provided to direct employee and customer/client parking.
- (6) Off-lot parking areas shall be either owned by the owner of the principal use lot or leased by said owner for a term equivalent to the life expectancy of the principal use or the principal use building or 20 years, whichever is greater, or reserved by perpetual easement in favor of the owner of the principal use lot. Any such lease shall contain a provision that both lessor and lessee must notify the borough on each anniversary of the lease that the lease is still in full force and in effect between the parties.
- (7) Upon application for special exception, proof shall be submitted, in form and substance satisfactory to the Zoning Officer, that the proposed off-lot parking spaces are not obligated or subject to the use of other parties and are fully available for total utilization by the clients, customers or employees associated with the principal use lot.
- (8) Once established, the off-lot parking area and number of parking spaces provided shall not be reduced, modified, abandoned or sold separately from the principal use lot except in accordance with § 802(4) of this Part. Any change which affects any of the conditions or standards imposed by this section or any other conditions imposed by the Zoning Hearing Board in granting the special exception provided for herein shall be immediately reported to the Zoning Officer. Any change which results in the loss or reduction of off-lot parking permitted hereunder shall immediately, ipso facto, require a proportionate discontinuation of a corresponding portion of the principal use area in accordance with § 801 of this Part.
- (9) All applications for special exception under this section shall be reviewed by the Doylestown Borough Planning Commission and the Borough Engineer before consideration by the Zoning Hearing Board.
- (10) All off-lot parking areas shall comply with the requirements of the Doylestown Borough Subdivision and Land Development Regulations and the requirements of § 803 of this Part; provided, however, that if a conflict exists between the provisions of this Part and the Subdivision and Land Development Regulations, the most restrictive provisions shall apply.

§ 803. Design Standards.

[Ord. 1972-10, 10/16/1972, Art. VIII, § 802; as amended by Ord. 1988-10, 5/16/1988, § 2]

The design standards for all off-street parking areas on principal use lots with a capacity of three or more vehicles and all off-lot parking areas regardless of vehicle capacity shall be those specified herein and in the Subdivision and Land Development Regulations; provided, however, that if a conflict exists between the provisions of this Part and the Subdivision and Land Development Regulations, the most restrictive provisions shall apply.

1. A buffer strip of a minimum of six feet from all property lines and street lines except as specified in § 609 herein shall be provided around all parking areas required under the provisions of this chapter. All such buffer areas shall be planted and maintained in accordance with the standards and specifications of Article IV of the Subdivision and Land Development Regulations. Where buffer plantings are required along street frontages, these requirements shall be in addition to the requirements for street trees as specified in Article IV of the Subdivision and Land Development Regulations.
2. All parking areas shall be illuminated in accordance with the standards and specifications of Article IV of the Subdivision and Land Development Regulations. Design of parking lot lighting shall restrict off-site spillover light to 0.1 footcandles maximum within 10 feet of the property lines which are located adjacent to a residential zoning district or residential use.
3. All parking areas and drives required under the terms of this chapter shall be graded, paved with a suitable all-weather surface and designed with stormwater collection and conveyance facilities as required under § 611 of this chapter and in accordance with the standards and specifications of Article IV of the Subdivision and Land Development Regulations.

§ 804. Off-Street Loading.

[Ord. 1972-10, 10/16/1972, Art. VIII, § 803]

Off-street loading requirements as specified below shall be provided on any lot on which a building exceeding 6,000 square feet of gross floor area for business or industry is hereafter erected.

1. Every department store, freight terminal or railroad yard, hospital, retail establishment, storage warehouse or wholesale establishment, sanitarium, industrial plant or manufacturing establishment shall provide off-street truck loading or unloading berths as specified in the following table:

Square Feet of Aggregate Gross Floor Area Devoted to Each Use	Required Number of Berths
Under 6,000	No requirement
6,000 up to 19,999	1
20,000 up to 79,999	2
80,000 up to 127,999	3
128,000 up to 191,999	4
192,000 up to 255,999	5
256,000 up to 319,999	6
320,000 up to 391,999	7
For each additional 72,000 square feet	1 additional berth

2. Every auditorium, convention hall, exhibition hall, funeral home, office building, restaurant, hotel, sports arena or welfare institution shall provide off-street truck loading and unloading berths as specified in the following table:

Square Feet of Aggregate Gross Floor Area Devoted to Each Use	Required Number of Berths
Under 30,000	No requirement
30,000 up to 44,999	1
45,000 up to 119,999	2
120,000 up to 197,999	3

198,000 up to 290,999	4
291,000 up to 389,999	5

Square Feet of Aggregate Gross Floor Area Devoted to Each Use	Required Number of Berths
390,000 up to 488,999	6
489,000 up to 587,999	7
588,000 up to 689,999	8
For each additional 105,000 Square feet	1 additional berth

§ 805. Design and Layout of Off-Street Loading Facilities.

[Ord. 1972-10, 10/16/1972, Art. VIII, § 804]

1. Off-street loading facilities shall be designed to conform to applicable requirements of the Doylestown Borough Subdivision and Land Development Regulations.
2. All required loading facilities shall be provided and maintained in accordance with the following requirements:
 - A. They shall be provided and maintained as long as the use exists which the facilities were designed to serve.
 - B. They shall not be reduced in total extent after their provision, except when such reduction is in conformity with the requirements of this Part.
 - C. Reasonable precautions shall be taken by the owner or sponsor of particular uses to assure the availability of required facilities to the delivery and pickup vehicles that they are designed to serve.

Part 9. NONCONFORMITIES

§ 901. Definition.

[Ord. 1972-10, 10/16/1972, Art. IX, § 900; as amended by Ord. 1983-2, 5/16/1983, § 4; and by Ord. 1991-3, § 2]

1. Nonconforming Lot. A lot the area or dimension of which was lawful prior to the adoption or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.
2. Nonconforming Structure. A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the application of such ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to nonconforming signs.
3. Nonconforming Use. A use, whether of land or of structure, which does not comply with the applicable use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such use was

lawfully in existence prior to the enactment of such ordinance or, amendment to its location by reason of annexation.

§ 902. Continuation.

[Ord. 1972-10, 10/16/1972, Art. IX, § 901]

The lawful use or existence of a building or structure or the lawful use of any parcel of land as existing and lawful at the time of the enactment of this Chapter or any amendment thereto, may, except as provided in this Chapter, be continued, although such use does not conform with the provisions of this ordinance or subsequent amendments.

§ 903. Alteration or Extension.

[Ord. 1972-10, 10/16/1972, Art. IX, § 902; as amended by Ord. 1981-2, 7/2/1981, § 1]

1. A use of land or structure which does not conform to the regulations of Part 4, Use Regulations, shall not be altered, reconstructed, extended, nor enlarged, except in accordance with the following provisions:
 - A. Such alteration or extension shall be permitted only by special exception under the provisions of Part **11** and only upon the same lot as in existence at the date the use became nonconforming which lot shall have then been arranged, intended and designed for such nonconforming use as of the effective date of the zoning Chapter creating the nonconformity.
 - B. Any increase in volume, area, or extent of the nonconforming use shall not exceed an aggregate of more than 25% during the life of the nonconformity.
2. A structure which does not conform to the regulations of this Chapter other than Part **4**, Use Regulations, may be altered, reconstructed, or enlarged, provided that no such nonconformity is increased beyond its extent on the date that it became nonconforming, provided that if the use or structure also falls under § 903(1) any change shall be subject to the provisions of that paragraph.

§ 904. Restoration.

[Ord. 1972-10, 10/16/1972, Art. IX, § 903]

No structure damaged by fire or other causes to the extent of more than 75% of its fair market value shall be repaired, reconstructed, or used except in conformity with the regulations of this Chapter. Structures with damage to the extent of 75% or less of the fair market value may be reconstructed, repaired, or used for the same nonconforming use subject to the following provisions:

1. The reconstructed structure shall not exceed the height, area, or volume of the damaged structure except as provided in § 903.
2. Reconstruction shall begin within one year from the date of the damage and shall be carried on without interruption.

§ 905. Abandonment.

[Ord. 1972-10, 10/16/1972, Art. IX, § 904]

Whenever a nonconforming use has been discontinued for a period of one year and such use has been abandoned, such use shall not thereafter be re-established, and any future use shall be in conformity with the provisions of this Chapter.

§ 906. Changes.

[Ord. 1972-10, 10/16/1972, Art. IX, § 905; as amended by Ord. 2001-1, 1/22/2001, § 1]

Once changed to a conforming use, no structure or land shall be permitted to revert to a nonconforming use. A nonconforming use, together with the specific activity conducted or otherwise lawfully proposed and permitted to be conducted thereunder, may be changed to a specific activity to be conducted under another nonconforming use, provided that the following conditions are satisfied:

1. Such change shall be permitted only by special exception granted by the Zoning Hearing Board pursuant to the provisions of Part **11** of this chapter.
2. The applicant shall show by clear and convincing evidence that the existing nonconforming use and the specific activity conducted or otherwise lawfully proposed and permitted to be conducted thereunder cannot reasonably be changed to a permitted use in the district where such nonconforming use is located.
3. The applicant shall show by clear and convincing evidence that the proposed specific activity to be conducted under another nonconforming use will be less objectionable in external effects than the specific activity conducted or otherwise lawfully proposed and permitted to be conducted under the existing nonconforming use with respect to:
 - A. Traffic generation and congestion, including truck, passenger car and pedestrian traffic.
 - B. Noise, smoke, dust, fumes, vapors, gases, heat, odor, glare or vibration.
 - C. Storage and waste disposal.
 - D. Appearance.
 - E. Parking facilities.
4. The activity to be conducted under another proposed nonconforming use shall be limited in nature and scope to the specific activity as proposed and approved, subject nevertheless to such conditions and restrictions as may be imposed by the Zoning Hearing Board.

§ 907. Displacement.

[Ord. 1972-10, 10/16/1972, Art. IX, § 906]

No nonconforming use shall be extended to displace a conforming use.

§ 908. District Changes.

[Ord. 1972-10, 10/16/1972, Art. IX, § 907]

Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another of

a different classification, the foregoing provisions shall also apply to any nonconforming uses or structures existing therein.

§ 909. Registration of Nonconforming Uses.

[Repealed by Ord. 1991-3; Ord. 1972-10, 10/16/1972, Art. IX, § 908; and repealed by Ord. 1991-3, 2/18/1991, § 3]

Part 10. ADMINISTRATION

§ 1001. Zoning Officer — Duties and Powers.

[Ord. 1972-10, 10/16/1972, Art. X, § 1000; as amended by Ord. 1974-10, 8/19/1974, § 1]

The provisions of this Chapter shall be administered and enforced by the Zoning Officer who shall be appointed by the Borough Council.

It shall be the duty of the Zoning Officer to:

1. Receive and examine all applications for zoning permits.
2. Issue permits only where there is compliance with the provisions of this Chapter and with other Borough ordinances, and with the laws of the Commonwealth. Permits for construction or uses requiring a special exception or variance shall be issued only upon order of the Zoning Hearing Board. Permits requiring approval of a conditional use by the Borough Council shall be issued only after receipt of such approval. Permits requiring a certificate of appropriateness under the Historical and Architectural Part of Chapter 4 shall be issued only after receipt of such certificate.
3. Receive appeals and applications for interpretation, special exceptions and variances and forward them to the Zoning Hearing Board.
4. Receive applications for conditional uses and forward such applications to the Borough Planning Commission and the Bucks County Planning Commission for review and to Borough Council for action thereon.
5. Conduct inspections and surveys to determine compliance or noncompliance with the terms of this Chapter.
6. Enforce the provisions of this Chapter and to institute civil enforcement proceedings as provided for in § 1306 when acting within the scope of his employment.
 - A. (1)=A^[1]. If it appears that a violation of this Chapter has occurred, the Zoning Officer shall initiate enforcement proceedings by sending an enforcement notice to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record.

[1]: *Ord. 1991-3 states that the subsections should be (b) and (c).*
 - B. An enforcement notice shall state the following:
 - (1) The name of the owner of record and any other person against whom the Borough 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 this Chapter.
 - (4) That the owner of record or other person against whom the Borough intends to take action has 15 days from the date of notice to commence steps to comply with this Chapter and 30 days from the date of notice within which to complete such steps to be in compliance with this Chapter, unless such times are extended in writing by the Zoning Officer, for cause shown.
 - (5) That the receipt of the notice has the right to appeal to the Zoning Hearing Board within 30 days of the date of the enforcement notice or not later than the expiration of any extension granted, in writing, by the Zoning Officer.
 - (6) That the failure to comply with the enforcement notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation with sanctions clearly described.
7. With the approval of the Borough Council, or when directed by them, institute in the name of the Borough any appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, demolition, maintenance or use of any building or structure, to restrain, correct, or abate such violation, so as to prevent the occupancy of or use of any building, structure or land, or to prevent any illegal act, conduct, business or use in or about such premises.
 8. Revoke by order a zoning permit issued under a mistake of fact or contrary to the law or the provisions of this Chapter.
 9. Record and file all applications for zoning permits with accompanying plans and documents. All applications, plans, and documents shall be a public record.
 10. Maintain a map or maps showing the current zoning classification of all land in the Borough.
 11. Upon the request of the Borough Council, the Planning Commission, or the Zoning Hearing Board, present facts, records, or reports which they may request to assist them in making decisions.

§ 1002. Zoning Permits Required.

[Ord. 1972-10, 10/16/1972, Art. X, § 1001]

Hereafter no structure shall be erected, constructed, reconstructed, altered or moved, and no building shall be used or occupied, or changed in use, until a zoning permit has been secured from the Zoning Officer. Upon completion of changes in use or construction, reconstruction, alteration or moving of structures, the applicant shall notify the Zoning Officer of such completion. No permit shall be considered as completed or as permanently effective until the Zoning Officer has noted on the permit that the work or occupancy and use has been inspected and approved as being in conformity with the provisions of this Chapter.

All structures for which permits have been obtained and the construction of which or a portion of which has been begun, or for which a contract or contracts have been let pursuant to a permit issued prior to the passage of this Chapter, may be completed and used in accordance with the plans on which said permit was granted. Zoning permits shall not be required for general maintenance work, painting, cleaning woodlands, building ponds, tilling the soil, constructing fences, terraces, or similar features, nor landscaping.

§ 1003. Application Requirements for Zoning Permits.

[Ord. 1972-10, 10/16/1972, Art. X, § 1002]

1. All applications for zoning permits shall be made by the owner, tenant, purchaser under contract of sale, or authorized agent, on a form supplied by the Borough, and shall be filed with the Zoning Officer. The application shall consist of two parts:
 - A. A written statement including:
 - (1) An identification of the proposed use of the building or land;
 - (2) A description of any proposed industrial or commercial operations in sufficient detail to indicate effects of those operations in producing noise, heat, vibration, glare, air pollution, water pollution, fire hazards, traffic congestion, or other safety hazards;
 - (3) A description of methods to be employed in controlling any excess noise, air pollution, smoke, fumes, water pollution, fire hazards or other safety hazards;
 - (4) In the case of application for interpretation, variances, special exceptions, and conditional uses, the additional information specified in Part **11** § 1110 and;
 - (5) Any other data deemed necessary by the Zoning Officer, Planning Commission or Borough Council to enable them to determine the compliance of the proposed development with the terms of this Chapter.
 - B. A site plan drawn to scale showing:
 - (1) The location, dimensions, and height of proposed buildings, structures, or uses and existing buildings in relation to property and street lines. If the application relates to property which is scheduled to be developed in successive stages, such plans shall show the relationship of the portion scheduled for initial development to the proposed layout of the entire property;
 - (2) The location, dimensions, arrangement, and capacity of all open spaces and yards and buffer yards, including methods to be employed for screening;
 - (3) The location, size, arrangement, and capacity of all areas to be used for motor vehicle access, off-street parking, off-street loading and unloading, and provisions to be made for lighting such areas if required under Part 8;
 - (4) The dimensions, location and methods of illumination for signs if applicable;
 - (5) The location and dimensions of sidewalks and all other areas to be devoted to pedestrian use;
 - (6) Provisions to be made for treatment and disposal of sewage and industrial wastes, water supply and storm drainage;
 - (7) The capacity and arrangement of all buildings used or intended to be used for dwelling purposes, including the proposed density in terms of number of dwelling units per acre of land.
2. During a period of 60 days before the introduction of an ordinance which proposes a change in regulations, district boundaries or classifications of property, unless Council shall have acted on the ordinance within the said sixty-day period, the Zoning Officer shall accept no application for permits within the area involved

in said change for any use which would be forbidden in the proposed ordinance.

3. No zoning permit for any new use or construction which will involve the on-site disposal of sewage or waste, and no zoning permit for a change in use or an alteration which will result in an increased volume of sewage or waste to be disposed of on the site, shall be issued until a certificate of approval has been issued by the Bucks County Department of Health.

§ 1004. Life of a Permit.

[Ord. 1972-10, 10/16/1972, Art. X, § 1003]

Any erection, construction, reconstruction, alteration or moving of a building or other structure, including a sign authorized by a zoning permit, shall be commenced, and any change in use of a building or land authorized by a zoning permit shall be undertaken, within one year after the date of issuance of the permit. If not, the permit shall be considered null and void. However, in the case of erection or construction of a building, the right to continue with construction may be extended annually without payment of additional fees for an aggregate period of not more than two years, provided that the construction pursuant to said permit has commenced within one year following issuance of the permit.

§ 1005. Issuance of Permits.

[Ord. 1972-10, 10/16/1972, Art. X, § 1004; as amended by Ord. 1985-9, 5/23/1985; and by Ord. 1991-3, 2/18/1991, § 5]
Zoning permits shall be granted or refused within 90 days after the date of application. No permit shall be issued until the Zoning Officer has certified that the proposed building or alteration complies with all the provisions of this Chapter. In case of refusal, the applicant shall be informed of his right of appeal to the Zoning Hearing Board. Upon completion of the erection or alteration of any building or portion thereof authorized by any permit obtained in compliance with this Chapter, and prior to occupancy or use, the holder of such permit shall notify the Zoning Officer of such completion. Occupancy shall not be authorized until the Zoning Officer has certified that the work has been inspected and approved as being in conformity with the permit and the provisions of this and other applicable ordinances, and has issued a certificate of occupancy where required as provided below. All applications with accompanying plans and documents shall be a public record.

§ 1006. Requirement of Certificate of Occupancy.

[Ord. 1972-10, 10/16/1972, Art. X, § 1005]

A certificate of occupancy shall be required for any of the following:

1. Occupancy and use of any building or portion thereof hereafter erected or altered;
2. Change in use of an existing building to a use of a different classification;
3. Occupancy and use of vacant land, or change in the use of land to a use of a different classification; and
4. Any change in use or extension of a nonconforming use. This certificate shall indicate that the proposed use of such building or land is in conformity with the provisions of this Chapter.

§ 1007. Issuance of Certificate of Occupancy.

[Ord. 1972-10, Art. X, § 1006]

A certificate of occupancy shall be granted or refused within 10 days after the Zoning Officer has been notified of the completion of the authorized construction or alteration, or, where no construction or alteration is involved, within 10 days after receipt of written application therefor. Upon written request from the owner, the Zoning Officer shall issue a certificate of occupancy for any building or land existing at the time of enactment of this Chapter, certifying, after inspection, the extent and kind of use or disposition of the buildings or land, and whether such use or disposition conforms with the provisions of this Chapter. Pending completion of a building or of alterations thereto, a temporary certificate of occupancy may be issued by the Zoning Officer, for the use of a part or all of the building, provided that such temporary occupancy or use would not tend in any way to jeopardize life or property. A record of all certificates of occupancy shall be kept on file in an office of the Borough, and a copy of any such permit shall be furnished upon request to any person having a proprietary or tenancy interest in the building or premises.

§ 1008. Fees.

[Ord. 1972-10, Art. X, § 1007; as amended by Ord. 1982-11, 5/17/1982, § 1]

Fee for permits shall be paid in accordance with the provisions of a fee schedule to be determined and adopted by Borough Council from time to time, by resolution. Each applicant for an interpretation, special exception, variance, or conditional use and for any other hearing before the Zoning Hearing Board shall, at the time of making any such application, pay a fee in accordance with a fee schedule determined and adopted by Borough Council, from time to time, by resolution.

§ 1009. Borough Council – Duties and Powers – Conditional Uses.

[Ord. 1974-10, 8/19/1974, § 1]

1. Borough Council shall have the power to approve all applications for conditional use for any of the uses for which this Chapter requires the obtaining of such approval where there is compliance with the provisions of this Chapter, and with other Borough ordinances and with the laws of the Commonwealth of Pennsylvania, and for no other use or purpose.
2. In granting a conditional use, Borough Council shall make findings of fact consistent with the provisions of this Chapter. Borough Council shall not grant a conditional use except in conformance with the conditions and standards outlined in this Chapter.
3. General requirements and standards applicable to all conditional uses. Borough Council shall grant a conditional use only if it determines that there is adequate evidence that any proposed use submitted for approval as a conditional use will meet all of the following general requirements as well as any specific requirements and standards listed for the proposed use. Borough Council shall, among other things, require that any proposed use and location be:
 - A. In accordance with the Doylestown Borough comprehensive plan and consistent with the spirit,

purposes, and intent of this Chapter.

- B. In the best interest of the Borough, the convenience of the community, and the public welfare.
 - C. Suitable for the property in question, and designed, constructed, operated and maintained so as to be in harmony with and appropriate in appearance with the existing or intended character of the general vicinity.
 - D. In conformance with all applicable requirements of this Chapter.
 - E. Suitable in terms of effect on street traffic and safety with adequate access arrangements to protect major streets from undue congestion and hazard.
- 4. Procedure for Review of Application for Conditional Uses. The procedure for review before Borough Council of all applications for conditional use shall be in accordance with that provided for the review of applications for special exceptions before the Zoning Hearing Board, which procedure is set forth in Part 11 hereof, at §§ 1103-1116. In addition thereto, prior to its review of any application for conditional use or any public hearing which may be required herein, Borough Council shall require the review and recommendation of the Doylestown Borough Planning Commission in respect to the suitability of the proposed conditional use.
 - 5. Subsequent to the granting of a conditional use the applicant must obtain a zoning permit within six months of approval or such conditional use shall be considered null and void.
 - 6. In granting a conditional use approval, Borough Council may attach such reasonable conditions and safeguards, in addition to those expressed in this Chapter, as it deems necessary and proper to insure that any proposed use will secure substantially the objectives of the Pennsylvania Municipalities Planning Code and this Chapter.
 - 7. In all applications for conditional use the applicant shall have the burden of proving that his application falls within the provisions of the Zoning Chapter and that granting his application will not be contrary to the public interest.

Part 11. ZONING HEARING BOARD

§ 1101. Establishment and Membership.

[Ord. 1972-10, 10/16/1972, Art. XI, § 1100; as amended by Ord. 1980-4, 5/4/1980, § 1]

Two additional members are to be added to the Zoning Hearing Board, thereby establishing a five member Zoning Hearing Board. The existing three members of the Zoning Hearing Board shall continue in office until their terms of office expire. The Council of the Borough of Doylestown shall appoint two additional members to the Zoning Hearing Board; one member shall be appointed for an initial term to expire on December 31, 1981 and the other member shall be appointed for an initial term to expire on December 31, 1982. Upon the expiration of the initial terms of the two new members of the Zoning Hearing Board, all appointments shall be made to the Zoning Hearing Board for three year terms.

§ 1102. Organization of Zoning Hearing Board.

[Ord. 1972-10, 10/16/1972, Art. XI, § 1101]

The Board shall elect a chairman from its membership, and, within the limits of funds appropriated by Borough Council, the Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services.

A.

Procedures Before the Board.

§ 1103. Hearings.

[Ord. 1972-10, 10/16/1972, Art. XI, § 1102]

The Board shall meet monthly to hear and consider all such matters which shall properly come before it. All such meetings shall be open to the public.

§ 1104. Persons Entitled to Initiate Action Before the Board.

[Ord. 1972-10, 10/16/1972, Art. XI, § 1103]

Appeals from the Zoning Officer pursuant to § 1117 hereof and proceedings to challenge an ordinance under § 1118 hereof may be filed by any officer or agency of the Borough or by any person aggrieved. Requests for a variance under § 1119 and for a special exception under § 1120 hereof may be filed by any landowner or tenant with the permission of such landowner.

§ 1105. Manner of Initiating Action Before the Board.

[Ord. 1972-10, 10/16/1972, Art. XI, § 1104]

All action before the Board shall be initiated by a written application for hearing which shall be filed with the Zoning Officer at least three weeks prior to the meeting at which the particular matter is to be heard. All applications shall be made on forms specified by the Board, and no application form shall be accepted unless the same shall be fully and legibly completed and unless all exhibits and supplemental material required by the application shall be attached (and until all fees required under § 1008 of this Chapter shall have been paid).

§ 1106. Time Limitations.

[Ord. 1972-10, 10/16/1972, Art. XI, § 1105]

All appeals from the Zoning Officer and all requests for variances, as provided in §§ 1117 and 1119 hereof, respectively, shall be filed within 30 days following the refusal of the Zoning Officer to grant a zoning permit.

§ 1107. Notification of Hearings.

[Ord. 1972-10, 10/16/1972, Art. XI, § 1106; as amended by Ord. 1991-3, 2/18/1991, § 7]

All hearings shall be held within 60 days from the date of the applicant's request, unless the applicant has agreed in writing to an extension of time. Notification of the time and place of all hearings shall be given by mail to the

applicant and to all persons who own real estate within 200 feet of any property which is the subject of an application. Notification shall be made to the Borough Planning Commission and the Historical and Architectural Review Board when applicable. Notice of the hearings of any particular application shall also be given to any person who shall timely request the same in writing, such request to be accompanied by a fee in the sum of \$1. Public notice, as defined in this Chapter, shall be given of all hearings. All notices required by this Section shall be given at least five days prior to the date of the hearing for which notice is given. In addition, written notice of the hearing shall be conspicuously posted on the affected tract of land at least one-week prior to the hearing.

§ 1108. Parties.

[Ord. 1972-10, 10/16/1972, Art. XI, § 1107]

Parties to any hearing shall be the municipality, any person entitled to notice under § 1107 without special request therefor who has given timely appearance of record before the Board, and any other person permitted to appear by the Board.

§ 1109. Witnesses.

[Ord. 1972-10, 10/16/1972, Art. XI, § 1108]

The chairman or acting chairman of the Board shall have the 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.

§ 1110. Representation.

[Ord. 1972-10, 10/16/1972, Art. XI, § 1109]

The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and cross-examine adverse witnesses on all relevant issues.

§ 1111. Rules of Evidence.

[Ord. 1972-10, 10/16/1972, Art. XI, § 1110]

Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded.

§ 1112. Record.

[Ord. 1972-10, 10/16/1972, Art. XI, § 1111; as amended by Ord. 1991-3, 2/18/1991, § 7]

The Board or the Hearing Officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or Hearing Officer or shall be paid by the person appealing from the decision of the Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party

requesting the original transcript shall bear the cost thereof.

§ 1113. Communications.

[Ord. 1972-10, 10/16/1972, Art. XI, § 1112]

The Board shall not communicate, directly or indirectly, with any party or his representative 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 after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present. "Board" as used herein shall include not only the members but also any secretary, clerk, legal counsel or consultant of the Board.

§ 1114. Decisions.

[Ord. 1972-10, 10/16/1972, Art. XI, § 1113; as amended by Ord. 1979-5, 5/19/1979; by Ord. 1985-9, 5/23/1985; and by Ord. 1991-3, 2/18/1991, § 8]

The Board of 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. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefor. Conclusions based on any provisions of this act or of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a Hearing Officer, and there has been no stipulation that his decision or findings are final, the Board shall make his report and recommendations available to the parties within 45 days and the parties shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings, and the Board's decision shall be entered no later than 30 days after the report of the Hearing Officer. Where the Board fails to render the decision within the period required by this section, or fails to hold the required hearing within 60 days from the date of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as hereinabove provided, the Board shall give public notice of said decision within 10 days from the last day it could have met to render a decision in the same manner as provided in subsection (1) of this Section. If the Board shall fail to provide such notice, the applicant may do so. Nothing in this section shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

§ 1115. Copies of Decisions.

[Ord. 1972-10, 10/16/1972, Art. XI, § 1114]

A copy of the final decision or, when no decision is called for, of the findings, shall be delivered to the applicant personally or mailed to him not later than the day following its 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, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

§ 1116. Appeals to the Courts.

[Ord. 1972-10, 10/16/1972, Art. XI, § 1115; Ord. 1991-3, 2/18/1991, § 9]

Zoning appeals may be taken to the court by any party before the Board or any officer or agency of the Borough, as provided by law.

1. Functions of the Board. The Board, shall perform any function required of it by, and in accordance with the provisions of the Pennsylvania Municipalities Planning Code, including those hereinafter set forth.

§ 1117. Appeals from the Zoning Officer.

[Ord. 1972-10, 10/16/1972, Art. XI, § 1116]

1. The Board shall hear and decide appeals where it is alleged by the appellant that the Zoning Officer has failed to follow prescribed procedures or has misinterpreted or misapplied any provision of this Chapter or map.
2. Appeals to the Zoning Hearing Board may be taken by the landowner affected, and officer or agency of the Borough, or any person aggrieved by any decision of the Zoning Officer. These appeals must be filed within 30 days of the date the decision is rendered by the Zoning Officer.
3. Any appeal from the ruling of the Zoning Officer concerning the enforcement and interpretation of the provisions of this Chapter, including any order to stop, cease and desist, shall be filed with the Zoning Officer within 30 days after the date of the Zoning Officer's adverse decision.
4. All appeals and applications made to the Board shall be in writing on standard forms prescribed by the Zoning Hearing Board and accompanied by fees required under § 1008.
5. All appeals and applications shall refer to the specific provisions of this Chapter involved.

§ 1118. Challenge to the Validity of the Ordinance or Map.

[Ord. 1972-10, 10/16/1972, Art. XI, § 1117]

1. The Board shall hear challenges to the validity of the Zoning Ordinance and Map. In all such challenges, the Board shall take evidence and make a record thereon as provided in § 1112. At the conclusion of the hearing, the Board shall decide all contested questions and shall make findings on all relevant issues of fact which shall become part of the record on appeal to court.
2. Where the Board has jurisdiction over a zoning matter pursuant to §§ 1117, 1118, or 1119, the Board shall also hear all appeals which an applicant may elect to bring before it with respect to any municipal ordinance or requirement pertaining to the same development plan or development. However, the Board shall have no power to pass upon the non-zoning issues, but shall take evidence and make findings on all relevant issues of fact which shall become part of the record on appeal to the court.

§ 1119. Variances.

[Ord. 1972-10, 10/16/1972, Art. XI, § 1118]

The Board shall hear requests for variances where it is alleged that the provisions of the Zoning Chapter inflict unnecessary hardship upon the appellant. The Board may grant a variance provided the following findings are made where relevant in a given case:

1. 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;
2. 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 a variance is therefor necessary to enable the reasonable use of the property;
3. That such unnecessary hardship has not been created by the appellant;
4. 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; and,
5. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation at issue.

In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Chapter. The applicant shall have six months after the time the variance was granted to obtain a building permit for any structure for which the variance was required.

§ 1120. Special Exceptions.

[Ord. 1972-10, 10/16/1972, Art. XI, § 1119; as amended by Ord. 1973-2, 1/15/1972, § 10]

1. Where this Chapter has provided for stated special exceptions to be granted or denied by the Zoning Hearing Board, pursuant to expressed standards and criteria, the Zoning Hearing Board shall hear and decide requests for such special exceptions in accordance with such standards and criteria.
2. Upon review of any application for a special exception, the Zoning Hearing Board shall consider and determine, among other things:
 - A. That the proposed change is consistent with the spirit, purpose and intent of the Zoning Chapter.
 - B. That the proposed special exception will not substantially injure or detract from the use of the neighboring property, or from the character of the neighborhood.
 - C. That all commercial and industrial parking, loading, access, or service areas shall be adequately illuminated at night while in use, and that such lighting, including sign lighting, shall be arranged so as to protect the highway and neighboring properties from direct glare or hazardous interference of any kind.
3. In granting special exceptions, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in the ordinance, as it deems necessary to implement the purposes of this Chapter.
4. In all applications for special exceptions, the applicant shall have the burden of proving that his application

falls within the provisions of the Zoning Chapter and that granting his application will not be contrary to the public interest.

5. The applicant shall have six months after the time that the special exception is granted in which to obtain a building permit for any structure for which the special exception was required.

§ 1121. Interpretation.

[Ord. 1972-10, 10/16/1972, Art. XI, § 1120]

Upon appeal from a decision by the Zoning Officer, the Zoning Hearing Board shall decide any question:

1. Involving the interpretation of any provision of this Chapter, including determination of the exact location of any district boundary if there is uncertainty with respect thereto;
2. Where it is alleged there is an error in any order, requirement, decision, or determination including any order requiring an alleged violation to stop, cease, and desist, made by the Zoning Officer in the enforcement of this Chapter.

§ 1122. Court Appeals.

[Ord. 1972-10, 10/16/1972, Art. XI, § 1121]

Any person aggrieved by any decision of the Zoning Hearing Board of the municipality may, within 30 days after such decision of the Board, appeal to the Court of Common Pleas of Bucks County, by petition duly verified, setting forth that such decision is arbitrary, capricious, an abuse of discretion, or not in accordance with law, and specify the grounds upon which he relies. Such appeals shall be made in accordance with Article X of the Pennsylvania Municipalities Planning Code.

Part 12. FLOODPLAIN DISTRICT REGULATIONS

§ 1201. General Provisions.

[Ord. 1999-5, 5/17/1999, § 2^[1]]

1. Intent. The intent of this Part 12 is to:
 - A. Promote the general health, welfare and safety of the community.
 - B. Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.
 - C. Minimize danger to public health by protecting water supply and natural drainage.
 - D. Reduce financial burdens imposed on the community, its governmental units and its residents by preventing excessive development in areas subject to flooding.
 - E. Comply with federal and state floodplain management requirements.

2. **Applicability.** These provisions shall apply to all lands within the jurisdiction of the borough and shown as being located within the boundaries of any identified floodplain district which is considered part of the Official **Zoning Map**.
3. **Abrogation and Greater Restrictions.** This Part 12 supersedes any other conflicting provisions which may be in effect in identified floodplain areas. However, any other ordinance provisions shall remain in full force and effect to the extent that those provisions are more restrictive. If there is any conflict between any of the provisions of this Part 12, the more restrictive shall apply.
4. **Severability.** If any section, subsection, paragraph, sentence, clause or phrase of this Part **12** shall be declared invalid for any reason whatsoever, such a decision shall not affect the remaining portions of the Ordinance, which shall remain in full force and effect, and for this purpose the provisions of this Part **12** are hereby declared to be severable.
5. **Warning and Disclaimer of Liability.** The degree of flood protection sought by the provisions of this Part 12 is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Part 12 does not imply that areas outside any identified floodplain areas or that land uses permitted within such areas will be free from flooding or flood damages. This Part 12 shall not create liability on the part of the borough or any officer or employee thereof for any flood damages that result from reliance on this Part 12 or any administrative decision lawfully made thereunder.

[1]: *Editor's Note: This ordinance superseded former Part 12, Floodplain District Regulations, as amended.*

§ 1202. Administration.

[Ord. 1999-5, 5/17/1999, § 2]

1. **Permits Required.** The provisions of Part **10** of this chapter shall be fully applicable to this Part **12** with respect to any construction or development undertaken within any area of the borough.
2. **Issuance of Permits.**
 - A. The Zoning Officer shall issue building or other applicable permits only after he has determined that the proposed work to be undertaken will be in conformance with the requirements of this and all other applicable codes and ordinances.
 - B. Prior to the issuance of any permits, the Zoning Officer shall review the application for the permit to determine if all other necessary government permits required by state and federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act No. 1966-537, as amended); the Pennsylvania Dam Safety and Encroachments Act (Act No. 1978-325, as amended); the Pennsylvania Clean Streams Act (Act No. 1937-394, as amended);^[1] and the United States Clean Water Act, Section 404, 33 U.S.C. § 1344. No permit shall be issued until this determination has been made.
[1]: *Editor's Note: See 35 P.S. § 750.1 et seq., 32 P.S. § 693.1 et seq. and 35 P.S. § 691.1 et seq., respectively.*
 - C. No encroachment, alteration or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the borough and until all required permits or approvals have been first obtained from the Department of Environmental Protection, Bureau of Dams, Waterways and Wetlands. In addition, the Federal Insurance Administrator and Pennsylvania Department of Community and Economic Development shall be

notified by the borough prior to any alteration or relocation of any watercourse.

3. Application Procedures and Requirements.
 - A. Applications for permits shall be made, in writing, to the Zoning Officer on forms supplied by the borough in accordance with the provisions of Part **10** of this chapter.
 - B. If any proposed construction or development is located entirely or partially within any identified floodplain area, applicants for permits shall provide all the necessary information in sufficient detail and clarity to enable the Zoning Officer to determine that:
 - (1) All such proposals are consistent with the need to minimize flood damage and conform with the requirements of this and all other applicable codes and ordinances;
 - (2) All utilities and facilities, such as sewer, gas, electrical and water systems, are located and constructed to minimize or eliminate flood damage; and
 - C. Applicants shall include in their application such information, plans, documents and other material in form and substance as the Zoning Officer may reasonably require to enable him to make the above determination.
4. Floodplain Map. The **Zoning Map** of the Borough of Doylestown adopted under this chapter is hereby further amended to include as an overlay to the existing underlying districts shown thereon the Official Floodplain District Map which is the FEMA Flood Insurance Rate Map (FIRM), dated May 18, 1999, and subsequent revisions thereof, and which, with all explanatory material contained thereon, is hereby made a part of this part.
5. Review by County Conservation District. A copy of all applications and plans for any proposed construction or development in any identified floodplain area to be considered for approval shall be submitted by the Zoning Officer to the County Conservation District for review and comment prior to the issuance of a building permit. The recommendations of the Conservation District shall be considered by the Zoning Officer for possible incorporation into the proposed plan.
6. Review of Application by Others. A copy of all plans and applications for any proposed construction or development in any identified floodplain area to be considered for approval may be submitted by the Zoning Officer to any other appropriate agencies and/or individuals (e.g. Planning Commission, Municipal Engineer, etc.) for review and comment.
7. Changes. After the issuance of a building permit by the Zoning Officer, no changes of any kind shall be made to the application, permit or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Zoning Officer. Requests for any such change shall be in writing and shall be submitted by the applicant to Zoning Officer for consideration.
8. Start of Construction. Work on the proposed construction and/or development shall begin and shall be completed within the times stipulated in Part **10**, § 1004 (Life of a Permit).
9. Inspection and Revocation.
 - A. During the construction period, the Zoning Officer or other authorized official shall inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable municipal laws and ordinances. He shall make as many inspections during and upon completion of the work as are necessary.
 - B. In the discharge of his duties, the Zoning Officer shall have the authority to enter any building,

structure, premises or development in the identified floodplain area, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this Part 12.

- C. In the event that the Zoning Officer discovers that the work does not comply with the permit application or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, the Zoning Officer shall revoke the building permit and report such fact to Council for whatever action it considers necessary.
- D. A record of all such inspections and violations of this Part 12 shall be maintained.

§ 1203. Identification of Floodplain Areas.

[Ord. 1999-5, 5/17/1999, § 2]

1. Identification. The identified floodplain area shall be those areas of the Borough of Doylestown which are subject to the one-hundred-year flood, as identified in the Flood Insurance Study (FIS) dated September 17, 1997, and the accompanying Flood Insurance Rate Maps dated May 18, 1999, prepared for the borough by the Federal Emergency Management Agency (FEMA), or the most recent revision thereof.
2. Description of Floodplain Areas. The identified floodplain area shall consist of the following specific areas:
 - A. FW (Floodway Area): the areas identified as "floodway" in the AE Zone in the Flood Insurance Study prepared by the FEMA. The term shall also include floodway areas which have been identified in other available studies or sources of information for those floodplain areas where no floodway has been identified in the Flood Insurance Study (FIS).
 - B. FF (Flood-Fringe Area): the remaining portions of the one-hundred-year floodplain in those areas identified as an AE Zone in the Flood Insurance Study, where a floodway has been delineated. The basis for the outermost boundary of this area shall be the one-hundred-year-flood elevations as shown in the flood profiles contained in the Flood Insurance Study (FIS).
 - C. FA (General Floodplain Area): the areas identified as Zone A in the FIS for which no one-hundred-year-flood elevations have been provided. When available, information from other federal, state and other acceptable sources shall be used to determine the one-hundred-year elevation, as well as a floodway area, if possible. Where the specific one-hundred-year elevation cannot be determined for this area using other sources of data such as the United States Army Corps of Engineers Floodplain Information Reports, United States Geological Survey Flood-prone Quadrangles, etc., then the applicant for the proposed use, development and/or activity shall determine the elevation in accordance with hydrologic and hydraulic engineering techniques as specified in the Doylestown Borough Subdivision and Land Development Ordinance. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the borough.
 - D. Alluvial soil restrictions: the area identified as floodplain soils as hereinafter described. "Floodplain soils" are soils subject to periodic flooding and listed in the Soil Survey for Bucks County Pennsylvania, United States Department of Agriculture, Natural Resource Conservation Service, as being "subject to flooding." The following soil types are floodplain soils:
Alton Gravely loam, flooded

Bowmansville-Knauers silt loam

Hatboro silt loam

Rowland silt loam

3. Changes in Identification of Area. The identified floodplain area may be revised or modified by Council where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any such change, approval must be obtained from the Federal Insurance Administration (FIA).
4. Boundary Disputes. Should a dispute concerning any identified floodplain boundary arise, an initial determination shall be made by the Zoning Officer and Borough Engineer, and any party aggrieved by this decision or determination may appeal to Council. The burden of proof shall be on the appellant.
5. Overlay Concept. The floodplain areas described above shall be overlays to the existing underlying district as shown on the Official **Zoning Map**, and, as such, the provisions for the floodplain district shall serve as a supplement to the underlying district provisions. Where there happens to be any conflict between the provisions or requirements of any of the floodplain districts and those of any underlying district, the more restrictive provisions shall apply.

§ 1204. Technical Provisions.

[Ord. 1999-5, 5/17/1999, § 2]

1. General.
 - A. No encroachment, alteration or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the municipality and until all required permits or approvals have been first obtained from the Department of Environmental Protection, Bureau of Dams, Waterways and Wetlands. In addition, the Federal Emergency Management Agency and Pennsylvania Department of Community and Economic Development shall be notified prior to any alteration or relocation of any watercourse.
 - B. Any new construction, development, uses or activities allowed within any identified floodplain area shall be undertaken in strict compliance with the provisions contained in this Part 12 and any other applicable codes, ordinances and regulations.
2. Special Requirements for FW and FA Areas.
 - A. Within any FW (Floodway Area), the following provisions apply:
 - (1) Any new construction, development, use, activity or encroachment that would cause any increase in flood heights shall be prohibited.
 - (2) No new construction or development shall be allowed, unless a permit is obtained from the Department of Environmental Protection, Bureau of Dams, Waterways and Wetlands.
 - B. Within any FA (General Floodplain Area), the following provisions apply:
 - (1) No new construction or development shall be located within the area measured 50 feet landward from the top-of-bank of any watercourse, unless a permit is obtained from the Department of Environmental Protection, Bureau of Dams, Waterways and Wetlands.

- (2) Any new construction or development which would cause any increase in flood heights shall be prohibited within any floodway area (FW).
3. Permitted uses within the FW, FF or FA. Provided that they are in compliance with the underlying district and are not prohibited by any other ordinance and provided that they do not require structure, fill or storage of material and equipment, permitted uses within the FW, FF or FA include:
 - A. Agricultural uses such as general farming, pasture grazing, outdoor plants nurseries, horticulture, truck farming, forestry, sod farming and wild crop harvesting.
 - B. Public and private recreational uses and activities such as parks, day camps, picnic grounds, golf courses, boat launching and swimming areas, hiking and horseback riding trails, wildlife and nature preserves, game farms, fish hatcheries, trap and skeet game ranges and hunting and fishing areas.
 - C. Accessory residential uses such as yard areas, gardens, play areas and pervious parking areas.
 - D. Accessory industrial and commercial uses such as yard areas, pervious parking and loading areas, airport landing strips, etc.
4. Uses Permitted by Special Exception within the FF or FA. Provided that they are in compliance with the underlying district and are not prohibited by any other ordinance, uses permitted by special exception within the FF or FA include:
 - A. Structures, except for mobile homes, accessory to the uses and activities indicated above.
 - B. Utilities and public facilities and improvements such as railroads, streets, bridges, transmission lines, pipe lines, water and wastewater treatment plants and other similar or related uses.
 - C. Water-related uses and activities such as marinas, docks, wharves, piers, etc.
 - D. Extraction of sand, gravel and other materials.
 - E. Temporary uses such as circuses, carnivals and similar activities.
 - F. Storage of materials and equipment, provided that they are not buoyant, flammable, toxic or explosive and are not subject to major damage by flooding, or provided that such material and equipment is firmly anchored to prevent flotation or movement and/or can be readily removed from the area within the time available after flood warning.
 - G. Other similar uses and activities, provided that they cause no increase in flood heights and/or velocities. All uses, activities and structural development shall be undertaken in strict compliance with the flood-proofing provisions contained in all other applicable codes and ordinances.
5. Elevation and Floodproofing Requirements.
 - A. Residential Structures. Within any identified floodplain area, any new construction or substantial improvement of a residential structure shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation.
 - B. Nonresidential structures.
 - (1) Within any identified floodplain area, any new construction or substantial improvement of a nonresidential structure shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation, or be designed and constructed so that the space enclosed by such structure shall remain either completely or essentially dry during any flood up to that

height.

- (2) Any nonresidential structure, or part thereof, having a lowest floor which is not elevated to at least 1 1/2 feet above the one-hundred-year-flood elevation shall be floodproofed in a completely or essentially dry manner in accordance with the W1 or W2 space classification standards contained in the publication entitled "Floodproofing Regulations" published by the United States Army Corps of Engineers (June 1972, as amended March 1992 or subsequent revisions thereof) or with some other equivalent standard. All plans and specifications for such floodproofing shall be accompanied by a statement certified by a registered professional engineer which states that the proposed design and methods of construction are in conformance with the above-referenced standards.
- C. Space Below the Lowest Floor.
- (1) Fully enclosed space below the lowest floor (including basement) is prohibited.
 - (2) Partially enclosed space below the lowest floor (including basement) which will be used solely for the parking of a vehicle, building access or incidental storage in an area other than a basement shall be designed and constructed to allow for the automatic entry and exit of floodwaters for the purpose of equalizing hydrostatic forces on exterior walls. The term "partially enclosed space" also includes crawl spaces. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
 - (a) A minimum of two openings having a net total area of not less than one square inch for every square foot of enclosed space.
 - (b) The bottom of all openings shall be no higher than one foot above grade.
 - (c) Openings may be equipped with screens, louvers, etc., or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.
- D. Accessory structures. Structures accessory to a principal building need not be elevated or floodproofed to remain dry but shall comply, at a minimum, with the following requirements:
- (1) The structure shall not be designed or used for human habitation but shall be limited to the parking of vehicles or to the storage of tools, material and equipment related to the principal use or activity.
 - (2) Floor area shall not exceed 600 square feet.
 - (3) The structure will have a low damage potential.
 - (4) The structure will be located on the site so as to cause the least obstruction to the flow of floodwaters.
 - (5) Power lines, wiring and outlets will be at least 1 1/2 feet above the one-hundred-year-flood elevation.
 - (6) Permanently affixed utility equipment and appliances such as furnaces, heaters, washers, dryers, etc., are prohibited.
 - (7) Sanitary facilities are prohibited.
 - (8) The structure shall be adequately anchored to prevent flotation or movement and shall be designed to automatically provide for the entry and exit of floodwater for the purpose of

equalizing hydrostatic forces on the walls. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

- (a) A minimum of two openings having a net total area of not less than one square inch for every square foot of enclosed space.
- (b) The bottom of all openings shall be no higher than one foot above grade.
- (c) Openings may be equipped with screens, louvers, etc., or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

6. Design and Construction Standards. The following minimum standards shall apply for all construction and development proposed within any identified floodplain area:
- A. Fill. If fill is used, it shall:
 - (1) Extend laterally at least 15 feet beyond the building line from all points;
 - (2) Consist of soil or small rock materials only; sanitary landfills shall not be permitted;
 - (3) Be compacted to provide the necessary permeability and resistance to erosion, scouring or settling;
 - (4) Be no steeper than one vertical to two horizontal feet unless substantiated data justifying steeper slopes are submitted to and approved by the Zoning Officer; and
 - (5) Be used to the extent to which it does not adversely affect adjacent properties.
 - B. Drainage facilities. Storm drainage facilities shall be designed to convey the flow of stormwater runoff in a safe and efficient manner. The system shall ensure proper drainage along streets and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.
 - C. Water and Sanitary Sewer Facilities and Systems.
 - (1) All new or replacement water and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of floodwaters.
 - (2) Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into floodwaters.
 - (3) No part of any on-site sewage system shall be located within any identified floodplain area except in strict compliance with all state and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.
 - D. Other utilities. All other utilities such as gas lines, electrical and telephone systems shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.
 - E. Streets. The finished elevation of all new streets shall be no more than one foot below the regulatory flood elevation.
 - F. Storage. All materials that are buoyant, flammable, explosive or, in times of flooding, could be injurious to human, animal or plant life and not listed in § 1204.7, Development Which May Endanger Human

Life, shall be stored at or above the regulatory flood elevation and/or floodproofed to the maximum extent possible.

- G. Placement of Buildings and Structures. All buildings and structures shall be designed, located and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of floodwater.
- H. Anchoring.
- (1) All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse or lateral movement.
 - (2) All air ducts, large pipes, storage tanks and other similar objects or components located below the regulatory flood elevation shall be securely anchored or affixed to prevent flotation.
- I. Floors, Walls and Ceilings.
- (1) Wood flooring used at or below the regulatory flood elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain, without causing structural damage to the building.
 - (2) Plywood used at or below the regulatory flood elevation shall be of a marine or water-resistant variety.
 - (3) Walls and ceilings at or below the regulatory flood elevation shall be designed and constructed of materials that are water-resistant and will withstand inundation.
 - (4) Windows, doors and other components at or below the regulatory flood elevation shall be made of metal or other water-resistant material.
- J. Paints and Adhesives.
- (1) Paints and other finishes used at or below the regulatory flood elevation shall be of marine or water-resistant quality.
 - (2) Adhesives used at or below the regulatory flood elevation shall be of a marine or water-resistant variety.
 - (3) All wooden components (doors, trim, cabinets, etc.) shall be installed with a marine or water-resistant paint or other finishing material.
- K. Electrical Components.
- (1) Electrical distribution panels shall be at least three feet above the one-hundred-year-flood elevation.
 - (2) Separate electrical circuits shall serve lower levels and shall be dropped from above.
- L. Equipment. Water heaters, furnaces, air-conditioning and ventilating units and other electrical, mechanical or utility equipment or apparatus shall not be located below the regulatory flood elevation.
- M. Fuel Supply Systems. All gas and oil supply systems shall be designed to prevent the infiltration of floodwaters into the system and discharges from the system into floodwaters. Additional provisions shall be made for the drainage of these systems in the event that floodwater infiltration occurs.

7. Development Which May Endanger Human Life.

A. In accordance with the Pennsylvania Floodplain Management Act,^[1] and the regulations adopted by the Department of Community and Economic Development as required by the Act, any new or substantially improved structure which will be used for the production or storage of any of the following dangerous materials or substances; or will be used for any activity requiring the maintenance of a supply of more than 550 gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises; or will involve the production, storage or use of any amount of radioactive substances shall be subject to the provisions of this section, in addition to all other applicable provisions. The following list of materials and substances are considered dangerous to human life:

- (1) Acetone.
- (2) Ammonia.
- (3) Benzene.
- (4) Calcium carbide.
- (5) Carbon disulfide.
- (6) Celluloid.
- (7) Chlorine.
- (8) Hydrochloric acid.
- (9) Hydrocyanic acid.
- (10) Magnesium.
- (11) Nitric acid and oxides of nitrogen.
- (12) Petroleum products (gasoline, fuel oil, etc.).
- (13) Phosphorus.
- (14) Potassium.
- (15) Sodium.
- (16) Sulphur and sulphur products.
- (17) Pesticides (including insecticides, fungicides and rodenticides).
- (18) Radioactive substances, insofar as such substances are not otherwise regulated.

[1]: *Editor's Note: See 32 P.S. § 679.101 et seq.*

B. Within any FW (Floodway Area), any structure of the kind described in Subsection **A**, above, shall be prohibited.

C. Within any FA (General Floodplain Area), any new or substantially improved structure of the kind described in Subsection **A**, above, shall be prohibited within the area measured 50 feet landward from the top-of-bank of any watercourse.

- D. Where permitted within any floodplain area, any new or substantially improved structure of the kind described in Subsection **A**, above, shall be:
- (1) Elevated or designed and constructed to remain completely dry up to at least 1 1/2 feet above the one-hundred-year flood; and
 - (2) Designed to prevent pollution from the structure or activity during the course of a one-hundred-year flood.

Any such structure, or part thereof, that will be built below the regulatory flood elevation shall be designed and constructed in accordance with the standards for completely dry floodproofing contained in the publication Flood-Proofing Regulations (United States Army Corps of Engineers, June 1972, as amended March 1992), or with some other equivalent watertight standard.

8. Special Requirements for Manufactured Homes.

- A. Within any FW (Floodway Area), manufactured homes shall be prohibited.
- B. Within any FA (General Floodplain Area), manufactured homes shall be prohibited within the area measured 50 feet landward from the top-of-bank of any watercourse.
- C. Where permitted within any floodplain area, all manufactured homes, and any improvements thereto, shall be:
 - (1) Placed on a permanent foundation.
 - (2) Elevated so that the lowest floor of the manufactured home is 1 1/2 feet or more above the elevation of the one-hundred-year flood.
 - (3) Anchored to resist flotation, collapse or lateral movement.

§ 1205. Activities Prohibited Within Floodplain Areas.

[Ord. 1999-5, 5/17/1999, § 2]

1. General. In accordance with the administrative regulations promulgated by the Department of Community and Economic Development to implement the Pennsylvania Floodplain Management Act, the following activities shall be prohibited within any identified floodplain area:
 - A. The commencement of any of the following activities or the construction, enlargement or expansion of any structure used, or intended to be used, for any of the following activities:
 - (1) Hospitals.
 - (2) Nursing homes.
 - (3) Jails or prisons.

§ 1206. Existing Structures in Identified Floodplain Areas.

[Ord. 1999-5, 5/17/1999, § 2]

1. Existing Structures. The provisions of this Part **12** do not require any changes or improvements to be made to lawfully existing structures. However, when an improvement is made to any existing structure, the provisions of the next section shall apply.
2. Improvements. The following provisions shall apply whenever any substantial improvement is made to an existing structure located within any identified floodplain area:
 - A. No expansion or enlargement of an existing structure shall be allowed within any floodway area (FW) that would cause any increase in the elevation of the one-hundred-year flood.
 - B. No expansion or enlargement of an existing structure shall be allowed within any FE area that would, together with all other existing and anticipated development, increase the one-hundred-year-flood elevation more than one foot at any point.
 - C. Any modification, alteration, reconstruction or improvement of any kind to an existing structure, to an extent or amount of 50% or more of its market value, shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this Part 12.
 - D. Any modification, alteration, reconstruction or improvement of any kind to an existing structure, to an extent or amount of less than 50% of its market value, shall be elevated and/or floodproofed to the greatest extent possible.

§ 1207. Special Exceptions in Floodplain Districts; Additional Factors to be Considered.

[Ord. 1999-5, 5/17/1999, § 2]

1. Review Factors. In passing upon applications for special exceptions, the Zoning Hearing Board shall consider all relevant factors and procedures specific in other sections of the Zoning Chapter and:
 - A. The danger to life and property due to increased flood heights or velocities caused by encroachments.
 - B. The danger that material may be swept onto other lands downstream to the injury of others.
 - C. The proposed or existing water supply and sanitation system and the ability of these systems to prevent disease, contamination and unsanitary conditions.
 - D. The susceptibility of the proposed or existing (see § 1206) facility and its contents to flood damage and the effect of such damage on the individual owners.
 - E. The importance of the services provided by the proposed or existing (see § 1206) facility to the community.
 - F. The requirements of the facility for a waterfront location.
 - G. The availability of alternative locations not subject to flooding for the proposed use or expansion.
 - H. The compatibility of the proposed use or expansion with existing development and development anticipated in the foreseeable future.
 - I. The relationship of the proposed use or expansion to the Comprehensive Plan and floodplain management program for the area.

- J. The safety of access to the property in times of flood of ordinary and emergency vehicles.
 - K. The expected heights, velocity, duration, rate of rise and sediment transport of floodwaters expected at the site.
 - L. Such other factors which are relevant to the purposes of this chapter.
2. Supplemental Technical Review. The Zoning Hearing Board may refer any application and accompanying documentation pertaining to any request for a special exception to any engineer or other qualified person or agency for technical assistance in evaluation the proposed project in relation to flood heights and velocities and the adequacy of the plans for protection and other related matters.
3. Conditions for Approving Special Exception.
- A. Special exceptions shall only be issued after the Zoning Hearing Board has determined that the granting of such will not result in unacceptable or prohibited increased in flood heights, additional threats to public safety, extraordinary public expense, the creation of nuisances, any fraud or victimization of the public or any conflict with local laws or ordinances.
 - B. No special exception shall be granted for any proposed use, development or activity within any Floodway District (FW).

§ 1208. Variances.

1. General. If compliance with any of the requirements of this Part 12 would result in an exceptional hardship to a prospective builder, developer or landowner, the Zoning Hearing Board may, upon request, grant relief from the strict application of the requirements.
2. Variance Procedures and Conditions. Requests for variances shall be considered by the borough in accordance with the procedures contained in Section 2.11 and the following:
- A. No variance shall be granted for any construction, development, use or activity within any floodway area (FW) that would cause any increase in the one-hundred-year-flood elevation.
 - B. Except for a possible modification of the one-and-one-half-foot freeboard requirement involved, no variance shall be granted for any of the other requirements pertaining specifically to development regulated by § 1205 or to development which may endanger human life (§ 1204.7).
 - C. If granted, a variance shall involve only the least modification necessary to provide relief.
 - D. In granting any variance, the borough shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety and welfare and to achieve the objectives of this Part 12.
 - E. Whenever a variance is granted, the borough shall notify the applicant, in writing, that:
 - (1) The granting of the variance may result in increased premium rates for flood insurance.
 - (2) Such variances may increase the risks to life and property.
 - F. In reviewing any request for a variance, the borough shall consider, at a minimum, the following:
 - (1) That there is good and sufficient cause.

- (2) That failure to grant the variance would result in exceptional hardship to the applicant.
 - (3) That the granting of the variance will neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety or extraordinary public expense, nor create nuisances, cause fraud on or victimize the public, or conflict with any other applicable state or local ordinances and regulations.
- G. A complete record of all variance requests and related actions shall be maintained by the borough. In addition, a report of all variances granted during the year shall be included in the annual report to the Federal Insurance Administration. Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the one-hundred-year flood.

Part 13. AMENDMENTS; REMEDIES; PENALTIES; SEPARABILITY

§ 1301. Power of Amendment.

[Ord. 1972-10, 10/16/1972, Art. XII, § 1200]

Borough Council may from time to time amend this Chapter, including the **Zoning Map**.

§ 1302. Public Hearings Prior to Amendment.

[Ord. 1972-10, 10/16/1972, Art. XII, § 1201; as amended by Ord. 1991-3, 2/18/1991, § 10]

Before voting on the enactment of any amendment, the Council shall hold a public hearing thereon, pursuant to public notice. If the proposed amendment involves a zoning map change, notice of the public hearing shall be conspicuously posted by the Borough at points along the perimeter of the tract at least one-week prior to the date of the hearing. In addition to the public notice of the public hearing required by this Section, notice of the proposed enactment of the amendment shall be given by the Borough by publishing the proposed amendment once in one newspaper of general circulation in the Borough not more than 60 days nor less than seven days prior to passage. This notice shall include the time and place of the meeting at which passage will be considered as well as a reference to a place within the Borough where copies of the proposed amendment may be examined without charge or obtained for a charge not greater than the cost thereof.

§ 1303. Procedure upon Curative Amendments.

[Ord. 1972-10, 10/16/1972, Art. XII, § 1201.1; as amended by Ord. 1991-3, 2/18/1991, § 10]

A landowner who desires to challenge on substantive grounds the validity of this Chapter or any part hereof that prohibits the use or development of land in which he has an interest, may submit a curative amendment to Borough Council with a written request for hearing. Borough Council shall commence a hearing thereon within 60 days of the submission of a properly completed request following procedures outlined in Article VI, § 609.1 of the Pennsylvania Municipalities Planning Code.

§ 1304. Submission to the Planning Agency.

[Ord. 1972-10, 10/16/1972, Art. XII, § 1202; as amended by Ord. 1991-3, 2/18/1991, § 10]

In the case of an amendment other than one prepared by the Planning Commission, Borough Council shall submit each such amendment to the Borough Planning Commission and the Bucks County Planning Commission at least 30 days prior to the hearing in order to provide the Planning Commission an opportunity to submit recommendations. Within 30 days after enactment, a copy of the amendment shall be forwarded to the Bucks County Planning Commission.

§ 1305. Enforcement Penalties.

[Repealed by Ord. 1991-3; Ord. 1972-10, 10/16/1972, Art. XII, § 1203; as repealed by Ord. 1991-3, 2/18/1991, § 11]

§ 1306. Enforcement Remedies.

[Ord. 1972-10, 10/16/1972, Art. XII, § 1204; as amended by Ord. 1991-3, 2/18/1991, § 12]

1. Any person, partnership or corporation who or which has violated any of the provisions of this Chapter, upon being found liable therefore in a civil enforcement proceeding commenced by the Borough shall pay a judgment of not more than \$500 plus all court costs plus reasonable attorney fees incurred by the Borough as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure. 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 this 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 5th 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.
2. The Court of Common Pleas, upon petition of the defendant, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.
3. Nothing contained herein shall be construed or interpreted to grant to any person or entity other than the Borough the right to commence any action for enforcement pursuant to this Section.

§ 1307. Complaints of Violations.

[Ord. 1972-10, 10/16/1972, Art. XII, § 1205]

Whenever a violation of this Chapter occurs, any resident, tenant, or property owner within Doylestown Borough may file a written complaint with the Zoning Officer in regard thereto. The Zoning Officer shall promptly investigate all complaints and report thereon to Borough Council.

§ 1308. Separability.

[Ord. 1972-10, 10/16/1972, Art. XII, § 1206]

It is hereby declared to be the legislative intent that:

1. If a court of competent jurisdiction declares any provision 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.
2. If a court of competent jurisdiction finds the application of any provision or provisions of this ordinance to any lot, building, or other structure, or tract of land, to be invalid or ineffective, in whole or in part, the effect of such decision shall be limited to the person, property, or situation immediately involved in the controversy, and the application of any such provision to other persons, property or situations shall not be affected.

Part 14. AIRPORT AREA PROTECTION STANDARDS

§ 1401. Purpose.

[Ord. 1986-2, 1/20/1986]

This Part is adopted pursuant to the authority conferred by the Airport Zoning Act of 1945, P.L. 237, 2 P.S. 1550 et seq., as amended and the Municipalities Planning Code of 1968, P.L. 805, 53 P.S. 10101, et seq., as amended. It is hereby found that an obstruction has the potential for endangering the lives and property of users of the Doylestown Airport, located in Buckingham Township and property or occupants of land in its vicinity; that an obstruction may affect existing and future instrument approach minimums of Doylestown Airport; and that an obstruction may reduce the size of areas available for the landing, takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of Doylestown Airport and the public investment therein. Accordingly, it is declared:

1. That the creation or establishment of an obstruction has the potential of being a public nuisance and may injure the region served by Doylestown Airport;
2. That it is necessary in the interest of the public health, public safety, and general welfare that the creation or establishment of obstructions that are a hazard to air navigation be prevented; and
3. That the prevention of these obstructions should be accomplished to the extent legally possible, by the exercise of the police power without compensation.

It is further declared that the prevention of the creation or establishment of hazards to air navigation, the elimination, removal; alteration or mitigation of hazards to air navigation, or marking and lighting of obstructions are public purposes for which a political subdivision may raise and expend public funds and acquire land or interests in land.

§ 1402. Definitions.

[Ord. 1986-2, 1/20/1986]

AIRPORT — Doylestown Airport.

AIRPORT ELEVATION

394 feet above mean sea level.

APPROACH SURFACE

A surface longitudinally centered on the extended runway centerline, extending outward from the end of the primary surface and at the same slope set forth in § 1404. In plan, the perimeter of the approach surface coincides with the perimeter of the approach zone.

APPROACH, TRANSITIONAL, HORIZONTAL, AND CONICAL ZONES

These zones are set forth in § 1403.

CONICAL SURFACE

A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.

HAZARD TO AIR NAVIGATION

An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

HORIZONTAL SURFACE

A horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.

LARGER THAN UTILITY RUNWAY

A runway that is constructed for and intended to be used by propeller driven aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft.

NONPRECISION INSTRUMENT RUNWAY

A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved or planned.

OBSTRUCTION

Any structure, growth, or other object including a mobile object, which exceeds a limiting height set forth in § 1404.

PRECISION INSTRUMENT RUNWAY

A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approach airport layout plan or any other planning document.

PRIMARY SURFACE

A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; for military runways or when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in § 1403.

RUNWAY

A defined area on an airport prepared for landing and takeoff of aircraft along its length.

STRUCTURE

For the purposes of this part, a structure shall be any object, including a mobile object, constructed or installed by man, including, but not limited to, buildings, towers, cranes, smokestacks, earth formations and overhead transmission lines in addition to those objects defined in § 202 of this Chapter.

TRANSITIONAL SURFACES

These surfaces extend outward at 90° angles to the runway centerline and the runway centerline extended at a slope of seven feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at 90° angles to the extended runway centerline.

TREE

Any object of natural growth.

UTILITY RUNWAY

A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.

VISUAL RUNWAY

A runway intended solely for the operation of aircraft using visual approach procedures.

§ 1403. Airport Zones.

[Ord. 1986-2, 1/20/1986, § 1]

In order to carry out the provisions of this Part, there are hereby created and established certain airport zones which include all of the land lying beneath the approach surfaces, horizontal surfaces, and conical surfaces, as they apply to Doylestown Airport. Such airport zones are shown on the Doylestown Airport **Zoning Map** which is attached to this Chapter and made a part hereof. An area located in more than one of the following airport zones is considered to be only in the airport zone with the more restrictive height limitation. The Doylestown airport zone is hereby established and defined as follows:

UTILITY RUNWAY NONPRECISION INSTRUMENT APPROACH

The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 2,000 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

TRANSITIONAL ZONES

The transitional zones are the areas beneath the transitional surfaces.

HORIZONTAL ZONE

The horizontal zone is established by swinging arcs of 5,000 feet radii for all runways designated utility or visual and 10,000 feet for all others from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.

CONICAL ZONE

The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a horizontal distance of 4,000 feet.

§ 1404. Airport Zone Height Limitations.

[Ord. 1986-2, 1/20/1986]

Except as otherwise provided in this Chapter, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created by this Chapter to a height in excess of the applicable height herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

1. Utility Runway Nonprecision Instrument Approach Zone. Slopes 20 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.
2. Transitional Zones. Slopes seven feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and approach surface and extending to a height of 150 feet above the airport elevation which is 394 feet above mean sea level. In addition to the foregoing, there are established height limits sloping seven feet outward for each foot upward beginning at the sides of and the same elevation as the approach surface, and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping seven feet outward for each foot upward beginning at the sides of and the same elevation as the approach surface, and extending a horizontal distance of 5,000 feet measured at 90° angles to the extended runway centerline.
3. Horizontal Zone. Established at 150 feet above the airport elevation or at a height of 394 feet above mean sea level.
4. Conical Zone. Slopes 20 feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation.
5. Excepted Height Limitations. Nothing in this Chapter shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree to a height up to 35 feet above the surface of the land.

§ 1405. Use Restrictions.

[Ord. 1986-2, 1/20/1986]

Notwithstanding any other provisions of this Chapter, no use may be made of land or water within any airport zone established by this Chapter in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, resulting in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

§ 1406. Nonconforming Structure or Uses.

[Ord. 1986-2, 1/20/1986]

1. Regulations Not Retroactive. The regulations prescribed in this part shall not be construed to require the

removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this Chapter, or otherwise interfere with the continuance of a nonconforming structure or use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Chapter, and is diligently pursued.

2. **Marking and Lighting.** Notwithstanding the preceding provision of this section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of the Bucks County Airport Authority.

§ 1407. Permits.

[Ord. 1986-2, 1/20/1986, § 1]

1. **Future Uses.** Except as specifically provided in subparagraphs B and C hereunder, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone hereby created unless a permit therefor shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this Chapter shall be granted unless a variance has been approved in accordance with § 1407(4).
 - A. In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.
 - B. In areas lying within the limits of the approach zones but at a horizontal distance of not less than 4,200 feet from each end of the runway, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when such tree or structure would extend above height limit prescribed for such approach zones.
 - C. In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when such tree or structure, because of terrain, land contour, or topographic features would extend above the height limit prescribed for such transition zones.
Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any tree in excess of any height limits established by this Part except as set forth in § 1404.
2. **Existing Uses.** No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation, than it was on the effective date of this Chapter, or any amendments thereto or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.
3. **Nonconforming Uses Abandoned or Destroyed.** Whenever the Borough Council of the Borough of Doylestown determines that a nonconforming tree or structure has been abandoned or more than 80%

torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.

4. Variances. Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use of property, not in accordance with the regulations prescribed in this Chapter, may apply to the Zoning Hearing Board for a variance from such regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and relief granted will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this part. Additionally, no application for variance to the requirements of this part may be considered by the Zoning Hearing Board unless a copy of the application has been furnished to the Airport Manager, and to the Chairman of the Board of the Bucks County Airport Authority, or other registered owner of the real estate upon which the airport is located, for advice as to the aeronautical effects of the variance. If the Airport Manager, or the Chairman of the Board of the Bucks County Airport Authority, or the other owner of the real estate upon which the airport is located does not respond to the application within 15 days after receipt, the Zoning Hearing Board may act on its own to grant or deny said application.
5. Obstruction Marking and Lighting. Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this Chapter and is reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate, and maintain at the owner's expense, such markings and lights as may be necessary. If deemed proper by the Zoning Hearing Board, this condition may be modified to require the owner to permit the Bucks County Airport Authority, at its own expense, to install, operate, and maintain the necessary markings and lights.

§ 1408. Enforcement.

[Ord. 1986-2, 1/20/1986, § 1]

It shall be the duty of the Zoning Officer of Doylestown Borough to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the Zoning Officer, along with the appropriate fee, upon a form published for that purpose. Applications required by this Chapter to be submitted to the Zoning Officer shall be subject to the provisions of Part **10** of this Chapter.