

ARTICLE I
Adoption; Title; Objectives

§ 181-1. Adoption.

The Jenkintown Zoning Ordinance of 1941, as revised and reenacted November 30, 1953, and as subsequently revised and reenacted [INSERT DATE of ADOPTION], including the Zoning Map which was made a part thereof and including any amendments and supplements thereto, is hereby amended and supplemented so as to read as follows: an ordinance classifying, regulating and restricting the height, number of stories and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population, the location and use of buildings, structures and land for trade, industry, residence and other purposes; creating districts for said purposes; establishing the boundaries thereof; providing for changes in the regulations, restrictions and the boundaries of such districts; establishing a Zoning Hearing Board and providing fines and penalties for violations, so as to lessen congestion on the highways, secure safety from fire, panic and other dangers, provide adequate light and air, prevent the overcrowding of land, avoid undue concentration of population, facilitate the provision of adequate transportation, water, sewerage, schools, parks and other public requirements and promote the health, safety, morals and general welfare of the Borough of Jenkintown.

§ 181-2. Title.

This chapter shall be known as the Amended Jenkintown Zoning Ordinance of 1941.

§ 181-3. Community development objectives.

The expressed objective of the Borough of Jenkintown for community development is to maintain the overall existing high quality of living afforded to the residents and to assure that those aspects of the borough environment which make it a desirable residential community are available to all residents of the borough, as well as to preserve and maintain the commercial and business areas situate within limited areas of the borough. The original Comprehensive Plan, adopted November 30, 1953, in the form of the borough's first Zoning Ordinance, together with the amendments and modifications thereto, delineate and implement the objectives of the Borough of Jenkintown for community development and the legislative findings of Borough Council as to the need for such community development, which include, inter alia:

- A. A specific land use classification system and development objectives for each classification, both residential and nonresidential.
- B. Establishment of a population density factor for the borough.
- C. Preservation of open spaces.
- D. Continuation and expansion of religious, educational and public institutions and facilities.
- E. Provision for recreational needs of all residents.
- F. Provision for appropriate location of community facilities and utilities to prevent, inter alia, overcrowding of land, loss of health, life or property, flood or other dangers.

ARTICLE II
Definitions and Word Usage

§ 181-4. Definitions and word usage.

Unless otherwise expressly stated, the following words and phrases shall be construed throughout this chapter to have the meanings herein indicated. The present tense includes the future; the singular number includes the plural, and the plural the singular; the word "building" includes the word "structure"; and the word "occupied" includes the words "designed and intended to be occupied"; the word "used" includes the words "arranged, designed or intended to be used"; the word "shall" is always mandatory.

ABANDONMENT

A nonconforming use shall be presumed abandoned when it has been discontinued, with a clear intention of not being resumed, for a period of at least one year. It shall be presumed that a nonconforming use has not been abandoned if it can be demonstrated that the use has been consistently in use or that a genuine effort had been made to sell, lease, remodel or otherwise maintain the use.

ADJACENT

Any structure which is next to, contiguous, or neighboring to the subject property. For the purposes of Article IV Traditional Residential Infill Overlay District, adjacent includes dwellings on either side, across the street, and to the rear of the subject property.

ADULT USE

This term shall include any of the following uses: adult bookstore, adult movie theater, massage parlor or adult live entertainment facility/use.

ALTERATION

Any change in the existing facilities, structural parts or mechanical equipment which does not increase the cubic content of a building.

ANCILLARY STRUCTURE

Any structure, construction mechanism or thing attached to a building, such as a chimney, smokestack, antenna, satellite dish, flagpole, weather vane and/or meteorological equipment.

APARTMENT BUILDINGS

Buildings containing three or more dwelling units which are rented from a common owner.

BALCONY

An above-grade platform enclosed by a railing or balustrade that projects from the wall of a building and is used primarily for private recreational purposes and/or for access to above-grade dwelling units in multi-family dwellings, hotels or the like. When a balcony is fully enclosed by a roof and walls, it is considered part of the unit it serves.

BASEMENT

A story (floor) of a building which is at least partly underground, having less than half its clear height above grade on at least one side.

BOROUGH COUNCIL

The duly elected Borough Council of the Borough of Jenkintown, County of Montgomery, Commonwealth of Pennsylvania.

BUILDING

A structure with a roof.

A. ACCESSORY BUILDING

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A building subordinate to the main building on a lot and used for purposes customarily incidental to those of the primary building.

B. PRIMARY BUILDING

A building, of which there may be more than one on a single lot, in which is conducted the predominant use or purpose of the lot on which the building is located.

BUILDING AREA

The aggregate of the lot area which is covered by all of the buildings on a lot, measured at the greatest outside dimensions, including all attached structures.

BUILDING COVERAGE

Building coverage shall be computed by determining the first floor area of any and all structures intended to be used or occupied on a permanent or temporary basis, and shall include but not be limited to, buildings, sheds, pool houses and garages.

BUILD-TO LINE (also known as the “building line” or “setback line”)

A line extending through the lot, is generally parallel to the front property line, and denotes the location of the building front. It is also the rear line of the minimum front yard as herein designated for each district.

BUSINESS OFFICE: A use that involves administrative, clerical, financial, governmental or professional operations and operations of a similar character. This use shall include neither retail nor industrial uses but may include business offices, real estate sales, travel agencies, insurance sales photographic studios and/or television or radio broadcasting studios.

COMMUNITY HISTORIC STRUCTURE

A community historic structure can be one of the three following types of structures. A list of community historic structures is maintained as the local historic resource inventory or study at the Jenkintown Borough Hall and may be updated from time to time.

A. LANDMARK BUILDING

A building or structure of significant character or special aesthetic quality, historical interest or cultural value to Jenkintown.

B. HISTORIC BUILDING

A building that contributes to the historic character of Jenkintown by virtue of scale, rhythm and state of preservation of original details.

C. CONTRIBUTING BUILDINGS

A building that contributes to the small town atmosphere by virtue of scale, but may be lacking in qualities to elevate it to a higher category.

CONDOMINIUMS

Buildings in which individual dwellings are independently owned and share ownership and maintenance of certain common elements.

DAY-CARE

Outside or home care provided for children 16 years of age and younger, excluding care provided by relatives for only a part of a twenty-four-hour day.

A. DAY CARE CENTER

A facility which is licensed by the Commonwealth of Pennsylvania to provide day care and in which day care is provided for seven or more children, 16 years old or younger, in a person's primary residence, or in which day care is provided in a location which is not the primary residence of the provider.

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B. HOME DAY CARE

A facility which is licensed by the Commonwealth of Pennsylvania for the provision of day-care services in a person's primary place of residence, for compensation, for not more than six children, 16 years old or younger

DECK

An open structure, above ground level, at ground level or elevated and used primarily for private recreational purposes, which is located in the front yard, side yard, rear yard or courtyard of a property used for residential purposes which is not part of the occupied area of the residential structure, but which meets all side, rear, front and setback limitations imposed herein and which may not be enclosed by walls and/or a roof above the usable surface of the deck nor enclosed below by walls below the usable surface; provided, however, that decks may be enclosed by a fence/railing no more than 42 inches in height.

DWELLING

A building designed for and occupied exclusively for residence purposes.

A. ATTACHED DWELLING/TOWNHOME

A building designed for and occupied exclusively as a residence for only one family which is part of a structure of three or more units joined horizontally to each other at one or more sides by a party wall or walls.

B. SINGLE-FAMILY DETACHED DWELLING

A building designed for and occupied exclusively as a residence for only one family and having no party wall in common with an adjacent building.

C. SINGLE-FAMILY SEMIDETACHED DWELLING/TWIN

A building designed for and occupied exclusively as a residence for only one family and having one party wall in common with an adjacent building.

D. TWO-FAMILY DETACHED DWELLING/DUPLEX

A building designed for and occupied exclusively as a residence for two families, with one family living wholly or partly over the other, and having no party wall in common with an adjacent building.

ELDER CARE

A group home devoted to the care of senior citizens.

FAMILY

Any number of individuals related all to each other by blood, marriage or adoption, or not more than three persons who are not so related, who live together as a single housekeeping unit, using rooms and housekeeping facilities in common and having such meals as they may eat at home generally prepared and eaten together.

FENCE

A structure that is an artificially constructed barrier of any material (man-made and/or vegetative) or combination of materials erected to enclose, screen or decorate areas of land. Fences shall not have any building walls, floors or roofs.

A. BOUNDARY FENCE

A fence lying parallel to a property line for the purpose of enclosing a parcel of ownership.

B. DECORATIVE FENCE

A fence located in any yard of a parcel which is designed to be aesthetically attractive.

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C. **PRIVACY FENCE**

A fence located in a residential zoning district or lot which is intended to block from view portions of a lot for outdoor living areas.

D. **PROTECTIVE FENCE**

A fence for the enclosure of nonresidential properties and uses, for preventing entry into a commercial swimming pool, for providing a safety barrier from dangerous commercial or manufacturing activities, for security from theft or vandalism or for enclosing an attractive nuisance.

E. **RESIDENTIAL SWIMMING POOL FENCE**

A fence which encloses a residential swimming pool, in accordance with this chapter.

F. **TEMPORARY FENCE**

A fence for the enclosure of construction activities or abandoned or condemned properties.

G. **WALL**

A fence that is constructed of masonry or stone.

H. **LIVING FENCE**

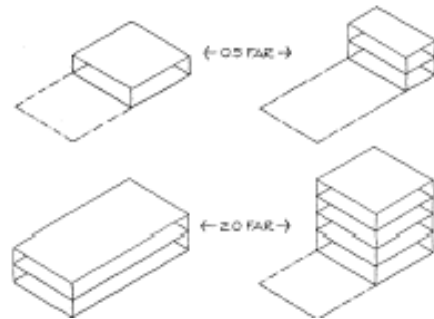
A barrier or enclosure which is made or comprised of living biologic material such as hedges, shrubs or bushes or any similar vegetation or growth which is sufficiently dense to prohibit or restrict the passage of light.

FLOOR AREA

The sum of the gross horizontal areas of each floor of a building, measured from the exterior walls or from the center line of party walls. The term does not include any area used exclusively for the parking of motor vehicles (surface or structured parking).

FLOOR AREA RATIO

The ratio of gross building floor area of all structures on a lot to the total land area of the lot on which it sits. FAR is used to regulate building volume (see illustration at right). For example, if a 10,000 square foot lot has a FAR of 2.0, then a developer can only construct a building that has a total floor area of 20,000 square feet.



Floor Area Ratio

FOOTPRINT

That portion of a lot covered by a building at the ground level, measured on a horizontal plane. This includes porches, decks and balconies but not trellises and patios.

GARAGE

A. **PRIVATE GARAGE**

A building used exclusively for the storage of one or more automobile (automobiles), to include cars, minivans, vans or small pick-up trucks, owned and used primarily as private transportation and not vehicles generally used for commercial purposes by the owner or tenant of the lot on which said garage is erected as and for an accessory use of the lot and/or for the storage of not more than one additional automobile owned or used by others if they are stored in the same room in which the automobile or automobiles of the owner or tenant of the lot are stored.

B. **PUBLIC GARAGE**

A building, other than a private garage, used for the storage, sale, service or repair of automobiles or other vehicles.

GASOLINE SERVICE STATION

Any area of land, including structures thereon or any building or part thereof, that is used for the retail sale of gasoline or other motor vehicle fuel or accessories and which may or may not include facilities for lubricating, washing or otherwise servicing motor vehicles, but which shall not include painting or body and fender repairs. This shall also include any facility which, in addition to the sale of gasoline, also has mini-market convenience market facilities for the sale of food and other household products.

GROUP HOME

A structure, on a lot, intended for multi-individual (not related by blood or marriage) occupancy, where the occupants share the housing facilities therein on a common basis and which is administered, controlled, financed, supervised and directed by an agency of the federal, state, county or borough government and/or a registered private not-for-profit organization.

HEIGHT OF BUILDING

A building's vertical measurement from the mean level of the ground abutting the building to a point midway between the highest and lowest point of the roof. Chimneys, spires, towers, elevator penthouses, tanks, satellite dishes and similar vertical projections (including typical residential television antenna) shall not be included in calculating the height.

HEIGHT OF ANCILLARY STRUCTURE

An ancillary structure's (including, but not limited to, antennas, satellite dishes or similar structures) height shall be measured from the highest point above the ground of such structure and/or its support(s) and/or superstructure and the lowest point of the building or structure to which it is ancillary.

IMPERVIOUS COVERAGE

Impervious coverage shall include all of the square footage under the definition of building coverage, plus driveways, decks that do not allow rain water to be directly absorbed by the ground, patios, sidewalks, walkways, decking surrounding swimming pools, tennis courts, basketball courts or other similar facilities constructed with an impervious surface.

LOT

A parcel of land consisting of a horizontal plane bounded by vertical planes which comprise its front, side and rear lot lines and which is intended or designed to be used, developed, built upon or occupied.

A. FRONT OF LOT

The edge of a lot which borders on a street or highway. In the case of a corner lot, the front shall be designated by the Borough Zoning Officer.

B. REAR OF LOT

The edge of a lot opposite the front. In the case of a triangular lot, the rear shall be designated by the Borough Zoning Officer.

C. SIDE OF LOT

The edge(s) of a lot running from the front of the lot to the rear of the lot.

LOT AREA

The total horizontal area of the lot lying within the lot lines, provided that no area of land lying within any street or right-of-way shall be deemed a portion of any lot area. The area of any lot abutting a street shall be measured to the street line only.

LOT LINE

A property boundary line of any lot held in single and separate ownership, except that in the case of any lot abutting a street, the "lot line" for such portion of the lot as abuts the street shall be deemed to be the same as the street line and shall not be the center line of the street or any other line within the street line even though such may be the property boundary line.

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LOT WIDTH

The width of a lot measured at the setback line.

LOW-IMPACT HOME-BASED BUSINESS.

Any lawful occupation constituting, either entirely or partly, the livelihood of a person, which is conducted in the practitioner's principal residence as an incidental use. A low-impact home occupation may not involve more than one commercial visit per hour and a maximum of four commercial visits to the premises per day, with all visits falling between the hours of 9:00 a.m. and 9:00 p.m. Commercial visits include customer visits and service or package deliveries.

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 or LOT

- A. A structure or part of a structure which presently does not comply with the applicable provisions of this chapter or amendment thereto, where such structure lawfully existed prior to the enactment of this chapter or its amendment.
- B. A lot, the area and/or dimension of which presently does not comply with the applicable provisions of this chapter or amendment thereto, where such structure lawfully existed prior to the enactment of this chapter or its amendment.

NONCONFORMING USE

A use of land or a structure which does not comply with the applicable provisions of this chapter or amendment thereto where such use was lawful prior to the enactment of this chapter or its amendment.

PARKING LOT

An outdoor area or space for the parking of motor vehicles, including spaces, aisles and driveways, provided that spaces shall not be provided in any setback area, side yard or front yard required herein.

PARKING SPACE

A portion of a parking lot to be utilized for the parking of a motor vehicle and having dimensions of at least nine feet by 18 feet [162 square feet].

PATIO

An open area at ground level, used primarily for private recreational purposes, which is located in the front yard, side yard, rear yard or courtyard of a property used for residential purposes, but not necessarily attached to the dwelling and which shall not be enclosed by walls or a roof. A patio is not part of the occupied area of the residential structure, is not factored into the calculation of footprint, but meets all side, rear, front and setback limitations imposed herein.

PERSONAL SERVICE

An establishment that provides a service oriented to personal needs of the general public and which does not involve primarily retail or wholesale sales or services to businesses. Personal services include barber and beauty shops, photography studios, shoe repair shops, household appliance repair shops, and other similar establishments, but shall not include any "adult uses," as herein defined.

PORCH

An open structure attached to a dwelling, which has a roof and may be screened/open.

PROFESSIONAL OFFICE

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An office for a physician, lawyer, dentist, architect, professional engineer, planner or other such profession provided that no goods, equipment, merchandise or material associated with such practice may be displayed, stored or sold on the lot on which the structure is located.

RAIL FACILITY

A capital rail station facility that improves the efficiency of, and encourages the use of public transportation.

RANGE

Used to determine the required yard setbacks if using Option 2 of the Traditional Residential Infill Overlay District. It is to be specified by the maximum and minimum values of the reference dwellings' setbacks. Any number that is between these two values is within the range and shall include the minimum and maximum values (ex. Reference Dwelling #1 has a front yard setback of 20 feet. Reference Dwelling #2 has a front yard setback of 15 feet. The front yard setback for the new dwelling may be any number of feet from 15 to 20 feet).

RECREATIONAL VEHICLES AND EQUIPMENT

Recreational vehicles, campers, trailers or similar mobile homes or camping equipment, which is either self-propelled or intended to be loaded upon, carried or pulled or otherwise transported by a motorized vehicle.

REFERENCE DWELLINGS

The structures adjacent to the subject property.

RETAIL

A use in which merchandise is sold or rented to the general public, but excluding adult movie theaters, adult bookstores, drive-through facilities.

RIGHT-OF-WAY

The total width of any land reserved or dedicated as a street, alley or crosswalk or for any other public purpose.

SCHOOL

A public, private or parochial institution dedicated to the education and training of children and/or adults, which is approved and accredited for the educational purposes which it is intended to perform by the Commonwealth of Pennsylvania.

SETBACK LINE (also known as the "building line" or "build-to line")

The rear line of the minimum front yard, as herein designated for each district.

STORY

That part of a building between any floor and the floor or roof next above it.

SIGN

Please refer to Article XXI Signs for all applicable definitions.

SPECIAL EXCEPTION

A form of permitted use, authorized by this chapter, under the jurisdiction of the Zoning Hearing Board. The Zoning Hearing Board is empowered to grant permission for "special exceptions," consistent with the public interest, in compliance with the standards and procedures established by this chapter.

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STREET LINE

The dividing line between a lot and the outside boundary or right-of-way line of a public street, road or highway legally opened and officially plotted, or between a lot and a privately owned street, road or way over which the owners or tenants of two or more lots each held in single and separate ownership have the right-of-way; also known as the ultimate right-of-way.

STRUCTURE

Any form or arrangement of building materials built, constructed or erected, which requires location on the land or attachment to something located on the land, including but not limited to buildings.

SWIMMING POOL

Any constructed pool used for swimming or bathing which has a depth in any part of 24 inches or more, including any decks, ladders or other structure attached to or otherwise an integral part of the swimming pool.

ULTIMATE RIGHT-OF-WAY

The future or planned width of a highway in the public domain as shown on the official Ultimate Right-of-Way Map on file at the Borough Office.

USE

The purpose or purposes for which either land or structures thereon are occupied, arranged, designed or intended or for which either land or structure is or may have been acquired or occupied.

A. ACCESSORY USE

A use subordinate to the primary use of land or of a structure on a lot and customarily incidental and complimentary thereto.

B. PRIMARY USE

The dominant use of a lot and the structures contained thereon, which use is likely or customarily to be the use for which the lot would be purchased.

VARIANCE

Written approval of the Zoning Hearing Board authorizing relief from the literal interpretation and enforcement of the provisions of this chapter which are expected to be granted in only the most exceptional of circumstances where the literal interpretation and enforcement of this chapter would cause extreme practical difficulty and undue hardship.

YARD

The required open, unoccupied space on a lot which is open and unobstructed by buildings from the ground to the sky.

A. FRONT YARD

A yard, the width of which is measured from one side line of the lot to another side line of the lot, located between the street line and the front of any building, not less in depth for its entire width than the minimum distance required between the street line and the build-to-line in each district. If in reference to a corner lot, the Borough Zoning Officer shall have the authority to designate the yard to be considered the "front yard."

B. SIDE YARD

A yard between any building and the side line of the lot, or the nearest side line of a street, driveway or alley, extending from the front yard to the rear yard and not less in width for its entire depth than the required side yard minimum width in each district.

C. REAR YARD

A yard, the width of which is measured from one side line of the lot to another side line of the lot, located between the extreme rear line of any building or and the extreme rear line of the lot, or the nearest side line of a street, driveway or alley, not less in depth for its entire width than

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the required rear yard minimum depth in each district. In the case of a triangular lot, the Borough Zoning Officer shall designate which yard shall be considered the "rear yard."

ARTICLE III Establishment of Districts and Maps; Interpretation

§ 181-5. Classes of districts.

For the purpose of this chapter, the Borough of Jenkintown is divided into seven classes of districts, which shall be designated as follows:

- TR Traditional Residential Infill Overlay District
- A Residence District
- B Residence District
- B-1 Residence District
- C Residence District
- C-1 Modified Residential District
- TC Town Center District
- NCR Neighborhood Commercial Residential District
- G Gateway Commercial District
- HR High Rise Apartment District

§ 181-6. Zoning Map.

The boundaries of districts shall be shown on the map attached to and made part of this chapter, which map shall be known as the "Zoning Map of Jenkintown." Said map and all notations, references and data shown thereon are hereby incorporated by reference into this chapter and shall be as much a part of this chapter as if all were fully described herein.

§ 181-7. Interpretations of Boundaries.

Where uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning Map, the following rules shall apply:

- A. The district boundaries are center lines of streets unless otherwise shown.
- B. Where the district boundaries are not shown to be streets, the boundaries shall be construed to be property lines or dimensions from and parallel to the street line at the distance indicated.

ARTICLE IV
TR Traditional Residential Infill Overlay District

§ 181-8. Purpose and Intent.

It is the intent of this article, as authorized by Article VII-A of the Pennsylvania Municipalities Planning Code, to establish design criteria and a process for design review, applicable to Jenkintown Borough's A, B, B-1, C, and C-1 Residence Districts, established and regulated pursuant to Article III Establishment of Districts and Maps; Interpretations, of this Chapter, which will ensure that future residential infill development recognizes the design challenges inherent in developing successful residential projects in established traditional neighborhoods, and to ensure that such new development is consistent in character, location and scale with adjacent dwellings. The specific objectives are as follows:

- A. Promote neighborhood preservation and enhancement.
- B. Protect housing values.
- C. Ensure that infill development reinforces the existing community character and respects the neighborhood pattern, including the type of residential dwellings, orientation, scale (i.e. height, mass, etc.), and design.
- D. Provide for flexibility of dimensional standards, to ensure a more consistent neighborhood character.
- E. Provide design standards that promote compatibility between new and existing residential development.
- F. Allow for flexibility with regard to accessory uses/structures and additions that will enable expanded use of individual property without comprising adjacent properties.

§ 181-9. Applicability.

The requirements of the Traditional Residential Infill Overlay District shall apply to all residential dwellings located in the underlying A, B, B-1, C, and C-1 Zoning Districts.

§ 181-10. Permitted Uses.

A building may be erected, altered or used and a lot may be used for any of the following purposes and no other, provided that when a new dwelling is proposed to be constructed on a particular lot, the permitted dwelling type shall be the same as the reference dwellings adjacent to the subject property on either side, across the street, and to the rear. When the reference dwellings are not of the same type or where one or both lots are not of a permitted type or use, the prevailing dwelling type of the block shall be used. When the lot to be developed is a corner property, the reference dwelling shall be that dwelling facing the same street as the proposed dwelling.

- A. Single-family detached dwelling.
- B. Attached dwelling/townhome.
- C. Single-family semidetached dwelling/twin.
- D. Two-family detached dwelling/duplex.
- E. Accessory Building. One per lot is permitted and shall in no event include any business, except it may include a home-based business as defined in §§ 181-10.G and 181-10.H.

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F. Municipal Uses, including recreational uses.

G. No-Impact Home-Based Businesses, in accordance with the following requirements:

- (1) The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- (2) The business shall employ no employees other than family members residing in the dwelling.
- (3) There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- (4) There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
- (5) 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.
- (6) 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.
- (7) The business activity shall be conducted only within the dwelling and may not occupy more than 25 percent of the habitable floor area.
- (8) The business may not include any illegal activity.

H. Low-Impact Home-Based Business

- (1) Permitted only in the C and C-1 Districts.
- (2) The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- (3) The business shall employ no employees other than family members residing in the dwelling.
- (4) There shall be no display or sale of retail goods.
- (5) Parking, signs or lights are permitted as appropriate and pursuant to the codes and ordinances of Jenkintown Borough. Visitor parking shall meet the parking standards in § 181-13.C. Design Standards. Exterior lighting shall be designed to be sufficient for security and identification of the property without allowing light to trespass onto adjacent sites. Signage shall conform to the standards of Article XXI Signs of this Chapter.
- (6) 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.
- (7) 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.
- (8) The business activity shall be conducted only within the dwelling and may not occupy more than 25 percent of the habitable floor area.
- (9) The business may not include any illegal activity.
- (10) There shall be no more than one commercial visit per hour and a maximum of four commercial visits to the premises per day, with all visits falling between the hours of 9:00 a.m. and 9:00 p.m. Commercial visits include customer visits and service or package deliveries.

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§ 181-11. Prohibited Uses.

- A. Conversions from single-family dwellings (to include detached, attached, twins or duplex units) to multi-family dwelling units.
- B. New Non-Residential Uses (*all existing institutional, multi-family and non-residential uses will be grandfathered*).

§ 181-12. Dimensional Standards.

The applicant may choose one of two options:

- A. To adhere to the dimensional regulations of the underlying Residential Zoning Districts, Articles V, VI, VII, or VIII; or IX.
- B. To adhere to the following contextual dimensional standards and the Design Standards in § 181-13. Under no circumstances shall the applicant choose standards from both Option A and B. If choosing Option B, the applicant is permitted to obtain existing conditions information for adjacent properties through various resources to include but not be limited to Montgomery County Board of Assessment Data, Geographic Information Systems (GIS) data, and on-site calculations. When a new dwelling is proposed to be constructed on a particular lot, the dimensional requirements shall be within the range of the existing standards of reference dwellings adjacent to the subject property. For these purposes, adjacent dwellings include those on either side, across the street, and to the rear, as described in § 181-4 Definitions and Word Usage.
 - (1) Lot Area. Lot area shall be within the range of the existing lot areas of the adjacent dwellings. In no case shall a lot size be less than 2,500 square feet for a single-family detached dwelling and 1,500 square feet for single-family semidetached and attached dwellings.
 - (2) Lot Width. Lot width shall be within the range of the existing lot widths of the adjacent dwellings. In no case shall a lot width be less than 50 feet for a single-family detached dwelling and 26 feet for single-family semidetached and attached dwellings.
 - (3) Yards. Front, side and rear yards shall be provided on each lot as follows:
 - (a) Front yard: a front yard on each street on which the lot abuts, to be within the range of the existing front yard setbacks of the adjacent dwellings. In no case shall the front yard setback be less than 15 feet.
 - (b) Side yard: to be within the range of the existing side yard setbacks of the adjacent dwellings. In no case shall the individual side yard setbacks be less than 8 feet.
 - (c) Rear yard: to be within the range of the existing rear yard setbacks of the adjacent dwellings. In no case shall the rear yard setback be less than 25 feet.
 - (4) Building Coverage. The building coverage of new residential dwellings shall be within the range of the two adjacent dwellings.
 - (5) Height. New dwellings shall be within the range of heights of the adjacent dwellings. In no instance shall new dwellings be less than two stories in height nor shall exceed a maximum of 50 feet, provided that for every additional foot in height over 40 feet, the minimum required side yard setback is increased by one foot.

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§ 181-13. Design Standards.

All new residential development, regardless of whether Option A or Option B from § 181-12 Dimensional Standards is used, shall be of a compatible design with residences located on the same block and shall follow the below standards:

A. Scale and Proportion.

- (1) The scale and proportion of new dwellings shall reflect and be sympathetic to those around them.
- (2) The design and appearance of proposed residential dwellings shall appear similar to those of dwellings existing on the block.
- (3) Building materials shall be made of brick, stone or other materials that are similar and otherwise in common with other residential dwellings located on the same block, reflecting the local identity and providing a unifying effect.
- (4) Building materials shall be consistently carried out on all four sides of the dwelling.
- (5) Roof style (e.g., gable, hip, gambrel, etc.) shall be consistent with the prevailing style of the block and shall include dormers where applicable.

B. Entrances/Windows and Front Porches.

- (1) All dwellings shall have at least one primary entrance in the front façade and shall be oriented toward the primary street. Where no primary street exists, the dwelling may be positioned so as to be facing either street.
- (2) Window openings that are similar in size, proportion, shape, arrangement and location to those seen traditionally on the block shall be incorporated into new dwellings.
- (3) On a block where there is a prevailing pattern of front porches for existing dwellings, new dwellings shall have a front porch.
- (4) All porches shall be consistent with the style of the proposed dwelling and the neighborhood.

C. Vehicular Access/Garages

- (1) New dwellings shall provide for vehicle access and parking (location of garage) consistent with the prevailing means of access and location of garages on the block, provided it meets the criteria of this section, as applicable. Where alleys exist, new dwellings shall take access from the alley.
- (2) Garages shall not dominate the front façade of the dwelling. Where a garage is front entry it shall be set back a minimum of 10 feet from the front façade of the dwelling.
- (3) Garages shall be similar to the dwelling in terms of design, materials and color.
- (4) Surface parking shall not be provided in front of the primary façade of the dwelling. Where surface parking without a garage (e.g. driveway) is common to a block, the parking area for a new dwelling shall be located:
 - (a) at the rear of the lot, if an alley is available;
 - (b) to the side of the dwelling, if the only street access is at the front of the dwelling; or
 - (c) on the street, if the existing pattern on the block is for on-street parking.

D. Residential Additions

- (1) An addition shall be set back from any primary, character-defining facade. When feasible, an addition should be constructed to the rear of the dwelling allowing the original structure and

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character to remain prominent. No additions shall be located at the front of a structure. All setbacks shall be maintained.

- (2) An addition shall be compatible in scale, materials and character with the primary dwelling.
- (3) The roof form of a new residential addition shall be in character with that of the primary dwelling.
- (4) New additions shall respect the original architecture and not be of a style different than that of the original structure.

E. Residential Lighting. All exterior lighting shall be designed to prevent glare onto adjacent properties. Lighting should be sufficient for security and identification without allowing light to trespass onto adjacent sites.

§ 181-14. Design Review Process.

A. Applicability

The designated reviewer (hereafter the “Reviewing Body”), as established by Borough Council and as authorized by Article VII-A of the Municipalities Planning Code, shall have authority to review all applications submitted to the Borough for the following:

- (1) Construction of new dwellings.
- (2) Additions and alterations which increase or decrease the size of the building by at least 20 percent of the dwelling’s footprint.
- (3) Modification of the exterior design features of an existing dwelling, which involves a change in the exterior materials in existence on such dwelling. “Modification of the exterior design features” as used herein, includes but is not limited to: the addition, deletion, or modification of surface materials (masonry, wood, brick, stucco), windows, doors, porches, porticos, chimneys, cornices, etc.; that result in a change to the actual structure of the dwelling.
- (4) Design review is not required for repainting of surfaces or the repair, restoration, or reconstruction of exterior design features where such work matches the original construction in material and detail and such work maintains the outer dimensions and surface relationships of the existing structure. Design review is not required for the replacement of doors, windows or other transparent surfaces that currently exist, provided windows and transparent surfaces are not replaced with non-transparent materials and the surface area of the replacement door, window, or other transparent surface does not exceed the dimensions of the existing feature by more than 10 percent.

B. Application process.

- (1) Land Development Required. For projects subject to land development review, all applications before the Reviewing Body shall be submitted at the time of the land development application and follow the approval process outlined in the Subdivision and Land Development Ordinance of the Borough. All applications must also be submitted in writing to the Reviewing Body, who shall review the proposal and submit written comments to the Applicant and the Borough Code Enforcement Officer within 30 days of receipt of such application.

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- (2) Land Development Not Required. When a land development is not required, the applicant must submit the applications to the Reviewing Body 45 days prior to the submission of the zoning application and/or building permit. All applications must be submitted in writing to the Reviewing Body, who shall review the proposal and submit written comments to the Applicant and the Borough Code Enforcement Officer within 30 days of receipt of such application. Prior to submission of the final application to the Borough Code Enforcement Officer, the applicant shall consider the recommendations of the Design Review Board (the “Reviewing Body”) and shall include revisions and/or responses in the final application.
- (3) The written application required by this article shall be accompanied by the following data where applicable:
 - (a) Site plan information as required by Article IV of the Subdivision and Land Development Ordinance.
 - (b) Building design, including:
 1. The elevation of each residential dwelling, which shall include all sides of a new dwelling or all sides to be impacted by a proposed addition. The elevations must indicate the natural color of materials to be applied, including the colors of any paint or manufactured product on the exterior buildings, walls, or addition.
 2. The type and finish of all materials to be applied to the exterior surface of the building, walls, or addition.

C. Approval process

- (1) For all proposed residential dwellings and/or residential land development applications, the Borough Council or, as appropriate, the Borough Code Enforcement Officer, shall render a written decision on the application within the time requirements set forth in Article V of the Municipalities Planning Code, 53 P.S. § 10101 *et seq.*
- (2) The Borough Council or, as appropriate, the Borough Code Enforcement Officer, shall consider comments and recommendations of the Reviewing Body prior to approving or denying the proposal.
- (3) Where the Borough Council or the Borough Code Enforcement Officer fails to render a decision within the period required by Article V of the Municipalities Planning Code, 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.
- (4) Approval of the proposal shall expire two years after the date of approval by the Borough Council or the Borough Code Enforcement Officer, or the signing of the development plan, whichever is later, if the applicant fails to obtain a building permit, use and occupancy permit, or other applicable permit, unless the Borough Council or Borough Code Enforcement Officer has agreed, in writing or on the record, to an extension of time.

ARTICLE V
A Residence District

§ 181-15. Applicability.

In an A Residence District, the following regulations shall apply. Additionally, the Design Standards and Design Review Process in §§ 181-13 and 181-14 apply.

§ 181-16. Permitted Uses.

A building may be erected, altered or used and a lot may be used for any of the purposes permitted in Article IV – Traditional Residential Infill Overlay District, in accordance with the requirements of §§ 181-13 and 181-14.

§ 181-17. Area Regulations.

- A. Lot area and width. A lot area of not less than 25,000 square feet per dwelling shall be provided. Each lot shall have a width at the build-to-line of not less than 150 feet.
- B. Building area. Not more than 20 percent of the area of each lot may be occupied by buildings.
- C. Yards. Front, side and rear yards shall be provided on each lot as follows:
 - (1) Front yard: a front yard on each street on which the lot abuts, not less than 30 feet in depth.
 - (2) Side yards: for every dwelling, two side yards with an aggregate width of 30 feet, neither of which shall be less than 10 feet. Any yard which abuts a street shall comply with the front yard requirements noted above in this section.
 - (3) Rear Yard: one rear yard not less than 40 feet in depth.

§ 181-18. Impervious Coverage.

Not more than 40 percent of the lot area shall be covered by buildings and paved surfaces.

§ 181-19. Height Regulations.

No building shall be less than two stories in height nor shall a building or structure exceed a maximum height of 50 feet, provided that for every additional foot in height over 40 feet, the minimum required side yard setback is increased by one foot.

ARTICLE VI
B Residence District

§ 181-20. Applicability.

In an B Residence District, the following regulations shall apply. Additionally, the Design Standards and Design Review Process in §§ 181-13 and 181-14 apply.

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§ 181-21. Permitted Uses.

A building may be erected, altered or used and a lot may be used for any of the purposes permitted in Article IV – Traditional Residential Infill Overlay District, in accordance with the requirements of §§ 181-13 and 181-14.

§ 181-22. Area Regulations.

- A. Lot area and width. A lot area of not less than 5,000 square feet per dwelling shall be provided. Each lot shall have a width at the build-to- line of not less than 50 feet for a detached building and 35 feet for a single-family semidetached dwelling.
- B. Building area. Not more than 30 percent of the area of each lot may be occupied by buildings.
- C. Yards. Front, side and rear yards shall be provided on each lot as follows:
 - (1) Front yard: a front yard on each street on which the lot abuts, not less than 30 feet in depth.
 - (2) Side yards:
 - (a) For every detached building, two side yards with an aggregate width of 30 feet, neither of which shall be less than 9 feet.
 - (b) For every single-family semidetached dwelling, one side yard, not less than 16 feet in width.
 - (c) Any yard which abuts a street shall comply with the front yard requirements noted above in this section.
 - (3) Rear Yard: one rear yard not less than 25 feet in depth.

§ 181-23. Impervious Coverage.

Not more than 60 percent of the lot area shall be covered by buildings and paved surfaces.

§ 181-24. Height Regulations.

No building shall be less than two stories in height nor shall a building or structure exceed a maximum height of 50 feet, provided that for every additional foot in height over 40 feet, the minimum required side yard setback is increased by one foot.

ARTICLE VII B-1 Residence District

§ 181-25. Applicability.

In a B-1 Residence District, the following regulations shall apply. Additionally, the Design Standards and Design Review Process in §§ 181-13 and 181-14 apply.

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§ 181-26. Permitted Uses.

A building may be erected, altered or used and a lot may be used for any of the purposes permitted in Article IV – Traditional Residential Infill Overlay District, in accordance with the requirements of §§ 181-13 and 181-14.

§ 181-27. Area Regulations.

- A. Lot area and width. A lot area of not less than 3,000 square feet per dwelling shall be provided, provided that the minimum lot area for a single-family detached dwelling shall be 5,000 square feet. Each lot shall have a width at the build-to- line of not less than 50 feet for a detached building and 30 feet for a single-family semidetached dwelling.
- B. Building area. Not more than 30 percent of the area of each lot may be occupied by buildings.
- C. Yards. Front, side and rear yards shall be provided on each lot as follows:
 - (1) Front yard: a front yard on each street on which the lot abuts, not less than 30 feet in depth.
 - (2) Side yards:
 - (a) For every detached building, two side yards each a minimum of 9 feet in width.
 - (b) For every single-family semidetached dwelling, one side yard, not less than 9 feet in width.
 - (c) Any yard which abuts a street shall comply with the front yard requirements noted above in this section.
 - (3) Rear Yard: one rear yard not less than 25 feet in depth.

§ 181-28. Impervious Coverage.

Not more than 60 percent of the lot area shall be covered by buildings and paved surfaces.

§ 181-29. Height Regulations.

No building shall be less than two stories in height nor shall a building or structure exceed a maximum height of 50 feet, provided that for every additional foot in height over 40 feet, the minimum required side yard setback is increased by one foot.

ARTICLE VIII C Residence District

§ 181-30. Applicability.

In C Residence District, the following regulations shall apply. Additionally, the Design Standards and Design Review Process in §§ 181-13 and 181-14 apply.

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§ 181-31. Permitted Uses.

A building may be erected, altered or used and a lot may be used for any of the purposes permitted in Article IV – Traditional Residential Infill Overlay District, in accordance with the requirements of §§ 181-13 and 181-14.

§ 181-32. Area Regulations.

- A. Lot area and width. A lot area of not less than 1,500 square feet per dwelling shall be provided, provided that the minimum lot area for a single-family detached dwelling shall be 2,500 square feet. Each lot shall have a width at the build-to-line of not less than 50 feet for a detached building and 26 feet for a semidetached dwelling and attached dwelling.
- B. Building area. Not more than 60 percent of the area of each lot may be occupied by buildings.
- C. Yards. Front, side and rear yards shall be provided on each lot as follows:
 - (1) Front yard: a front yard on each street on which the lot abuts, not less than 15 feet in depth.
 - (2) Side yards:
 - (a) For every detached building, two side yards each a minimum of 8 feet in width.
 - (b) For every single-family semidetached dwelling, one side yard, not less than 8 feet in width.
 - (c) For every multiple-dwelling building, two side yards, each a minimum of 15 feet width.
 - (d) Any yard which abuts a street shall comply with the front yard requirements noted above in this section.
 - (3) Rear Yard: one rear yard not less than 25 feet in depth.

§ 181-33. Impervious Coverage.

Not more than 75 percent of the area of each lot may be covered by impervious coverage.

§ 181-34. Height Regulations.

No building shall be less than two stories in height nor shall a building or structure exceed a maximum height of 50 feet, provided that for every additional foot in height over 40 feet, the minimum required side yard setback is increased by one foot.

ARTICLE IX C-1 Modified Residential District

§ 181-35. Applicability.

In C-1 Residential District, the following regulations shall apply. Additionally, the Design Standards and Design Review Process in §§ 181-13 and 181-14 apply.

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§ 181-36. Permitted Uses.

A. By right permitted uses:

A building may be erected, altered or used and a lot may be used for any of the purposes permitted in Article IV – Traditional Residential Infill Overlay District, in accordance with the requirements of §§ 181-13 and 181-14.

B. Prohibited Uses:

Home office and/or business are restricted to no more than two (2) employees.

§ 181-37. Area Regulations.

A. Lot area and width. A lot area of not less than 1,500 square feet per dwelling shall be provided, provided that the minimum lot area for a single-family detached dwelling shall be 2,500 square feet. Each lot shall have a width at the build-to-line of not less than 50 feet for a detached building and 26 feet for a single-family semidetached dwelling and attached dwelling.

B. Building area. Not more than 60 percent of the area of each lot may be occupied by buildings.

C. Yards. Front, side and rear yards shall be provided on each lot as follows:

(1) Front yard: a front yard on each street on which the lot abuts, not less than 15 feet in depth.

(2) Side yards:

(a) For every detached building, two side yards each a minimum of 8 feet in width.

(b) For every single-family semidetached dwelling building, one side yard, not less than 8 feet in width.

(c) For every multiple-dwelling building, two side yards, each a minimum of 15 feet width.

(d) Any yard which abuts a street shall comply with the front yard requirements noted above in this section.

(3) Rear Yard: one rear yard not less than 25 feet in depth.

§ 181-38. Impervious Coverage.

Not more than 75 percent of the area of each lot may be covered by impervious coverage.

§ 181-39. Height Regulations.

No building shall be less than two stories in height nor shall a building or structure exceed a maximum height of 50 feet, provided that for every additional foot in height over 40 feet, the minimum required side yard setback is increased by one foot.

ARTICLE X
TC Town Center District

§ 181-40. Purpose and Intent.

It is the intent of this article to provide regulations for small-scale, pedestrian commercial development that draws upon the existing character of the Borough's commercial core in conformance with its economic development goals, and the following objectives:

- A. Encourage economic development through the establishment of flexible building and parking standards while maintaining and enhancing the traditional York Road and West Avenue environments and the community's overall unique identity.
- B. Promote residential uses on second stories and above, as well as a mix of live-work units to help strengthen the character of York Road and West Avenue and to establish a 24-hour presence.
- C. Encourage the retention of the historic York Road streetscape by preserving the existing buildings to the greatest extent possible.
- D. Promote the reuse of existing structures in a manner that maintains the visual character and architectural scale.
- E. Provide design standards that ensure new buildings, additions, and renovations are consistent with and enhance the surrounding streetscape.
- F. Encourage lively, human-scaled activity areas and gathering places for the community through encouraging a mix of uses both horizontally and vertically.
- G. Establish a walkable community, linking the Town Center District with the Borough's *Gateway Commercial* and *Neighborhood Commercial Residential Districts*, by promoting pedestrian orientation of streets and buildings and providing a safe and convenient interconnected sidewalk network.
- H. Ensure the preservation of the Borough's residential neighborhoods surrounding the Town Center District.
- I. Promote the implementation of Jenkintown's revitalization/downtown plans.
- J. Provide incentives for restoration of period facades.

§ 181-41. Permitted Uses.

A lot may be used for one or more of the following uses, in compliance with the standards and requirements contained in this article:

- A. By right permitted uses:
 - (1) A mix of uses described in § 181-41.A, herein.
 - (2) Apartments, on the second floor and above (with the exception of Apartment Buildings described in § 181-41.B(1) and (2)).
 - (3) Artist live (second floor)/work (ground floor).
 - (4) Small scale retail establishment for the sale of dry goods, variety and general merchandise, clothing, food, drugs, household supplies, beverages, hardware, furnishings, antiques, baked goods, greeting cards, plants and flowers; and the sale and repair of jewelry, watches, clocks,

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optical goods, musical, professional or scientific instruments, but excluding drive-through facilities.

- (5) Business office, such as real estate sales, travel agency, insurance sales, advertising, or retail copying and printing services.
- (6) Professional office, such as those for the practice of medicine or other health services, or for law, engineering, architecture, or accounting.
- (7) Personal service shop, such as tailor, barber, beauty salon, shoe repair, dressmaker, or dry cleaner (provided that no cleaning operations are performed on the premises); excluding massage parlors.
- (8) Establishment serving food or beverages to the general public, such as restaurant, café, taproom, tavern, retail baker, confectionery or ice cream shop, including walk-up windows, but excluding drive-through facilities.
- (9) Outdoor Dining
- (10) Financial institution, such as a bank or savings and loan association, but excluding drive-through facilities.
- (11) Health club and gym.
- (12) Private club and fraternal organization.
- (13) Studio for dance, music, fitness, art or photography.
- (14) Artisan manufacturing (hand-tools only; e.g., jewelry or ceramics).
- (15) Gallery and museum.
- (16) Theater, including motion pictures and stage plays.
- (17) Bed and breakfast inn and bed and breakfast house.
- (18) Municipal administration uses, post office, community center, public library, offices for public utilities.
- (19) Rail facility.
- (20) Surface parking lot.
- (21) Public park, plaza, square, courtyard, urban garden, and public recreation areas.
- (22) Pedestrian take-out window.
- (23) Street vendor.
- (24) Farmer's market.

B. Conditional Uses:

- (1) Apartment building provided that the following is included:
 - (a) Twenty percent of the first floor of the building located along the street frontage shall be walk-in office or retail uses, not associated with the operation of the residential portion (e.g., sales office, gym, etc.).
 - (b) Apartment buildings should follow the Building Design Standards of § 181-46.B.
- (2) Three-story mixed-use model consisting of first floor retail with townhomes above.
- (3) Undertaking establishment and funeral home.
- (4) Parking garages provided that the structure is designed to meet the standards in § 181-79 Parking

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Garages.

(5) Demolition of buildings included on the community's local historic resource inventory.

(a) In order for a building to be demolished, the following conditions need to be demonstrated:

1. Building is structurally unsound and cannot be stabilized as determined by a professional structural engineer specializing in historic structures.
2. Replacement buildings must meet the following conditions.
 - a. Provide a public amenity, such as an urban garden or a public plaza, square, or courtyard pursuant to Streetscape and Green Area Standards in §§ 181-44.A(3) and (4) below.
 - b. Any new building must be constructed of natural or period materials typically found along the street upon which the subject property fronts. Natural materials or period materials include stone, brick, wood siding, shingles, slate, etc. Industrial or artificial materials such as raw concrete finish, anodized or galvanized metal, tinted glass, plastics, vinyls, etc. are prohibited unless such materials are used in such a way as to resemble historic characteristics.
 - c. Meet the Design Standards of § 181-46.
 - d. The applicant shall submit sufficient information in the form of architectural elevations and sketches of buildings in order to determine to what extent the § 181-46 Design Standards are being met.
 - e. Provide a cross-access easement for parking lots between adjacent non-residential properties before an occupancy permit is issued for the newly constructed building as described in § 181-43.C(2) Interconnected Parking Areas. The parking area shall be so designed to readily accommodate shared access.

(6) Uses determined by the governing body to be of a similar nature to the uses permitted by right in § 181-41.A, Permitted Uses herein, when located in a principal or accessory building.

C. Prohibited Uses:

- (1) Automobile or other vehicle sales service, or repair establishments, including vehicle body repair, vehicle painting, or washing.
- (2) Gasoline service station and filling station.
- (3) Drive-through window or facility.
- (4) Self-service storage facility (mini-warehouses).
- (5) Adult entertainment use.
- (6) Animal shelter/boarding kennel.
- (7) Any use not permitted in this district.
- (8) Use determined by the governing body to be of similar nature to the prohibited uses listed in this Section.

§ 181-42. Development Standards.

A. Minimum Lot Size: 1,500 square feet.

B. Minimum Lot Width: 25 feet.

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C. Build-to Line. Buildings shall be:

- (1) Built to the sidewalk; or
- (2) The front setback should be the average of the two closest structures on the same side of the street with a maximum setback of 10 feet; or
- (3) Setback from the sidewalk a maximum of 15 feet for purposes of a plaza, square, courtyard, recessed entrance, or outdoor dining located in the front setback.

D. Side Yard Setback. Within the Town Center District, there shall be no side yard setback for buildings that share a party wall. The setback between buildings shall be 10 feet (5 feet per each building) when not sharing a party wall. When a Town Center District zoned property abuts a residentially zoned property, the minimum side yard setback required in the Town Center District shall be the same as required for a residential use on the abutting residentially zoned lot.

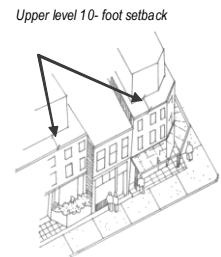
E. Rear Yard Setback:

- (1) When alleys abut the rear of Town Center District zoned lots, no rear yard setbacks are required for two story buildings. For buildings above two stories, the rear yard setback shall be 15 feet.
- (2) When a Town Center zoned property abuts a residentially zoned property, the rear yard setback required in the Town Center District shall be the same as required for a residential use on the abutting residentially zoned lot, regardless of the number of stories.

F. Maximum Impervious Coverage: 100 percent.

G. Building Height:

- (1) New Buildings shall be a minimum of two stories.
- (2) Permitted Building Height By Right:
 - (a) Building height shall be a maximum of 4 stories or 48 feet provided there is a 10 foot set back (on average) from the building façade for floors above the third story.



H. Maximum Building Footprint for Nonresidential Buildings: 10,000 square feet.

I. Minimum Lot Area per Dwelling Unit: The first dwelling unit proposed shall have a minimum lot area of 1,500 square feet. For every additional dwelling unit proposed, an additional one thousand two hundred (1,200) square feet of lot area shall be required. When calculating number of units, the total number of units shall be rounded down to the smaller number if the calculation produces insufficient minimum lot area for an additional unit.

J. Floor Area Ratio (FAR): 2.0.

See § 181-45 Bonus Provisions, for conditions when a 2.5 FAR is permitted.

K. Floor-to-Ceiling Height and Floor Area of Ground Floor Space

- (1) All commercial floor area provided on the ground floor of a mixed-use building must have a minimum floor-to-ceiling height of 11 feet.
- (2) All upper floors must have a minimum floor-to-ceiling height of 8 feet.
- (3) All commercial floor space provided on the ground floor of a mixed use building must contain the following minimum floor area:
 - (a) At least 800 square feet or 25 percent of the lot area (whichever is greater) on lots with street frontage of less than 50 feet; or
 - (b) At least 20 percent of the lot area on lots with 50 feet of street frontage or more.

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§ 181-43. General Requirements.

- A. A community historic structure can not be demolished unless following a conditional use procedure as described in § 181-41.B(5), Demolition of Buildings. Community historic structure is defined in § 181-4 Definitions and Word Usage and an inventory of such structures is held at the Jenkintown Borough Hall and updated from time to time, as appropriate.
- B. Public Utilities. All uses shall be served by public water and sewer facilities.
- C. Surface Parking.
 - (1) General Surface Parking Standards:
 - (a) Vehicular Access. Vehicular access to surface parking shall be from an alley or side street where possible.
 - (b) Pedestrian Access. Safe provisions for pedestrian access to and through a parking lot shall be required. Surface parking areas and pedestrian walkways connecting to them shall be well-lit.
 - (c) Location of Surface Parking:
 - 1. Where the applicant is to provide parking, it shall be located to the rear of the principal building or to the side (however, parking shall not be located between a building and the street). Parking shall be set back 10 feet from the legal right-of-way.
 - 2. Corner Lots. Surface parking shall not be permitted on corner lots that are located on collector or arterial roads.
 - 3. Off-street surface parking shall not extend more than 70 feet in width along any pedestrian street frontage.
 - (2) Interconnected Parking Areas:
 - (a) Parking areas on abutting nonresidential lots shall be interconnected by access driveways, where feasible given location of existing buildings.
 - (b) Each nonresidential lot shall provide cross-access easements for its parking areas and access driveways guaranteeing access to adjacent lots. Interconnections shall be logically placed and easily identifiable to ensure convenient traffic flow.
 - (3) Off-Street Parking Requirements:
 - (a) Refer to Article XIV Off-Street Parking and Loading Standards, except as noted above.
 - (b) Parking is not required for the first two residential units located in a mixed use building. For each unit above two units in a mixed use building, one parking space is required for each unit.
 - (c) Parking shall be required at 1.5 spaces per residential unit in an apartment building. This requirement may be fulfilled via a parking structure, surface parking that meets the above Surface Parking and Interconnected Parking Area requirements of §§ 181-43.C(1) and (2), via shared parking agreements, or any combination thereof approved by Borough Council.
- D. Exterior Lighting. All exterior lighting shall be designed to prevent glare onto adjacent properties. Pedestrian pathways need to be clearly marked and well lit. Lighting should be sufficient for security and identification without allowing light to trespass onto adjacent sites. The height of fixtures shall be a maximum of 20 feet for parking lots and 14 feet for pedestrian walkways and shall comply with the Borough's Revitalization Master Plan, where applicable.
- E. Refuse Areas. The storage of refuse shall be provided inside the building(s) or within an outdoor area enclosed by either walls or opaque fencing. Any refuse area outside of the building shall be designed

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to be architecturally compatible with the building(s), shall not be located in the front of the building, and be entirely screened by a fence or enclosure which is at least 6 feet high.

F. Screening:

- (1) All wall-mounted mechanical, electrical, communication, and service equipment, including satellite dishes and vent pipes shall be screened from public view by parapets, walls, fences, landscaping, or other approved means.
- (2) All rooftop mechanical equipment and other appurtenances shall be concealed by or integrated within the roof form or screened from view at ground level of nearby streets. The following, when above the roofline, requires screening: stair wells, elevator shafts, air conditioning units, large vents, heat pumps and mechanical equipment.
- (3) Parking lots visible from a street shall be continuously screened by a 3-foot-high wall/fence or plantings. Parking lots adjacent to a residential use shall be continuously screened by a 6-foot-high wall/fence or plantings. Screening shall include:
 - (a) Hedges, installed at 36 inches in height; or
 - (b) Mixed planting (trees and shrubs); or
 - (c) Wall sections, with no wall break of more than 9 feet, and landscaping to provide a continuous screen.
- (4) Service and loading areas must be visually screened from street and pedestrian ways. For new construction, service and loading areas must be behind the building. Loading docks shall not be on the primary street but to the side and rear of the building.

G. Signs. Signage in the Town Center District shall conform to the standards of Article XXI of the Zoning Ordinance.

H. Street Trees. Street trees are required where a building fronts on Old York Road or West Street and where possible. Until such point that more precise standards are adopted in the Subdivision and Land Development Ordinance, street trees shall match the type, size, and frequency dictated by the prevailing streetscape design of the street(s) upon which the property sits and taking into account the standards in § 181-44 Streetscape and Green Area Standards and Article III § 160-19 (Shade Trees) of the Subdivision and Land Development Ordinance. The provision of street trees will be reviewed by Borough Council.

I. Outdoor Dining:

- (1) Outdoor furnishings are limited to tables, chairs, and umbrellas.
- (2) Outdoor furniture shall be stored inside the restaurant after normal operating hours.
- (3) Planters, posts with ropes, or other removable enclosures, as well as a reservation podium are encouraged and shall be used as a way of defining the area occupied by the café.
- (4) Refuse facilities should be provided.
- (5) Advertising or promotional features shall be limited to umbrellas and canopies.
- (6) Outdoor dining can not impede pedestrian traffic flow. A minimum pathway of at least 5 feet free of obstacles shall be maintained.

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§ 181-44. Streetscape and Green Area Standards.

- A. The following streetscape and green area standards are required for all new developments and additions/alterations along the street frontage:
- (1) Streetscape and green area standards shall relate to Jenkintown’s streetscape design and be reviewed by Borough Council. The applicant shall demonstrate that these standards are met through elevations and conceptual sketches.
 - (2) Table 1 indicates the categories and minimum requirements for streetscape and green area standards. Category A contains planting and greening elements. Category B includes more elaborate greening elements as well as street furniture and other streetscape elements. Category C includes more extensive building elements, streetscape improvements, and open space elements. Table 2 presents the streetscape and green area items within each category.

*Table 1
Streetscape and Green Area Categories*

Building Additions and Alterations	Two-story new developments of 1,500 – 4,999 gross sq. ft. in size.	Two-story new developments of 5,000 – 9,999 gross sq. ft. in size.	New developments of 10,000 gross sq. ft. and over in size and/or new buildings greater than two stories.
Four (4) points from A (no more than three (3) of one item)	Four (4) points from A (no more than three (3) of one item)	Five (5) points from A, Four (4) points from B	Seven (7) points from A, Five (5) points from B, Six (6) points from C

*Table 2
Streetscape and Green Area Items*

Category	Item	Points
A	Hanging Basket (minimum size 12 inches in diameter)	1
A	Decorative Banners/Flags	1
A	Window Box (as wide as window sill and a minimum size 6 inches wide by 6 inches deep)	2
A	Additional planting area including shrubs, trees, groundcovers, or flowers	2
A	Street Planter (minimum size 24 inches in diameter)	2
B	Building Decorative Lighting	1
B	Bench (at least 5 feet in length)	2
B	Trash Receptacle	2
B	Raised Planting Bed	2
B	Public Art/Mural	2
B	Trellis, Arbor or Pergola (planted with vines or shrubs)	2
B	Awning for Window or Door	2
B	Kiosk	3
C	Drinking Fountain	2

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Category	Item	Points
C	Decorative Paving	2
C	Water Feature (Fountain)	2
C	Balconies	3
C	Planting in Curb Extension (Planted Bulb Outs/Large Planters)	3
C	Urban Garden (See requirements in Section 181-44.A(3))	3
C	Roof Garden	3
C	Bus Shelter	3
C	Clock Tower	3
C	Decorative Architectural Treatments	4
C	Public Plazas/Squares/Courtyards (See requirements in 181-44.A(4))	6
C	Façade Restoration	6
C	Other Amenity Approved by Governing Body	3-6

(3) Urban Garden Standards:

- (a) Minimum size required is 50 square feet.
- (b) An urban garden shall be located where it is visible and accessible from either a public sidewalk or pedestrian connection.
- (c) 60 percent of the garden shall be of plant materials such as trees, vines, shrubs, and seasonal flowers with year round interest. All trees shall be 3.5 inches in caliper.
- (d) A water feature is encouraged.
- (e) Two seating spaces are required for each 50 square feet of garden area.

(4) Public Plazas/Squares/Courtyards Standards:

- (a) The minimum size required is 500 square feet.
- (b) The plaza shall be located where it is visible and accessible from either a public sidewalk or pedestrian connection.
- (c) 30 percent of the plaza shall be landscaped with trees, shrubs, and mixed plantings with year round interest.
- (d) The plaza shall use the following paving materials: unit pavers, paving stones, or concrete. No more than 20 percent of the plaza shall be concrete.
- (e) One seating space is required for each 30 square feet of plaza area.
- (f) The plaza shall not be used for parking, loading, or vehicular access (excluding emergency vehicular access).
- (g) Public art and fountains are encouraged.
- (h) Trash containers shall be distributed throughout plaza.
- (i) The plaza shall provide shade by using the following elements: trees, canopies, trellises, umbrellas, or building walls.
- (j) One tree is required for every 500 square feet. Trees shall be of 3.5 inches in caliper.

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- (k) Lighting shall be provided.
- (l) Plazas shall connect to other activities such as outdoor cafes, restaurants, and building entries.
- (m) Plazas shall be located if possible to have maximum direct sunlight with a south or west orientation.
- (n) Plazas, if constructed by a private entity, shall have an agreement with the community for public access.

§ 181-45. Bonus Provisions.

- A. Bonus Provisions. An increase of 0.5 FAR for a total Floor Area Ratio of 2.5 is permitted for the following:
 - (1) If a community historic structure is preserved and enhanced and/or the façade is maintained and enhanced following the conditional use standards of ,§ 181-41.B(5), Demolition of Buildings, and the Secretary of Interior’s Standards for Rehabilitation.
 - (2) For apartment buildings, where 50 percent or more of the first floor of the building located along the street frontage is walk-in office or retail uses
 - (3) For buildings located within 2,500 feet of a transit facility or a public parking facility.

§ 181-46. Design Standards.

- A. Pedestrian Design Standards:
 - (1) Sidewalks are required along all street frontages with a minimum width of 8 feet.
 - (2) Sidewalks are required to connect the street frontage to all front building entrances, parking areas, central open space, and any other destination that generates pedestrian traffic. Sidewalks shall connect to existing sidewalks on abutting tracts and other nearby pedestrian destination points and transit stops.
 - (3) The sidewalk pattern shall continue across driveways.
- B. Building Design Standards. Nonresidential buildings and apartment buildings shall meet the following requirements:
 - (1) Building Footprint. The maximum building footprint of nonresidential buildings shall not exceed 10,000 square feet.
 - (2) Building Orientation and Entrances:
 - (a) The front façade of buildings shall be oriented towards commercial streets, with an every day public entrance in this front façade.
 - (b) When buildings are located on corners, the entrance shall be located on the corner with an appropriate building articulation, such as a chamfered corner, turret, canopy, or other similar building feature. Borough Council may allow front façades to face existing side streets, when these façades will extend an existing commercial district along this existing side street.
 - (c) Building entrances may include doors to individual shops or businesses, lobby entrances, entrances to pedestrian-oriented plazas, or courtyard entrances to a cluster of shops or businesses.

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- (d) All primary building entrances shall be accentuated. Entrances permitted include: recessed, protruding, canopy, portico, or overhang.
- (3) Walls and Windows:
- (a) Blank walls shall not be permitted along any exterior wall facing a street, parking area, or walking area. Walls or portions of walls where windows are not provided shall have architectural treatments that are similar to the front façade, including materials, colors, and details. At least four of the following architectural treatments shall be provided:
1. Masonry (but not flat concrete block).
 2. Concrete or masonry plinth at the base of the wall.
 3. Belt courses of a different texture or color.
 4. Projecting cornices.
 5. Projecting metal canopy.
 6. Decorative tilework.
 7. Trellis containing planting.
 8. Medallions.
 9. Opaque or translucent glass.
 10. Artwork.
 11. Vertical/horizontal articulation.
 12. Lighting fixtures.
 13. An architectural element not listed above, as approved by the governing body, that meets the intent.
- (b) Transparency:
1. The ground floor front façades of buildings visible from the pedestrian view shall consist of a minimum of 60 percent window area and a maximum of 75 percent, with views provided through these windows into the business and/or product display windows.
 2. The bottom of any window or product display window used to satisfy the above transparency requirements may not be more than 3 to 4.5 feet above the adjacent sidewalk.
 3. Product display windows used to satisfy the above requirements shall have a minimum height of 6 feet (with 24 inch transom) or 7 feet and be internally lit.
 4. Upper story windows of front façades shall not be boarded or covered and shall comprise a minimum of 35 percent window area in the façade above the ground floor and a maximum of 75 percent.
 5. Smoked, reflective, or black glass in windows is prohibited.
 6. Fenestration shall reflect a unified style of a building.
- (4) Roofs. Roofs shall be in keeping with the character of adjacent buildings or shall have pitched roofs. Pitched roofs shall have a minimum slope of 4:12 and a maximum slope of 12:12. Greater pitches that reflect a style such as English Tudor may be permitted at the approval of Borough Council.

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- (5) Building Character. New infill development shall generally employ building types that are compatible to the historic architecture of the area in their massing and external treatment as described in the Design Standards of this Article X Town Center District and in the most current Jenkintown Revitalization Plan available at Borough Hall.
- (6) Architectural Rhythm:
 - (a) New infill development shall also retain the historic architectural rhythm of building openings (including windows and entries) of the same block.
 - (b) New infill development shall also attempt to maintain the horizontal rhythm of the Borough's commercial façades by using a similar alignment of windows, floor spacing, cornices, awnings as well as other elements. This rhythm shall be achieved by aligning the top, middle, and base floors. Buildings shall have a distinct base at ground level using articulation or materials such as stone, masonry, or decorative concrete. The top level should be treated with a distinct outline with elements such as projecting parapet, cornice, or other projection.
- (7) Massing:
 - (a) Buildings shall be similar in height and size or articulated and subdivided into massing that is more or less proportional to adjacent structures and maintains the existing architectural rhythm.
 - (b) The massing of any façade should generally not exceed 50 feet maximum (horizontal dimension). Shop fronts may be broken down even further. Massing variations every 30 feet or less is preferred.
 - (c) Nonresidential buildings must have at least a 3- to 5-foot break in depth in all street façades for every 50 feet of continuous façade. Such breaks may be met through the use of bay windows, porches, porticos, building extensions, towers, recessed doorways, and other architectural treatments.
- (8) Functional Articulation. Ground floor retail or business functions should be distinguished from upper floor residential or office space by a horizontal element such as a cornice or marquee. This detail shall match the style selected.
- (9) Proportion. Façade articulation, fenestration and massing is to match proportions of the selected style or follow classic proportioning systems such as the golden mean.

§ 181-47. Design Review Process

A. Applicability

The designated reviewer (hereafter the "Reviewing Body"), as established by Borough Council and as authorized by Article VII-A of the Municipalities Planning Code, shall have authority to review all applications submitted to the Borough for the following:

- (1) Construction of new buildings.
- (2) Additions and alterations which increase or decrease the size of the building by at least 20 percent of the building's footprint.
- (3) Modification of the exterior design features of an existing building, which involves a change in the exterior materials in existence on such building. "Modification of the exterior design features" as used herein, includes but is not limited to: the addition, deletion, or modification of surface materials (masonry, wood, brick, stucco), windows, doors, porches, porticos, chimneys, cornices, etc.; that result in a change to the actual structure of the building. The replacement of elements

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that are currently part of the building’s architecture for reasons of age, condition, etc. shall not require review.

- (4) Design review is not required for repainting of surfaces or the repair, restoration, or reconstruction of exterior design features where such work maintains the outer dimensions and surface relationships of the existing building. Design review is not required for the replacement of doors, windows or other transparent surfaces that currently exist, provided windows and transparent surfaces are not replaced with non-transparent materials and the surface area of the replacement door, window, or other transparent surface does not exceed the dimensions of the existing feature by more than 10 percent.

B. Application process.

The application process shall be the same as that described in § 181-14 Design Review Process in Article IV Traditional Residential Infill Overlay District.

ARTICLE XI NCR - Neighborhood Commercial Residential District

§ 181-48. Purpose and Intent.

It is the intent of this article to provide regulations for mixed-use development that encompasses commercial, office, and residential uses in conformance with the Borough of Jenkintown’s economic development goals, and the following objectives:

- A. Encourage economic development opportunities along specific portions of York Road which will act as buffers between the more intense auto-oriented uses of the Gateway Commercial District and the smaller pedestrian-friendly areas of the Town Center District.
- B. Provide opportunities for new residential development that enhances the York Road streetscape and is supportive of the Borough’s commercial development.
- C. Maintain and enhance the existing community character of Jenkintown Borough.
- D. Encourage pedestrian connections within and between properties in the District and throughout the Borough.
- E. Improve the York Road streetscape by requiring that parking be contained in a parking structure or consolidated among uses to the rear/side of the properties.
- F. Provide design standards that ensure new buildings, additions, and renovations are consistent with and enhance the surrounding streetscape.
- G. Assure suitable design to protect the character and property values of adjacent and nearby neighborhoods.
- H. Encourage commercial development that enhances the Borough’s Downtown core from an architectural and design standpoint.

§ 181-49. Permitted Uses.

A lot may be used for one or more of the following uses, in compliance with the standards and requirements contained in this article:

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A. By right permitted uses:

- (1) A mix of uses described in Section 181-49.A, herein.
- (2) Apartments, on the second floor and above (with the exception of Apartment Buildings described in Section 181-49.B(1) Conditional Uses).
- (3) Artist live (second floor or first floor behind storefront)/work (ground floor or storefront).
- (4) Retail establishment for the sale of dry goods, variety and general merchandise, clothing, food, drugs, household supplies, beverages, hardware, furnishings, antiques, baked goods, greeting cards, plants and flowers; and the sale and repair of jewelry, watches, clocks, optical goods, musical, professional or scientific instruments, but excluding drive-through facilities.
- (5) Business or professional office.
- (6) Personal service shop, such as: tailor, barber, beauty salon, shoe repair, dressmaker, or dry cleaner (provided that no cleaning operations are performed on the premises); excluding massage parlors, tattoo and/or body piercing parlors.
- (7) Establishment serving food or beverages to the general public, such as restaurant, café, taproom, tavern, retail baker, confectionery or ice cream shop, including walk-up windows, but excluding drive-through facilities.
- (8) Outdoor dining.
- (9) Financial institution, such as a bank or savings and loan association, but excluding drive-through facilities.
- (10) Health club and gym.
- (11) Religious institution and their ancillary uses.
- (12) Studio for dance, music, fitness, art or photography.
- (13) Artisan manufacturing (hand-tools only; e.g., jewelry or ceramics).
- (14) Gallery and museum.
- (15) Hotel.
- (16) Government administration uses, post office, community center, public library, offices for public utilities.
- (17) Bus shelter.
- (18) Surface parking lot
- (19) Rail facility
- (20) Public park, plaza, square, courtyard, urban garden, and public recreation area.
- (21) Pedestrian take-out window.
- (22) Street vendor.
- (23) Farmer's market.
- (24) Indoor entertainment, sports/theater-related.
- (25) School

B. Conditional Uses:

- (1) Apartment buildings provided that the following is included:

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- (a) Twenty percent of the first floor of the building located along the street frontage shall be walk-in office or retail uses, not associated with the operation of the residential portion (e.g., sales office, gym, etc.).
- (b) Apartment buildings should follow the Building Design Standards in § 181-54.B.
- (2) Undertaking establishments and funeral homes.
- (3) Parking garages provided that:
 - (a) The parking structure must conform to all setback, height, bulk, and landscaping requirements for buildings within this district.
 - (b) When the parking garage is situated with one or more of its facades along a street, 100 percent of the first floor frontage of each street-facing façade, excluding the minimum area necessary for vehicular and pedestrian access ways to such garage structure, shall be maintained for walk-in retail and service uses. These retail and service spaces shall incorporate display windows, canopies/awnings, and recessed entrance doors to enhance the parking structure.
 - (c) Any portion of a parking garage that fronts a street shall have all openings (second story and above) screened along the entire façade of such structure. Screening techniques may include the use of display windows, decorative grillwork, decorative glass, decorative masonry or a combination of these methods, or similar methods so as to ensure that vehicles within the garage are screened from the view of cars and pedestrians.
 - (d) Entrances and/or exits to parking structures on York Road shall be allowed only where Borough Council determines that this is the only frontage reasonably available for such entrances and/or exits. In such cases, 100 percent of the first floor frontage shall still be maintained for walk-in retail and service uses, excluding vehicular and pedestrian access ways.
 - (e) Deck structure visible from the street must be horizontal rather than sloping.
 - (f) Parking structure facades that are visible to the public shall consist of high-quality materials such as brick, concrete banding, glass block banding or other materials characteristic of the Borough's architecture. Upper levels must use articulation or fenestration treatments that break up the massing of the garage and/or add visual interest.
- (4) Demolition of buildings included on the community's local historic resource inventory.
 - (a) In order for a building to be demolished, the following conditions need to be demonstrated:
 - 1. Building is structurally unsound and cannot be stabilized as determined by a professional structural engineer specializing in historic structures.
 - 2. Replacement buildings must meet the following conditions.
 - a. Provide a public amenity, such as an urban garden or a public plaza, square, or courtyard pursuant to §§ 181-44.A(3) Urban Gardens and (4) Public Plazas/Squares/Courtyards.
 - b. Any new building must be constructed of natural materials typically found along the street upon which the subject property fronts. Natural materials include stone, brick, wood siding, shingles, slate, etc. Industrial or artificial materials such as raw concrete finish, anodized or galvanized metal, tinted glass, plastics, vinyls, etc. are prohibited unless such materials are used in such a way as to resemble historic characteristics.
 - c. Meet the Design Standards of § 181-54.

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- d. The applicant shall submit sufficient information in the form of architectural elevations and sketches of buildings in order to determine to what extent the § 181-54 Design Standards are being met.
- e. Provide a cross-access easement for parking lots between adjacent non-residential properties before an occupancy permit is issued for the newly constructed building as described in § 181-51.C(2). The parking area shall be so designed to readily accommodate shared access.

(5) Uses determined by the governing body to be of a similar nature to the uses permitted by right in § 181-49.A, Permitted Uses, herein, when located in a principal or accessory building.

C. Prohibited Uses:

- (1) Automobile or other vehicle sales service, or repair establishment, including vehicle body repair, vehicle painting, or washing.
- (2) Gasoline service station and filling station.
- (3) Drive-through window or facilities.
- (4) Self-service storage facility (mini-warehouses).
- (5) Adult entertainment use.
- (6) Animal shelter/boarding kennel.
- (7) Any use not permitted in this district.
- (8) Uses determined by the governing body to be of similar nature to the prohibited uses listed in this Section.

§ 181-50. Development Standards.

A. Minimum Lot Size: 15,000 square feet.

B. Minimum Lot Width: 50 feet.

C. Build-to-Line. Buildings shall be:

- (1) Built to the sidewalk; or
- (2) The setback should be the average of the two closest structures on the same side of the street with a maximum setback of 10 feet from the edge of the sidewalk; or
- (3) Setback from the sidewalk a maximum of 15 feet for purposes of a plaza, square, courtyard, recessed entrance, or outdoor dining.

D. Side Yard Setback. Within the Neighborhood Commercial Residential District, there shall be no side yard setback for buildings that share a party wall. The setback between buildings shall be 10 feet (5 feet per each building) when not sharing a party wall. When a Neighborhood Commercial Residential zoned property abuts a residentially zoned property, the minimum side yard setback required in the Neighborhood Commercial Residential District shall be the same as required for a residential use on the abutting residentially zoned lot.

E. Rear Yard Setback:

- (1) When alleys abut the rear of Neighborhood Commercial Residential District zoned lots, no rear yard setbacks are required for two story buildings. For buildings above two stories, the rear yard setback shall be 15 feet.

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- (2) When a Neighborhood Commercial Residential District zoned property abuts a residentially zoned property, the rear yard setback required in the Neighborhood Commercial Residential District shall be the same as required for a residential use on the abutting residentially zoned lot, regardless of the number of stories.
- F. Maximum Impervious Coverage: 100 percent.
- G. Building Height:
- (1) New Buildings shall be a minimum of two stories.
 - (2) Permitted Building Height By Right:
Building height shall be a maximum of 4 stories or 50 feet provided there is a 10 foot setback (on average) from the building façade for floors above the third story.
 - (3) Permitted Building Height By Conditional Use:
A maximum height of 6 stories or 72 feet is permitted by conditional use.
- H. Maximum Building Footprint for Nonresidential Buildings: 40,000 square feet.
- I. Minimum Lot Area per Dwelling Unit: The first dwelling unit proposed shall have a minimum lot area of 1,500 square feet. For every additional dwelling unit proposed, an additional 1,200 square feet of lot area shall be required. When calculating number of units, the total number of units shall be rounded down to the smaller number if the calculation produces insufficient minimum lot area for an additional unit.
- J. Floor-to-Ceiling Height and Floor Area of Ground Floor Space
- (1) All commercial floor area provided on the ground floor of a mixed-use building must have a minimum floor-to-ceiling height of 11 feet.
 - (2) All commercial floor area provided on the ground floor of a mixed use building must contain the following minimum floor area:
 - (a) At least 800 square feet or 25 percent of the lot area (whichever is greater) on lots with street frontage of less than 50 feet; or
 - (b) At least 20 percent of the lot area on lots with 50 feet of street frontage or more.

§ 181-51. General Requirements.

- A. A community historic structure can not be demolished unless following a conditional use procedure as described in § 181-49.B(4), Demolition of Buildings. Community historic structure is defined in § 181-4 Definitions and Word Usage and an inventory of such structures is held at the Jenkintown Borough Hall and updated from time to time, as appropriate.
- B. Public Utilities. All uses shall be served by public water and sewer facilities.
- C. Surface Parking.
- (1) General Surface Parking Standards:
 - (a) Vehicular Access. Vehicular access to surface parking shall be from an alley or side street where possible.
 - (b) Pedestrian Access. Safe provisions for pedestrian access to and through a parking lot shall be required. Surface parking areas and pedestrian walkways connecting to them shall be well-lit.

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(c) Location of Surface Parking:

1. Where the applicant is to provide parking, it shall be located to the rear of the principal building or to the side (however, parking shall not be located between a building and the street). Parking shall be set back 10 feet from the legal right-of-way.
2. Corner Lots. Surface parking shall not be permitted on corner lots that are located on collector or arterial roads.
3. Off-street surface parking shall not extend more than 70 feet in width along any pedestrian street frontage.

(2) Interconnected Parking Areas:

- (a) Parking areas on abutting nonresidential lots shall be interconnected by access driveways, where feasible given the location of existing buildings.
- (b) Each nonresidential lot shall provide cross-access easements for its parking areas and access driveways guaranteeing access to adjacent lots. Interconnections shall be logically placed and easily identifiable to ensure convenient traffic flow.

(3) Off-Street Parking Requirements:

- (a) Refer to Article XIV Off-Street Parking and Loading Standards.
- (b) Parking is not required for the first two residential units located in a mixed use building. For each unit above two units in a mixed use building, one parking space is required for each unit.
- (c) Parking shall be required at 1.5 spaces per residential unit in an apartment building. This requirement may be fulfilled via a parking structure, surface parking that meets the above requirements of § 181-51.C Surface Parking, via parking reduction strategies in § 181-71, or any combination thereof approved by Borough Council.

D. Exterior Lighting. All exterior lighting shall be designed to prevent glare onto adjacent properties. Pedestrian pathways need to be clearly marked and well lit. Lighting should be sufficient for security and identification without allowing light to trespass onto adjacent sites. The height of fixtures shall be a maximum of 20 feet for parking lots and 14 feet for pedestrian walkways and shall comply with the Borough's Revitalization Master Plan, where applicable.

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

F. Screening:

- (1) All wall-mounted mechanical, electrical, communication, and service equipment, including satellite dishes and vent pipes shall be screened from public view by parapets, walls, fences, landscaping, or other approved means. All ground-mounted equipment shall be screened by a screen wall that matches the architectural color and finish of the building and which is a minimum of one foot taller than the highest point of the tallest unit.
- (2) All rooftop mechanical equipment and other appurtenances shall be concealed by or integrated within the roof form or screened from view at ground level of nearby streets. The following, when above the roofline, requires screening: stair wells, elevator shafts, air conditioning units, large vents, heat pumps and mechanical equipment.
- (3) Parking lots visible from a street shall be continuously screened by a 3-foot-high wall/fence or plantings. Parking lots adjacent to a residential use shall be continuously screened by a 6-foot-

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high wall/fence or plantings. Screening shall include:

- (a) Hedges, installed at 36 inches in height; or
- (b) Mixed planting (trees and shrubs); or
- (c) Wall sections, with no wall break of more than 9 feet, and landscaping to provide a continuous screen.

(4) Service and loading areas must be visually screened from street and pedestrian ways. For new construction, service and loading areas must be behind the building. Loading docks shall not be on the primary street but to the side and rear of the building.

G. Signs. Signage in the Neighborhood Commercial Residential District shall conform to the standards of Article XXI of this Chapter.

H. Street Trees. Street trees are required where a building fronts on a road with street trees and where possible. Until such point that more precise standards are adopted in the Subdivision and Land Development Ordinance, street trees shall match the type, size, and frequency dictated by the prevailing streetscape design of the street(s) upon which the property sits and taking into account the standards in § 181-52 Streetscape and Green Area Standards and Article III § 160-19 (Shade Trees) of the Subdivision and Land Development Ordinance. The provision of street trees will be reviewed by Borough Council.

I. Outdoor Dining:

- (1) Outdoor furnishings are limited to tables, chairs, and umbrellas.
- (2) Outdoor furniture shall be stored inside the restaurant after normal operating hours.
- (3) Planters, posts with ropes, or other removable enclosures, as well as a reservation podium are encouraged and shall be used as a way of defining the area occupied by the café.
- (4) Refuse facilities should be provided.
- (5) Advertising or promotional features shall be limited to umbrellas and canopies.
- (6) Outdoor dining can not impede pedestrian traffic flow. A minimum pathway of at least 5 feet free of obstacles shall be maintained.

§ 181-52. Streetscape and Green Area Standards.

A. The following streetscape and green area standards are required for all new developments and additions/alterations along the street frontage:

- (1) Streetscape and green area standards shall relate to Jenkintown's streetscape design and be reviewed by Borough Council. The applicant shall install streetscape and green area standards consistent with existing projects within the Borough, further down York Rd. and demonstrate that these standards are met through elevations and conceptual sketches.

§ 181-53. Bonus Provisions.

A. Bonus Provisions. An increase of 0.5 FAR for a total Floor Area Ratio of 2.5 is permitted for the following:

- (1) If a community historic structure is preserved and enhanced and/or the façade is maintained and enhanced following the conditional use standards of § 181-49.B(4), Demolition of Buildings. and

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the Secretary of Interior's Standards for Rehabilitation.

- (2) For apartment buildings, where 50 percent or more of the first floor of the building located along the street frontage is walk-in office or retail uses.

§ 181-54. Design Standards.

A. Pedestrian Design Standards:

- (1) Sidewalks are required along all street frontages with a minimum width of eight feet.
- (2) Sidewalks are required to connect the street frontage to all front building entrances, parking areas, central open space, and any other destination that generates pedestrian traffic. Sidewalks shall connect to existing sidewalks on abutting tracts and other nearby pedestrian destination points and transit stops.
- (3) The sidewalk pattern shall continue across driveways.

B. Building Design Standards. Nonresidential buildings and apartment buildings shall meet the following requirements:

- (1) Building Footprint. The maximum building footprint of nonresidential buildings shall not exceed 40,000 square feet.
- (2) Building Orientation and Entrances:
 - (a) The front façade of buildings shall be oriented towards commercial streets, with an every day public entrance in this front façade.
 - (b) When buildings are located on corners, the entrance shall be located on the corner with an appropriate building articulation, such as a chamfered corner, turret, canopy, or other similar building feature. Borough Council may allow front façades to face existing side streets, when these façades will extend an existing commercial district along this existing side street.
 - (c) Building entrances may include doors to individual shops or businesses, lobby entrances, entrances to pedestrian-oriented plazas, or courtyard entrances to a cluster of shops or businesses.
 - (d) All primary building entrances shall be accentuated. Entrances permitted include: recessed, protruding, canopy, portico, or overhang.
- (3) Walls and Windows:
 - (a) Blank walls shall not be permitted along any exterior wall facing a street, parking area, or walking area. Walls or portions of walls where windows are not provided shall have architectural treatments that are similar to the front façade, including materials, colors, and details. At least four of the following architectural treatments shall be provided:
 1. Masonry (but not flat concrete block).
 2. Concrete or masonry plinth at the base of the wall.
 3. Belt courses of a different texture or color.
 4. Projecting cornice.
 5. Projecting metal canopy.
 6. Decorative tilework.

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7. Trellis containing planting.
 8. Medallions.
 9. Opaque or translucent glass.
 10. Artwork.
 11. Vertical/horizontal articulation.
 12. Lighting fixtures.
 13. An architectural element not listed above, as approved by the governing body, that meets the intent.
- (b) Transparency:
1. The ground floor front façades of buildings visible from the pedestrian view shall consist of a minimum of 60 percent window area and a maximum of 75 percent, with views provided through these windows into the business and/or product display windows.
 2. The bottom of any window or product display window used to satisfy the above transparency requirements may not be more than 3 to 4.5 feet above the adjacent sidewalk.
 3. Product display windows used to satisfy the above requirements shall have a minimum height of 4 feet and be internally lit.
 4. Upper story windows of front façades shall not be boarded or covered and shall comprise a minimum of 35 percent window area in the façade above the ground floor and a maximum of 75 percent.
 5. Smoked, reflective, or black glass in windows is prohibited.
- (4) Roofs. Roofs shall be in keeping with the character of adjacent buildings or shall have pitched roofs. Pitched roofs shall have a minimum slope of 4:12 and a maximum slope of 12:12.
- (5) Building Character. New infill development shall generally employ building types that are compatible to the historic architecture of the area in their massing and external treatment as described in the Design Standards of this Article XI Neighborhood Commercial Residential District and in the most current Jenkintown Revitalization Plan available at Borough Hall.
- (6) Architectural Rhythm:
- (a) New infill development shall also retain the historic architectural rhythm of building openings (including windows and entries) of the same block.
 - (b) New infill development shall also attempt to maintain the horizontal rhythm of the Borough's commercial façades by using a similar alignment of windows, floor spacing, cornices, awnings as well as other elements. This rhythm shall be achieved by aligning the top, middle, and base floors. Buildings shall have a distinct base at ground level using articulation or materials such as stone, masonry, or decorative concrete. The top level should be treated with a distinct outline with elements such as projecting parapet, cornice, or other projection.
- (7) Massing:
- (a) Buildings shall be similar in height and size or articulated and subdivided into massing that is more or less proportional to adjacent structures and maintains the existing architectural rhythm.
 - (b) The massing of any façade should generally not exceed 50 feet maximum (horizontal

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dimension). Shop fronts may be broken down even further. Massing variations every 30 feet or less is preferred.

- (c) Nonresidential buildings must have at least a three- to five-foot break in depth in all street façades for every 50 feet of continuous façade. Such breaks may be met through the use of bay windows, porches, porticos, building extensions, towers, recessed doorways, and other architectural treatments
- (8) Functional Articulation. Ground floor retail or business functions should be distinguished from upper floor residential or office space by a horizontal element such as a cornice or marquee. This detail shall match the style selected.
- (9) Proportion. Façade articulation, fenestration and massing is to match proportions of the selected style or follow classic proportioning systems such as the golden mean.

§ 181-55. Design Review Process

A. Applicability

The designated reviewer (hereafter the “Reviewing Body”), as established by Borough Council and as authorized by Article VII-A of the Municipalities Planning Code, shall have authority to review all applications submitted to the Borough for the following:

- (1) Construction of new buildings.
- (2) Additions and alterations which increase or decrease the size of the building by at least 20 percent of the building’s footprint.
- (3) Modification of the exterior design features of an existing building, which involves a change in the exterior materials in existence on such building. “Modification of the exterior design features” as used herein, includes but is not limited to: the addition, deletion, or modification of surface materials (masonry, wood, brick, stucco), windows, doors, porches, porticos, chimneys, cornices, etc.; that result in a change to the actual structure of the building. The replacement of elements that are currently part of the building’s architecture for reasons of age, condition, etc. shall not require review.
- (4) Design review is not required for repainting of surfaces or the repair, restoration, or reconstruction of exterior design features where such work maintains the outer dimensions and surface relationships of the existing building. Design review is not required for the replacement of doors, windows or other transparent surfaces that currently exist, provided windows and transparent surfaces are not replaced with non-transparent materials and the surface area of the replacement door, window, or other transparent surface does not exceed the dimensions of the existing feature by more than 10 percent.

B. Application process.

The application process shall be the same as that described in § 181-14 Design Review Process in Article IV Traditional Residential Infill Overlay District.

ARTICLE XII
G - Gateway Commercial District

§ 181-56. Purpose and Intent.

It is the intent of this article to provide regulations for well-designed auto-oriented commercial land uses in conformance with the Borough of Jenkintown's economic development goals, and the following objectives:

- A. Provide the broadest range of commercial uses in the Borough.
- B. Encourage the retention of the existing community character of Jenkintown by preserving the existing buildings and landscaped spaces to the greatest extent possible.
- C. Discourage strip-style commercial development which requires incongruous architectural styles, excessive paved areas, and numerous curb cuts.
- D. Encourage consolidation of driveways, parking, and curb cuts to provide more efficient and economical access and parking.
- E. Encourage a coordinated pedestrian path system to provide efficient and convenient pedestrian access from parking areas to and among the various permitted uses, and to neighboring residential areas.
- F. Discourage the overdevelopment of lots by limiting the maximum permitted building and impervious coverage.
- G. Assure suitable design to protect the character and property values of adjacent and nearby neighborhoods.
- H. Provide regulations that minimize congestion and hazardous traffic conditions.
- I. Allow existing commercial properties to be appropriately redeveloped.
- J. Encourage the location of commercial buildings so that they are accessible by public transportation.

§ 181-57. Permitted Uses.

A lot may be used for one or more of the following uses, in compliance with the standards and requirements contained in this article:

A. By right permitted uses:

The following uses are permitted by right, provided no drive-through facilities are proposed.

- (1) Retail store for the sale of: dry goods, variety merchandise, clothing, groceries, retail bakery, beverages, flowers, plants, drugs, books, furnishings or other household supplies, sale and refinishing of antiques, hardware, sale and repair of jewelry, clocks, optical goods, cameras, home appliances, electronic equipment, video rental stores, furniture rental stores, appliance rental stores, scientific and professional instruments, and/ or similar goods. Shopping centers, as defined in this ordinance, are only permitted as a Class Two Conditional Use.
- (2) Convenience store, without fuel pumps.
- (3) Personal service shop including but not limited to: barbershop and/ or hairdresser, shoe repair, tailor, dry cleaning (pick-up establishments only).
- (4) Business or professional office.

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- (5) Doctor, dentist office.
 - (6) Studio for dance, art, music, photography, or exercise.
 - (7) Business services establishment including copy center, retail printing and duplication services, computer rental and copying center, mailbox rental and shipping, cartage, express and parcel delivery services.
 - (8) Bank or financial institution, excluding drive-through facilities.
 - (9) Establishment serving food or beverages to the general public, such as restaurant, café, taproom, tavern, retail baker, confectionery or ice cream shop, including walk-up windows, but excluding drive-through facilities
 - (10) Bar or tavern.
 - (11) Outdoor dining
 - (12) Municipal building, office, and uses.
 - (13) Open space and low intensity outdoor recreational use such as ball fields and bicycle and pedestrian paths, provided that proposed uses do not exceed a maximum building coverage of one percent, or a maximum impervious coverage of ten percent.
 - (14) Laundromat provided that there are adequate provisions made for water disposal.
 - (15) Post office.
 - (16) Bed and breakfast, provided that:
 - (a) The principal building must be a single family dwelling; and the owner of the Bed and Breakfast must live in the dwelling as his/her primary residence.
 - (b) There shall be no more than 6 guest bedrooms, accommodating no more than 12 guests at any one time; no paying guest shall stay on any one visit for more than 30 days.
 - (c) The rented rooms shall not contain kitchen facilities and shall not constitute separate dwelling units.
 - (17) Club or fraternal organization.
 - (18) Day care center; elder care
 - (19) Accessory use on the same lot with and customarily incidental to the use permitted and utilized. Accessory uses shall meet all requirements for permitted uses.
 - (20) Indoor Entertainment.
 - (21) Other similar uses to those mentioned above.
 - (21) Transit facility
 - (22) School
 - (23) All uses permitted by-right in Article X Town Center (TC) District or Article XI Neighborhood Commercial Residential (NCR) District are permitted, provided that those uses not listed above (1-22) must conform to the dimensional and design standards of the District in which they are originally permitted by right and may not use the dimensional or design standards of this Gateway District.
- B. Conditional Uses. The following uses may be permitted by the Borough Council as conditional uses in accordance with the conditional use criteria of § 181-58 of this District, the standards listed below, and all other regulations of the Gateway Commercial District:

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(1) Class One Conditional Uses

On lots with a minimum area of 40,000 square feet and a minimum width at the build-to-line of 100 feet, the following uses are permitted as Class One Conditional Uses:

- (a) Use with drive-through facilities, including restaurant, drug store, bank and financial institution, and other use listed in § 181-57 herein, provided:
 - 1. The use provides sufficient on-site stacking lanes to accommodate a minimum of six automobiles leading to the first drive-through window, bank teller window, remote teller window, or drive through automatic teller machine on the site, and two automobiles for each additional drive-through facility on the site.
 - 2. Stacking lanes shall not interfere with parking spaces or the internal and external circulation of the site.
 - 3. Drive-through windows shall face the rear or side yard of the site. Drive-through windows shall not face a public street.

(2) Class Two Conditional Uses

On lots with a minimum area of 100,000 square feet and a minimum width at the build-to line of 200 feet, the following uses are permitted as Class Two Conditional Uses:

- (a) Shopping center, in accordance with the additional Design Standards in § 181-61.
- (b) Motel, hotel.
- (c) Assisted living facility and nursing home, provided that they are located within 100 feet of a residential district, as a transition between residential and commercial uses.
- (d) Gasoline filling station or service station.
- (e) Nursery or greenhouse provided that:
 - 1. Outdoor storage is limited to 75 percent of the total site area.
 - 2. All non-plant materials are stored and displayed behind areas that are clearly defined for such purpose, and are screened from public roads and residential properties.
 - 3. Such uses have a defined pick-up area that does not interfere with the flow of internal traffic or required parking areas.
 - 4. Commercial vehicles and outdoor storage areas are at least 60 feet from residential property lines and street ultimate right-of-way lines.

§ 181-58. Conditional Use Criteria.

Commercial uses that are permitted as a conditional use in the Gateway District shall meet the following conditional use standards:

- A. Buildings, driveways, parking areas, loading areas, outdoor activity areas, light sources, trash areas and other potential nuisances shall be located and designed to minimize adverse impacts on abutting residential properties. In order to limit the adverse impact of a proposed general commercial use, the Borough Council may require alternative site layouts, including increased setbacks from residential property lines, different locations of buildings, parking areas, and driveways, the incorporation of loading and trash collection areas as part of the principal building design, and increased screening for light sources and outdoor activity areas.

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- B. Driveway intersections with streets and traffic circulation patterns within lots shall be located and designed to minimize congestion and safety problems on adjacent streets and nearby intersections. The Borough Council may require alternative driveway locations and site design in order to alleviate potential congestion or safety problems.

§ 181-59. Dimensional Standards.

The applicant may choose one of the following Option A or Option B.

- A. Permitted Uses, Class One Conditional Uses, and Class Two Conditional Uses shall meet the following dimensional standards (See Table 3).

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Table 3

Dimensional Standards for Gateway District, Option A.

		Permitted Uses	Class One Conditional Uses	Class Two Conditional Uses
(1)	Minimum net lot size	40,000 sf	40,000 sf	100,000 sf
(2)	Minimum lot width	100 feet	100 feet	200 feet
(3)	Maximum building coverage	25%	25%	25%
(4)	Maximum impervious coverage	70%	70%	65%
(5)	Minimum front yard setback	20 feet	30 feet	50 feet
(6)	Minimum side yard setback	15 feet	15 feet	40 feet
(7)	Minimum rear yard setback	15 feet	20 feet	40 feet
(8)	Minimum building setback from abutting residentially zoned properties	40 feet	50 feet	65 feet
(9)	Minimum parking setback from street ultimate right-of-way line	10 feet	15 feet	25 feet
(10)	Minimum parking setback from nonresidential property lines	10 feet	10 feet	15 feet
(11)	Minimum parking setback from residential property lines	30 feet	35 feet	40 feet
(12)	Minimum setback of outdoor loading and trash storage areas from abutting residentially zoned properties	50 feet	50 feet	50 feet
(13)	Maximum building height	40 feet	40 feet	40 feet

B. To allow more flexibility and encourage consistency of the commercial areas, Permitted Uses, Class One Conditional Uses, and Class Two Conditional Uses of the Gateway District may elect to meet the dimensional and design standards of Article X Town Center (TC) District or Article XI Neighborhood Commercial Residential (NCR) District. If Option B is chosen, the applicant must meet all of the dimensional and design standards prescribed in the original zoning district in lieu of those prescribed for the Gateway District.

§ 181-60. General Requirements.

- A. All development in the Gateway Commercial District shall be served by public sewer and public water facilities.
- B. Off-street parking shall be provided in accordance with Article XIV Off-Street Parking and Loading Standards.
- C. Signs shall meet the requirements of Article XXI Signs. Signage located on buildings shall be consistent in size, location and materials throughout a specific development, and should be consistent with the character of signage of structures in the surrounding area.

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- D. Site landscaping and buffers shall be provided. Until such point that more precise standards are adopted in the Subdivision and Land Development Ordinance, landscaping and buffers shall comply with § 181-61.C Common Use Area and be subject to approval by the Design Review Board.
- E. Applicants proposing any use with 60,000 square feet or more of gross building floor area shall be required to prepare a traffic impact study, the scope of which shall be determined by the applicant in concert with the Borough Administration.

§ 181-61. Design Standards.

A. Building Design Standards

All buildings shall meet the following standards:

- (1) Rear and side façades shall be of finished quality and shall be of color and materials that are similar to the front facade and blend with structures within the development as well as with structures in the surrounding area. Any property with more than one building on the site shall have a common and coherent architectural theme throughout the development.
- (2) Building facades must be interrupted at least once within every 100 horizontal feet, with offsets of four feet or more in depth along any building facade facing a public street or public parking. Offsets shall be continuous from grade to the roofline.
- (3) Building facades of 200 feet or more which face public streets or public parking shall, in addition to offsets, include other design elements to break up the facade, such as awnings, porches, canopies, towers, balconies, bays, changes in building materials, gables, and planted trellises.
 - (a) When located within 15 feet of a walkable street or neighborhood, ground floor façades that face public streets shall have arcades, display windows, entry areas, awnings or other such features along no less than 60 percent of their horizontal length. Display windows shall begin between 12 to 24 inches above ground level and shall end between 78 inches and 108 inches above ground level.
- (4) Principal buildings shall have clearly defined, highly visible customer entrances with features such as canopies, porticoes, arches, and integral planters that incorporate landscaped areas and/or areas for sitting.
- (5) Rooflines shall be varied to add visual interest, to reduce the scale of larger buildings, and to create consistency with buildings in the surrounding area.
 - (a) Buildings with less than 15,000 square feet of building area on the ground floor shall have pitched roofs covering at least 80 percent of the building with a minimum slope of six vertical inches to every twelve horizontal inches.
 - (b) Buildings with more than 15,000 square feet on the ground floor shall meet one of the following roof requirements:
 - 1. The same pitched roof requirement as outlined immediately above in § 181-61.A(5)(a)
 - 2. Parapets or mansard roofs that conceal flat roofs and rooftop equipment such as HVAC units along all roof edges.
 - (c) For all buildings, building ridgelines or roof planes facing public streets and public parking lots must be interrupted at least once every 100 feet by a vertical change of five feet, the inclusion of a new gable, or the inclusion of a dormer.
- (6) All shopping centers and other retail establishments with 100,000 square feet or more in gross floor area shall meet the following additional requirements:

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- (a) Ground floor façades that face public streets shall have arcades, display windows, entry areas, awnings or other such features along no less than 60 percent of their horizontal length. Display windows shall begin between 12 to 24 inches above ground level and shall end between 78 inches and 108 inches above ground level.
- (b) Large buildings and shopping centers shall have clearly defined, highly visible customer entrances for primary buildings featuring no less than three of the following: canopies or porticoes; overhangs; recesses/ projections; arcades; raised display windows.
- (c) Storefront landscaping shall be provided between the foundations of buildings and driveways/parking areas. A minimum of 25 percent of the area between the building foundation and driveways/parking areas shall be landscaped.
- (d) All sides of a shopping center or large retail establishment that directly face an abutting public street shall feature at least one customer entrance. This requirement can be met for two sides of a shopping center or large retail establishment by a corner entrance that is visible from both sides.

B. Common Use Area

Shopping centers or large retail establishments of 100,000 square feet or more of gross building floor area shall contain a common use area that will serve as a focal point for the center and provide walkways, seating, and landscaping; water features, courtyards, mini-parks and plazas are encouraged. The common use area shall meet the following requirements:

- (1) It shall generally be located between the street and the front facade of the primary shopping center or large retail establishment building, within 200 feet of this building.
- (2) It shall be equal to or greater in size than five percent of the gross floor area of the shopping center or large retail establishment.
- (3) It shall be directly connected to the sidewalk in front of the shopping center or large retail establishment, without intervening driveways or streets.
- (4) It shall consist of one contiguous area, and the shape and location of the common use area shall be approved by the Borough Council in consultation with the Borough Planning Commission.
- (5) It shall be improved with a gazebo, pavilion, clock tower, or paved patio area with a fountain to help identify this area as the central gathering place for the development. This improvement shall be a minimum of 300 square feet in size.
- (6) It shall contain shade trees, ornamental plantings, and seating; it may also contain outdoor dining areas.

C. Parking and Driveway Design Standards.

Parking lots shall be landscaped according to the following regulations:

- (1) The ends of all parking rows shall be divided from drives by planting islands.
- (2) There shall be no more than 15 contiguous parking stalls in a row without a planting island.
- (3) Planting islands shall be a minimum of 10 feet by 20 feet in area, underlain by soil (not base course material) and shall be protected by curbing, wheel stops, or bollards. Each planting island shall contain at least one shade tree plus low growing shrubs and/or groundcover to cover the entire area at maturity.
- (4) Parking lots shall be divided by planting strips placed at intervals of one for every four or fewer rows of parking for parking lots. These planting strips shall meet the following requirements:

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- (a) At least half of the planting strips shall be a minimum of 15 feet in width, and contain a 5 foot paved walkway leading towards the building, with 5 feet provided for plantings on both sides of the walkway.
 - (b) All other planting strips shall be a minimum of 10 feet in width, with all 10 feet for plantings.
 - (c) Strips shall run the length of the parking row, be underlain by soil, and be protected by curbs, wheel stops or bollards.
 - (d) Planting strips shall contain plantings of one canopy tree every 25 feet, two shrubs per tree, and groundcover/shrubs to cover the entire remaining unplanted area at maturity.
- (5) A perimeter planting area at least 10 feet in width shall be provided along all property lines and street ultimate rights-of-way lines.
- (6) The maximum depth of a parking area located within the front yard of a Gateway Commercial building with less than 20,000 square feet of building area shall be 65 feet, measured perpendicular, or radial to the street ultimate right-of-way line.
- (7) Each commercial use shall provide access easements for its parking aisles and driveways guaranteeing access to all abutting lots zoned Gateway Commercial, unless all possible interconnections between two abutting lots must cross 20 linear feet or more of wetlands or floodplain, or 15 percent or more of natural slopes. Parking areas on adjacent lots shall be directly connected by a driveway. These interconnections shall be constructed during the initial land development.
- (8) Large retail uses and shopping centers with over 100,000 square feet of gross building floor area shall provide the following:
- (a) A pickup area for public transportation located between the street and the front façade of the large retail use or shopping center. The pickup area must include a 10 foot by 20 foot waiting area that is separated from other sidewalks in the development. The pick-up area must also include an area where a 40-foot bus can park without blocking any lanes of the development's driveways.
 - (b) Driveways and a parking area that can handle and are designed for the weight and length of a 40-foot passenger bus.
- (9) Properties with frontages of 600 feet or less on any individual street are permitted only one driveway intersection per street. Properties with frontages greater than 600 feet may be permitted a maximum of two driveways per street frontage, provided that such driveways are at least 300 feet apart. Regardless of frontage, a development may be restricted to a single driveway depending on usage and interior and exterior traffic patterns.
- (10) Parking areas containing 50 or more cars shall have a minimum driveway length of 50 feet provided between the road ultimate right-of-way line and the first parking space or internal driveway intersection. Parking areas containing less than 50 cars shall have a minimum driveway length of 20 feet provided between the road ultimate right-of-way line and the first parking space or internal driveway intersection.

D. Pedestrian Circulation Design Standards

- (1) There shall be clear grade separated pedestrian connections between all parking areas and all buildings. The sidewalks required within planting strips by § 181-61.C(4) under Parking and Driveway Design Standards may be used to meet this requirement.
- (2) Continuous internal pedestrian walkways, no less than 5 feet in width, shall provide a direct link from the public sidewalk or street right-of-way to the principal customer entrance of all principal

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retail establishments on the site. Walkways shall also connect focal points of pedestrian activity such as, but not limited to, transit stops, street crossings, and building and store entry points. The sidewalks required within planting strips by § 181-61.C(4) under Parking and Driveway Design Standards may be used to meet this requirement.

- (3) Unobstructed sidewalks, no less than 6 feet in width, shall be provided along the full length of the building along any facade featuring a customer entrance, and along any façade abutting public parking areas. Along facades with building entrances, the required 6-foot side sidewalk area shall be set back from the facade by a 3-foot area that either contains planting beds or additional sidewalk width.
- (4) All internal pedestrian walkways and crosswalks shall be distinguished from driving surfaces through the use of durable, low maintenance surface materials such as pavers, bricks or scored concrete to enhance pedestrian safety and comfort.
- (5) Buildings and sidewalks shall be handicapped accessible.

E. Lighting Standards

- (1) Lighting shall be shielded to meet the following requirements:
 - (a) No light shall shine directly into the windows of a building on abutting property.
 - (b) No light shall shine directly from a light source onto the ground or improvements of an abutting property, although incidental light may be permitted to fall on abutting property. Such lighting shall not exceed one-half an ISO footcandle at ground level on the abutting property.
 - (c) No light shall shine directly onto public roads.
- (2) Where the abutting property is residentially zoned or used, nonresidential uses shall direct light fixtures toward the proposed development and shield the residential properties from direct lighting or glare. The light source itself must not be visible from the abutting residential property.
- (3) No parking lot lighting standard or building fixture shall exceed 25 feet in height from grade level, and no pedestrian lighting standard shall exceed 16 feet in height from grade level.
- (4) Light fixtures located closer to a side or rear lot line than the side or rear yard setback, shall be no more than 10 feet high, and shall direct the light source away from the property line.
- (5) Light fixtures located along a residential property line shall be setback a minimum of 20 feet from the property line.
- (6) No streamers or festoon lighting, comprising a group of incandescent light bulbs, shall be hung or strung on a building or any other structure.
- (7) No flashing or intermittent or moving lights, including lights on signs, shall be permitted.

F. Noise Control

- (1) No person shall cause, suffer, allow, or permit the operation of any sound source on a commercial property or public space or right-of-way in such a manner as to create a sound level that exceeds the background sound level by 10 dBC during daytime (7:00 AM to 9:00 PM) hours and by 5 dBC during nighttime (9:00 PM to 7:00 AM) hours when measured at or within the real property line of the receiving property.
- (2) No delivery, loading, trash removal or compaction or other such operations shall be permitted between the hours of 10:00 PM and 7:00 AM unless the applicant submits evidence that sound barriers between all areas for such operations effectively reduce noise emissions to a level of 45 dB, as measured at the lot line of any adjoining property.

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G. Other Requirements

- (1) Loading docks, utility meters, HVAC equipment, trash dumpsters and other service functions shall be incorporated into the overall design theme of the building so that the architectural design is continuous and uninterrupted by ladders, towers, fences and equipment. These areas shall be located and screened so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets.
- (2) Outdoor sales and storage areas shall conform to the following requirements:
 - (a) Outdoor sales and storage areas shall not be located within 20 feet of any public street, or public sidewalk.
 - (b) These areas shall be screened so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets.
 - (c) Outdoor areas for the storage and sale of seasonal inventory shall be permanently defined and screened with walls or fences. Materials, colors and design of screening walls or fences shall conform to those used as predominant materials and colors of the building. If such areas are to be covered, then the covering shall conform to those used as predominant materials and colors of the building.
 - (d) Outdoor storage areas shall not exceed 10 percent of the gross building floor area of any uses.

§ 181-62. Design Review Process

A. Applicability

The designated reviewer (hereafter the “Reviewing Body”), as established by Borough Council and as authorized by Article VII-A of the Municipalities Planning Code, shall have authority to review all applications submitted to the Borough for the following:

- (1) Construction of new buildings.
- (2) Additions and alterations which increase or decrease the size of the building by at least 20 percent of the building’s footprint.
- (3) Modification of the exterior design features of an existing building, which involves a change in the exterior materials in existence on such building. “Modification of the exterior design features” as used herein, includes but is not limited to: the addition, deletion, or modification of surface materials (masonry, wood, brick, stucco), windows, doors, porches, porticos, chimneys, cornices, etc.; that result in a change to the actual structure of the building. The replacement of elements that are currently part of the building’s architecture for reasons of age, condition, etc. shall not require review.
- (4) Design review is not required for repainting of surfaces or the repair, restoration, or reconstruction of exterior design features where such work maintains the outer dimensions and surface relationships of the existing building. Design review is not required for the replacement of doors, windows or other transparent surfaces that currently exist, provided windows and transparent surfaces are not replaced with non-transparent materials and the surface area of the replacement door, window, or other transparent surface does not exceed the dimensions of the existing feature by more than 10 percent.

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B. Application process.

The application process shall be the same as that described in § 181-14 Design Review Process in Article IV Traditional Residential Infill Overlay District.

ARTICLE XIII HR High-Rise Apartment District

§ 181-63. Purpose; applicability.

The High-Rise Apartment District is designed to provide for modern non-nuisance enterprises which do not detract from the character of the surrounding area, which do not prejudice the use of adjoining tracts for other permitted uses, and which will contribute to the general welfare of the Borough of Jenkintown. In the High-Rise Apartment District, the following regulations shall apply.

§ 181-64. Permitted uses.

- A. One office building only, in which no goods or merchandise shall be stored or sold.
- B. Apartment house or condominium units or group of apartment houses or condominiums designed as a single architectural project or unit and constructed and operated as a single proprietary unit. Such use shall provide appropriate landscaping, adequate buffer space and sufficient common open spaces and facilities in accordance with the requirements of § 181-66 Special Requirements.
- C. Single-family detached dwelling.
- D. Municipal use, public utility building, or educational institution use.
- E. Accessory use on the same lot with and customarily incidental to any of the above permitted uses and not detrimental to the neighborhood, including accessory commercial uses, which shall be limited to satisfy principally the needs of the occupants of permitted uses, including cafeteria, restaurant, personal service shops and retail stores. The total maximum area for such uses shall not exceed 5 percent of the total floor area of the building or buildings, excluding basements and garages.

§ 181-65. Area and Height Regulations.

For every building or group of buildings hereafter erected or used for a use permitted in this district, the following regulations shall apply:

A. Area requirements.

- (1) No tract of ground in a High-Rise Apartment District shall have an area of less than five acres.
- (2) Not more than 25 percent of each lot may be occupied by buildings, and at least 30 percent of the total lot area shall be permanently maintained in lawn, trees, shrubbery or other plantings.
- (3) For apartment or condominium uses, there shall be not more than one dwelling unit for each 925 square feet of lot area, provided that the building coverage shall not exceed 21 percent of the lot area.
- (4) Single-family detached dwellings shall comply with the requirements for the B-1 Residence District and the Traditional Residential Infill Overlay District (where applicable).

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- B. Building placement requirements. No building shall be located less than 25 feet from a street line or a side or rear property line, provided that, in the case of a building which exceeds 60 feet in height, the minimum yard shall be increased by one foot for each three feet by which the building height exceeds 60 feet.

§ 181-66. Special Requirements.

In the High-Rise Apartment District, the following specific regulations shall apply in addition to the other applicable regulations of this chapter:

A. General.

- (1) The application for a permit shall be accompanied by a plan which shall include, among other things, the information required below:
 - (a) The location, use, design and dimensions of all buildings and other structures, open spaces, yards, access ways, entrances, exits, off-street parking facilities and buffer strips.
 - (b) The character of buffer areas and screening devices to be maintained, including the dimensions and arrangement of all areas devoted to planting, lawns, trees or similar purposes.
 - (c) The provisions made for disposal of sanitary sewage, refuse and stormwater, including certification of the Borough Engineer as to adequacy, and a suitable contour map of the area.
 - (d) Sufficient data and/or plans, in all instances, to enable the Building Inspector, Planning Commission and Borough Council to determine that the proposed use complies with the requirements of this article and other pertinent requirements of this chapter.
 - (e) When deemed necessary by the Planning Commission and Borough Council, a traffic study, report and recommendations from a qualified traffic engineer shall be included with each application, which shall indicate:
 1. The general impact of the proposed improvement on traffic in the area.
 2. The adequacy of adjoining streets to accommodate projected traffic.
 3. Recommendations for the solution of any traffic problems which are expected to result from the proposed improvement.
- (2) The tract of land on which each permitted use is conducted shall be held in single ownership and shall be operated under unified control or management, except for single-family detached dwellings.
- (3) Each permitted use shall provide and maintain attractively landscaped grounds or make any other suitable screening provision which is necessary to adequately safeguard the residential character of adjacent districts.
- (4) If there are more than two buildings on a lot, the minimum distance between buildings shall be 20 feet.

- B. Parking requirements. The off-street parking and loading requirements of Article XIV Off-Street Parking and Loading Standards shall be met.

- C. Improvement agreement. In order to assure that the construction shall be completed in accordance with the approved plans, the applicant, prior to the issuance of any construction permit, shall enter into a written agreement with the borough providing for the completion of the entire project in accordance with the approved plan within a period of two years from the date of issuance of the

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permit or within such other mutually agreeable time period. Such agreement shall be secured by a completion guaranty in the form of a bond with or without corporate surety, in the discretion of Borough Council, in an amount equal to the construction cost and/or improvement cost of all streets, off-street parking facilities, buffer areas, screening devices and sanitary and storm sewers, as shall be estimated by the Borough Engineer.

D. Height limitation. No building shall exceed 100 feet in height.

§ 181-67. Changes in Plans.

Following the issuance of a permit or permits for construction in accordance with the approved plans, no change, deviation or alteration shall thereafter be permitted except when authorized by Borough Council.

ARTICLE XIV Off-Street Parking and Loading

§ 181-68. Intent.

It is the intent of this Article to:

- A. Allow flexibility in addressing parking, loading, and access by permitting construction of a reduced number of parking spaces under appropriate conditions.
- B. Set reasonable standards and provide reasonable controls to assure sufficient parking capacity for the uses or potential uses of land in the Borough.
- C. Prevent hazards to public safety caused by the intrusion of parking upon public rights-of-way.

§ 181-69. General Parking Requirements.

- A. All parking areas must meet the requirements of the Subdivision and Land Development Ordinance.
- B. Pedestrian Access. Safe provisions for pedestrian access to and through a parking lot shall be required.
- C. Exterior Lighting. All exterior lighting shall be designed to prevent glare onto adjacent properties. Surface parking areas and pedestrian pathways need to be clearly marked and well lit. Lighting should be sufficient for security and identification without allowing light to trespass onto adjacent sites. The height of fixtures shall be a maximum of 20 feet for parking lots and 14 feet for pedestrian walkways and shall comply with the Borough's Revitalization Master Plan, where applicable.
- D. Vehicular Access. Vehicular access to surface parking shall be from an alley or side street where possible.
- E. Location of Surface Parking. Parking shall be set back 10 feet from the street right-of-way or property line.
- F. Parking Space Dimensions. A required off-street parking space shall be 9 feet in width and 18 feet in length exclusive of any access drives, aisles, or columns.
- G. Interconnected Parking Areas. New parking areas on abutting nonresidential lots should be interconnected by access driveways. Each nonresidential lot shall provide cross-access easements for

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its parking areas and access driveways guaranteeing access to adjacent lots for future connections. Interconnections shall be logically placed and easily identifiable to ensure convenient traffic flow.

- H. For the purposes of this section, a required motor vehicle parking space shall consist of not less than 162 square feet of usable area, shall have dimensions of not less than nine feet in width and 18 feet in length, exclusive of aisles, driveways and maneuvering areas, and shall be suitable for the parking of a motor vehicle. Spaces in parking lots, wherever possible, shall be physically separated from a street or sidewalk by a barrier or buffer area and shall have access to a street or alley by way of an approved curb opening. Aisle space between rows of parked vehicles shall be not less than 24 feet for 90° parking and not less than 20 feet for 60° (or less) parking. In lots without a parking attendant, spaces for customers and clients shall be located with free access to exit aisles. Outdoor parking spaces, and the approaches thereto, shall be paved or covered with gravel or cinders to a minimum depth of two inches. Such outdoor parking space shall be deemed to be part of the open space on the lot on which it is located.

§ 181-70. Parking Use Requirements.

Parking space requirements by use or multiple uses on a site shall follow the standards found in the Table 5 below or follow the standards from § 181-74, On-Site Parking Reduction by Special Exception.

§ 181-71. Required.

Existing off-street parking facilities provided at the effective date of this article and actually being used at that date for the parking of vehicles in connection with the operation of an existing building or use shall not be reduced, until a time when the building or use is changed. The new building or use will be required to comply with the standards herein.

§ 181-72. Bicycle Parking.

Parking lots containing more than ten parking spaces shall provide one bicycle parking space for every ten parking spaces in bike racks in close proximity to the building entrance.

§ 181-73. Maximum Parking.

No more than 120 percent of the required minimum parking is permitted.

§ 181-74. On-Site Parking Reduction by Special Exception.

Recognizing that parking is a significant problem in the commercial areas of Jenkintown, the provision of alternative parking solutions may be a more practical way of meeting the parking needs for the non-residential uses in the Town Center (TC), Neighborhood Commercial Residential (NCR) and Gateway (G) Districts. For each non-residential use in these zoning districts, the Borough Council can approve a reduction in the number of required spaces provided on-site up to 100 percent, by a Special Exception. Parking can be reduced up to 100 percent if the necessary requirements are met by one of the following or a combination of the following. Parking spaces shall only be counted once.

- A. The use is located within 750 feet walking distance from a public parking facility which has available parking spaces for the subject property.

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- B. On-street parking is provided directly in front of or directly behind the building.
- C. Fee-in-lieu of parking spaces, per the requirements of § 181-75 below.
- D. Shared parking, per the requirements of § 181-76 below.

§ 181-75. Fee-in-Lieu of Parking Spaces.

Recognizing that the TC, NCR, and G Districts are already largely built out; that lot sizes and shapes cannot be easily altered to meet modern commercial needs; that the demolition of buildings in the commercial core to provide parking is in conflict with the intent to preserve the existing character and streetscapes of these districts, meeting all parking requirements on-site or adjacent to the subject property may not be feasible.

- A. If a new use or change in use cannot meet the minimum on-site parking requirements for a proposed property or use in the TC, NCR or G Districts, Borough Council may allow the payment of a fee-in-lieu of parking per parking space through an annual zoning use permit, to meet all or part of the reduction allowed in § 181-74 On Site Parking Reduction by Special Exception.
 - (1) The fee shall be payable in accordance with the Borough Council’s administrative policies for zoning use permits.
 - (2) Said fee (annual zoning use permit) may be adjusted in the future should at anytime the landowner provide some or all of the required parking being paid for either on-site or through another option in § 181-74 On Site Parking Reduction by Special Exception.
- B. The fee-in-lieu shall be an annual fee per space for each parking space reduction requested. The fee amount shall be in accordance with a fee schedule adopted from time to time by resolution of the Borough Council upon the enactment, or as such Schedule may be amended by resolution of the Borough Council. Said fee schedule will be kept on file at Borough Hall.
 - (1) The amount of said fee-in-lieu shall be based on the estimated cost of renting a parking space within the Borough of Jenkintown at the time of adoption of the fee resolution.
 - (2) Said fee-in-lieu and all interest earned thereon shall be placed in the Borough Parking Fund, which shall be held in an interest-bearing account in a bank authorized to receive deposits of Borough funds.
 - (3) The fee shall be collected when a land development agreement is finalized, or, if no land development agreement is required, before final building permits are issued, and annually from thereon.
- C. The Borough Parking Fund shall be used for:
 - (1) Planning, land acquisition, engineering and design, development, construction, and financing of a new parking facility;
 - (2) Non-routine capital repairs, expansion, and debt service on an existing municipal parking facility; or,
 - (3) Reducing the need for parking serving these zoning districts by improving transit, pedestrian, and/or bicycle access to the area.

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§ 181-76. Shared Parking.

Shared parking is permitted for two or more properties to provide the parking spaces required when two or more establishments share the same parking area, whether on the same lot or abutting lots, subject to the following conditions:

- A. A shared parking agreement (for two uses) or a shared parking district (for more than two uses), which involves a contractual agreement between users, is required and recorded. A shared parking agreement allows users an opportunity, if they choose, to redesign parking lots to be more efficient in serving multiple users. This may consist of making new curb cuts between parking lots, restriping lots, or redesigning internal traffic circulation and pedestrian walkways.
- B. That some portion of the shared parking area lies within 750 feet from a regularly used entrance into the building served by the shared parking arrangement.
- C. That sufficient area shall be set aside for the remainder of the required spaces, according to § 181-74 On Site Parking Reduction by Special Exception above.
- D. The minimum amount of shared parking required shall be calculated according to the following formula (see Table 4 below):
 - (1) Calculate the minimum amount of parking required for each land use as if it were a separate use.
 - (2) To determine peak parking requirements, multiply the minimum parking required for each proposed land use by the corresponding percentage in the table below for each of the six time periods.
 - (3) Calculate the column total for each of the six time periods.
 - (4) The column (time period) with the highest value shall be the minimum parking requirement.

*Table 4
Shared Parking Calculation Table*

Uses	Monday to Friday			Saturday and Sunday		
	8 am - 6 pm	6 pm - Midnight	Midnight - 8 am	8 am - 6 pm	6 pm - Midnight	Midnight - 8 am
Residential	60%	100%	100%	80%	100%	100%
Office	100%	10%	5%	5%	5%	5%
Commercial	90%	80%	5%	100%	60%	5%
Hotel	70%	100%	100%	70%	100%	100%
Restaurant	70%	100%	10%	70%	100%	20%

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Movie Theater	40%	80%	10%	80%	100%	10%
Entertainment	40%	100%	10%	80%	100%	50%
Institutional (non-religious institution)	100%	40%	5%	10%	10%	5%
Religious institution	20%	40%	5%	100%	50%	5%

§ 181-77. Proof of Parking Spaces.

If spaces are leased or licensed, Jenkintown Borough shall require proof of the leasing or licensing arrangement and use of the spaces to be kept on file in the Borough Hall. Proof of ongoing leases or licenses and use of the spaces will be required to be updated annually. Parking spaces designated for one use shall never be used to satisfy parking requirements for another use.

§ 181-78. Parking Requirements for Additions to Existing Structures/Uses.

The following standards shall apply when any existing use or structure is proposed for an addition or expansion that increases the unit(s) of measurement (such as number of dwelling units, gross or leasable floor area, seating capacity, building or portion of building maximum occupancy/ capacity, or number of employees) used for computing the required parking facilities for that use.

- A. When a lawful building or use not meeting the requirements for motor vehicle parking is increased in gross floor area by 50 percent or less, then only the addition shall be required to meet the standards of this Article XIV. The existing building or use is not required to come into compliance with the standards of this Article XIV.
- B. When a lawful building or use not meeting the requirements for motor vehicle parking is increased in gross floor area by more than 50 percent, then both the existing building or use and the addition shall be required to meet the standards of this Article XIV. This provision shall be cumulative and shall apply to any single or group of successive increases that occur after the effective date of this Article XIV.

§ 181-79. Parking Garages.

A parking structure must conform to all setback, height, bulk, and landscaping requirements for buildings within the District in which it is located. Parking structures are a conditional use only in the Town Center, Neighborhood Commercial Residential, and Gateway Districts.

- A. Where possible, vehicular access to parking garages shall be taken from alleys or driveways off the street or located behind or to the side of a building. No vehicular access shall be taken from York Road.
- B. For structures located on York Road, retail store fronts or other business uses on the street level shall be required for 100 percent of the frontage on York Road. These retail and service spaces shall incorporate display windows, canopies/awnings, and recessed entrance doors to enhance the parking structure.

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- (1) Entrances and/or exits to parking structures on York Road shall be allowed only where Borough Council determines that this is the only frontage reasonably available for such entrances and/or exits. In such cases, 100 percent of the first floor frontage shall still be maintained for walk-in retail and service uses, excluding the vehicular and pedestrian access ways.
- C. When the parking garage is situated with one or more of its facades facing a street other than York Road, 100 percent of the first floor frontage of each street-facing façade shall be maintained for walk-in retail and service uses, excluding the minimum area necessary for vehicular and pedestrian access ways to such garage structure. These retail and service spaces shall incorporate display windows, canopies/awnings, and recessed entrance doors to enhance the parking structure.
- D. Utilitarian appearances of parking structures are not permitted. Structures shall have design treatments such as colonnades, arcades, awnings, landscaping, street furniture, and other public amenities to create the appearance of an occupied building. Blank walls are not permitted.
- E. Cars shall be visually screened from adjacent buildings and the street and such screening shall be in keeping with the rest of the building's architectural style and materials. Any portion of a parking garage that fronts a street shall have all openings (second story and above) screened along the entire façade of such structure. Screening techniques may include the use of display windows, decorative grillwork, decorative glass, decorative masonry or a combination of these methods, or similar methods so as to ensure that vehicles within the garage are screened from the view of cars and pedestrians.
- F. Deck structure visible from the street must be horizontal rather than sloping.
- G. Parking structure facades that are visible to the public shall consist of high-quality materials such as brick, concrete banding, glass block banding or other materials characteristic of the Borough's architecture. Upper levels must use articulation or fenestration treatments that break up the massing of the garage and/or add visual interest.

§ 181-80. Loading.

- A. For new construction, service and loading areas must be to the side and rear of the building. Loading docks shall not be on the main street and shall be visually screened from the street and pedestrian ways. The Borough Zoning Officer shall have the authority to designate the area considered to be the main street.
- B. The location and size of loading areas shall be adequate for the safe maneuvering and parking of trucks that ingress and egress can occur on the lot without backing out onto a public street.
- C. Loading areas shall be lit to provide security and safety; however lighting shall be shielded to prevent glare onto adjacent properties.

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Table 5
Borough Parking Standards

Borough Parking Standards				
Uses	Residential Districts	Town Center District	Neighborhood Commercial Residential	Gateway Commercial
<i>Residential</i>				
Apartments (2nd Story and Above)		1/unit if existing building; 1.5/unit if new building	1/unit if existing building; 1.5/unit if new building	
Apartment Building		1.5/unit	1.5/unit	
Attached Dwelling/Townhome	2/du			
Single-Family Detached Dwelling	2/du			
Single-Family Semidetached Dwelling/Twin	2/du			
Two-Family Detached Dwelling/Duplex	2/du			
<i>Other Residential</i>				
Artist Live/Work Unit		1/du	1/du	
<i>Commercial</i>				
Artisan Manufacturing (hand-tools only; e.g., ceramic or jewelry)		No parking is required for the first 450 GFA devoted to sales/service; thereafter 1/300 GFA devoted to sales/service + 1/employee per largest shift	No parking is required for the first 450 GFA devoted to sales/service; thereafter 1/300 GFA devoted to sales/service + 1/employee per largest shift	
Bank or Financial Institution, excluding drive-throughs		1/400 SF Net Floor Area	1/400 SF Net Floor Area	1/250 SF Net Floor Area
Bar or Tavern		1/100 SF patron floor, + 1/employee per largest shift	1/100 SF patron floor, + 1/employee per largest shift	1/100 SF patron floor, + 1/employee per largest shift
Bed & Breakfast		1/guest room, + 2/primary dwelling		1/guest room, + 2/primary dwelling
Business or Professional Office (including doctor or dentist)		1/750 SF Gross Floor Area	1/750 SF Gross Floor Area	1/300 SF Gross Floor Area
Club or Fraternal Organization		1/100 SF Gross Floor Area		1/100 SF Gross Floor Area
Convenience Store without Fuel Pumps				1/200 SF Gross Floor Area
Day Care Center				1/employee per largest shift, + 1/10 pupils
Gallery and/or Museum		1/850 SF Gross Floor Area	1/850 SF Gross Floor Area	

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Borough Parking Standards				
Uses	Residential Districts	Town Center District	Neighborhood Commercial Residential	Gateway Commercial
Health Club and/or Gym		1/250 SF Gross Floor Area	1/250 SF Gross Floor Area	
Hotel/Bed and Breakfast			1/rented unit, + 1/200 SF Gross Floor Area in common or public use + 1/employee on largest shift	1/rented unit, + 1/200 SF Gross Floor Area in common or public use + 1/employee on largest shift
Indoor Entertainment, sports/theater related and motion picture theatre		1/10 seats	1/10 seats	1/100 SF Gross Floor Area, or 1/5 seats whichever is greater
Laundromat				1/300 SF Gross Floor Area
Motel				1/rented unit, + 1/employee per largest shift
Nursery and/or Greenhouse				1/300 SF Gross Floor Area
Personal Service Shop		No parking is required for the first 450 GFA devoted to sales/service; thereafter 1/300 GFA devoted to sales/service + 1/employee per largest shift	No parking is required for the first 450 GFA devoted to sales/service; thereafter 1/300 GFA devoted to sales/service + 1/employee per largest shift	1/300 SF Gross Floor Area
Restaurant, excluding drive-through		No parking is required for the first 400 GFA devoted to sales/service; thereafter 1/400 GFA devoted to sales/service + 1/employee per largest shift	No parking is required for the first 400 GFA devoted to sales/service; thereafter 1/400 GFA devoted to sales/service + 1/employee per largest shift	1/100 SF of patron floor Area + 1/employee per largest shift
Retail Store and Business Service		No parking is required for the first 450 GFA devoted to sales/service; thereafter 1/300 GFA devoted to sales/service + 1/employee per largest shift	No parking is required for the first 450 GFA devoted to sales/service; thereafter 1/300 GFA devoted to sales/service + 1/employee per largest shift	1/300 SF Gross Floor Area
Shopping Center				1/250 SF Gross Floor Area

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Borough Parking Standards				
Uses	Residential Districts	Town Center District	Neighborhood Commercial Residential	Gateway Commercial
Studios for dance, art, music, yoga, etc.		1/800 SF Gross Floor Area	1/800 SF Gross Floor Area	1/800 SF Gross Floor Area
Undertaking Establishment and Funeral Home		The greater of 1/4 seats or 1/50 SF Gross Floor Area	The greater of 1/4 seats or 1/50 SF Gross Floor Area	
<i>Other Uses</i>				
School			1/employee + 1/classroom	1/employee + 1/classroom
Municipal Use, Community Center, or Library	1/850 SF Gross Floor Area	1/850 SF Gross Floor Area	1/850 SF Gross Floor Area	1/850 SF Gross Floor Area
Religious Institution and Ancillary Use			1/5 seats	1/5 seats

ARTICLE XV
Provisions Applicable in All Districts

§ 181-81. Exceptions for Buildings of Public Service Corporations.

This chapter shall not apply to any existing or proposed building, or extension thereof, used or to be used by a public service corporation if, upon petition of the corporation, the Public Utilities Commission shall, after public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public.

§ 181-82. Fences, Walls and Other Property Enclosures.

A. Fence orientation and maintenance.

- (1) All fences shall be erected with the finished side facing the adjacent property or street. The finished side shall be considered the side without the structural supporting members.
- (2) Fences and walls shall be maintained and installed so that they are straight and do not sag, lean in any direction or extend over the property line outward from the lot into a right-of-way or other pedestrian-accessed area on which the fence or wall is located.
- (3) Fences shall be erected only at the natural grade of the property and shall not be erected on berms or artificial mounds.

B. Boundary fences and walls.

- (1) Location. Boundary fences and walls shall be located within five feet of the property line. Satisfactory evidence must be presented to the Zoning Officer of a boundary survey with its corners properly marked by monuments or stakes placed under the direction of a registered engineer or land surveyor, unless the boundary line in question can be easily established by the Zoning Officer or his designee.
- (2) In all front yards, boundary fences and walls shall be a maximum height of four feet unless authorized by a special exception of the Zoning Hearing Board after a public hearing. For purposes of this Article, a front yard is any portion which abuts a public street.
- (3) In all side yards, beyond the front yard setback, and all rear yards, the maximum height for a boundary fence within five feet of the property line shall be a maximum of six feet and measured by the lowest grade at the point of installation, not to include the support posts which may be a maximum of six inches above the required six feet, unless authorized by a special exception by the Zoning Hearing Board after a public hearing.

C. Decorative fences and/or walls. Decorative fences and walls may be located anywhere within a parcel and shall have a maximum height of three feet. Decorative walls are not to be used as retaining walls. Examples of decorative fences and walls include, but are not limited to, picket fences, iron or similar fences, stone or similar walls, and raised planting areas.

D. Privacy and residential swimming pool fences. In all side yards, beyond the front yard setback, and rear yards, privacy fences shall be located a minimum of 10 feet from the stated property lines. Privacy fences are not permitted beyond the rear of the main building unless authorized as a special exception by the Zoning Hearing Board after a public hearing. The maximum height of a privacy fence shall be six feet; the minimum height for a swimming pool fence shall be four feet. Where privacy fences are attached to a structure, there shall be at least one access point (such as a gate or opening) at least three feet wide for rapid access to and from the yard enclosed by a fence. All

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swimming pool fences and/or privacy fences enclosing a swimming pool shall have a self-locking gate with an audible alarm.

E. Temporary fences. A temporary fence may be constructed with wire, rolled plastic, wood or other suitable material as determined by the Code Enforcement or Zoning Officer. The maximum height shall be six feet unless a height in excess of six feet is required by the International Building Code for the protection of a construction site that has been issued proper permits by the Borough or for the protection of a deemed hazard by the Code Inspector or Zoning Officer. The Code Inspector or the Zoning Officer shall establish the time duration for a temporary fence. All temporary fences, prior to installation, must first have the approval of the Code Inspector or the Zoning Officer.

F. Retaining walls.

(1) When the adjoining grade is not higher than the natural level, the person causing an excavation to be made shall erect, when necessary, a retaining wall at his own expense and on his own land. Such wall shall be built to a height sufficient to retain the adjoining earth, shall be properly coped and shall be provided with a guardrail or fence not less than four feet in height. A fence shall not have openings in excess of four inches.

(2) Walls built to retain or support the lateral pressure of earth, water or other superimposed loads shall be designed and constructed of approved masonry, reinforced concrete, steel sheet pilings or other approved materials within the allowable stresses of engineering practices, and subject to the approval of the Borough Engineer and the Code Inspector and in conformance with the Borough of Jenkintown Code.

(3) A retaining wall of approved construction, designed by a registered civil engineer or architect, shall be required for all permanent landfills or excavations which exceed three feet in height or depth along a property boundary line, unless a 1:1 natural slope of the land can be maintained entirely within the boundaries of the excavated or filled property.

G. Regulations for all fences and walls.

(1) A certified survey to identify the property line shall be required when making application for a boundary fence, wall or retaining wall unless proof of the location of the property line can be established otherwise.

(2) The tops of fence posts or vertical supports shall be no more than six inches above the required six feet fence height, unless authorized by a special exception by the Zoning Hearing Board after a public hearing.

(3) Gates or other points of entry in fences and walls shall not swing outward across the property line.

(4) No fence or wall shall impede the natural flow of water in any watercourse, ditch or swale.

(5) No fence with barbed wire, spikes, exposed nails or other sharp objects shall be permitted. No fence with any type of electrical current is permitted.

(6) Chain-link or wire-mesh fences are not permitted, except by special exception of the Zoning Hearing Board after conducting a public hearing, and, where granted, the fence shall be landscaped in such a manner as to be indiscernible from such landscaping from any viewpoint on adjacent properties and street. Fences generally shall be made of natural material, wood, wrought iron, architectural-grade plastic, aluminum or other architectural-grade material.

(7) In the case of replacement or repair of existing fences and walls, a similar fence may be installed, with the exception of a chain-link fence, provided the applicant obtains a statement of approval from the adjacent property owner granting the replacement and repair without adhering to the requirements of this Section.

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- (8) Before a boundary fence, wall or other similar enclosure is installed, removed, altered or replaced, the property owner shall give written notice to adjoining property owners. A copy of the written notice shall be given at least five working days prior to the start of work, and a copy of all letters shall be attached to the permit application when submitted to the Borough.

H. Permits required.

- (1) The landowner, or the applicant with the landowner's permission, shall submit a copy of the certified survey, or proof of boundary markers by photographs, or a detailed plan showing the location of the fence or wall on the property, the type of the fence or wall, the height from the natural grade, all openings and other related information. The Borough may field inspect the property prior to issuing or rejecting a permit application to determine the existing condition of a fence or wall, the placement of boundary markers or other related conditions.
- (2) Prior to the installation of any boundary fence, wall or retaining wall, a string line inspection must be made by the Code Inspector or other designated Borough official. Approval must be granted before installation can proceed. Failure to comply is a violation of this Code as addressed in Article XVIII, Violations and Penalties; Fees.
- (3) The Borough shall also have the authority to inspect the fence once it is built to ensure that it was constructed according to the approved permit and plan submitted.
- (4) A building permit must be applied for, approved, received, and posted on the property prior to the start of any work other than work required performing a survey. All fees associated with permits shall be assessed equal to that of a building permit.

§ 181-83. Exceptions to Yard Requirements for Private Garages, Tool and Accessory Sheds and/or Other Storage Buildings.

Nothing in these regulations shall prohibit the erection of a detached private garage, tool and accessory shed and/or other storage building which otherwise meets all applicable building and zoning regulations anywhere in the rear yard, but not nearer than five feet from any side or rear property line. Adequate provisions must be made for disposal of surface stormwater from adjoining properties as well as disposal of roof water. Only one detached building, either an accessory building or garage, is permitted.

§ 181-84. Parking and Storage of Recreational Vehicles and Equipment and Certain Other Vehicles.

- A. Recreational vehicles and equipment, ambulances, hearses, fire engines and buses in other than commercial use owned or leased by the owner or occupant of any property situate in any residential district within the Borough may only park or store such vehicle and equipment upon said premises if it complies with the following conditions:
 - (1) It shall not be used for living or housekeeping purposes.
 - (2) It does not exceed 26 feet in length, exclusive of its trailer, hitch or towbar.
 - (3) Not more than one such vehicle, with or without a trailer, may be stored outside of a garage.
 - (4) Such vehicle must be stored or parked behind the front wall or face of the home or main building constructed on the property on which the vehicle is parked or stored.
- B. Any person or persons storing recreational vehicles and equipment or ambulances, hearses, fire engines and buses outside of a garage or on any property situate in a residence district in the Borough

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for a period in excess of two weeks must first secure an annual permit from the Borough upon application and the payment of a registration fee of \$2.00. This permit shall be evidenced by a sticker to be affixed upon such vehicle in a prominent place, and such stickers shall be issued annually.

§ 181-85. Loading Spaces.

In addition to required parking space, off-street loading and unloading space, with proper access from the street or alley shall be provided on any lot on which a building for trade or business is hereafter erected.

§ 181-86. Residential Swimming Pools and Other Artificial Bodies of Water (to include ponds and hot tubs).

Residential swimming pools, hot tubs, or decorative ponds are permitted as an accessory use in residence districts and shall comply with the following requirements:

- A. Pools and Ponds must be located at least 15 feet from any main dwellings, 10 feet from the rear property line, 10 feet from any side property line and 15 feet back from the front build-to line.
- B. Hot tubs shall be at least three feet from the primary dwelling.
- C. In the case of swimming pools, they must have a drainage connection to a storm sewer or open stream, not a sanitary sewer, unless such connection is approved by Borough Council.
- D. Swimming pools must have an approved type filtration system which will keep the water clean and sanitary at all times.
- E. All swimming pools, hot tubs, or decorative ponds must be enclosed with at least a four-foot fence with self-locking gate that satisfies the following minimum requirements:
 - (1) Wood picket, three-fourths-inch stock.
 - (2) Iron picket, one-half-inch iron bar.
 - (3) Woven or other solid fence, of strength equivalent to one of the foregoing, satisfactory to the Building Inspector.

§ 181-87. Nonconforming Buildings or Uses.

- A. Continuation. The lawful use of a building or land existing on the effective date of this chapter, or authorized by a building permit issued prior thereto, may be continued, although such use does not conform with the provisions of this chapter.
- B. Extension. A nonconforming use may be extended throughout the building or premises held in single and separate ownership at the effective date of this chapter, provided that any extension or enlargement shall conform to the area and height regulations of the district in which it is situated, and provided that no addition or structural alteration for such nonconforming use shall exceed 25 percent of the floor area of said building at the effective date of this chapter.
- C. Changes. A nonconforming use of a building or land may be changed to a nonconforming use of the same or more restricted classification, if no structural alterations are made. If such change may include structural alterations authorization of a special exception by the Zoning Hearing Board after public hearing is required. Whenever a nonconforming use of a building or land has been changed to a use of a more restricted classification or to a conforming use, such use shall not return/revert to a less restrictive classification.

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- D. Restoration. A nonconforming building which has been damaged or destroyed by fire or other causes to an extent of not more than 50 percent of its value, as determined by the Building Inspector, or a nonconforming building which has been legally condemned may be reconstructed and used for the same nonconforming use, provided that the reconstructed building shall not exceed in height, area and volume of the building destroyed or condemned and building reconstruction shall be commenced within one year from the date the building was destroyed or condemned and shall be carried on without interruption. Borough Council may authorize the retaining of experts to provide data to the Building Inspector as the basis for making a determination on the extent of the destruction. In the case of an appeal from such determination by the Building Inspector, experts may be retained to present such data to the Zoning Hearing Board.
- E. Abandonment. If a nonconforming use of land or of a building ceases or is discontinued for a continuous period of one year or more, subsequent use of such building or land shall be in conformity with the provisions of this chapter.

§ 181-88. Nonconforming Lots.

A building may be erected or altered on any lot held at the effective date of this chapter in single and separate ownership which is not of the required minimum area or width or is of such unusual dimensions that the owner would have difficulty in providing the required open spaces for the district in which such lot is situated, provided that a special exception is authorized by the Zoning Hearing Board.

§ 181-89. Temporary Nonconforming Uses.

A temporary nonconforming use, which will benefit the public health or welfare or promote proper development of a district in conformity with the intent of this chapter, may be permitted for a period of not more than one month, on the approval of the Zoning Hearing Board, but any such use to be permitted for a longer period shall require a public hearing thereon, after which a Zoning Hearing Board certificate may be issued for a period not exceeding one year in any case.

§ 181-90. Reduction of Lot Area.

No lot area shall be so reduced that the area of the lot or the dimensions of the open spaces shall be smaller than herein prescribed.

§ 181-91. Exceptions to Front Yard Requirements.

The regulations of Section 181-12.B, Dimensional Standards, Option 2 may be used.

§ 181-92. Prohibited Uses.

No lot may be used as or for a trailer camp, tourist cabin or automobile court. No building may be erected, altered or used, and no lot or premises may be used, for any trade, processing or business which is noxious or offensive by reason of odor, dust, smoke, gas, vibration, illumination or noise, or which constitutes a public hazard whether by fire, explosion or otherwise. No commercial enterprise authorized under the Code, either specifically or permitted as a special exception, which is principally devoted to the

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sale for consumption, either on or off the premises, of food, shall be permitted to be open to the public between the hours of 1:01 a.m. and 4:49 a.m., prevailing time.

ARTICLE XVI Administration

§ 181-93. Permit Requirements.

In addition to building permits as required by the Building Code of the Borough of Jenkintown, a zoning use permit, which may be a part of the building permit, shall be required prior to the erection or structural alteration of any building, structure or portion thereof, prior to the initial use or change in use of a building or land, prior to the change or extension of a nonconforming structure or portion thereof, prior to the initial use or change or extension of a nonconforming use and prior to the change in occupancy of any commercial use or other nonresidential use. No permit shall be considered complete or permanently effective until the Building Inspector has certified that the work has been inspected and approved as being in conformity with the provisions of this chapter and other applicable ordinances.

- A. It shall be the duty of the Building Inspector, and he is hereby given the power and authority, to enforce the provisions of this chapter.
- B. The Building Inspector shall require that the application for a building permit and a zoning use permit, together with the accompanying plot plan, contain all the information necessary to enable him to ascertain whether the proposed building complies with the provisions of this chapter.
- C. Applications for a building permit and zoning use permit shall be signed by the owner or tenant of the property involved or the legal representative of such owner or tenant.
- D. No building permit or zoning use permit shall be issued until the Building Inspector has certified that the proposed building, alteration or use complies with all the provisions of this chapter and other applicable ordinances.
- E. It shall be unlawful for any person to commence work for the erection or alteration of any building or swimming pool, as defined by this chapter, until a building permit and a zoning use permit have been duly issued therefor or to occupy such use until an occupancy permit has been approved.
- F. No building permit or zoning use permit for the erection or conversion of a commercial building shall be issued until the Fire Marshal, Borough Fire Chief, Plumbing Inspector and Building Inspector have certified that the proposed building, alterations or use complies with all the provisions of this chapter and other applicable ordinances.
- G. Hours of operation.
 - (1) Contractors and builders, including but not limited to construction contractors, plumbers, electricians, mechanical contractors, mason contractors and like trades shall be permitted to operate within the Borough of Jenkintown only between the following hours: Monday through Friday, 7:00 a.m. to 7:00 p.m.; Saturday, 8:00 a.m. to 5:00 p.m.; and Sunday 9:00 a.m. to 5:00 p.m.
 - (2) The provisions of Subsection G(1) shall apply to all zoning districts within the borough.
 - (3) Any violation of this Subsection G shall be subject to the penalties as set forth in Article XVIII Violations and Penalties; Fees of this Chapter.

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§ 181-94. Applications to Zoning Hearing Board.

An appeal or an application for a special exception or variance from the terms of this chapter may be filed with the Secretary of the Zoning Hearing Board and shall set forth the following facts:

- A. Name and address of the applicant.
- B. Name and address of the owner of the real estate to be affected by the proposed exception or variance.
- C. A brief description and location of the real estate to be affected by such proposed change.
- D. Present zoning classification of the real estate in question, the improvements thereon and its present use.
- E. Section of this chapter under which the variance or exception requested may be allowed and reasons for which it should be granted.
- F. A reasonably accurate description of the improvements and the additions intended to be made under this application, indicating the size of such proposed improvements, material and general construction thereof, and in addition thereto attach a plot plan of the real estate to be affected, indicating the location and size of the lot and the size of the improvements now erected and proposed to be erected thereon.
- G. A deposit to cover the cost of advertising and notification shall accompany the application.
- H. In order to completely satisfy and enable the Zoning Hearing Board to judge the full effectiveness of the design and the complete character of the entire application, full information and sufficient data in all instances shall be included with the application as follows:
 - (1) For any conversion of existing properties, designation of the existing structure shall be clearly shown on the plan, and any new construction shall be clearly shown by heavier or crosshatched lines and designated "new construction." New partitions, doors, entrances, stairways and windows, giving sizes, shall be clearly designated.
 - (2) Floor plans and elevations, drawn to a scale showing the entire room layout, dimensions of all rooms, window location and sizes, width of all halls and stairways, exits, type of materials to be used, interior and exterior, and floor material.
 - (3) Plot plan, drawn to scale, giving the total area of the lot, total building area proposed on the lot and the location of the building, giving dimensions to all property lines and street lines. Where buildings exist on adjoining lots, setbacks of these adjoining properties shall be shown and distance to any buildings on adjoining lots.
 - (4) Off-street parking plan, drawn to a scale showing all parking spaces in accordance with Article XIV Off-Street Parking and Loading Standards, showing the traffic pattern with adequate driveways connecting the parking spaces with a street or right-of-way. There shall be no more than one entrance and one exit per street from each lot opening into a street or highway. No parking space shall utilize pedestrian sidewalks or block areas devoted to pedestrian use. No parking space shall be within five feet of any street line and shall be designated a grass and planting area. Areas for loading and unloading off street for delivery trucks, refuse, fuel and other service vehicles shall be provided and shall be so arranged that they may be used without blockage with the use of accessways, exits or parking facilities.
 - (5) Each off-street parking space shall consist of not less than 200 square feet, exclusive of driveways, entrances and exits. Any entrance or exit to a basement or underground garage shall not have a gradient steeper than one in seven or 14 percent, and any columns supporting the building shall not obstruct the usable parking area for each parking space.

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§ 181-95. Registration of Nonconforming Uses.

The Building Inspector shall identify and register non-conforming uses and nonconforming structures in accordance with the requirements of the Pennsylvania Municipalities Planning Code. It shall be his duty to prepare or have prepared and to maintain a list or record of the nonconforming uses and structures within the borough, which record shall describe specifically the nature of any nonconformity and indicate wherein the nonconforming use or structure differs from the provisions of this chapter.

§ 181-96. Conditional Uses.

The conditional use process is designed to allow a careful review of uses that have some potential for conflicts with adjacent uses or areas.

§ 181-97. Conditional Uses Procedure.

- A. The Zoning Officer shall not grant a permit under this chapter for a proposed conditional use until written approval of the Borough Council is obtained.
- B. A written application for a conditional use shall be submitted by the applicant to the Zoning Officer or the Zoning Officer's authorized agent, explaining in detail the proposal of the applicant; photographs of the existing site or building and drawings or other plans showing the proposed conditional use may be required by the Zoning Officer.
- C. Site plan, pursuant to Article IV of the Subdivision and Land Development Ordinance, as amended, to determine whether a detailed site plan is required.
- D. The Zoning Officer should, prior to the next Borough Council meeting where the application will be discussed, review the plan to determine compliance with this chapter and submit a report to the Borough Council.
- E. The Planning Commission may, at its option, review a proposed conditional use application and submit an advisory recommendation to the Borough Council. The intent of this provision is to allow an additional review for proposed uses that would have wide-ranging effects.
- F. The Borough Council shall review any reports received from the Zoning Officer and Planning Commission.
- G. The Borough Council shall decide a request for a conditional use in accordance with the procedure set forth herein, including payment of an application fee by the applicant.

§ 181-98. Approval of Conditional Uses.

- A. The Borough Council shall approve any proposed conditional use if it finds adequate evidence that any proposed use will meet:
 - (1) All of the standards listed in this section.
 - (2) All of the specific standards for the proposed use listed in the relevant section.
 - (3) All other applicable requirements of this chapter.

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- B. In granting a conditional use, the Borough Council may attach such reasonable conditions and safeguards, in addition to those expressed in this chapter, as it may deem necessary to implement the purposes of the Pennsylvania Municipalities Planning Code and this chapter.

§ 181-99. Conditional Use Standards

Each conditional use shall comply with all of the following standards:

- A. Other laws. It shall not be in serious conflict with other Borough ordinances or state or federal laws or regulations that the Borough Council has clear knowledge of.
- B. Master Plan. It shall be generally consistent with the adopted Comprehensive Plan.
- C. Traffic. It shall not result in or significantly add to a serious traffic hazard or serious traffic congestion.
- D. Safety. It shall not create a significant public safety hazard, including fire, toxic or explosive hazards.
- E. Design. It will involve adequate sight design methods, including evergreen screening, setbacks, berming and traffic control, to avoid serious negative influences on adjacent uses.

§ 181-100. Conditional Uses Compliance.

Conditions imposed by the Borough Council shall automatically become conditions of any building or other permit issued in connection with the use, and any failure to comply with said conditions shall be a violation of this chapter as well as of any other ordinance relating to such permit.

ARTICLE XVII Zoning Hearing Board

§ 181-101. Creation of Board; Membership.

A Zoning Hearing Board (hereinafter "Board") is established in accordance with the provisions of Article IX of the Pennsylvania Municipalities Planning Code, as amended. The membership of the Board shall consist of five residents of the borough appointed by Borough Council.

§ 181-102. Functions and Powers.

- A. The Board shall have the functions and powers prescribed by law. In accordance with the provisions of Article IX of the Municipalities Planning Code, the Board shall:
 - (1) Hear and decide appeals where it is alleged by the appellant that the Building Inspector/Zoning Officer has failed to follow prescribed procedures or has misinterpreted or misapplied any provision of this chapter or the Zoning Map or any valid rule or regulation governing the action of the Building Inspector/Zoning Officer.
 - (2) Hear requests for variances where it is alleged that the provisions of this chapter inflict unnecessary hardship upon the applicant subject to the standards prescribed by law and contained in §181-109 Effective Period of Decisions, of this article.

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- (3) Hear and decide requests for special exceptions where this chapter states that a special exception may be granted or denied by the Board in accordance with express standards and criteria contained in this chapter.
 - (4) Hear challenges to the validity of this chapter or to the Zoning Map which properly come before the Board in accordance with the Planning Code and shall take evidence, decide contested questions of fact, make findings and make a record thereof, as prescribed by said code and by this chapter.
 - (5) Hear unified appeals relating to any borough ordinance, which appeals are brought before the Board in conjunction with a zoning matter over which the Board has jurisdiction in accordance with the requirements of Section 913.1 of the Planning Code.
- B. In granting any variance or special exception, the Board shall comply with the provisions and standards of §181-110, Standards for Reviews.

§ 181-103. Actions Board May Take.

In exercising the above-mentioned powers, the Board may reverse or affirm, wholly or in part, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination, as ought to be made and, to that end, shall have all the powers of the officer from whom the appeal is taken.

§ 181-104. Rules of Procedure.

The Board shall adopt rules of procedure in accordance with the several provisions of this chapter as to the manner of filing appeals or applications for special exceptions or for variance from the terms of this chapter.

§ 181-105. Meetings.

Meetings of the Board shall be held at the call of the Chairman and at such times as the Board may determine. The Chairman or, in his absence, the Acting Chairman may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.

§ 181-106. Notice of Hearings.

In any case where the Zoning Hearing Board shall hold a public hearing, the Board shall, at the minimum, give notice of such hearing as follows, which notice shall state the time and the place of the hearing and the particular nature of the matter to be considered at the hearing:

- A. By publishing a notice thereof once each week for two successive weeks in a newspaper of general circulation in the borough, provided that the first publication shall be not more than 30 days nor less than 14 days from the date of the hearing. In addition, the property which is the subject of the application shall be posted as required by law.
- B. By mailing or serving due notice thereof to the parties in interest.

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- C. By mailing or serving notice thereof to the Borough Council
- D. By mailing or serving notice thereof to the owner or owners, if their residence is known, or to the occupier or occupiers of lots, residences or buildings located within the following specified distances of the property lines of the lot or building which is the subject of the hearing before the Zoning Hearing Board. To determine the radius of distribution to be used as to each case, reference shall be made to the zoning district or classification in which the building or lot is located which is the subject of the hearing before the Zoning Hearing Board (see Table 6 below). Failure to give notice required by this subsection shall not invalidate any action taken by the Board.

*Table 6
Notice Distribution Requirements*

Zoning District	Radius of Distribution (feet)
A	300
B-1	300
B	200
C	150
C-1	150
HR	150
TC	150
NCR	150
G	150

- E. The notices herein required shall state the location of the building or lot and the general nature of the question involved.
- F. The Board shall make a decision on the appeal within 45 days after the hearing or, if said hearing is continued, within 45 days after said continued hearing. If the Board does not make a decision within 45 days after the hearing or continued hearing, it shall be deemed that the Board has decided in favor of the person or the officer of the borough aggrieved or affected who is seeking relief. Upon the hearing, any party may appear in person or by agent or by attorney.

§ 181-107. Issuance of Certificates.

It shall be the duty of the Secretary of the Zoning Hearing Board to issue the Zoning Hearing Board certificate after public hearings held in accordance with the provisions of § 181-101 Creation of Board; Membership through § 181-106, Notice of Hearings. The Zoning Hearing Board may cancel or revoke a Zoning Hearing Board certificate for any violation of this chapter or of conditions imposed.

§ 181-108. Restrictions on Renewed Applications; Time Limit for Appeals.

An application to this Board for a special exception or variance, if refused, shall not be renewed within the period of one year, unless there has been a change in conditions and unless the renewed application

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distinctly sets forth such changes. All appeals from any order, requirement, decision or determination made by any administrative official in the enforcement of this chapter must be made within 30 days of said order, requirement, decision or determination.

§ 181-109. Effective Period of Decisions.

Unless the Zoning Hearing Board in its orders and decisions stipulates otherwise, all decisions on appeals for variances and exceptions under this chapter shall be effective for a period of two years, and, unless the order or decision has been complied with within said period of time, it shall thereafter cease and be of no effect, said limitation to be applicable to all previous cases for the same length of time, from March 13, 1959.

§ 181-110. Standards for Reviews.

In any instance where the Zoning Hearing Board is required to consider an exception or variance in this chapter or the Zoning Map in accordance with the provisions of this chapter, the Board shall, among other things:

- A. Assure that the proposed change is consistent with the spirit, purpose and intent of this chapter and consider the effect upon the public interest of granting or denying the application.
- B. Determine that the proposed change will not substantially injure or detract from the use of neighboring property or from the general character of the neighborhood and that the use of the property adjacent to the area included in the proposed change or plan is adequately safeguarded.
- C. Determine that the proposed change will serve the best interest of the borough, the convenience of the community, where applicable, and public welfare.
- D. Consider the unnecessary hardship which will or may be inflicted upon the applicant by the denial of his application.
- E. Consider the presence or absence in the neighborhood of conditions or uses which are the same or similar in character to the condition or use for which the applicant seeks approval.
- F. Consider the effect of the proposed changes upon the logical, efficient and economical extension of public services and facilities, such as public water, sewers, police and fire protection and public schools, and assure adequate arrangements for sanitation in specific instances and require a certificate of adequacy, in any case herein or deemed necessary or advisable by the Zoning Hearing Board from the Health and Sanitation Department, Fire Marshal, Highway Department, Police Department and School Board.
- G. Safeguard the development of street frontage insofar as possible so as to limit the total number of access points with respect to its probable effects upon street traffic to avoid traffic congestion and be hazardous to pedestrian traffic, including children going to and from the schools.
- H. Impose such conditions, in addition to those required, as are necessary to assure that the general purpose and intent of this chapter are complied with, which conditions may include but are not limited to the harmonious design of buildings, planting and its maintenance as a sight or sound screen and the minimizing of noxious, offensive or hazardous elements or other conditions which the Zoning Hearing Board deems advisable to protect the public interest and welfare.

ARTICLE XVIII
Violations and Penalties; Fees

§ 181-111. Failure to Secure Permits or Certificates.

Failure to secure a zoning permit or Zoning Hearing Board certificate, when required, previous to the erection, construction, extension or addition to a building shall be a violation of this chapter.

§ 181-112. Notice of Violation.

When written notice of violation of any of the provisions of this chapter has been served by the Building Inspector on the owner, agent or occupant, contractor or builder, such violation shall be discontinued immediately.

§ 181-113. Violations and Penalties.

For any and every violation of the provisions of this chapter, the owner, general agent or contractor of building or premises where such violation has been committed or shall exist, and the lessee or tenant of an entire building or entire premises where such violation has been committed or shall exist, and the owner, general agent, contractor, lessee or tenant of any part of a building or premises in which part such violation has been committed or shall exist, and the general agent, architect, building contractor or any person who knowingly commits, takes part or assists in any such violation, or who maintains any building or premises in which any such violation shall exist shall be liable on conviction thereof to a fine not exceeding \$500 for each and every offense or imprisonment in Montgomery County Prison for a period not exceeding 60 days, and whenever such person shall have been notified by the Building Inspector or by service of warrant in a prosecution, or in any other way, that he is committing such violation of this chapter, each day that he shall continue shall constitute a separate offense punishable by a like fine or imprisonment.

§ 181-114. Remedies.

In case any building, structure or land is or is proposed to be erected, constructed, reconstructed, altered, converted, maintained or used in violation of this chapter, Borough Council, or with the approval of Borough Council, an officer of the borough designated, in addition to other remedies, may institute in the name of the borough any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure or land, or to prevent in or about such premises any act, conduct, business or use constituting a violation.

§ 181-115. Fees.

A. Application for a change of zoning (revision to Zoning Map, curative amendment or challenges):

- (1) The filing fees and the deposit for a change of zoning shall be fixed from time to time by a resolution of the Borough Council.
- (2) The deposit shall be applied to the payment of all costs incurred by the borough incidental to the application, including but not limited to advertising, stenographic services, engineering services,

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legal services, administrative services, etc. Any portion of the deposit not used to cover such expenses shall be refunded to the applicant as soon as a formal decision is made by Borough Council and all the bills or expenses incidental to the application have been received and paid.

- (3) Costs incurred by the borough in excess of the filing fee and the deposit shall be billed to the applicant. Upon failure of the applicant to forthwith pay the bill so rendered, the Borough Secretary shall commence appropriate proceedings to recover the same from all persons obligated to pay the same.
- B. Application for a hearing before the Zoning Hearing Board (requesting a variance or special exception; appealing a decision of the Zoning Officer):
- (1) The filing fee and the deposit for a hearing before the Zoning Hearing Board shall be fixed from time to time by a resolution of the Borough Council.
 - (2) The deposit shall be applied to the payment of all costs incurred by the borough incidental to the application, including but not limited to advertising, stenographic services, engineering services, legal services, administrative services, etc. Any portion of the deposit not used to cover such expenses shall be refunded to the applicant as soon as all of the bills or expenses incidental to the application have been received and paid, but not sooner than 60 days after the Zoning Hearing Board's written decision, if not appealed; or if appealed, no sooner than 60 days after a court order on the appeal.
 - (3) If any proceeding before the Zoning Hearing Board cannot be completed on one hearing date, the Borough Secretary shall be authorized to collect in advance from the applicant additional deposits in an amount equal to the deposit required for the first hearing for each and every continued hearing date. In every case the applicant shall be obligated to pay all costs incurred by the borough incidental to the application.
 - (4) Costs incurred by the borough in excess of the filing fee and the deposit(s) shall be billed to the applicant. Upon failure of the applicant to forthwith pay the bill so rendered, the Borough Secretary shall commence appropriate proceedings to recover the same from all persons obligated to pay the same.
- C. Other zoning items. The Borough Council shall by resolution fix from time to time fees for other zoning items, including but not limited to use and occupancy permits and zoning publications.

ARTICLE IX Amendments

§ 181-116. Amendment Procedures.

Borough Council may from time to time supplement, change, modify or repeal this chapter, including the Zoning Map, by amending the chapter, in accordance with the provisions of the Pennsylvania Municipalities Planning Code and this section.

- A. By resolution adopted at a regular or special meeting, Borough Council shall fix the time and place of a public hearing on the proposed amendment and shall publish a notice thereof once each week for two successive weeks in a newspaper of general circulation in the borough, provided that the first publication shall be not more than 30 nor less than 14 days from the date of the hearing.
- B. Borough Council shall submit each proposed zoning amendment, other than one prepared by the Borough Planning Commission, to the Planning Commission for review and recommendation. Such

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amendment, which may include any amendment requested by a landowner in accordance with the Planning Code, shall be submitted to the Planning Commission at least 30 days prior to any hearing which is to be held on the proposed amendment, in order to provide the Commission with an opportunity to submit its recommendations prior to final action. Whenever Council has adopted a Comprehensive Plan or any part thereof, the recommendations of the Planning Commission shall include a specific statement as to whether or not the proposed action on any zoning amendment is in accordance with the intent of the formally adopted portion of said Comprehensive Plan.

- C. A copy of any proposed zoning amendment also shall be submitted to the County Planning Commission at least 30 days prior to any hearing to be held on the proposed amendment in order to provide the Commission with an opportunity to submit its recommendations prior to final action.

§ 181-117. Citizen Petition.

Whenever the owners of more than 50 percent of the frontage in any district or part thereof shall present to Borough Council a petition duly signed and acknowledged requesting an amendment, supplement, change, modification or repeal of the regulations prescribed for or of the Zoning Map including such district, it shall be the duty of Borough Council to hold a public hearing thereon and cause notice thereof to be given in the manner prescribed in § 181-116, Amendment Procedures. The petition shall set forth the following facts:

- A. Signature and address of each owner/petitioner, together with the number of feet frontage in any district or part thereof.
- B. The petition, if pertaining to the Zoning Map, shall have attached thereto a plot plan of the real estate to be affected.

ARTICLE XX Floodplain Conservation District

§ 181-118. Purpose.

The intent of this ordinance 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 borough and its residents by preventing excessive development on areas subject to flooding.
- E. Comply with federal and state floodplain management requirements.
- F. Provide for the designation of a Floodplain Conservation District as required by the Federal Insurance Administration as a condition of eligibility for certification under the National Flood Insurance Program for low cost flood insurance for structures already located within flood zone boundaries delineated by the Federal Insurance Administration.

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§ 181-119. Abrogation and Greater Restrictions; Severability; Disclaimer of Liability.

- A. This article 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 provisions of this article, the more restrictive shall apply.
- B. If any section, subsection, paragraph, clause or phrase of this article shall be declared invalid for any reason whatsoever, such a decision shall not affect the remaining portions of this article, which shall remain in full force and effect, and for this purpose of the provisions of this article are hereby declared severable.
- C. The degree of flood protection sought by the provisions of this article 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 article shall not be construed to imply that areas outside of any identified floodplain areas or land uses permitted within such areas will be free from flooding or flood damages.
- D. This article shall not create liability on the part of the Borough of Jenkintown or any officer or employees thereof for any flood damages that result from reliance on this article or any administrative decision made lawfully thereunder.

§ 181-120. Definitions.

Unless specifically defined below, words or phrases used in this article shall be interpreted so as to give this article its most reasonable application.

ACCESSORY USE OR STRUCTURE

A building or use subordinate to the main building or use on a lot and used for purposes customarily incidental to those of the primary building or use.

BASEMENT

A story (floor) of a building which is at least partially underground, having less than half its clear height above grade on one side.

BUILDING

A structure with a roof.

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.

DEVELOPMENT

Any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, renovation, repair, expansion or alteration of buildings or other structures; the construction or extension of streets, paving or utilities; filling, grading and excavation; storage of equipment or materials; and the subdivision of land.

ESSENTIALLY DRY SPACE

A space which will remain dry during flooding, except for the passage of some water vapor and minor seepage; the structure is essentially impermeable to the passage of water.

FLOOD

A temporary inundation of normally dry land areas.

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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 content.

FLOODWAY

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

HISTORIC STRUCTURES

Any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior 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 article as being inundated by the one-hundred-year flood.

LAND DEVELOPMENT

Any of the following activities:

- A. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving a group of two or more buildings, or the division or allocation of land or space 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.

MINOR REPAIR

The replacement of existing work with equivalent materials for the purpose of 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.

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NEW CONSTRUCTION

Structures for which the start of construction commenced on or after November 25, 1996 (the effective date of this article), and includes any subsequent improvements thereto.

ONE-HUNDRED-YEAR FLOODPLAIN

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

PERSON

An individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

RECREATION VEHICLES AND EQUIPMENT

Recreational vehicles, campers, trailers or similar mobile homes or camping equipment which are either self-propelled or intended to be loaded upon, carried or pulled or otherwise transported by a motorized vehicle.

REGULATORY FLOOD ELEVATION

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

STRUCTURE

Any form or arrangement of building materials built, constructed or erected which requires location on the land or attachment to something located on the land, including but not limited to buildings.

SUBDIVISION

A division of a single lot, tract or parcel of land, or part thereof, into two or more lots, tracts or parcels of land, including changes to street lines or lot lines for the purpose, whether immediate or future, of lease, transfer of ownership or of building developments; and also, a plan for the development of a single parcel of land for multiple dwellings exceeding four families, large commercial developments, including shopping centers, office buildings, gasoline and automobile service stations, and any other buildings requiring special or unusual use of Borough services; provided, however, that divisions of land for agricultural purposes into parcels of more than 10 acres not involving any new street or easement of access shall be exempted.

SUBSTANTIAL DAMAGE

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 percent or more of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT

Any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 50 percent 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 performed. This term does not include:

- 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;
- B. Any alteration of an historic structure, provided that the alteration will not preclude the structure's continued designation as an historic structure; or
- C. Minor repairs, as defined herein.

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§ 181-121. Identification of Floodplain Areas.

The identified floodplain area shall be those areas of the Borough of Jenkintown which are subject to the one-hundred-year flood, as identified in the Flood Insurance Study (FIS) dated December 19, 1996, and the accompanying maps prepared for the Borough of Jenkintown by the Federal Emergency Management Agency (FEMA), or the most recent revision thereof.

- A. Description of floodplain areas in the Borough of Jenkintown. AE Zone: Those areas identified as an AE Zone on the Flood Insurance Rate Map (FIRM) included in the FIS prepared by FEMA and for which one-hundred-year flood elevations have been provided by the FIS.
- B. Changes in identification of area. The identified floodplain area may be revised or modified by the Borough 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).
- C. Boundary disputes. Should a dispute concerning any identified floodplain area arise, initial determination shall be made by the Borough Planning Commission, and any party aggrieved by this decision may appeal to the Borough Council. The burden of proof shall be on the appellant.

§ 181-122. Designation of Floodplain Conservation District as Overlay Zone.

The Floodplain Conservation District shall be deemed an overlay on any zoning district now or hereafter applicable to any lot located in an identified floodplain area.

- A. Should the Floodplain Conservation District be declared inapplicable by legislative or administrative actions or judicial action, the zoning applicable to such lot shall be deemed to be the district in which it is located without consideration of this article.
- B. Should the zoning of any parcel or any part thereof in which the Floodplain Conservation District is located be changed through any legislative administrative or judicial action, such change shall have no effect on the Floodplain Conservation District unless such change was included as part of the original application.
- C. In any zoning district, the minimum setback of all structures from the center line of all watercourses shall be determined by the maximum front, rear or side yard requirements in the applicable section of the Zoning Ordinance.
- D. A building permit is required for any and all development in the Floodplain Conservation District.

§ 181-123. Permitted Uses.

- A. Within the Floodplain Conservation District, no new construction or development shall be allowed unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the elevation of the one-hundred-year floodplain more than one foot at any point.
- B. The following uses and no others shall be permitted in the Floodplain Conservation District:
 - (1) Front, side and rear yards and required lot area.
 - (2) Normal accessory uses (excepting enclosed structures, fences and swimming pools) permitted in underlying zones.

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- (3) An existing structure not in conformance with this article may continue to be used in the same manner; provided, however, that if the existing structure is modified, altered or expanded, such activity will be subject to the provisions of §181-129, Existing Structures in Identified Floodplain Areas, of this article.
- (4) Cultivation of crops, home gardening and similar agricultural or horticultural activities according to appropriate soil conservation practices.

§ 181-124. Prohibited Uses.

The following uses shall not be permitted in the Floodplain Conservation District:

- A. All freestanding structures and buildings and retaining walls, with the exception of flood retention dams, culverts and bridges as approved by the Pennsylvania Department of Environmental Protection.
- B. The filling of or removal of topsoil from all floodplain lands.
- C. Sanitary landfills, dumps, junkyards, and the outdoor storage of vehicles and materials.

§ 181-125. Uses Permitted by Special Exception.

The following uses shall be permitted when authorized as a special exception by the Borough Council of the Borough of Jenkintown:

- A. Accessory structures pursuant to the requirements of § 181-126, General Technical Provisions, through § 181-128, Design and Construction Standards, of this article.
- B. Roads, driveways and parking facilities, subject to the following conditions:
 - (1) In the case of roads and driveways, no such facilities shall be permitted as a special exception if viable alternative alignments are feasible. In any case, pervious rather than impervious materials shall be used in the construction of any road or driveway proposed within an identified floodplain area.
 - (2) In the case of parking facilities, no such facility shall be permitted as a special exception unless satisfactory evidence is submitted that such parking will not be used during periods of flood flow, thus posing no threat to the safety of the vehicles, their users and downstream properties. In any case, pervious rather than impervious materials shall be used in the construction of any parking facility within an identified floodplain area.
- C. Grading and regrading of lands, including the placement and regrading of topsoil, subject to the following conditions:
 - (1) Detailed engineering studies indicating the effects on drainage and streams on all adjacent properties as well as the project in question must be submitted.
 - (2) A plan must be submitted indicating the proposed placement of any fill or materials proposed to be deposited by the grading or regrading of the land. Such fill activity shall be protected with appropriate soil erosion and sediment control measures.
 - (3) An application for amending the boundaries of the Floodplain Conservation District is required if the boundaries are affected by the grading or regrading of the land pursuant to § 181-121.B, Identification of Floodplain Areas.

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§ 181-126. General Technical Provisions.

- 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, Bureau of Community Planning, 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 article and any other applicable codes, ordinances and regulations.
- C. Within any floodway area, no new construction or development shall be permitted that would cause any increase in the one-hundred-year flood elevation.
- D. Within any AE Area, no new construction or development shall be allowed unless it can be demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the elevation of the one-hundred-year flood more than one foot at any point.
- E. Within any identified floodplain area, no new construction or development shall be located within the area measured 50 feet landward from the top-of-bank of any watercourse.

§ 181-127. 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 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.
 - (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 "Flood-Proofing Regulations," published by the U.S. Army Corps of Engineers (June 1972, as amended), 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 or architect 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.
 - (a) 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 the automatic entry and exit of

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floodwaters for the purpose of equalizing hydrostatic forces on exterior walls. The term "partially enclosed space" also includes crawl spaces.

- (b) The designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
 - 1. A minimum of two openings having a net total area of not less than one square inch for every square foot of enclosed space is required.
 - 2. The bottom of all openings shall be no higher than one foot above grade.
 - 3. 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 floodwaters 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 is required.
 - (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.

§ 181-128. 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 build-to line from all points.
 - (2) Consist of soil or small rock materials only; sanitary landfills shall not be permitted.

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- (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 Building Permit Officer.
 - (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 away from 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 waters.
 - (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 potential for interruption of service or damage 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 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 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.

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- (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 a marine or water-resistant quality.
- (2) Adhesives used at or below the regulatory flood elevation shall be of a marine or water-resistant quality.
- (3) All wooden components (doors, trims, cabinets, etc.) shall be finished 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. Additional provisions shall be made for the drainage of these systems in the event floodwater infiltration occurs.

§ 181-129. Existing Structures in Identified Floodplain Areas.

The provisions of this article 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 this section shall apply.

- A. Any modification, alteration, reconstruction or improvement of any kind to an existing structure, to an extent or amount of 50 percent or more of its market value, shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this article.
- B. Any modifications, alteration, reconstruction or improvement of any kind to an existing structure, to an extent or amount of less than 50 percent of its market value, shall be elevated and/or floodproofed to the greatest extent possible.

§ 181-130. Variances.

If compliance with any of the requirements of this article would result in an exceptional hardship to a prospective builder, developer or landowner, the Borough Council may, upon request, grant relief from the strict application of the requirements.

- A. If granted, a variance shall involve only the least modification necessary to provide relief.
- B. In granting any variance, the Borough Council 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 article.
- C. Whenever a variance is granted the applicant shall be notified, in writing, that:
 - (1) The granting of the variance may result in increased premium rates for flood insurance.

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- (2) Such variances may increase the risks to life and property.
- D. In reviewing any requests for a variance, the Borough Council 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.
- E. A complete record of all variance requests and related actions shall be maintained by the borough. In addition, a report of all variances granted shall be included in an annual report to the Federal Insurance Administration.
- F. 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.

ARTICLE XXI Signs

§ 181-131. Applicability of Regulations.

The following regulations apply to all signs erected or altered after the effective date of this article.

§ 181-132. Purposes; Objectives

It is the intent of this Article to regulate all signs within the Borough of Jenkintown to ensure that they are appropriate for their respective uses and in keeping with the appearance of the affected property and surrounding environment and to protect the public health, safety, morals, and general welfare. Illustrations, which present typical examples of signs, are provided for in this section to document the intent of the Ordinance. In addition, the intent of this Section is to:

- A. Encourage good sign design in the context of the overall image and visual environment of the Borough.
- B. Enhance the appearance of the business community. Taking into account the nature of the use and thus stimulate as well as protect the economic vitality of the Borough.
- C. Encourage signs which are well designed and pleasing in appearance and to provide incentive and latitude for variety, in order to enhance the economic value as well as the visual character of the residential and business community.
- D. Control the size, location and illumination of signs in the borough in order to reduce hazards to pedestrian and vehicular traffic.
- E. Avoid excessive competition for large or multiple signs, so that permitted signs provide adequate identification and direction while minimizing clutter, unsightliness, and confusion.
- F. Establish criteria designed to encourage signs which are compatible with their surroundings, appropriate to the type of activity to which they pertain, expressive of the identity of individual proprietors and legible in the environment in which they are seen.

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- G. Prevent sign overload and excessively large signs, which create a visually chaotic and competitive situation within the business community.
- H. Provide for the removal of signs which constitute a hazardous or blighting influence.

§ 181-133. Conformance Required.

Any sign hereafter erected or maintained shall conform to the provisions of the Article and any other ordinance or regulations of the Borough of Jenkintown relating thereto.

§ 181-134. Definitions.

As used in this Article, the following terms have the meanings indicated, unless otherwise expressly stated:

SIGN

A name, identification, description, emblem, display, device or structure which is affixed to or printed on or represented directly or indirectly upon a building, structure or parcel of land; which is illuminated or nonilluminated; which is visible or intended to be visible from any public place; and which directs attention to a person, place, product, institution, business, organization, activity or service. "Signs" shall also include any permanently installed or situated merchandise, including any banner, pennant, placard or temporary sign, with the exception of the flags of the United States of America, the Commonwealth of Pennsylvania, the County of Montgomery and the Borough of Jenkintown.

SIGN TYPES AND ILLUMINATION.

A. ADVERTISING SIGN

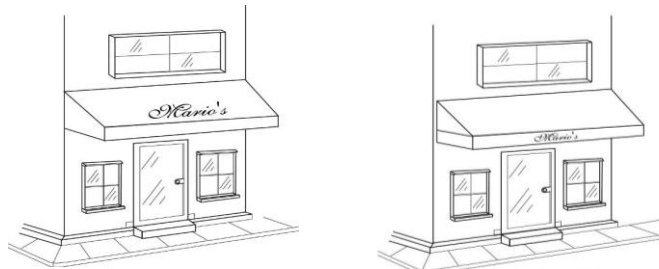
An off-premise sign that advertises or otherwise directs attention to a commodity, business, industry, home occupation, activity, or event which is sold, offered, or conducted elsewhere than on the lot upon which the sign is located, e.g. billboard.

B. ANIMATED SIGN

A sign with action or motion, flashing, or color changes requiring electrical energy, but not including window-displayed computer monitors or wind-actuated elements such as flags, banners, or novelty items, e.g. reader board.

C. AWNING SIGN

A sign painted on, printed on, or attached flat against, the surface of an awning.



Awning Signs

D. BEACON LIGHTING

Any source of electric light, whether portable or fixed, the primary purpose of which is to cast a concentrated beam of light generally skyward as a means of attracting attention to its location rather

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than illuminate any particular sign, structure, or other object.

E. BILLBOARD – See ADVERTISING SIGN.

F. BOX SIGN

Aluminum or steel fabricated frame and body with or without internal illumination designed to display acrylic, aluminum or three-dimensional plastic sign faces. See also Cabinet Sign.

G. BUSINESS SIGN

An on-premise sign that advertises or otherwise directs attention to a business, commodity, service, industry, or other activity which is sold, offered, or conducted, other than incidentally, on the premises upon which the sign is located, or to which it is affixed.

H. CABINET SIGN

A sign structure consisting of the frame and face(s), not including internal components, embellishments or support Structure. See also Box Sign.

I. DIRECTIONAL SIGN

A sign conveying instructions regarding pedestrian and/or vehicular movement with respect to the premises on which it is located, such as the entrance and exit of a parking area.

J. DIRECTORY SIGN

A sign on which the names and location of the occupants or the use of a building is given, including office building and religious directories.

K. ELECTRONIC GRAPHIC DISPLAY

A sign or portion of a sign that displays electronic, static images, static graphics or static pictures, with or without text information, defined by a small number of matrix elements using different combinations of light emitting diodes (LEDs), fiber optics, light bulbs or other illumination devices within the display area where the message change sequence is accomplished immediately or by means of fade. Electronic graphic displays shall include computer programmable, microprocessor controlled electronic or digital displays.

- (1) Signs shall only be located on non-residential parcels located in the Town Center, Neighborhood Commercial Residential, and Gateway Commercial Districts.
- (2) Electronic Graphic Displays are permitted as part of the allowable type and size of signage in the applicable areas. The calculation of such signage must be incorporated as part of the overall sign calculation, not in addition to it.
- (3) Message Duration. Any portion of the message must have a minimum duration (hold time) of twenty-five (25) seconds and must be a static display. Messages may change immediately or fade in and out only; and shall completely change to the next message within one (1) second. No portion of the message may flash, scroll, twirl, twinkle, oscillate, rotate, blink, change color, or in any manner imitate movement.
- (4) Brightness (or Illumination). Lighting from the sign must not exceed an intensity of one-half footcandle of light at the property line, as measured with a portable hand-held light sensor.

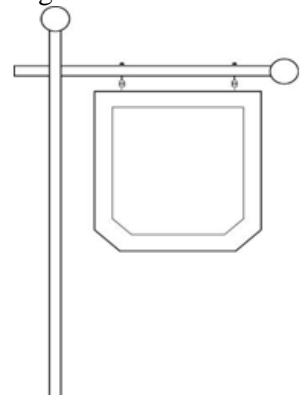
L. FESTOON LIGHTING

An external means of illumination comprised of a group of strung bulbs.

M. FREESTANDING SIGN

A self-supporting sign resting on, or supported by means of poles, posts, or standards.

N. IDENTIFICATION SIGN



Freestanding Sign

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A sign whose copy is limited to the name of a building, institution, or person and/or to the activity or occupation being identified.

O. ILLUMINATED SIGN

Any sign that is lighted by internal or external lighting.

(1) Back-Lit Sign

A sign consisting of a cabinet containing a light source surrounded by one or more translucent faces, which may be illuminated for visibility.

(2) Channel Letter

The most prevalent type of sign in use. These are fabricated letters/graphics with an internal illumination source such as neon tubing or light emitting diodes (LEDs) or cold cathode tubing. They are used primarily in building or storefront signs. Reverse channel letters, where the surrounding area is indirectly illuminated (halo effect) are included in this definition.



Standard Channel Lettering



Reverse Channel Lettering

(3) Goose-Neck Lighting

Recognized by the curved support for a light fixture normally constructed out of steel conduit. It is typically used on storefront signs as a traditional solution.



(4) Halo Lighting

Typically used for back-lit letters to create a glow of light around the letter by illuminating the wall surface from within the letter form.



P. INCIDENTAL SIGN

A sign, generally informational, that has a purpose secondary to the use of the lot on which it is

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located, such as “no parking,” “entrance,” “loading only,” “telephone”, and other similar directives. No sign with a commercial message legible from a position off the lot on which the sign is located or a sign, which exceeds (3) three square feet, shall be considered incidental. In all instances, an incidental sign must be located on the same lot as the primary use for which information is being provided. No permit is required and such signs shall be permitted in addition to the total allowable square footage permitted on a lot.

Q. MARQUEE SIGN

Any sign attached to a marquee for the purposes of identifying a theater or movie house.

R. MONUMENT SIGN

A sign attached to a brick, stone, or masonry wall or structure that forms a supporting base for the sign display.

S. MURAL

Artwork (can be paint or tiles) applied to the wall of a building, which covers all or most of the wall and depicts a scene, theme, or event of natural, social, cultural, or historic significance.

T. NON-ILLUMINATED SIGN

Any sign that is not lighted.

U. NONCONFORMING SIGN

A sign which has a valid permit, was erected prior to the effective date of this Chapter or any subsequent amendment hereto and which does not otherwise conform to the provisions of this Article.

V. OFF-PREMISE SIGN

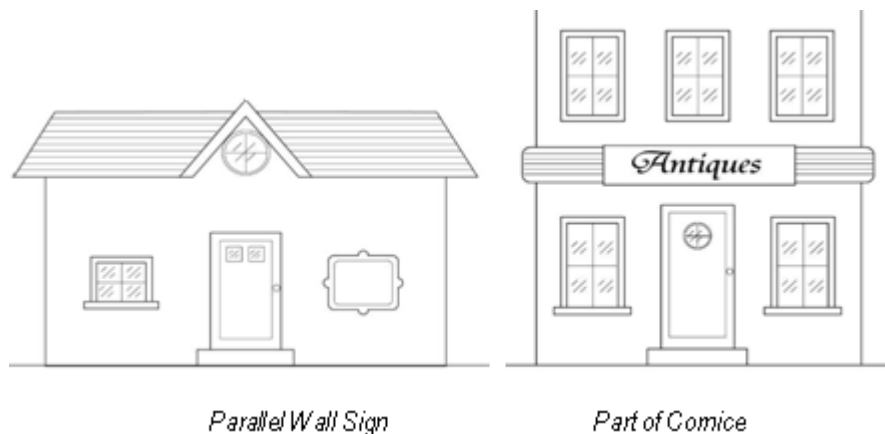
A sign structure advertising an establishment, merchandise, service, or entertainment, which is sold, produced, manufactured, or furnished at a place other than on the property on which said sign is located; a sign which advertises or otherwise directs attention to an activity not on the same lot where the sign is located, e.g. billboards, outdoor advertising, subdivision directional sign, and real estate sign.

W. ON-PREMISE SIGN

A sign that advertises or otherwise directs attention to an activity on the same lot where the sign is located.

X. PARALLEL WALL SIGN

A sign mounted parallel to a wall or other vertical building surface that does not extend beyond the edge of any wall, roofline, or other surface to which it is mounted. A parallel wall sign shall not project more than twelve (12) inches from the surface to which it is mounted.



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Y. PERSONAL EXPRESSION SIGN

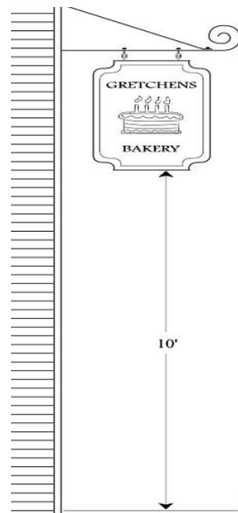
A sign which displays an individual’s political, religious, or personal belief.

Z. PORTABLE SIGN

Any sign, including vehicular signs, not permanently attached to the ground or building.

AA. PROJECTING WALL SIGN

Any sign mounted to a wall or other vertical surface other than a parallel sign, that does not project more than four (4) feet from the surface to which it is mounted, nor project above the wall, roofline, or surface to which it is mounted, nor in any way interfere with normal pedestrian or vehicular traffic. The lowest part of any projecting sign or of any support thereof which extends over any street, sidewalk, alley or other public way in the Borough shall be at least ten (10) feet above the level of the walk or public way over which it extends and the highest part shall not exceed a maximum height of fourteen (14) feet from ground level to top of the sign; provided that in no instance shall the top of the sign or its supporting framework exceed the level of the roofline of the building to which it is attached.



Projecting Wall Sign

BB. REVOLVING SIGN

Any sign that revolves.

CC. ROOF SIGN

A sign erected upon or above a roof or parapet wall of a building, and which is wholly or partly supported by that building.

DD. SNIPE SIGN

A permanent or temporary sign or poster affixed to a tree, fence, utility pole, or upon rocks or natural features.

EE. TEMPORARY SIGN

A sign which advertises community or civic projects, construction projects, real estate for sale or lease, a commercial grand opening, or other special events on a temporary basis. The following types of signs shall be considered temporary signs:

(1) Banner Sign

A temporary sign intended to be hung either with or without frames, possessing characters, letters, illustrations or ornamentalations applied to paper, plastic, or fabric of any kind. National flags, flags of political subdivisions, and symbolic or decorative flags of any institution,

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neighborhood, residential use or business shall not be considered banners for the purpose of this Ordinance.

(2) **Artisan Sign**

Any sign giving the name or names of principal contractors, subcontractors, architects, and lending institutions responsible for construction, landscaping or other improvements on the site where the sign is placed.

(3) **Development Sign**

An on-premise sign on a building or lot, which announces the nature, purpose, or name of the prospective building/enterprise.

(4) **Nonresidential Business Sign**

An on-premise sign that advertises or otherwise directs attention to a business, commodity, service, industry, or other activity which is sold, offered, or conducted, other than incidentally, on the premises upon which the sign is located, or to which it is affixed.

(5) **Political Sign**

A temporary sign used in connection with a local, county, state, or national election or referendum.

(6) **Portable Sign**

Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A- or T-frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business. Portable signs shall not be illuminated unless a conditional use is granted by the Borough Council.



(7) **Real Estate Sign**

A temporary sign which advertises the sale, lease, or rent of the property on which the sign is placed.

(8) **Special Event Sign**

On-premise window sign, banner, or commemorative flag which advertise a grand opening or other special event.

(9) **Street Banner Sign**

Any banner sign, which is stretched across and hung over a public right-of-way.

(10) **Subdivision Sign**

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An on-premise or off-premise directional sign advertising to the public the name of the subdivision project and the type of project to be built.

FF. TIME AND TEMPERATURE SIGN

A display containing illuminated numerals flashing alternatively to show the time and temperature.

GG. TRAILER SIGN

Any sign, which is erected upon a structure having wheels or rollers facilitating movement from one location to another.

HH. VEHICULAR SIGN

Any vehicle and/or trailer to which a sign is affixed in such a manner that the carrying of the sign is no longer incidental to the vehicle's purpose but becomes the primary purpose of the vehicle.

II. WINDOW SIGN

A sign mounted or painted on a window, or inside a structure, such that it is intended to be seen through a window from the outside.

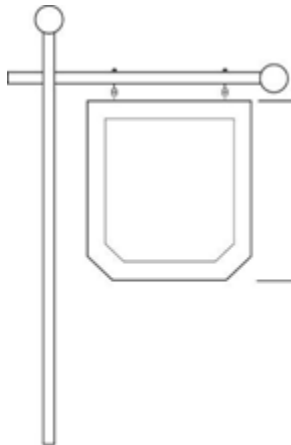


Window Sign

§ 181-135. General Regulations

A. Sign Area

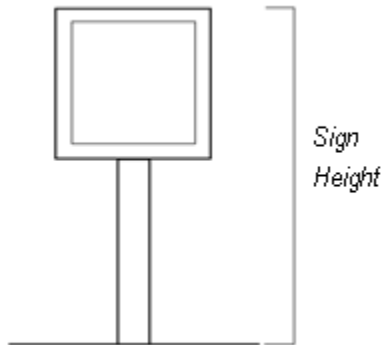
- (1) The area of a sign shall mean the area of all lettering, wording, and accompanying designs, logos, and symbols, together with the background on which they are displayed, whether open or enclosed. The area of a sign shall not include any supporting framework, bracing, or trim which is incidental to the display, provided that it does not contain any lettering, wording, or symbols.



Sign Area

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- (2) Where the sign consists of individual letters, designs or symbols attached to a building, awning, wall, or window, the area shall be that of the smallest rectangle which encompasses all of the letters, designs, and symbols.
 - (3) Signs may be multi-sided. In determining the area of a double-sided sign, only one side shall be considered, provided that both faces are identical in size. When the interior angle formed by the faces of a multi-sided sign is greater than forty-five (45) degrees, then all sides of such sign shall be considered in calculating the sign area.
- B. Height of a Sign. The distance from the highest portion of the sign to the mean grade at the base of the sign. In the case of a sign located on an isolated mound, height shall be measured to the original grade.



- C. Sign Structure. Sign structures shall be in keeping with the architectural style of the building that it is related to. A sign structure is defined as the supporting structure erected and used to support a sign such as brackets, posts, monument bases, etc.
- D. Location of Signs
- (1) No sign shall be placed in such a position as to endanger traffic on a street by obscuring view or by interfering with official street signs or signals, by virtue of position or color.
 - (2) No sign shall be erected or maintained as to prevent free ingress or egress to or from any door, window or fire escape.
 - (3) No projecting sign shall extend into the cartway of the right-of-way, or be less than 10 feet above a pedestrian way.
 - (4) No wall sign affixed parallel to a building façade shall project more than 12 inches beyond the build-to line and the lower ledge of any parallel sign shall not be less than 7 feet above the finished grade.
 - (5) No freestanding sign may occupy an area designated for parking, loading, walkways, driveways, fire lane, easement, cartway of the right-of-way or other areas required to be unobstructed.
 - (6) Only directional or other instructional signs shall be attached to a standpipe or fire escape and shall only be permitted with approval of the Fire Marshal.
 - (7) Signs, not including historical markers and banners approved by the Borough, shall not be affixed to a utility pole or structure, lighting standard, parking meter, park bench, tree, shrub, rock, or natural object except plaques of a maximum of one square foot.
- E. Materials. Sign materials should be consistent with and complement the original construction materials and architectural style of the building façade on which they are to be displayed. All signs, excluding awning and window signs, shall be constructed only of wood, metal, stone or other

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appropriate material with painted, engraved or raised messages. Plastic sign inserts shall be permitted for internally lit signs.

- F. Illumination of Signs. Signs may be illuminated, unless otherwise specified herein, consistent with the following standards:
- (1) No sign shall have flashing, intermittent, animated, revolving, rotating, horizontal and/or vertical movement and/or other illumination, and such signs are specifically prohibited.
 - (2) Where permitted, illumination may be:
 - (a) External. Illumination of a sign with an external light, shielded so that the point source of light is not visible elsewhere than on the lot where said illumination occurs, e.g. gooseneck lighting.
 - (b) Internal. Sign lettering may be halo-lit illumination, or reverse channel letters with halo illumination.
 - (c) Illumination of signs from the rear or signs designed to be illuminated from the rear (back-lit) are prohibited. Signs may be illuminated from the front but only to the extent provided in this chapter.
 - (3) The intensity of the light provided for illumination shall be the minimal amount necessary to reasonably observe the sign after dusk at a maximum distance of 500 feet from the sign. Where illumination interferes with the perception of nighttime at surrounding residential properties, the intensity shall be reduced. Such permitted signs shall be illuminated by white light only.
 - (4) Neon lighting is not permitted in residential districts.
 - (5) Marquee signs are permitted to be externally or internally illuminated.
 - (6) Festoon lighting is permitted during holidays. Such lighting shall be removed within 2 weeks of the holiday.
- G. Construction and Maintenance of Signs
- (1) Every sign shall be constructed of durable materials, using noncorrosive fastenings, structurally safe and erected or installed in strict accordance with the Building Code and shall be maintained in a safe condition and good repair at all times. Exposed surfaces shall be cleaned and painted, if paint is required. Defective parts shall be replaced. The Code Enforcement Officer of the Borough and/or his or her designee shall have the right to order the repair or removal of any sign which is or becomes so dangerous, defective, damaged or substantially deteriorated as to become in violation of the requirements of the current Building Code as adopted by the Borough and shall be subject to all procedures, standards and sanctions applicable to signs as contained in said Code.
 - (2) A sign using electricity shall be installed in conformance with the Borough's electrical code. All signs not attached to a building shall be connected by underground service only.
- H. Removal of Signs. A sign shall be found to be in violation of this Ordinance, and may be required to be removed by the Zoning Officer, under the following circumstances:
- (1) The sign has not been maintained in good condition and safe repair, and has deteriorated to the point that it cannot perform its intended use, or creates a safety hazard. The Zoning Officer shall specify a period of time in which the owner of the sign may repair or rehabilitate the sign, thereby restoring its intended use or correcting the safety hazard.
 - (2) The sign has been erected without an applicable permit or does not comply with the other requirements of this Ordinance.

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§ 181-136. Prohibited Signs and Illumination

Prohibited Signs. It shall be unlawful, upon or after the effective date of this Ordinance or any amendment thereto, for any person, firm or corporation to erect any of the following signs within the Borough of Jenkintown:

- A. Abandoned signs and awnings, which shall be removed within 60 days from the effective date hereof. In the event that any such abandoned sign or awning is not removed within 60 days after the effective date hereof, such sign or awning may be removed by or at the direction of the Zoning Officer, and the expense of such removal shall be reimbursed to the Borough by the property owner, failing which the Borough may collect the cost of said removal by suit or may file a municipal lien against the property in the amount of such costs, or both, provided that said amount, together with applicable interest, court and collection costs, including counsel fees, if any, may only be collected once.
- B. Searchlights, in connection with operation of business.
- C. Any sign which by color, shape or location conflicts with or resembles a traffic signal device or government sign.
- D. Signs erected without the permission of the property owner or authorized agent.
- E. Signs that create a hazard by obstructing the clear view of vehicles and pedestrian traffic.
- F. Any sign which flashes, moves or emits smoke, steam, other visible particulates or odor.
- G. Spinners, pennants, streamers and any moving object used for commercial advertising purposes, whether or not any of the aforesaid items contain a message; except that banners and flags are permitted when authorized under any other pertinent provision of this article.
- H. Flashing, electronically changing messages; blinking, twinkling, animated or moving signs of any type, except those portions of sign which indicate time and temperature changes or those signs that satisfy the requirements of § 181-134.I Electronic Graphic Display This shall not prohibit holiday or decorative lighting or displays.
- I. Any sign that obstructs free ingress or egress from a door, window, fire escape or other exit-way.
- J. Any sign painted on to the actual masonry of a building/structure, except for a mural as defined in this Article.
- K. Vehicular signs in residential areas.
- L. Signs that exhibit statements, words or pictures of obscene or pornographic subjects as determined by the Borough.
- M. Revolving signs, except barbershop poles.
- N. Signs containing beacon lights.
- O. Roof signs.
- P. Projecting V-shaped signs.
- Q. Snipe signs.
- R. Awnings that are backlit
- S. Any sign inconsistent with this article.

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§ 181-137. Signs Exempt from Permits

The following shall not require sign permits:

- A. Street signs: official highway signs, street name, directional or other traffic signs in accordance with the Pennsylvania Motor Vehicle Code.
- B. Government flags, insignia or decorative banners.
- C. Legal notices of a governmental agency.
- D. Directional signs provided they do not contain advertising, (including logos), do not exceed four (4) square feet, and do not obstruct the sight triangles at internal intersections on the premises.
- E. Public monument, plaque or historic identification marker erected by a government agency.
- F. Barber pole: revolving barber shop pole sign, provided that it does not exceed 36 inches in height and is erected only in conjunction with a barber shop.
- G. All buildings in all zoning districts shall be required to display the address of the property in such a fashion as is clearly visible from the street and which is in accord with the provisions of this Part. The area of an address sign shall be exempt from the computation of the total permitted sign area; provided the sign does not contain any advertising, trade names or logos.
- H. Professional accessory use or nameplate signs provided that signs shall not be illuminated and shall not exceed two square feet in sign area. Not more than one sign shall be erected for each permitted use.
- I. Home security signs, not exceeding one square foot.
- J. Public service and information signs advertising the availability of public restrooms, telephones or similar public conveniences, not exceeding three square feet in area.
- K. Menus and signs indicating business hours provided signs shall not exceed two square feet and that signs shall be located in a permanently mounted display box on the façade of the building adjacent to the entrance, displayed within a window adjacent to the entrance, or at a podium that will be placed inside the restaurant upon closing.
- L. Personal expression signs provided that they are not illuminated and are either freestanding, wall or window signs. Such signs may not exceed four square feet and, in the case of freestanding signs, four feet in height.
- M. “No trespassing” signs and signs indicating private ownership of roadways or other property. On the same premises therewith; provided that the total sign area shall not exceed one square feet and shall not be spaced at intervals of not less than 100 feet of street frontage.
- N. “No parking” signs and signs indicating private parking areas in residential districts. On the same premises therewith; provided that the total sign area shall not exceed one and one-half square feet and shall not exceed one sign per property.
- O. The following temporary signs:
 - (1) Civic event signs and banners on public and private property, which shall be removed within 72 hours after the event and which shall not be erected more than 30 calendar days prior to the event.
 - (2) Artisan signs, provided that such signs shall not exceed six square feet and are erected on the premises where the work is being performed. Signs shall be removed upon the completion of work.

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- (3) Signs advertising garage or yard sales, provided that no sign shall exceed six square feet in sign area. Signs shall be permitted only on the premises where the sale is to be conducted and limited to one per street frontage. Signs shall be removed at the close of the garage or yard sale.
- (4) Signs advertising the sale, rental or other conveyance of the entire premises or a portion of the premises on which they are erected shall be permitted in all zoning districts while a property is actually for sale or rent. All such signs shall be unlighted and shall be removed within five days after the property is no longer available for sale or rent and/or the termination of the listing agreement with the realtor, broker or other agent of the property owner. In the Residential District, no sign shall exceed eight square feet in total area. Such signs shall not be affixed to any structure upon the property except upon specific approval of the Code Enforcement Officer of the borough.
 - (a) In all other districts no sign shall exceed 16 square feet.
 - (b) Open house signs shall be allowed for one day prior to the scheduled event and shall be removed at the end of the day of the open house. No more than one open house sign, not to exceed more than three square feet per side, shall be displayed. All open house signs must be on the premises of the property for sale or rent. Directional signs to open houses shall be permitted only on the day of the open house and shall be located in such a way as not to obstruct traffic or visibility of traffic and within four blocks of the subject property. No more than three directional signs per property shall be permitted. No other attachments shall be permitted on directional signs or open house signs, including but not limited to balloons, ribbons, lights, streamers, flags or pinwheels.
- (5) Sandwich Boards (see “Portable Sign” definition) shall be permitted according to the following regulations:
 - (a) Signs shall not exceed eight square feet.
 - (b) Signs are permissible along the sidewalk, provided a minimum walking distance of five feet shall be maintained to allow for a pathway for pedestrians.
 - (c) Only one sandwich board will be permitted in front of the business it advertises.
 - (d) Shall contain copy set out in chalk, paint or print form which is easily changed but which is not removable lettering.
 - (e) Sandwich boards shall be weighted at the base so that the sign cannot be moved by strong winds; however, no sign shall be chained, tied or otherwise affixed to any structure or object.
 - (f) Sandwich boards shall be taken indoors at the close of business each day.

§ 181-138. Signs Requiring a Permit.

The following types of permanent signs shall require permits:

A. Signs permitted in the Residential Districts (see Table 7).

- (1) Institutional Uses: Signs of schools, colleges, churches, or other institutions of similar nature.
- (2) Residential Development Identification. Permanent monument signs which identify the name of the development shall be permitted in compliance with the following:
 - (a) One sign may be located at the main entrance to the development, not to exceed 20 square feet in area.
 - (b) Signs may also be permitted at secondary entrances to the development following approval

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by Borough Council.

(c) These signs shall be landscaped in keeping with the character of the Borough.

Table 7
Signs Permitted in Residential Districts

Sign Type	Maximum Sign Area	Maximum Sign Height	Illumination	Number of Signs
Institutional Freestanding or Monument	15 sq. ft.	4 feet	External	One per property or if applicable one per street frontage
Multifamily or Residential Development Identification Freestanding or Monument	20 sq. ft.	Monument: 4 feet	External	One sign at the main entrance of the development (additional signs at secondary entrances when permitted by Borough Council)
Parallel Wall sign for Rental Office for Residential Development	6 sq. ft.	Not to exceed eave line or top of parapet wall of principal building which ever is lower	External	One sign

B. Signs Permitted in the Town Center, Neighborhood Commercial Residential and Gateway Commercial Districts.

- (1) Any sign permitted in residential districts, which relates to a use permitted in the district.
- (2) Single Use. In addition to signs exempt from permits, and temporary signs, individual commercial uses may have signs in accordance with the following:
 - (a) Each single use may have one on-site freestanding sign or monument sign with the limits on area, height, and illumination prescribed in Table 8.

Table 8
Signs Permitted in Commercial Districts – Single Use, Single Entrance

Sign Type	Maximum Area	Maximum Height	Illumination
Freestanding	32 sq. ft. per side	5 feet	Internal/External
Monument	32 sq. ft.	5 feet	Internal/External

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	per side		
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- (b) In addition, each single use may be permitted two of the following signs per street frontage (in the case of corner properties) or up to two signs per entrance (where a building has front and rear entrances). Sign types, area, height, and illumination conform to Table 9.

*Table 9
Signs Permitted in Commercial Districts – Single Use, Corner or Multi-Entrance*

Sign Type	Maximum Area	Maximum Height	Illumination
Parallel Wall	1 sq. ft. for every linear foot of building frontage, up to 200 sq. ft.	Not to exceed eave line or top of parapet wall of principal building which ever is lower	Internal/External
Projecting Wall	12 sq. ft.	Not to exceed eave line or top of parapet wall of principal building which ever is lower	External
Awning	No more than 30% of the exterior surface of the awning or canopy	At awning height	Internal/External
Window	Not to exceed 15% of the window area	N/A	Internal/External

- (3) Multiple Uses. In addition to signs exempt from permits and temporary signs; multiple uses and properties utilizing common parking facilities may have signs in accordance with the following:
- (a) Properties with multiple uses may have one on-site freestanding sign or monument sign per street frontage which identifies the business or commercial center as a whole, and/or which is a directory sign for the establishments on the property with the following limits on area, height, and illumination as prescribed in Table 10.

*Table 10
Signs Permitted in Commercial Districts – Multiple Uses, Directory Sign*

Sign Type	Maximum Sign Area	Maximum Sign Height	Illumination
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Freestanding	40 sq. ft.	8 feet	Internal/External
Monument	40 sq. ft.	6 feet	Internal/External

(b) Each individual tenant may be permitted the following signs.

1. Each individual tenant may be permitted two of the following signs. The two signs permitted per tenant space may be placed on the façade of the building facing the street or parking lot or internal aisleway. Tenant signs may be hung together (e.g. one hanging from the bottom of another) so long as each sign does not violate its dimensional requirements. Sign types, area, height, and illumination conform to the Table 11.

*Table 11
Signs Permitted in Commercial Districts – Multiple Uses, Individual Tenant Signs*

Sign Type	Maximum Area	Maximum Height	Illumination
Parallel Wall	10% of façade, up to 30 sq. ft. max	Not to exceed eave line or top of parapet wall of principal building which ever is lower	Internal/External
Projecting Wall	12 sq. ft.	Not to exceed eave line or top of parapet wall of principal building which ever is lower	External
Awning	10 sq. ft.	At awning height	Internal/External
Window	Not to exceed 15% of the total glass area	N/A	Internal/External

- (4) Marquee signs. Marquee signs shall be permitted in addition to the otherwise permitted sign area exclusively for theaters and movie houses, provided that the total sign area shall not exceed 150 square feet. Such signs shall be required at all times to maintain a minimum vertical clearance of 10 feet above grade.
- (5) Murals. Murals may only be approved in the Town Center, Neighborhood Commercial Residential, and Gateway Commercial Districts by Conditional Use and are prohibited in all other districts.
 - (a) The owner of record of the building on which a proposed mural is to be placed shall, in writing, consent to the placement of the mural on the property, agree to maintain the mural

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and consent to restore the wall or façade upon which the mural is placed to its prior existing condition if the mural is not property maintained.

- (b) Upon removal or failure to maintain a mural, the owner shall paint the entire surface with quality exterior paint guaranteed by the manufacturer to last a period of at least 10 years.
- (c) Neither the subject nor location of a mural shall constitute a significant traffic hazard, endanger public health or safety, or be detrimental to the use and enjoyment of other property in the immediate vicinity of the proposed mural.
- (d) Murals shall be non-verbal, including trademarks, except for the nameplate of the artist. Nameplates shall not exceed two square feet.
- (e) Murals which tastefully depict the history, heritage, culture, or events of the local area are to be encouraged. The colors and themes of murals must be compatible with nearby historical buildings and sites and should compliment the prevailing architectural style and ambience of the surrounding area. Loud colors, controversial themes and modern or abstract designs are prohibited. Commercial, pornographic or religious themes are prohibited.
- (f) No other signs, banners or advertisement of any type shall be allowed on a wall which contains an approved mural.
- (g) Mural Application and Review.
 - 1. No person shall install, construct, paint or modify a mural without first submitting an application and obtaining approval of Borough Council.
 - 2. An application for a mural shall contain the following minimum information:
 - a. Five copies of a color sketch of the proposed mural drawn to scale.
 - b. Five copies of a sketch drawn to scale of the proposed building to be covered by the mural.
 - c. A written description of the mural, including subject matter, type of paint to be used, and expected life span and maintenance plan for the mural.
 - 3. Application Submittal and Review.
 - a. Applications shall be submitted to the Borough with an application fee in the amount of \$25.00. The Borough Manager shall place the mural application on the agenda for consideration by Borough Council. Borough Council will approve or deny the application within 30 days of receipt and, if denied, will indicate in writing the reasons for the denial.
 - b. Regular maintenance of a mural shall not require an application fee.

§ 181-139. Permit Procedures.

- A. Sign Permits. It shall be unlawful to erect, construct or significantly alter any sign which requires a sign permit without first filing with Jenkintown Borough an application in writing, which application shall contain the information required by the Borough Zoning Officer.
 - (1) Application for Permit. The following shall be provided:
 - (a) The name, address, and telephone number of the property owner, and the signature of the owner or duly authorized agent for the owner.
 - (b) Two copies of a plan drawn to scale depicting:

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1. The design of each sign face and sign structure with the dimensions, total area, sign height, depth, structural details, materials, lighting scheme, and proposed location.
2. The building elevations, existing and proposed facades, parapet walls, cornices, and the location and size of all proposed and existing signage.
3. Such other information as required by the Borough Zoning Officer.

§ 181-140. Nonconforming Signs.

Any sign legally existing at the time of the passage of this Ordinance that does not conform in use, location, height, or size, with the regulations of the district in which such sign is located shall be considered a nonconforming sign, and shall be bound by the following regulations:

- A. A sign on a building or structure which does not conform to this Ordinance shall be removed or altered so as to be in conformity with the standards contained herein when the building or structure is demolished or when a building or structure renovation or expansion amounts to over 50 percent of the market value of the building or structure, assessed by the Montgomery County Board of Assessment Appeals.
- B. Nonconforming signs may be repainted, repaired, the sign copy maybe changed, or sign panels replaced, provided that such actions do not increase the dimensions of the existing sign, nor in any way increase the extent of the sign's nonconformity.
- C. A nonconforming sign must be removed within 14 days after notification by the code enforcement officer or be made to conform tot his Ordinance in every respect whenever:
 - (1) It is not securely attached to the ground, wall, or roof and can be easily moved.
 - (2) It becomes so deteriorated that it no longer serves a useful purpose of communication and is a nuisance as determined by the code enforcement officer.
 - (3) It is abandoned by the owner, or the use is abandoned.
- D. Under the following conditions, nonconforming signs shall be exempt from the provisions of this Article.
 - (1) The nonconforming sign posses documented historic value.
 - (2) The Reviewing Body determines the nonconforming sign is unique by virtue of its architectural or cultural value or design.

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Table 12

Borough Use Chart ***Please note, this chart is a guide only, refer back to the code for definitive information.

Borough Use Chart				
Use	Traditional Residential Infill Overlay ^{1,2}	Town Center	Neighborhood Commercial Residential	Gateway Commercial
Residential				
Apartment (2nd Story and Above)		P	P	3
Apartment Building		C	C	
Attached Dwelling/Townhome	P			
Single-Family Detached Dwelling	P			
Single-Family Semidetached Dwelling/Twin	P			
Two-Family Detached Dwelling/Duplex	P			
Other Residential				
Accessory Building/Use	P			P
Artist Live/Work Unit		P	P	3
Assisted Living Facility and/or Nursing Home				C
Conversions (SF to MF)	X			
No-Impact Home-Based Business	P			
Low-Impact Home-Based Business	P in the C and C-1 Districts only; otherwise, X			
Commercial				
Adult Entertainment		X	X	
Animal Shelter/Boarding Kennel		X	X	
Artisan Manufacturing (hand-tools only; e.g., ceramic or jewelry)		P	P	3
Automobile or Other Vehicle Sales, Service, or Repair Establishment (including vehicle body repair, painting or washing)		X	X	
Bank or Financial Institution, excluding drive-through		P	P	P
Bar or Tavern		P	P	P
Bed & Breakfast		P		P
Business or Professional Office		P	P	P
Bus Shelter			P	3
Business Service (e.g., copy centers, mailbox rental, etc.)				P
Club or Fraternal Organization		P		P
Convenience Store, without Fuel Pumps				P
Day Care Center				P
Demolition of Structures on Local Historic Resource Inventory		C	C	
Doctor, Dentist Office		P	P	P
Drive-Through Window or Facility		X	X	C
Farmer's Market		P	P	3
Gallery and/or Museum		P	P	3
Gasoline Service and Filling Station		X	X	C
Health Club and/or Gym		P	P	3
Hotel			P	C

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Borough Use Chart				
Use	Traditional Residential Infill Overlay ^{1,2}	Town Center	Neighborhood Commercial Residential	Gateway Commercial
3-Story Mixed Use	C			
Indoor Entertainment, theatre (including motion picture and stage) sports/theater related		P	P	P
Laundromat				P
Motel				C
Nursery and/or Greenhouse				C
Outdoor Dining		P	P	P
Parking Garage		C	C	C
Pedestrian Take-Out Window		P	P	
Personal Service Shop		P	P	P
Post Office		P	P	P
Restaurant, excluding drive-through		P	P	P
Retail Store		P	P	P
Self-Service Storage Facility		X	X	
Shopping Center				C
Street Vendor		P	P	3
Studio (e.g. for dance, music, fitness, art or photography)		P	P	P
Surface Parking Lot		P	P	3
Undertaking Establishment and Funeral Home		C	C	3
Other Use				
Municipal Building, Office, or Use	P	P	P	P
Open Space and Low Intensity Outdoor Recreational Use	P	P	P	P
School, Religious Institution and ancillary use			P	P
Rail Facility				P

NOTES:

P = Permitted

C = Conditional Use

X = Prohibited

¹ Permitted, Conditional and Prohibited Uses in the Traditional Residential Infill Overlay District apply to all residential zoning districts (A, B, B-1, C, and C-1) unless otherwise noted.

² While there are several residential uses permitted in the Traditional Residential Infill Overlay District, the use permitted on a particular lot is determined by the adjacent uses.

³ Uses permitted by-right in Town Center and Neighborhood Commercial Residential are permitted in Gate