



MEDIA

HYBRID FORM-BASED CODE

“C Section” of the Zoning Ordinance

June 6, 2022 **DRAFT**

Changes are identified in red.

This document has been updated to address changes needed to facilitate the creation of the Hybrid Form-Based Code. Changes are intended to impact only those areas that are covered by the hybrid form-based code (R1, R2, R3, R4 and Office District). Where changes are made within a zoning section, it is because there was a cross-reference to a section that will no longer exist when the form-based code is adopted. In those instances, the cross-referenced text has either been copied into the zone OR a new cross reference has been created.

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

§ 311.C-1. Legislative intent.

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

§ 311.C-2. Uses by right.

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

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

§ 311.C-3. Accessory uses.

- A. All accessory uses permitted in the R-1 Residential District (~~§ 311.B-22§ 311-16~~ of this chapter), except private garages and private swimming pools.
- B. Storage, within a completely enclosed structure in conjunction with a permitted use.
- C. Any accessory use on the same lot with and customarily incidental to any of the uses permitted above and not detrimental to the neighborhood.

§ 311.C-4. Area and bulk regulations.

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

§ 311.C-5. Minimum yard requirements.

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

- (2) In case of a corner lot where the right-of-way dimension of both streets is not identical, a front yard setback of 50 feet shall be required from the street with the widest right-of-way dimension, and a front yard setback of 50 feet shall be required from the street with the narrowest right-of-way dimension. The yard opposite the street with the widest right-of-way shall comply with rear yard setback requirements, and the yard opposite the street with the narrowest right-of-way dimension shall comply with the minimum side yard setback requirements.
- (3) In the case of a corner lot where the lot dimensions along the streets are identical and the right-of-way dimension of both streets is identical, the property owner shall select one side abutting the street to be the front yard, consistent with other uses prevailing on the same block.

§ 311.C-6. Building coverage.

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

§ 311.C-7. Height regulation.

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

§ 311.C-8. Off-street parking.

As required by Article E-II of this chapter.

§ 311.C-9. Accessory structures.

Permanent accessory structures shall not cover more than 5% of the lot on which they are located and shall comply with ~~§ 311-63~~§ 311.E-6 of this chapter.

§ 311.C-10. Impervious surface requirements.

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

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

§ 311.C-11. Legislative intent.

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

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

§ 311.C-12. Uses by right.

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

- A. Retail store, including general merchandise store, hardware store, variety store, pharmacy or similar establishment.
- B. Gift shop or similar establishment.
- C. Apparel or accessory store.
- D. Business machine, television, radio, computer or household appliance store, including sales and service, where service facilities must be related to the sales activity.
- E. Personal service shop, including barber, beautician, shoe repair, tailor and laundry, where actual cleaning and pressing are done off the premises, and related personal services.
- F. Food store, including grocery store or supermarket, liquor store or beverage distributor, confectionery, bakery, pastry, candy and ice cream shop, where goods are sold only at retail on the premises.
- G. Eating and drinking place, including restaurant, delicatessen, sandwich or pizza shop or tavern.
- H. Bank. *[Amended 12-16-1999 by Ord. No. 938]*
- I. Professional or business office or studio, or financial institutions (other than banks) are not permitted on ground and/or first floor at front of store grade level and are permitted by right only on higher floors. *[Amended 12-16-1999 by Ord. No. 938]*
- J. Municipal building or use.
- K. Mixed use, where offices and/or residential use are located above retail establishments or residential use above offices, subject to [the following requirements](#) *[Amended 8-15-1996 by Ord. No. 903]*

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

- (1) Lot area. A lot area of at least 1,750 square feet shall be provided for each of the first four units in a multifamily building or development. An additional area of 1,500 square feet for each additional two-bedroom unit and an area of 1,250 square feet for each additional one-bedroom unit also shall be provided. Where a building or development contains one- and two-bedroom units, the one-bedroom units shall be counted first in calculating lot area.
- (2) Lot width. No lot shall have a width at the building line of less than 100 feet.
- (3) Minimum yard requirements.
 - (a) Front yard. There shall be a front yard the depth of which shall be not less than 25 feet.
 - (b) Side yards. There shall be two side yards with an aggregate of 55 feet, one on either side of the building, both of which shall be at least 25 feet wide.
 - (c) Distance between buildings. In cases where there is more than one multifamily building on a lot, the distance between buildings shall be at least 40 feet.
 - (d) Rear yard. There shall be a rear yard which shall be not less than 25 feet in depth.
 - (e) Corner lot setbacks. In the case of a corner lot, there shall be a setback of not less than 25 feet from the front street line and a setback of not less than 25 feet from the side street line.
- (4) Building coverage. The aggregate area of all building on a lot shall not exceed 35% of the lot area.
- (5) Minimum floor area per unit. In accordance with ~~§ 311-27D(6)~~ § 311.C-16D(6) of this chapter.
- (6) Height regulation. No building shall have a height exceeding 55 feet above grade, provided that the entire building contains fire sprinklers in accordance with any and all ordinances. Any structure that is greater than 35 feet in height shall be required to contain fire sprinklers. Fire sprinklers shall comply with any and all ordinances. All Code-approved fire protection and fire suppression systems shall be operable and in working condition at all times.
[Amended 7-15-2004 by Ord. No. 995]
- (7) Off-street parking. As required by ~~Article XIII~~ Article E-II. Parking Regulations of this chapter.
- (8) Accessory structures. As required by ~~§ 311-63~~ § 311.E-6 of this chapter.
- (9) Common open space. At least 20% of the lot shall be reserved for common open space for the exclusive use of the residents of the multifamily building(s) and shall be maintained by the owner(s) of the building(s).
- (10) Special requirements.
 - (a) The design of driveways and parking areas shall be such so as not to impede fire-fighting or other emergency vehicles and equipment.

- (b) The owner(s) or developer(s) shall be responsible for the removal of trash, snow removal from the sidewalks, driveways and parking areas and for the cutting of grass. All refuse shall be placed in metal containers which shall be effectively screened from view of the residents.
 - (c) The proposed multifamily building or development shall be designed so as to provide a desirable and harmonious addition to the general environment of the neighborhood, and each group of multifamily buildings on a single lot shall constitute a single architectural scheme.
 - (d) Each multifamily building or group of buildings shall be designed and operated as a single management and maintenance unit, with common yards, open spaces and parking areas. In the event multifamily dwellings are converted or developed as condominiums, such condominiums shall be owned and operated in accordance with the Pennsylvania Unit Property Act of 1963, as amended. No subsequent subdivision of the property into single- or two-family dwellings shall be permitted.
 - (e) Not more than three bedrooms shall be permitted in any one dwelling unit.
 - (f) Multifamily units shall be permitted only on a floor which is completely above grade at one exterior wall.
 - (g) Impervious surface requirements. Not more than 45% of any lot area shall be covered by impervious surfaces.
[Added 5-15-2008 by Ord. No. 1047]
- L. Place of amusement, provided they are consistent with all other ordinances of the Borough of Media. ¹³ [Amended 8-15-1996 by Ord. No. 903]
 - M. No drive-in or drive-through establishments will be permitted such that ingress and/or egress is from/to state street. [Amended 8-15-1996 by Ord. No. 903]
 - N. Church or other place of worship.
 - O. Conversion, as per ~~§ 311-76~~ § 311.E-18. [Amended 8-15-1996 by Ord. No. 903]

§ 311.C-13. Uses by special exception.

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

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

§ 311.C-14. Accessory uses.

The following accessory uses shall be permitted:

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

§ 311.C-15. Prohibited uses.

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

§ 311.C-16. Area and bulk regulations.

A. Nonresidential uses.

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

- (8) Height regulation. No building shall have a height exceeding 40 feet with a maximum of three stories above grade.
 - (9) Off-street parking. As required by Article E-II of this chapter.
 - (10) Accessory structures. As required by § ~~311-63~~311.E-6 of this chapter.
 - (11) Impervious surface requirements. Not more than 95% of any lot area shall be covered by impervious surfaces. **[Added 5-15-2008 by Ord. No. 1047]**
- B. Residential uses. Area and bulk requirements applicable to multifamily dwellings, maximum of four units in the R-3 District, as provided ~~in § 311-27D~~below.

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

- (1) Lot area. A lot area of not less than 1,875 square feet per unit shall be provided for every building hereafter erected.
- (2) Lot width. Each lot shall have a width at the building line of not less than 75 feet.
- (3) Minimum yard requirements.
 - (a) Front yard. There shall be a front yard the depth of which shall be not less than 25 feet.
 - (b) Side yards. There shall be two side yards, one on either side of the building, which shall have an aggregate width of 35 feet, and neither side yard shall be less than 15 feet wide.
 - (c) Rear yard. There shall be a rear yard which shall be not less than 20 feet in depth.

(d) Corner lot setbacks. As required ~~by § 311-17C(4) of this chapter~~ below.

[1] In case of a corner lot where the right-of-way dimension of both streets is identical, a front yard setback of not less than 25 feet shall be required from the street line fronted by the shortest lot dimension, and a front yard setback of not less than 15 feet shall be required from the street line fronted by the longest dimension. The yard opposite the shortest lot dimension shall comply with rear yard setback requirements, and the yard opposite the long lot dimension shall comply with the minimum side yard setback requirements.

[2] In case of a corner lot where the right-of-way dimension of both streets is not identical, a front yard setback of 25 feet shall be required from the street with the widest right-of-way dimension, and a front yard setback of 15 feet shall be required from the street with the narrowest right-of-way dimension. The yard opposite the street with the widest right-of-way shall comply with rear yard setback requirements, and the yard opposite the street with the narrowest right-of-way dimension shall comply with the minimum side yard setback requirements.

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

- (4) Building coverage. The aggregate area of all buildings on a lot shall not exceed 25% of the lot area.
- (5) Distance between parking and property lines. There shall be a minimum distance of three feet between any parking area and a side or rear lot line.
- (6) Minimum floor area per unit, multifamily dwellings. The minimum floor area per unit, exclusive of common stairs and hallways serving more than one unit, shall be as required below:
 - (a) One-bedroom unit: 625 square feet.
 - (b) Two-bedroom unit: 775 square feet.
 - (c) Three-bedroom unit: 925 square feet.
 - (d) Efficiency unit: 375 square feet.[Added 9-20-2007 by Ord. No. 1037]
- (7) Height regulation. No building shall have a height exceeding 35 feet with a maximum of three stories above grade.
- (8) Off-street parking. As required by Article E-II. Parking Regulations~~Article XIII~~ of this chapter.
- (9) Accessory structures. As required by § ~~311-63311.E-6~~ of this chapter.
- (10) Impervious surface requirements. Not more than 40% of any lot area shall be covered by impervious surfaces.[Added 5-15-2008 by Ord. No. 1047]

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

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

§ 311.C-17. Legislative intent.

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

§ 311.C-18. Uses by right.

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

- A. All uses permitted by right in the Retail-Office-Apartment District, including vertical mixed use buildings with retail use on the ground floor, subject to ~~§ 311.C-22D~~**§ 311-48D**.
- B. New or used automobile dealer, including sales, leasing and service facilities, provided that no such facility shall be located within 500 feet of the property line of any other property used for such a facility.
- C. (Reserved)
- D. Auto parts store.
- E. Car washing establishment.
- F. Gasoline service station, provided that no gasoline service station shall be located within 500 feet of the property line of any other property used for a gasoline service station.
- G. Convenience store.
- H. Drive-through restaurant, bank, camera film developing establishment or similar drive-through use.
- I. Medical, dental or similar clinic.
- J. Motel, hotel and related facility, such as restaurant and banquet room.
- K. Laundromat, newspaper or printing establishment or similar use.
- L. General service, repair or tradesman's shop, including furniture, watch or clock, radio, television or household appliance repair; carpenter, plumber, electrician or similar use.
- M. Church or other place of worship, school, day care or similar use.
- N. Club, lodge; nonprofit organization, as defined in Article A-II of this chapter.
- O. Funeral home or mortuary.

- P. Multifamily dwelling, (apartments) subject to ~~§ 311.C-12K311-27.5F~~, and ~~§ 311.C-22D311-48D~~.
- Q. Conversion, as per ~~§ 311-76~~§ 311.E-18.
- R. Bank or other financial institution.
- S. Single-family semi-detached dwelling (twins) in the Gateway Area 1, subject to ~~§ 311-48C~~§ 311.C-22C.
- T. Single-family attached dwellings (townhouse) in the Gateway Area 1, subject to ~~§ 311-48C~~§ 311.C-22C.

§ 311.C-19. Uses by special exception.

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

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

§ 311.C-20. Accessory uses.

- A. All accessory uses permitted in the Retail-Office-Apartment District subject to the regulations of ~~§ 311-63~~§ 311.E-63.
- B. Any accessory use on the same lot with and customarily incidental to any of the uses permitted above and not detrimental to the neighborhood.

§ 311.C-21. Prohibited uses.

As noted in ~~§ 311.C-15~~§ 311-41, relating to the Retail-Office-Apartment District.

§ 311.C-22. Area and bulk regulations.

- A. Nonresidential uses.
 - (1) Lot area. A lot area of not less than 3,850 square feet shall be provided for every principal building hereafter erected.
 - (2) Lot width. The lot for each principal building hereafter erected shall have a width at the building line of not less than 35 feet.
 - (3) Minimum yard requirements.
 - (a) Front yard. There shall be a front yard the depth of which shall be equal to the predominant front yards of the existing buildings on the same block. Where there are no existing buildings in the immediate vicinity of a proposed building, such proposed building shall have a front yard of not less than 10 feet.
 - (b) Side yards.
 - [1] In the case of detached or semidetached buildings, there shall be two side yards, each of which shall have a width of not less than six feet.
 - [2] In the case of three or more attached buildings, there shall be a side yard at each end of the row of buildings which shall have a width of not less than 10 feet.

- (c) Rear yard.
 - [1] In the event that no front yard is provided, there shall be a rear yard which shall be not less than 25 feet in depth.
 - [2] In the event of a front yard of at least 25 feet, with or without parking, the rear yard shall not be less than 10 feet.
 - [3] In the event that there is a front yard which is less than 25 feet in depth, the rear yard shall not be less than 25 feet, unless reduced as a special exception by the Zoning Hearing Board. No such rear yard shall be reduced to less than 10 feet.
- (d) Corner lot setbacks.
 - [1] In case of a corner lot where the right-of-way dimension of both streets is identical, a front yard setback of not less than 10 feet shall be required from the street line fronted by the shortest lot dimension, and a front yard setback of not less than 10 feet shall be required from the street line fronted by the longest dimension. The yard opposite the shortest lot dimension shall comply with rear yard setback requirements, and the yard opposite the long lot dimension shall comply with the minimum side yard setback requirements.
 - [2] In case of a corner lot where the right-of-way dimension of both streets is not identical, a front yard setback of 10 feet shall be required from the street with the widest right-of-way dimension, and a front yard setback of 10 feet shall be required from the street with the narrowest right-of-way dimension. The yard opposite the street with the widest right-of-way shall comply with rear yard setback requirements, and the yard opposite the street with the narrowest right-of-way dimension shall comply with the minimum side yard setback requirements.
 - [3] In the case of a corner lot where the lot dimensions along the streets are identical and the right-of-way dimension of both streets is identical, the property owner shall select one side abutting the street to be the front yard, consistent with other uses prevailing on the same block.
- (4) Building coverage. The aggregate area of all buildings on a lot shall not exceed 75% of the lot area. However, in cases where underground parking is provided, the building coverage may be increased to not more than 80% of the lot area.
- (5) Height regulation. No building shall have a height exceeding 40 feet with a maximum of three stories above grade.
- (6) Off-street parking. As required by Article E-II of this chapter.
- (7) Accessory structures. As required by § ~~311-63~~311.E-6 of this chapter.
- (8) Impervious surface requirements. Not more than 85% of any lot area shall be covered by impervious surfaces; however, in cases where underground parking is provided, the impervious surfaces may be increased to not more than 90% of the lot area.

- B. Residential uses. Area and bulk regulations as provided in § 311.C-12K311-27.5F, and as provided in § 311-48C§ 311.C-22C and D for the Traditional Neighborhood Development-1 (TND-1) Overlay District, and Gateway Area 1 and Gateway Area 2.
- C. Residential uses: single-family attached dwellings (townhouses) in Gateway Area 1.
- (1) Lot area. A minimum gross lot area of 3,000 square feet per dwelling unit shall be provided, including unit area, decks, porches, parking areas, common interior circulation, and lawn/landscape areas. However, condominium ownership or individual footprint lots may be permitted, provided that the overall density does not result in less than 3,000 square feet of gross lot area per dwelling unit.
 - (2) Dwelling unit width. Dwelling units shall have a minimum width of 20 feet.
 - (3) Dwelling unit frontage. Dwelling units shall have frontage directly onto a street, except in the case of a Green Court Lot whereby a dwelling unit faces a green that is used for active recreation or passive recreation, and such dwelling unit is accessed from an alley.
 - (4) Attached units. The number of attached dwelling units in any townhouse structure shall not be less than three or more than six units in a row. Up to 50% of the total units in a proposed development may be allowed to be two units in a row, in order to enable a single-family semi-detached structure (twins).
 - (5) Minimum yard requirements.
 - (a) Front yard. For dwellings fronting on existing streets, there shall be a front yard, the depth of which shall be not less than 15 feet from any property line. For dwellings fronting on new streets, there shall be a front yard of 15 feet from the curb or street edge. However, one-story porches may be within five feet of a property line with existing street frontage or five feet from a curb or street edge in the case of a new street. For corner properties, the front yard setback shall apply to both street frontages. However, the primary front yard shall be the yard that faces Baltimore Avenue.
 - (b) Side yards. Each group of townhouse units shall have two side yards, with a setback of not less than 10 feet to a perimeter property line. The aggregate side yard distance between buildings shall not be less than 10 feet.
 - (c) Rear yards. There shall be a rear yard which shall be not less than 10 feet, except that decks (grade level or elevated) and garages may be within three feet of the perimeter property line.
 - (6) Building coverage. The aggregate area of all buildings on a lot shall not exceed 35% of the overall lot area, excluding unenclosed porches.
 - (7) Variation in design. In order to avoid a flat, monolithic facade, whenever three or more attached dwelling units are proposed, each dwelling unit shall be distinguished from the adjacent dwelling unit in some manner such as by varying unit width, by using different exterior material, by varying arrangements of entrances or windows, or by using pilasters, bay windows or other like type architectural features.
 - (8) Height regulation. No building shall have a height exceeding 45 feet with a maximum of four stories above grade. [Amended 5-19-2016 by Ord. No. 1123]

- (9) Off-street parking. Two parking spaces shall be provided per dwelling unit, and one guest space shall be provided for every four dwelling units. Guest spaces may be located in new streets as on-street parking for traffic calming and convenience.
- (10) Impervious surface requirements. Not more than 70% of any lot area shall be covered by impervious surfaces.
- (11) Green space. No less than 10% of the total tract area shall be designated for and maintained as green space to be used for active recreation and/or passive recreation, as well as courtyards and other pedestrian gathering areas. Such open space shall be separate and apart from yard setbacks. These green space requirements shall supercede the requirements of § ~~311-73311.E-15~~.
- (12) Special requirements.
 - (a) The proposed townhouse buildings and development shall be designed so as to provide a harmonious addition to the general environment of the neighborhood through the use of front porches, and/or articulated facades.
 - (b) For any facade that faces a public way, there shall be at least 10% windows, but not more than 25% windows.
 - (c) Vertical infrastructure shall be provided in the form of piers at entrances and at corners of the property, pergolas, arbors, and benches.
 - (d) All development shall be consistent with the written and graphic design standards in Article D-I of the Zoning Ordinance, and § 257-33 of the Subdivision and Land Development Ordinance.
 - (e) All development shall be consistent with the Development Strategy Plan Baltimore Avenue, and the Development Strategy Plan for Gateway Area1.
 - (f) Due to the reduction in cartway widths, increased building density and reduced setbacks and separation between buildings, all buildings shall contain fire sprinklers designed to the applicable National Fire Protection Standard. All Code-approved fire protection and fire suppression systems shall be operable and in working condition at all times.

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

- (1) Lot area.
 - (a) A lot area of at least 1,750 square feet shall be provided for each of the first four units in a multifamily building and development. An additional lot area of 525 square feet for each additional dwelling unit shall also be provided.
 - (b) Whenever retail use is proposed on the ground floor area of a multifamily building, no additional lot area shall be required if the gross leasable area for the retail use is less than 2,500 square feet.
 - (c) Whenever 2,500 square feet or more of gross leasable area of retail use is proposed on the ground floor area of a multifamily building, there shall be an additional one square foot of lot area for every one square foot of retail use, beyond that required under § ~~311.C-22D.311-48D~~(1)(a).
- (2) Lot width. No lot shall have a width at the building line of less than 100 feet.
- (3) Minimum yard requirements.

- (a) Front yard.
 - [1] For buildings up to three stories in height, there shall be a front yard setback consistent with the TND-1 Overlay "build to line" of five feet. For buildings with additional height above three stories, the front yard setback shall be increased as follows:
 - [a] Four stories: 20 feet.
 - [b] Five stories: 25 feet.
 - [2] For corner properties, the front yard setback shall apply to both street frontages. However, the primary front yard shall be the yard that faces Baltimore Avenue.
 - [3] For buildings three stories or more, up to 20% of the linear footage of the total facade length on each street may project up to five feet into the required front yard setback, provided that those projections are at least one floor shorter in height than total height of the main building.
- (b) Side yards. There shall be two side yards, one on either side of the building, with a minimum width of 15 feet, and a combined aggregate width of 35 feet.
- (c) Rear yard. There shall be a rear yard which shall be not less than 25 feet in depth.
- (d) Distance between buildings. In cases where there is more than one multifamily building on a lot, the distance between buildings shall be at least 40 feet.
- (e) For corner properties, there shall be one side yard and one rear yard, with the rear yard being opposite Baltimore Avenue.
- (4) Building coverage. The aggregate area of all building on a lot shall not exceed 75% of the lot area.
- (5) Impervious surface. Not more than 80% of the lot shall be covered by impervious surfaces.
- (6) Height regulation. No building shall have a height exceeding 45 feet, above grade, provided that building height may be increased in accordance with, and subject to the conditions of Subsection D(6)(a) and (b) below. Any building that is greater than 35 feet in height shall be required to contain fire sprinklers. Fire sprinklers shall comply with any and all ordinances. All Code-approved fire protection and fire suppression systems shall be operable and in working condition at all times. The forty-five-foot height provision is further qualified as follows:
 - (a) A height not exceeding 55 feet with a maximum of four stories above grade may be permitted if there is a roof garden with swimming pool that is built and maintained with a square footage of at least 10% of the building footprint, and if there are ornamental street lights, hanging baskets, and pergolas.

- (b) A height not exceeding 65 feet with a maximum of five stories above grade may be permitted if there is a 5% increase of green space, beyond the minimum of 20% as per § ~~311.C-22D 311-63~~(8), for a total of 25% green space, and the 5% increased green space area shall include benches, planters with landscaping, arbors, pergolas, a roof garden with swimming pool, ornamental street lights, hanging baskets, bicycle racks, and decorative sidewalk materials.
- (7) Off-street parking. Parking shall be provided at the rate of: one parking space per one-bedroom unit; two parking spaces per two-bedroom unit; two parking spaces per three-bedroom unit; and three parking spaces per four-bedroom unit. All off-street parking spaces shall be either (a) in a deck parking structure and/or below the building and not visible from the street, or (b) not visible from public streets, except that surface parking spaces may be built and maintained for ADA parking spaces, delivery vehicles, and/or staff, at a ratio of one space per each 25 dwelling units.
- E. Green space. No less than 20% of the total tract area shall be designated for and maintained as green space to be used for courtyards, plazas, and landscaped areas between the building and the perimeter property lines.
- F. Special requirements.
 - (a) The proposed multifamily building and development shall be designed so as to provide a harmonious addition to the general environment of the neighborhood, and each group of multifamily buildings on a single lot shall constitute a single architectural scheme.
 - (b) For any facade that faces a public way, there shall be at least 15% windows, but not more than 45% windows.
 - (c) Each multifamily building or group of buildings shall be designed and operated as a single management and maintenance unit, with common yards, open spaces and parking areas. In the event multifamily dwellings are converted or developed as condominiums, such condominiums shall be owned and operated in accordance with the Pennsylvania Unit Property Act of 1963, as amended.¹⁴
 - (d) All development shall be consistent with the written and graphic design standards in Article D-I of the Zoning Ordinance, and § 257-33 of the Subdivision and Land Development Ordinance.
 - (e) All development shall be consistent with the Development Strategy Plan Baltimore Avenue, and the Development Strategy Plan for Gateway Area 2.
 - (f) The sign regulations of Article E-III shall apply, and whenever retail use is proposed on the ground level of a multifamily building, the ROA district signage regulations of § 311 ~~.E-37-92E~~ shall apply.
 - (g) Due to the reduction in cartway widths, increased building density and reduced setbacks and separation between buildings, all buildings shall contain fire sprinklers designed to the applicable National Fire Protection Standard. All Code-approved fire protection and fire suppression systems shall be operable and in working condition at all times.

Article C-IV. Industrial District

§ 311.C-23. Legislative intent.

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

§ 311.C-24. Uses by right.

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

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

- O. Rental storage facilities.
- P. Entertainment facility. [Added 8-15-1996 by Ord. No. 903]
- Q. Medical marijuana dispensaries and medical marijuana growers/processors.

[Added 7-20-2017 by Ord. No. 1127-2017]

§ 311.C-25. Uses by special exception.

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

- A. Uses of the same general character (as determined by the Zoning Hearing Board) as the uses permitted by right, in accordance with the performance standards set forth in Article E-V of this chapter.
- B. Public parking lot or garage.

§ 311.C-26. Accessory uses.

The following accessory uses shall be permitted:

- A. Storage, in conjunction with a permitted use.
- B. Cafeteria, recreation area, or similar facility for the exclusive use of the employees.
- C. Living quarters for a watchman, caretaker or similar employee.¹⁵
- D. Any accessory use on the same lot with and customarily incidental to any of the uses permitted above and not detrimental to the neighborhood.

§ 311.C-27. Performance standards.

All uses permitted in this district shall be in compliance with the performance standards set forth in Article E-V of this chapter.

§ 311.C-28. Area and bulk regulations.

- A. Lot area. A lot area of not less than 5,600 square feet shall be provided for every

Editor's Note: Former Subsection 4, regarding off-street parking, which immediately followed this subsection, was deleted 8-15-1996 by Ord. No. 903. building hereafter erected.

- B. Lot width. The lot for each building hereafter erected shall have a width at the building line of not less than 40 feet.
- C. Minimum yard requirements.
 - (1) Front yard. There shall be a front yard, the depth of which shall be not less than 25 feet.
 - (2) Side yards. There shall be at least one side yard which shall be not less than 10 feet in width.
 - (3) Rear yard. There shall be a rear yard which shall be not less than 30 feet in depth; however, where the rear portion of a lot abuts a residential district, the rear yard shall be not less than 50 feet.
 - (4) Corner lot setbacks. [Added 8-15-1996 by Ord. No. 903]

- (a) In case of a corner lot where the right-of-way dimension of both streets is identical, a front yard setback of not less than 25 feet shall be required from the street line fronted by the shortest lot dimension, and a front yardsetback of not less than 10 feet shall be required from the street line fronted by the longest dimension. The yard opposite the shortest lot dimension shall comply with rear yard setback requirements, and the yardopposite the long lot dimension shall comply with the minimum side yardsetback requirements.
 - (b) In case of a corner lot where the right-of-way dimension of both streets is not identical, a front yard setback of 25 feet shall be required from the street with the widest right-of-way dimension, and a front yard setback of 10 feet shall be required from the street with the narrowest right-of-way dimension. The yard opposite the street with the widest right-of-way shall comply with rear yard setback requirements, and the yard opposite the street with the narrowest right-of-way dimension shall comply with the minimum side yard setback requirements.
 - (c) In the case of a corner lot where the lot dimensions along the streets are identical and the right-of-way dimension of both streets is identical, the property owner shall select one side abutting the street to be the front yard, consistent with other uses prevailing on the same block.
- D. Building coverage. The aggregate area of all buildings on a lot shall not exceed 50% of the lot area.
 - E. Distance between buildings. Where more than one principal building is provided on a lot, the distance between buildings shall be not less than 30 feet.
 - F. Height regulation. No building shall have a height exceeding 45 feet with a maximum of three stories above grade.
 - G. Off-street parking and loading. As required by Article E-II of this chapter.
 - H. Accessory structures. As required by § ~~311-63311.E-6~~ of this chapter.
 - I. Impervious surface requirements. Not more than 90% of any lot area shall be covered by impervious surfaces. [Added 5-15-2008 by Ord. No. 1047]