

Zoning Chapter 320
from the CODE of the
Municipality of Norristown



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ARTICLE I

Intent, Interpretation and Objectives

§ 320-1. LEGISLATIVE INTENT.

This chapter is in accordance with the Comprehensive Plan of Norristown, and Article VI Zoning and Article VII Traditional Neighborhood Development of the “The Pennsylvania Municipalities Planning Code Act of 1968 as reenacted and amended”. This chapter is enacted for the purpose of promoting the health, safety, morals and general welfare of the municipality, and is designed to lessen congestion in the streets and highways; to secure safety from fire, panic and other danger; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue congestion of population; to facilitate schools, parks and other public requirements; to conserve the value of buildings; and to encourage the most appropriate use of land throughout the municipality.

§ 320-2. INTERPRETATION.

In interpreting and applying the provisions of this chapter, they shall be held to the minimum requirements for the promotion of the health, safety, morals and general welfare of the municipality. The Comprehensive Plan in accordance with which this chapter is enacted and which is reflected in the provisions of this chapter has been formulated to implement the purpose set forth in § 320-1.

§ 320-3. GENERAL OBJECTIVES.

- A. The general objectives of this Zoning Chapter, in accordance with the Comprehensive Plan, are:
1. Guiding and encouraging the future development of the municipality in accordance with comprehensive planning of land use and population density that represents the most beneficial and convenient relationships among the residential, commercial, industrial, institutional and recreational areas within the municipality, having regard to their suitability for the various uses appropriate to each of them and their potentiality for such uses, as indicated by topography and soil conditions, existing man-made conditions and trends in population, in the direction and manner of the use of land, in building development and in economic activity, considering such conditions and trends both within the municipality and with respect to the relation of the municipality to surrounding areas.

2. Protecting the character and the social and economic stability of each of such areas and encouraging their orderly and beneficial growth.
 3. Protecting and conserving the value of land and buildings throughout the municipality, depending upon necessity of circumstances, appropriate to the various zoning districts established herein.
 4. Bringing about, through proper timing, the gradual conformity of land use with the Comprehensive Plan aforesaid and minimizing conflicts among the uses of land and buildings.
 5. Aiding in bringing about the most beneficial relation between land use and the circulation of traffic throughout the municipality, having particular regard to traffic to and from the expressways and to avoidance of congestion in the streets and the provision of safe and convenient access appropriate to the various land uses.
 6. Aiding in providing a guide for public policy and action in the efficient provision of public facilities and services, in the provision of safe and proper sanitary sewage disposal and for private enterprise in building development, investment and other economic activity relating to land use.
- B. Insofar as such objectives are consistent with the purpose set forth in §320-1 and with the aforesaid minimum requirements therefor, the provisions of this chapter shall be interpreted, administered and applied in such manner as will facilitate attainment of said objectives and all others permitted by law.

§ 320-4. COMMUNITY OBJECTIVES.

The general objectives of this Zoning Chapter, in accordance with Chapter 3, Goals, Objectives & Strategies of the Comprehensive Plan of 2009, are to:

- A. Improve and enhance the downtown to recreate a strong business district as an attractive hub for Norristown and as the County Seat, a viable destination for the surrounding region.
- B. Maintain existing walkable neighborhoods, and there traditional character.
- C. Adaptively reuse existing noteworthy buildings, revitalize sites that are vacant or underutilized, and create new attractive development in scale and proportion to the traditional character of Norristown.
- D. Protect and preserve historic resources in order to maintain the character and charm of the historic districts and stimulate new economic development.
- E. Enrich the quality of life in Norristown through cultural resources development and hospitality.

Additional goals as noted in the Comprehensive Plan of 2009, are to:

- F. Improve vehicular, bicycle and pedestrian circulation and safety.
- G. Promote multi-model transportation.
- H. Create hybrid zoning districts for all of Norristown to improve the design and functionality of infill and redevelopment projects.
- I. Encourage infill development to be compatible and complementary to existing neighborhood in terms of building façade orientation, scale, massing, the use of traditional building materials, and the location of streetscape features such as sidewalks, curbing, street trees and on and off-street parking.

§ 320-5. CONFLICT WITH OTHER PROVISIONS.

It is not intended by this chapter to repeal, abrogate, annul or interfere with any existing ordinance or enactment or with any rule, regulation or permit adopted or issued thereunder, except insofar as the same may be inconsistent or in conflict with any of the provisions of this chapter, provided that where this chapter imposes greater restrictions upon the use of buildings or land or upon the height and bulk of buildings or prescribes larger open spaces

than are required by the provisions of such ordinance, enactment, rule, regulation or permit, then the provisions of this chapter shall control.

§ 320-6 - § 320-9. (RESERVED)

ARTICLE II

Definitions

§ 320-10. WORD USAGE.

- A. For the purposes of this Code, words and terms used herein shall be interpreted as follows, unless a contrary intention clearly appears in the text of a specific section:
1. Words used in the present tense shall include the future tense.
 2. Words used in the singular shall include the plural, and those used in the plural shall include the singular.
 3. The word “person” shall include an individual as well as a corporation, partnership, association, or other legal entity.
 4. The word “lot” shall be interchangeable with the words “plot”, “parcel”, “premise” or “site”.
 5. The words “shall” and “will” are always to be construed as mandatory; the words “may”, “should,” and “encouraged” are optional.
 6. The words “used” or “occupied,” when applied to any land or building, shall include the words “arranged for,” “designed for,” or “intended for.”
 7. The word “building” shall always be construed as if followed by the words “or part thereof.”
- B. Any word or term not specifically defined herein shall be construed with a meaning of standard usage.
- C. Any word or term is not defined in this Article, but is defined in the Subdivision and Land Development Ordinance, Building Code, or in any other applicable Code adopted by the Municipality of Norristown, the definition in that ordinance shall apply.
- D. All uses shall be construed in accordance with the Use Regulations set forth herein.

§ 320-11. DEFINITIONS.

As used in this chapter, the following terms shall have the meanings indicated:

Access Driveways

A driveway intended to provide vehicular and pedestrian access from a public street to the internal portion of the lot.

Accessory Building

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

Accessory Structure

A subordinate structure either detached from or attached to a principal building on the same lot, which serves a purpose clearly incidental to the permitted principal use of that lot or principal building. Accessory structures include decks, fences, sheds, or other similar buildings.

Accessory Use

A use subordinate to the principal use of land or a building or other structure on a lot and customarily incidental thereto.

Adult Bookstore

An establishment having as a substantial or significant portion of its stock-in-trade books, magazines, films for sale or viewing on premises by use of motion picture devices or any other coin-operated means and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, or an establishment with a segment or section devoted to the sale or display of such material.

Adult Day-Care Center

A premises operated for profit or not-for-profit in which older adult daily living services, as defined and regulated by the Pennsylvania Older Adult Living Centers Licensing Act of 1993 (6 Pa. Code § 11.1 et seq.), are simultaneously provided for four or more clients who are not relatives of the operator for part of a 24-hour day. An Adult Day-Care Center shall serve clients with functional impairment who are 60 years of age or older, or who are 18 years of age or older and have post-stroke dementia, Parkinsonism or a dementia-related disease such as Alzheimer's or other organic brain syndrome (6 Pa. Code § 11.2). The term does not include services provided for persons whose needs are such that they can only be met in a long-term facility on an inpatient basis receiving professionally supervised nursing care and related medical and other health services.

Adult Entertainment Cabaret

A public or private establishment which is licensed to serve food and/or alcoholic beverages, which features topless dancers, strippers, male or female impersonators or similar entertainers.

Adult Motion-Picture Theater

An enclosed building used regularly and routinely for presenting material having as a dominant theme material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

Age Restricted Housing

A residential complex containing dwellings that are limited to occupancy by persons who are 55 years of age or older or, if 2 persons occupy a unit, at least one shall be 55 years or older. Such facilities may include a congregate meals program in a common area but exclude assisted living, housing for the elderly, or institutional care such as medical or nursing care.

Alley

Any roadway or public way dedicated or opened to public use, or shown on the Municipal Map and not opened, which is 20 feet or less in width.

Alterations

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

use, an alteration is any change in or addition to a building which would prolong the life of such use or building.

Amendment

A change in the requirements of any use provided for in this ordinance, which would necessitate a revision to the zoning ordinance text in order to accommodate the change, or a change in any zoning district boundary which would necessitate a revision to the official Zoning Map of the Municipality of Norristown. The authority for any amendment lies solely with Municipal Council.

Antenna

Telecommunications equipment that transmits and receives electromagnetic radio signals used in the provision of all types of wireless telecommunications services.

Antenna Height

The vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height. If the antenna or satellite dish is mounted on the roof of a house or other building, the height shall be measured from the peak of the roof to the top of the antenna or satellite dish.

Antique Store

A retail establishment used for the sale of antiques. Antiques shall include works of art, pieces of furniture, decorative objects, or similar collectibles belonging to the past, at least 30 years old.

Applicant

An individual, partnership, corporation, or other legal representative who, with the permission of the landowner of record, files an application for any permit, use, or provision provided for in this Ordinance.

Application

A written form supplied by the Municipality for a Municipal approval, decision, or permit, including any accompanying site plan and additional information and materials that the Municipality of Norristown requires the applicant to submit.

Arcade

A place or facility where electric or electronic machines and games are played for amusement as the primary use.

Art Studio or Gallery

This use includes premises used principally for the sale, display and exhibition of fine arts and craft products. An art gallery may include accessory production or instruction in the production of arts and crafts using paint, clay, fabric or other medium.

Assisted Living Facility

An institution which provides daily assistance and residence for elderly and disabled persons who require assistance and which has installed convenience features designed for the needs of these populations and provides common dining facilities, housekeeping, laundry, transportation and organized social activities.

Athletic Club

A facility intended to encourage physical conditioning activities by the general public through the use of gymnastics, facilities and equipment. Health-oriented treatments, including medication and massage, are not permissible by this definition.

Awning

A roof like shelter or canvas or other material which extends over a doorway or window in order to provide protection from the sun or rain.

Balcony

A platform which projects from the exterior wall of a building above the ground floor, exposed to the open air and has direct access to the interior of the building, and is not supported by posts or columns extending to the ground.

Base Station

A station at a specified site authorized to communicate with mobile stations generally consisting of radio transceivers, antennas, coaxial cables, power supplies and other associated electronics.

Basement

A story partly underground but having 1/4 or more of its height above the average level of the adjoining ground.

Bay Window

A window projecting outwards from the main wall of the building either in a semi-circular, rectangular or polygonal form.

Bed and Breakfast

An owner-occupied residential dwelling where lodging is offered for compensation, having no more than five (5) guest sleeping rooms for this purpose. As part of the price of the room, guests may be provided with up to one meal per day. Bed and Breakfast shall be developed in compliance with § 320-237 of this Chapter.

Beer Takeout, Retail

The sale of small quantities of unopened beer, generally six-packs or less, to the general public.

Block

That portion of the street situated between two street intersections, not including alleys, and shall include all properties located within that section on both sides of the street.

Building

Any structure having enclosed walls and a roof including all the uses contained therein that is permanently located on the land shall constitute a building.

Building Area

The aggregate of the maximum horizontal cross-section areas of all buildings on a lot above the ground level, measured at the greatest outside dimension, excluding cornices, eaves, gutters or chimneys projecting not more than 18 inches, bay windows not extending through more than one story and not projecting more than five feet, one-story open porches projecting not more than 10 feet, a porte cochere or carport open on three sides and not more than 14 feet high and 20 feet in length, steps and balconies.

Building Coverage

The aggregate area of a lot covered by principal and accessory buildings, as measured at grade level. Building coverage area shall not include cornices, eaves, gutters or chimneys projecting not more than 36 inches, bay windows not extending through more than one story and not projecting more than five feet, stoops, steps and balconies. Building coverage shall be expressed as a percentage ratio of the lot area covered by buildings divided by the total lot area.

Building Envelope

The area of a lot within which a principal building may be erected. This area is defined by the limits of the minimum front, side, and rear yard areas, and encompasses the area of the lot found in the yard areas and rights-of-ways.

Building Height

The height of a building shall be measured from the average ground level surrounding the building to a point midway between the highest and the lowest point of the main roof. There shall be no structures or projections above the main roof, except chimneys and housing for mechanical equipment, which housing shall not exceed 12 feet in height, except that the height of church spires shall be excluded in said measurement.

Building Line

The line which establishes the minimum depth of the front yard for the particular district, as measured from the street line.

Building, Principal

A building in which is conducted the principal use of the lot on which it is situated.

Bulb-Out/Curb Extension

An extension of a curb in the form of a bulb, usually at an intersection, that narrows the vehicular pathway and inhibits fast turns, and shortens the crossing distance for pedestrians.

Cellar

See Basement.

Cemetery

A place for the disposal or burial of deceased human beings, or pets, by cremation or in a grave, mausoleum, vault, columbarium or other receptacle. The term does not include a private family cemetery.

Chamfered Corner

Two wall planes intersecting with a diagonal cutoff such as a beveled edge.

Check Cashing Facility

Any commercial establishment that primarily engages in the business of cashing checks, warrants, drafts, money orders, or other commercial paper serving the same purpose; however, "check cashing facility" shall not include a state or federally chartered bank, savings association, credit union, or industrial loan company.

Child Day-Care Facility

Any dwelling, building or portion thereof in which child day-care services are provided, including any on-site outdoor play area. "Child day-care facilities" shall be further differentiated by the following two classifications:

- A. Family Day-Care Home — Any premises or dwelling unit, other than the child's own home, where the child-care areas are being used as a family residence, operated for profit or not for profit, in which child day care is provided at any one time on a regular basis up to six children who are not children of the caregiver. Family Day-Care homes shall be developed in compliance with § 320-216.D. of this Chapter.
- B. Day-Care Center — A facility which is licensed to provide care for seven or more children at any one time, where the child-care areas are not being used as a family residence. Day-Care homes shall be developed in compliance with § 320-216.E. of this Chapter.

Church/House of Worship

An establishment, the principal purpose of which is religious worship and for which the main building or other structure contains the sanctuary or principal place of worship. A church may include accessory uses in the main building or in separate buildings or structures, including Sunday school rooms and religious education classrooms, assembly rooms, a common kitchen, a library room or reading room, church offices, and/or day-care centers in compliance with section § 320-216.E. This does not include home meetings or other religious activities conducted in a privately occupied residence.

Client-Based Social Services Provider

A type of general office consisting of a facility that provides on-site assistance to persons with limited ability for self-care. This term includes a facility that provides assistance for psychological, psychiatric and/or medical problems, employment, welfare and other similar forms of assistance. This term also includes agencies or business entities that provide such assistance and operate on a not-for-profit basis.

Collocation

The placement or installation of new wireless telecommunications facilities on previously approved and constructed wireless support structures, including self-supporting or guyed monopoles and towers, electrical transmission towers, water towers, or any other structure not classified as a wireless support structure that can support the placement or installation of wireless telecommunications facilities if approved by the Municipality. The term includes the placement, replacement, or modification of accessory equipment within a previously approved equipment compound.

Commercial Antenna

Commercial antennas include, but are not limited to, the following: fixed-point microwaves used by telephone or other companies; two-way radio from a base to land-mobile antenna (such as radio-dispatched taxis); commercial AM and FM radio antenna, commercial UHF and VHF television antenna; and antennas and dishes used for restaurants, offices, industries or other businesses.

Common Open Space

A parcel or parcels of land or an area of water or a combination of land and water within a development site designed and intended for the use or enjoyment of residents of the development, not including streets, off-street-parking areas and areas set aside for public facilities, such as mobile home park offices, community buildings, etc. Common open space shall be substantially free of structures but may contain such improvements as are in the development plan as finally approved and as are appropriate for the recreation of residents.

Community Center

A building to be maintained principally as a multi-purpose space for gathering, recreation, and/or social activities of the general public and is not operated for profit.

Comprehensive Plan

Maps, charts and descriptive matter officially adopted by a Planning Commission or governing body showing, among other things, recommendations for the most appropriate use of land; for the most desirable density of population; for a system of thoroughfares, parkways and streets; for parks and recreation areas; for the general location and extent of facilities for water, sewer, light and power; and for the general location, character and extent of community facilities.

Condominium

An estate in real property consisting of an undividable interest in a portion of real property (consisting of common elements) together with a separate interest in a portion of real property as regulated by Pennsylvania Act. No. 117, the Unit Property Act

Consignment Shop

A retail establishment in which used personal items such as clothes, jewelry, or artifacts are resold through a broker for the owner at an agreed-upon price.

Corner Lot

A parcel of land situate at the junction of and fronting on two or more intersecting streets.

Cornice

Any horizontal member, structural or nonstructural, of any building, projecting outward from the exterior walls at the roofline, including eaves and other roof overhang.

Curb Line

A line drawn along the inside edge of the existing curb or in its absence the outer edge of the shoulder, along which curbing is or may be located excluding indented parking bays and bulb-outs/curb extensions.

Day-Care Center

See “child day-care facility” above.

Deck

A structure without a roof or walls, attached to a principal building and designed as a raised platform, and connected by structural supports at grade or by the building structure.

Development

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

Developable Acreage

See the definition for Lot Area, Net.

Distributed Antenna Systems (DAS)

A network of spatially separated antenna nodes connected to a common source via transport medium that provides wireless service within a geographic area or structure.

Door Hood

A small roof projection above a door, attached to the exterior of the primary front entrance of a dwelling unit.

Drive-Through Restaurant

A building or structure, the primary purpose of which is to prepare food and beverages for sale and distribution to the public and from which such sale and distribution can occur from within said structure to customers continuing to occupy a vehicle outside of the structure.

Dwelling

- A. A building designed for and occupied exclusively for residential purposes, not including hotels, rooming houses, tourist homes, institutional homes and the like.
- B. For the purposes of this chapter, the following are the definitions of the various types of dwelling units:
 1. Single-Family Detached Dwelling: A dwelling designed for and occupied exclusively as a residence for one family and not attached to any other building or dwelling units, including trailers or mobile homes.
 2. Twin Dwelling (Single-Family Semi-Detached): A two-family building with dwelling units placed side-by-side, and joined to each other by a vertical, common wall, but otherwise surrounded by yard areas. When lotted, each dwelling unit may be on a separate lot, with the common boundary between the two lots running along the common wall. Each unit shall have individual outside access.
 3. Duplex Dwelling (Two-Family Detached): A two-family building with one dwelling unit placed above the other so that they share a common horizontal partition. When lotted, a duplex shall be entirely on one lot. Each unit shall have individual outside access.
 4. Single-Family Attached Dwelling Unit: A dwelling unit having its own independent outside access, with no other dwelling units located directly and totally above or below it, and having party walls in common with adjacent similar dwelling units, and located in a building comprised of at least three dwelling units. Each include, but not limited to, dwelling units commonly known as townhouses, rowhouses, triplexes, quadraplexes, and multiplexes.
 - a. Townhouse: A single-family attached dwelling not less than 20 feet in width in a group of at least three units, with one dwelling unit from ground to roof, each with individual outside access.
 - b. Rowhouse: A single-family attached dwelling up to 20 feet in width in a group of at least three units, with one dwelling unit from ground to roof, each with individual outside access.
 - c. Multiplex: An attached dwelling arranged in a variety of configurations: side by side, back to back, or vertically. Because of the variety of configurations, a multiplex can be designed to look like a large, single-family detached house.
 5. Multifamily dwelling: A detached residential building containing three or more dwelling units. Units may not be arranged entirely in horizontal rows (like townhouses or rowhouses) and are generally located entirely above or below one another. Units may share outside access and/or internal hallways, lobbies and similar facilities. The dwelling units cannot be individually lotted, but instead share the lot or tract on which the building containing them is located. The development is usually under one operating unit, as a rental or condominium development. This dwelling type includes but is not limited to low-rise, mid-rise and high-rise apartments and multifamily conversions as defined below.
 - a. Low-rise apartment: An apartment building not exceeding three stories and 36 feet in height, also known as a "garden apartment."
 - b. Mid-rise apartment: An apartment building exceeding three stories and 36 feet in height but not exceeding six stories and 72 feet in height.

- c. High-rise apartment: An apartment building exceeding six stories and 72 feet in height but not exceeding 10 stories and 120 feet in height.
- 6. Apartment: A single dwelling unit in a multifamily dwelling or a two-family detached dwelling.

Dwelling Unit

One or more rooms designed, occupied or intended to be occupied as separate living quarters, with cooking, sleeping and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.

Easement

Land which has been designed by lawful agreement between the owner(s) of the land and the person(s) for a specified use only by such person(s).

Elderly Person

A person 62 years of age or older.

Emergency

A condition that (1) constitutes a clear and immediate danger to the health, welfare, or safety of the public, or (2) has caused or is likely to cause facilities in the rights-of-way to be unusable and result in loss of the services provided.

Employees or Number of Employees

The greatest number of persons to be employed on the premises in question at any one time of the day or night.

Equipment Compound

An area surrounding or adjacent to a wireless support structure within which base stations, power supplies, or accessory equipment are located.

Family

- A. Any number of individuals living together on a non-transient basis as a single housekeeping unit and doing their cooking on the premises, when said individuals are related by blood, marriage or adoption, including any number of foster children; no more than 5 unrelated individuals living together as a single housekeeping unit and doing their cooking on the premises, except when and application for a special exception to enable a greater number of unrelated individuals to occupy a dwelling unit is reviewed and approved by the Zoning Hearing Board, as provided herein. The definition of “family” shall not apply to the occupants of a club, fraternity house, lodge or residential club.
- B. Notwithstanding the definition in the preceding subsection, a family shall also be deemed to include any number of mentally or physically handicapped persons occupying a dwelling unit as a single, nonprofit housekeeping unit, if such occupants are handicapped persons as defined in Title VIII of the Civil Rights Act of 1968 and amended by the Fair Housing Amendments of Act of 1988.

FCC

Federal Communications Commission

Flag Lot

A lot completely surrounded by adjacent lots except for a strip of land, being part of the same parcel and defined as an access strip, which provides the lot with access to a public street, or the potential of access to a public street.

Floor Area Ratio (FAR)

The maximum square footage of the total floor area permitted for each square foot of land area.

Front Façade

The exterior side of a building which faces, and is most nearly parallel to, a street. The façade shall include the entire building walls, including wall faces, parapets, fascia, windows, doors, canopies, and visible roof structures of one complete elevation.

Garage

- A. Garage, Private — An accessory building or part of a principal building used for the storage of motor vehicles owned and used by the owner or tenant of the premises and for the storage of not more than two motor vehicles owned and used by persons other than the owner or tenant of the premises. Not more than one commercial vehicle or truck may be stored in a private garage.
- B. Garage, Public — A building, other than a private or storage garage, one or more stories in height, used solely for the commercial storage, service or repair of motor vehicles.
- C. Garage, Storage — A building, other than a private or public garage, one story in height, used solely for the storage of motor vehicles (other than trucks) but not for the sale, service or repair thereof nor for the sale of fuel, accessories or supplies.

Gasoline Service Station

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

Government Office

A building or portion of a building occupied by a governmental entity which shall include offices for the Municipality of Norristown, Montgomery County, the Commonwealth of Pennsylvania and/or the United States government.

Government Use

Any use that is under the direct operational control, supervision or management of a governmental body such as the Municipal, county, state or federal government.

Green Roof

An engineered, multi-layered roofing system sustaining the growth of plants on a rooftop while protecting the integrity of the underlying structure. The components of a green roof consist of a waterproofing membrane, root barrier, drainage layer, retention layer, filter fabric, growing medium and plants. The “green” portion of a green roof shall be considered pervious coverage for the purpose of calculating pervious and impervious coverage on a lot.

Green Space

The portion of a lot that consists of landscaping, including trees, shrubs, groundcovers, perennials, and lawns.

Gross Leasable Area

The total floor area designed for tenant occupancy and exclusive use, including basement, mezzanines and upper floors, expressed in square feet and measured from the center line of partitions and from outside wall faces, not including public or common areas, such as public toilets, corridors, stairwells, elevator lobbies or enclosed mall space.

Gross Floor Area

The sum of the gross horizontal areas of the several floors of all buildings on the lot, measured from the exterior faces of exterior walls or from the center line of walls separating two buildings. In particular, the “gross floor area” of a building or buildings shall include basements, elevator shafts and stairwells at each story, pent-houses, attic space, interior balconies and mezzanines but shall exclude all cellars and any basement space devoted to the parking of automobiles.

Group Home

A residential facility used as living quarters by any number of unrelated persons requiring special care, and their attendant adult supervisors, specifically designed to create a residential setting for the mentally and physically handicapped (as a special exception). The individuals may be either transient or permanent residents. Any number of persons with disabilities as defined in Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, have the right to occupy a dwelling unit in the same manner and to the same extent as any family unit. Group Homes shall be developed in compliance with § 320-216.B. of this Chapter.

Health Spa

A commercial establishment which employs professional therapists whose services include massage and body or facial treatments. Treatments may include body packs and wraps, exfoliation, cellulite and heat treatments, electrolysis, body toning, waxing, aromatherapy, cleansing facials, medical facials and electrical toning, hydrotherapy and steam and sauna facilities, nutrition and weight management, spa cuisine, and exercise facilities and instruction may be provided. Hair salons, makeup consultation and manicure and pedicure services may be provided as accessory uses.

Height of Building

A building’s vertical measurement from the mean level of the ground surrounding the building to a point midway between the highest and lowest points of the roof.

Hospice

A facility that provides support services for terminally ill persons, but that does not primarily involve highly skilled medical care. However, if the use involves care of persons with illnesses that can be contagious through the air or casual conduct, the use shall be limited to within a hospital or nursing home. Hospices shall be developed in compliance with § 320-216.F. of this Chapter.

Hospitals

An institution where sick or injured persons are given medical care and, in the course of same, are housed overnight, fed and provided nursing and related services. This definition shall not include drug rehabilitation facilities, halfway houses, convalescent or nursing homes, institutions for mentally ill individuals or other similar facilities.

Hotel

A building used for the purpose of furnishing, for compensation, more-or-less temporary lodging to the public, with or without meals, and having lodging accommodations for 10 or more persons.

Housing for the Elderly

Those housing units designed for and intended for occupancy exclusively by those persons over the age of 62. Such units shall include those projects developed under applicable federal and/or state housing assistance programs. Such housing

units shall contain appropriate safety features pertinent to the needs of their residents and ancillary recreational and other community facilities as an integral part of their development concept. Furthermore, the developer of such housing units in the Municipality of Norristown must guarantee that said units will be occupied solely by elderly residents as defined above.

Impervious Surface

Those surfaces which do not absorb rainwater. All buildings, parking areas, driveways, roads, sidewalks, and any area in concrete, asphalt, and packed stone, including, without limitation, swimming pools, shall be considered impervious surfaces. In addition, other areas determined by the Municipal Engineer to be impervious within the meaning of this definition shall also be classified as impervious surface.

Impervious Surface Ratio

The impervious surface ratio is a measure of the intensity of use of land. It is measured by dividing the total area of all impervious surfaces within the site by the area of developable acreage.

Indented Parking Bay

An indented Parking Bay is a parking bay located immediately adjacent to a through traffic lane, but protected from through traffic by virtue of the curb alignment adjacent to the parking bay(s) being offset in the direction of the property.

Institutional Home

A building occupied as a dwelling by seven to 15 residents who receive twenty-four-hour resident supervision, licensed under an applicable state program. Institutional Homes shall be developed in compliance with § 320-216.C. of this Chapter.

Junkyard

A lot, land or structure or part thereof used primarily for the collection, storage and sale of wastepaper, rags, scrap metal or discarded material or for the collection, dismantling, storage and salvaging of machinery or vehicles not in running condition and for the sale of parts thereof.

Laundromat

A business premises equipped with individual clothes-washing and/or drying machines for the use of retail customers, exclusive of laundry facilities provided as an accessory use in an apartment house or an apartment hotel.

Limited Restaurant

A food service establishment that handles only commercially pre-cooked pre-heated, or microwaved foods.

Loading Space

A space, accessible from a street or way, in a building or on a lot, for the temporary use of vehicles, while loading or unloading merchandise or materials. Such space shall be of a size as required by the district in which it is located, exclusive of access aisles and maneuvering spaces.

Lot

A parcel of land which is occupied or is to be occupied by one principal building or other structure or use, together with any accessory buildings or structures or uses customarily incidental to such principal building or other structure or use and any such open spaces as are arranged or designed to be used in connection with such principal building or other structure or use, such open spaces and the area and dimensions of such "lot" being not less than the minimum required by this chapter.

Lot Area

The total horizontal area of the lot lying within the lot lines, provided that no area of land lying within any street line 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 Area, Gross

Calculated land area contained within the deeded boundaries of a lot.

Lot Area, Net

Gross lot area minus areas of public and private right-of-way, easements, ultimate rights-of-way and access strips for flag lots.

Lot Line

A property boundary line of any lot held in single or joint ownership, except that, in the case of any lot abutting a street or alley lot line, for such portion of the lot as abuts the street, it shall be deemed to be the same as the street line and shall not be the center line of the street nor any other line within the street line, even though such may be the property boundary line.

Lot, Through

A lot that fronts upon two generally parallel streets or that fronts upon two streets that do not intersect at the boundaries of the lot.

Lot Width

The horizontal distance between side lot lines measured at the ultimate right-of-way line. For lots bordering the turnaround portion of a cul-de-sac, width may be measured at the building line. For corner lots, the minimum width is required along both the streets. The required lot width shall extend the full depth of the building envelope.

Main Access Driveway

The access driveway which is intended to accommodate the largest volume of on-site traffic.

Massage Parlor

Any place of business where any person, partnership, firm, association or corporation engages in or carries on or permits to be engaged in or carried on any method of pressure on, friction against or stroking, kneading, rubbing, tapping, pounding, vibrating, stimulating parts of the body with the hands or with the aid or any mechanical apparatus or electrical apparatus or appliance, with or without such supplementary aids as rubbing alcohol, oil or other such item.

Mini-Market, Bodega

A retail store selling a variety of food, beverages, drugs, reading material or household supplies and having a floor area not exceeding 3,000 square feet.

Mixed Use

Any combination of two or more uses that are permitted by right or as special exceptions or conditional uses in a given district, provided that any such special exceptions or conditional uses have been obtained from the Zoning Hearing Board or Municipal Council. See also "residential mixed use" and "planned development."

Mobile Home

A single-family detached dwelling intended for permanent occupancy which may not meet local building codes but does meet the standards of the United States Department of Housing And Urban Development as indicated by the structural engineering bulletin(s) provided to Council by the applicant. It shall be contained

in one unit (called a “single-wide”) or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing (called a “double-wide”) which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations and constructed so that it may be used with or without a permanent foundation, including any roofed addition, such as extra rooms, patios, porches, etc.

Mobile Home Lot

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

Mobile Home Parks

A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots for the placement of mobile homes.

Modification or Modify

The improvement, upgrade, or expansion of existing wireless telecommunications facilities or base stations on an existing wireless support structure, or the improvement, upgrade, or expansion of the wireless telecommunications facilities located within an existing equipment compound, if the improvement, upgrade, expansion, or replacement does not substantially change the physical dimensions of the wireless support structure.

Monopole

A steel flanged or tapered steel pole structure erected on the ground or on top of a structure, to support communications antennas.

Motor Court or Motel

A building and/or a group of two or more detached or semidetached buildings containing rooms or apartments having separate ground-floor entrances provided directly or closely in connection with automobile parking or storage space serving such rooms or apartments, which building or group of buildings is designed, intended or used principally for providing sleeping accommodations for automobile travelers and is suitable for occupancy at all seasons of the year.

Mixed- Residential Development

A range of residential development classifications that is specifically permitted in certain districts, including single-family detached, twins, rowhouse, townhouse dwellings, and garden apartment houses.

Nail Salon

A commercial establishment that specializes in manicure and/or pedicure services.

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. The business may not employ anyone other than family members residing in the dwelling. The activity 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 a residential use.

Non-Commercial Antenna

An antenna intended for home use, or for use for a ham radio, citizen band (CB) radio, or for public safety. Fixed point microwaves used by telephone or other companies, two-way radio from a base to land-mobile antenna (such as radio-dispatched taxis), commercial AM and FM radio antennas, and commercial UHF and VHF television antenna are specifically excluded.

Nonconforming Structure

A structure or portion thereof, lawfully existing at the time these regulations or any subsequent amendments thereto become effective, which does not conform to the provisions of these regulations or such amendment relative to requirements for floor area ratio, height of a building, or other dimensional criteria.

Nonconforming Use

Any use, whether of a building, structure or tract of land, lawfully existing at the time these regulations or subsequent amendments hereto become effective, which does not conform to the use provisions of these regulations for the district in which such use is located.

Nonfamily Roomer

An individual unrelated by blood or marriage occupying a room or rental unit within a dwelling unit.

Nursing Homes

Facilities that provide room and board for individuals in need of 24 hour nursing services and procedures and employ individuals trained in caring for the sick which require judgment, technical knowledge, and skills beyond those which the untrained person possesses.

Other Adult Uses

Any business, activity or use similar to or of the same general nature as the uses listed at “adult bookstore,” “adult motion picture theater,” “adult entertainment cabaret” and “massage parlor” above. This section shall include, but shall not be limited to, rap centers, nude wrestling studios, sensitivity centers and escort bureaus, all of which exclude minors, by virtue of age, as patrons thereof.

Park or Playground

Any area which is predominantly open space, is used principally for active or passive recreation, and is not used for a profit-making purpose.

Parking Lot

An open area, other than a public or private street or alley, used for the temporary parking of automobiles.

Parking Space, All-Weather

A parking space surfaced to whatever extent necessary to permit reasonable use under all conditions of weather.

Pawnshop

Any business that loans money on deposit of personal property or deals in the purchase or possession of personal property on condition of selling the same back again to the pledger or depositor.

Performance Standards

Measures and standards by which the suitability of a proposed use can be measured by the extent of its external effect.

Personal Service Shop

A business which provides a service oriented primarily to personal needs and not primarily involving retail sales of goods or professional advisory services. Included are barber, beauty salon, tailor, dressmaker, shoe repair, photographer, travel agent, jewelry and watch repair or similar service uses. It does not include a massage parlor or tattoo parlor or uses focused primarily on sexual stimulation or gratification.

Pinnacle Building

A building that occupies a key location (such as a downtown intersection of arterial streets or at a bridge crossing and a river) and is designed to be more visually prominent than those buildings surrounding it. Such a building is generally higher, has a scale and bulk that commands attention and contains step-backs or notable architectural features that distinguishes it from the surrounding structures. (Also known as a “signature building.”)

Planned Convenience Commercial Center

A building containing at least three of the following uses: a bank, savings-and-loan association or other financial institution; a retail store selling food, drugs, medical supplies or household supplies; a luncheonette, delicatessen, coffee shop or restaurant, excluding any drive-through facility; a haircutter; or a laundromat.

Planned Development

A building or development containing any combination of two or more principal uses permitted by right or by special exception in the district in which the development is proposed, provided that a special exception must be obtained from the Zoning Hearing Board for any proposed use listed as a special exception use for the district in which the development is proposed.

Portico

A covered walk or porch that is supported by columns or pillars; also known as colonnade.

Professional Office

A building in which services are performed by a member of a profession, including but not limited to an accountant, architect, author, community planner, dentist, engineer, insurance agent, landscape architect, lawyer, minister, notary, optometrist, physician or realtor.

Public Utility

An agency which, under public franchise or ownership or under certificate of convenience and necessity, provides the public with communication, gas, power, rail transportation, sewer or water facilities or other similar service.

Public Utility Facilities

A building or structure and its equipment used for the transmission and exchange of telephone, radio, gas, power, sewer and water facilities; provided, however, that in a residential district, these shall not include public business facilities, storage of materials or trucks, repair facilities or housing of repair crews.

Recreation Facility

An outdoor or indoor facility offering recreation, sports, or leisure-time activities owned and operated by private and/or public entities.

Research and Development Facility

Research, development, and testing laboratories that do not involve the mass manufacture, fabrication, processing, or storage of products.

Residential Mixed Use

A building or development containing any combination of two or more principal uses permitted by right or by special exception in the district in which the development is proposed, provided that no nonresidential use shall be permitted above the ground floor, and provided that a special exception must be obtained from the Zoning Hearing Board for any proposed use listed as a special exception use for the district in which the development is proposed.

Restaurant

A building in which food is prepared and served to the public for consumption, where waiters or waitresses take orders and serve food to people at tables, booths or counters.

Right-of-Way or ROW

The surface of and space above and below any real property in the Municipality in which the Municipality has regulatory interest, or interest as a trustee for the public, as such interests now or hereafter exist, including, but not limited to, all streets, highways, avenues, roads, alleys, sidewalks, tunnels, viaducts, bridges, skywalks, or any other public place, area, or property under the control of the Municipality, and any unrestricted public or utility easements established, dedicated, platted, improved, or devoted for utility purposes, but excluding lands other than streets that are owned by the Municipality. The phrase “in the right(s)-of-way” means in, on, over, along, above and/or under the right(s)-of-way.

Riverfront

An area abutting the Schuylkill River, Stony Creek, or Saw Mill Run Creek.

Rooming House

A building where lodging accommodations for three to nine guests are furnished for compensation, regardless of whether meals are served. An apartment building, a group home or an institutional home is not a “rooming house.” Rooming Houses shall be developed in compliance with § 320-216.A. of this Chapter.

Satellite Dish Antenna

A type of antenna consisting of three main components (the concave dish, a low-noise amplifier (LAN), and a receiver) that is designed to receive television broadcasts relayed by microwave signals from communications satellites orbiting earth. A “satellite dish antenna” serves only the needs of the occupants of a single building or a single development, except when used as a master dish for a cable television franchise.

Shopping Center

A shopping area of integrated design and development, including but not limited to such uses as retail shops, personal service establishments, professional and business offices, banks, post offices, restaurants, theaters and auditoriums, housed in an enclosed building or buildings and utilizing such common facilities as customer parking, pedestrian walks, loading and unloading space, utilities and sanitary facilities.

Sign

A structure, building wall or other outdoor surface or any device used for visual communication which is used for the purpose of bringing the subject thereof to the attention of the public or to display, identify and publicize the name and product or service of any person.

Solar Energy Equipment

A solar photovoltaic panel, solar hot air or hot water panel collector device or other type of energy system which relies upon solar radiation as a source for the generation of electricity or transfer of stored heat.

Special Exception

Approval granted by the Zoning Hearing Board where provisions therefore are made by the terms of this chapter in Article XXI Special Exceptions.

Specified Anatomical Areas

Is defined as:

- A. Less than completely and opaquely covered human genitals, pubic region, buttock and female breast below a point immediately above the top of the areola; and
- B. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified Sexual Activities

Is defined as:

- A. Human genitals in a state of sexual stimulation or arousal;
- B. Acts of human masturbation, sexual intercourse or sodomy;
- C. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

Stealth Technology

Camouflaging methods applied to wireless telecommunications towers, antennas and other facilities which render them more visually appealing or blend the proposed facility into the existing structure or visual backdrop in such a manner as to render it minimally visible to the casual observer. Such methods include, but are not limited to, architecturally screened roof-mounted antennas, building-mounted antenna painted to match the existing structure, and facilities constructed to resemble trees, shrubs, and light poles.

Stoop

A raised platform, with one or more steps utilized for access to a building.

Story

That portion of a building included between the surface of any floor and the surface of the floor above it or, if there is no floor above it, then the space between any floor and the ceiling next above it.

Street

A right-of-way, municipally or privately owned, serving as a means of vehicular and pedestrian travel, furnishing access to abutting properties and space for sewers and public utilities.

Street Line or Setback

The dividing line between a lot and the outside boundary or ultimate right-of-way line of a public street, road or highway legally opened or 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.

Structural Alteration

Any change in or addition to the supporting or structural members of a building, such as the bearing walls, partitions, columns, beams or girders, or any change which would convert an existing building into a different structure or adapt it to a different use or which, in the case of a nonconforming use, would prolong the life of such use.

Structure

Any form or arrangement of building material involving the necessity of providing proper support, bracing, tying, anchoring or other protection against the forces of the elements.

Substance Abuse Center

An establishment providing direct assistance and aid to those persons requiring counseling or treatment for the abuse of substances such as, but not limited to, alcohol and drugs. This term shall not include the types of services provided in a social service agency.

Substantial Change or Substantially Change

Any increase in the height of a wireless support structure by more than 10%, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater, except that the mounting of the proposed wireless telecommunications facility may exceed the size limits set forth herein if necessary to avoid interference with existing antennas.

Tavern

An establishment which serves alcoholic beverages for on-premises consumption and which is licensed by the Pennsylvania Liquor Control Board.

Thrift Store

A retail establishment used for the sale of used, primarily-donated clothing, household goods, furniture or appliances that are not antiques.

Townhouse or Rowhouse Group

A cluster or grouping of townhouse or rowhouse units containing no less than 3 nor more than 6 townhouse or rowhouse dwelling units contiguous to one another.

Tract

One or more lots assembled for the purposes of development in accordance with the provisions of this chapter.

Tract Area, Gross

Calculated land area contained within the deeded boundaries of a tract.

Tract Area, Net

Gross tract area minus areas of public and private right-of-way, easements, ultimate rights-of-way and access strips for flag lots.

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 office of the Municipal Manager.

Usable Open Space

That area which is devoted to outdoor recreational space, greenery and service space for normal household activities, such as clothes drying, and which is not devoted to driveways, alleyways, off-street parking or loading areas or other areas normally used by vehicular transportation.

Use

The specific purpose for which land or a building is designed, arranged or intended or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any non-conforming use.

Variance

Approval granted by the Zoning Hearing Board in accordance with section § 320-357 hereof, constituting a modification or deviation from the exact provisions of this chapter as applied to the area, height and development regulations for a specific piece of property or portion of the same.

Walk-Up Window

A window opening in the façade of a commercial building used for the sale of food and/or beverages. Such a window shall be designed for the exclusive use of pedestrians and shall be located to provide a safe waiting area and to not disrupt or impede pedestrian movement on a sidewalk used by the public.

Wireless

Transmission through the airwaves, including but not limited to, infrared line of sight, cellular, PCS, microwave, satellite, or radio signals.

Wireless Support Structure

A freestanding structure, such as a guyed or self-supporting monopole or tower, electrical transmission tower, water tower or other structure not classified as a wireless support structure that could support the placement or installation of wireless telecommunications facilities if approved by the Municipality.

Wireless Telecommunications Facility

The set of equipment and network components, including antennas, transmitters, receivers, base stations, cabling, and accessory equipment, used to provide wireless data and telecommunications services. The term shall not include the wireless support structure.

Yard

- A. Yard, Front — A yard extending the full width of the lot along the front lot line, measured from the ultimate right-of-way line to the nearest point of any principal building or principal structure on the lot, unless otherwise noted.
- B. Yard, Rear — A yard extending the full width of the lot along the rear lot line, measured from the rear lot line to the nearest point of any principal building or principal structure on the lot, unless otherwise noted.
- C. Yard Side — A yard extending the full depth of the lot along a side lot line, measured from such side lot line to the nearest point of any principal building or principal structure on the lot, unless otherwise noted.

§ 320-12 - § 320-15. (RESERVED)

ARTICLE III

Districts Established; Boundaries

§ 320-16. DISTRICT CLASSES ENUMERATED.

- A. For the purpose of this chapter, the Municipality is hereby divided into classes of districts which shall be designated as follows:

R-1	Residence District
R-2	Residence District
MSMU	Main Street Mixed-Use District
MR	Multi-Family Residential District
NC	Neighborhood Commercial District
CR	Commercial Retail District
OR	Office Residential District
OCR	Office Commercial Retail District
DR	Downtown Riverfront District
TC	Town Center District
TC-II	Town Center II District
LIMU	Limited Industrial Mixed-Use District
HI	Heavy Industrial District
IN	Institutional District
RE	Recreation District
GRO	Gateway Redevelopment Overlay District
RC	Retirement Community Overlay District

- B. The locations and boundaries of such districts shall be as shown upon the map attached to and hereby made a part of this chapter, which shall be designated as the “Zoning Map.” Said map and all the notations, references and other data thereon shall be as much a part of this chapter as if fully described herein.

§ 320-17. BOUNDARIES.

The boundaries between districts are, unless otherwise indicated, either the center lines of streets, lanes, watercourses and rights-of-way of power lines and other public utilities to such lines extended or lines parallel thereto. Where the boundaries of a single district are indicated as including directly opposite sides of a street, lane, lake or watercourse or right-of-

way of a power line or other public utility for any portion of its length, the district so indicated shall be construed to apply to the entire bed of such street, lane, lake or watercourse or right-of-way of such power line, railroad or other public utility lying within such portion of its length. Where uncertainty exists as to the location of any of said boundaries as shown on the Zoning Map, the following rules shall apply:

- A. Where a district boundary is indicated as approximately following the center line of a street, alley, watercourse or right-of-way of a power line or other public utility, such center line shall be construed to be such boundary.
- B. Where a district boundary is indicated as approximately following a lot line or other property line, such lot line or property line shall be construed to be such boundary.
- C. Where a district boundary divides a lot or runs through undivided property, the location of such boundary, unless otherwise specified by figures on the Zoning Map, shall be determined by the use of the scale appearing on said map.
- D. Where figures are shown on the Zoning Map between a street and a district boundary, they shall indicate that the district boundary runs parallel to the street line at a distance therefrom equivalent to the number of feet so indicated, unless specified. Where scaled distances do not agree with such figures, the figures shall control.

§ 320-18. FEDERAL- AND STATE-OWNED PROPERTY.

Whenever federal- or state-owned property is included in one or more zoning districts, it shall be subject to the provisions of this chapter only insofar as permitted by the Constitution and laws of the United States of America and the Commonwealth of Pennsylvania.

§ 320-19. MUNICIPAL USES.

The Municipality of Norristown or its designees are exempt from this Chapter.

§ 320-20 - § 320-24. (RESERVED)

ARTICLE IV

R-1 Residence District

§ 320-25. LEGISLATIVE INTENT.

The purpose of the R-1 District is to apply compatible zoning regulations to areas of the Municipality that are developed for single-family detached dwellings on large lots. This district is intended to preserve the unique character of these areas

§ 320-26. USE REGULATIONS.

- A. [Permitted Uses](#). A building may be erected or used and a lot may be used or occupied by any of the following purposes and for no other:
 - 1. Single-family detached dwelling
- B. [Accessory Uses](#). Accessory uses on the same lot with and customarily incidental to any principal use permitted by this section, including no-impact home-based business; except for the following
 - 1. Bed and Breakfast, only as an accessory use to a single-family detached dwelling on a property that fronts onto DeKalb Street and pursuant to section § 320-237.
- C. [Special Exceptions](#). The following uses and no others when authorized by the Zoning Hearing Board pursuant to Article XXI, Special Exceptions and the criteria contained herein
 - 1. Neighborhood playgrounds and parks
 - 2. Public/private/parochial schools
- D. [Signs](#). Unless otherwise noted, when erected and maintained in accordance with the provision of Article XXVII Signs.
- E. [Parking](#). Off-street parking pursuant to the standards in Article XXVI Off-Street Parking and Loading.

§ 320-27. DIMENSIONAL CRITERIA.

- A. [Front yard](#). Each property shall have one front yard, and in the case of a corner lot two front yards. Distance shall be determined by measuring from the curb line of the street to the front façade of the principal building, excluding bay windows, stoops or other similar projections, on the property immediately to the right or to the left. Either measurement may be used and shall constitute the required build-to line, but in no case shall be less than 15 feet (20 feet along principal arterial roads). On corner lots, the front façade shall constitute the façade that is facing the greater of the two streets

(as determined by road classification or traffic volume if both roads are the same classification). When bordered by vacant property on one side, the front yard setback established from the adjoining developed property shall apply. For a property that is bordered on both the left and right by vacant property, the minimum front yard shall be 30 feet but shall not exceed 35 feet.

B. Area, width, yard, height and impervious coverage.

1. Lot area. Shall be the established median value of the single-family dwelling lots on the block (see §320-11 for definition of “Block”), and shall constitute the minimum allowable lot area but in no case shall be less than 5,000 square feet.
2. Lot width. Shall be the established median value of the single-family dwelling lots on the block and shall constitute the minimum allowable lot width but in no case shall be less than 25 feet per single-family detached building lot.
3. Side yard. Shall be established by the side yard setbacks of the principal building(s) on property immediately adjacent to the left and right (either dimension may be used). The measurement shall be from the side wall, exclusive of bay windows, porches, chimneys or other similar projections to the side property line. In no case shall an individual side yard setback be less than 10 feet. When bordered by vacant property on one side, the setback established from the adjoining developed property shall apply to both sides. If bordered on both sides by vacant property the minimum side yard shall be 20 feet.
4. Rear yard. Shall be established by the rear yard setbacks of the principal building(s) on property immediately adjacent to the left and or right (either dimension may be used). The measurement shall be from the rear façade, exclusive of bay windows, porches, decks, chimneys or other similar projections to the rear property line. In no case shall the individual rear yard setback be less than 20 feet. When bordered to the rear and side by vacant property the minimum rear yard setback shall be 25 feet.
5. Building height 35 feet.
6. Impervious surface. Shall not exceed 40% of the lot.
7. Building coverage. Shall not exceed 25% of the lot.

C. Special Exception Uses.

C	SPECIAL EXCEPTION USES	NEIGHBORHOOD PLAY GROUNDS/PARKS	SCHOOLS
1	Minimum lot size (net square feet)	10,000	43,560
2	Minimum lot width (feet)	75	100
3	Minimum front yard (feet)	See §320-27.A.	50
4	Minimum side yard setback (feet)	25*	25
5	Minimum rear yard setback (feet)	25*	25
6	Maximum building height (feet)	25	35
7	Maximum impervious surface (percent of net lot area)	Not Applicable	30%
8	Maximum building coverage (percent of net lot area)	Not Applicable	20%

* A minimum setback for all side and rear yards of 50 feet for all active play areas and/or open air structures such as pavilions.

§ 320-28. GENERAL DEVELOPMENT REGULATIONS.

- A. [Supplemental Regulations](#). The relevant provisions found in Article XXIV Supplemental Regulations shall apply.
- B. [Design Standards](#). All new homes shall conform to the following basic design standards:
 - 1. New homes shall be consistent with the pattern of size, mass and footprint, as with other similar homes on the block.
 - 2. New homes shall be consistent with the proportion of height and width of similar homes on the block.
 - 3. New homes shall have front porches or house stoops if the majority of homes of the same housing type on the block have those features.
 - 4. New homes shall either have flat or pitched roofs consistent with other similar homes on the block.

§ 320-29 - § 320-39. (RESERVED)

ARTICLE V

R-2 Residence District

§ 320-40. LEGISLATIVE INTENT.

The purpose of the R-2 District is to apply compatible zoning regulations to areas of the municipality that are predominantly residential in composition and nearly fully developed. The standards contained herein are intended to protect the public's health, safety and general welfare by mitigating the adverse impacts of overcrowding on a dense urban landscape. Such negative impacts include, but are not limited to, loss of urban green space, reduced residential on-street parking, and an infringement on personal privacy. The municipality recognizes that within each neighborhood there is an intermingling of residential uses, and to a lesser extent non-residential uses, on lots of varying sizes.

In accordance with Article VII-A Traditional Neighborhood Development of the Pennsylvania Municipalities Planning Code, the District provides development options, standards, and design criteria that are intended to permit residential infill that is of a similar scale, type, and appearance with existing homes on the block on which they are located. The municipality further acknowledges the vital importance of preserving the District's non-residential uses for the jobs they create and for the taxes they contribute. Consequently, this District contains standards that are intended to allow for the continuance, expansion, or development of non-residential uses that are deemed to have minimal impact, and to ensure that all impacts created by those uses are mitigated to the greatest extent possible. All non-residential development shall be done in such a manner as to ensure the long-term stability and viability of adjoining residential uses.

§ 320-41. USE REGULATIONS.

- A. Permitted uses. A building may be erected or used or occupied by any of the following purposes and no other as per the following: To determine allowable housing types on each block (see §320-11 for definition of "Block"), not less than 3 residential buildings of the same housing type from the list below must currently exist on the block. For the purpose of this District, 2 individual twin dwelling units sharing a common wall shall constitute a single building, and a rowhouse group of 3 or more individual dwelling units shall also constitute a single building. All other housing types, or those housing types listed below that comprise 2 or fewer buildings on the block, are not permitted, and shall be considered non-conforming on the block on which they are located.

1. Single-family detached dwelling.
 2. Twin dwelling.
 3. Duplex dwelling provided that the dwelling was designed and originally constructed as such.
 4. Rowhouse dwelling.
- B. [Accessory uses](#). Accessory uses on the same lot with and customarily incidental to any principal use permitted by this section, including no-impact home-based business.
- C. [Special exceptions](#). The following uses and no others when authorized by the Zoning Hearing Board pursuant to Article XXI Special Exceptions and the criteria contained herein.
1. Family day-care home.
 2. Group homes. Group homes pursuant to Section § 320-216.B.
 3. Office/light manufacturing uses to include:
 - a. Artisan studio or crafts workshop.
 - b. Upholstery services.
 - c. Assembly of finished products.
 - d. Scientific research, engineering, training.
 - e. Administrative or professional offices.
 - f. Other uses of a similar scale and/or intensity.
 4. Residential mixed use conversions to include:
 - a. Retail store for the sale of groceries (“mini-markets”/bodegas), dry goods, variety merchandise, flowers, or other household supplies.
 - b. Limited restaurant selling commercially pre-cooked, pre-heated, or micro-waved food.
 - c. Coffee shop, tearoom or internet café.
 - d. Personal service shop, including barbershop, hairdresser, shoe repair, tailor, self-service laundry.
 - e. Professional office for lawyers, accountants, or other such similar professions.
 - f. Other uses of a similar scale and/or intensity.
 5. Neighborhood playgrounds and parks.
 6. Houses of worship.
 7. Public/private/parochial schools.
 8. Libraries.
 9. Fire stations or volunteer fire companies.
- D. [Signs](#). Unless otherwise noted, when erected and maintained in accordance with the provision of Article XXVII Signs.
- E. [Parking](#). Off-street parking pursuant to the standards in Article XXVI Off-Street Parking and Loading unless otherwise noted.

§ 320-42. DIMENSIONAL CRITERIA.

- A. [Front yard](#). Unless otherwise noted, each property shall have one front yard, and in the case of a corner lot two front yards. Distance shall be determined by measuring from the curb line of the street to the front façade of the principal building, excluding bay windows, stoops or other similar projections, on the property immediately to the right or to the left. Either measurement may be used and shall constitute the required build-to line, but in no case shall be less than 5 feet (6 feet along principal arterial roads). On corner lots, the front façade shall constitute the façade that is facing the greater of the two streets (as determined by road classification or traffic volume if both roads are the same classification). When bordered by vacant property on one side, the front yard setback established from the adjoining developed property shall apply. For a property

that is bordered on both the left and right by vacant property, the front yard shall be as follows:

1. Single-family detached dwelling - minimum 25 feet but not to exceed 30 feet.
2. Twin and duplex dwelling - 20 feet but not to exceed 25 feet.
3. Rowhouse dwelling - 10 feet but not to exceed 15 feet.

B. Area, width, yard, height and impervious coverage. Unless otherwise noted, the following dimensional standards shall be established by taking the median value of the same permitted housing types on the block as determined by § 320-41.A. Non-conforming housing types may not reduce lot area or width but shall otherwise conform to § 320-42 B. 3,4,5 and 6 below.

1. Lot area. Shall be the established median value of the same housing type on the block and shall constitute the minimum allowable lot area but in no case shall be less than 3,000 square feet per single-family detached dwelling, 2,500 square feet per twin dwelling unit, 3,500 square feet per duplex building, and 2,000 square feet per interior and 2,500 square feet per corner rowhouse unit.
2. Lot width. Shall be the established median value on the block and shall constitute the minimum allowable lot width, but in no case shall be less than 25 feet per single-family detached dwelling, 20 feet per twin dwelling unit, 35 feet per duplex building, and 15 feet per interior and 20 feet per corner rowhouse unit.
3. Side yard. Shall be established by the side yard setbacks of the principal building(s) on property immediately adjacent to the left and right (either dimension may be used). The measurement shall be from the side wall, exclusive of bay windows, porches, chimneys or other similar projections to the side property line. In no case shall an individual side yard setback be less than 5 feet. When bordered by vacant property on one side, the setback established from the adjoining developed property shall apply to both sides. If bordered on both sides by vacant property the minimum side yard shall be 15 feet.
4. Rear yard. Shall be established by the rear yard setbacks of the principal building(s) on property immediately adjacent to the left or the right (either dimension may be used). The measurement shall be from the rear façade, exclusive of bay windows, porches, decks, chimneys or other similar projections to the rear property line. In no case shall the individual rear yard setback be less than 15 feet. When bordered to the rear and side by vacant property the minimum rear yard setback shall be 25 feet.
5. Building height. To be no greater than the median height of buildings on the block of the same residential use type but in no case shall exceed 40 feet in height.
6. Off-street parking may be reduced by 1 space per residential unit on streets where on-street parking provides 50% or more of the on-site parking requirement.

HOUSING TYPE	LOT SIZE (NET SQ. FT.)	MAXIMUM IMPERVIOUS SURFACE (PERCENT OF NET LOT AREA)	MAXIMUM BUILDING COVER (PERCENT OF NET LOT AREA)
Single-Family Detached	3,000 to 5,000	60%	30%
	5,001 to 10,000	50%	25%
	10,001 and above	40%	20%
Twin	2,500 to 5,000	80%	50%
	5,001 and above	70%	40%
Duplex	3,500 to 6,000	60%	40%
	6,001 and above	50%	30%
Rowhouse	2,000 to 3,500	80%	70%
	3,501 and above	70%	60%

C. [Special Exception Uses](#)

C	SPECIAL EXCEPTION USES	NEIGHBORHOOD PLAY GROUNDS/ PARKS	HOUSES OF WORSHIP	SCHOOLS/ LIBRARIES	FIRE STATIONS
1	Minimum lot size (net square feet)	10,000	10,000	43,560	20,000
2	Minimum lot width (feet)	75	75	100	75
3	Minimum front yard setback from street curb line (feet)	25	20	25	25
4	Minimum side yard setback (feet)	25*	15	25	25
5	Minimum rear yard setback (feet)	25*	25	25	25
6	Maximum building height (feet)	25	35**	35	35
7	Maximum impervious coverage (percent of net lot area)	Not Applicable	75%	30%	85%
8	Maximum building coverage (percent of net lot area)	Not Applicable	60%	20%	70%

D. [Special Exception Uses Continued](#)

D	SPECIAL EXCEPTION USES	OFFICE/LIGHT MANUFACTURING
1	Minimum lot size (net square feet)	20,000
2	Minimum lot width (feet)	75
3	Minimum front yard setback from street curb line (feet)	20
4	Minimum side yard setback (feet)	25
5	Minimum rear yard setback (feet)	25
6	Maximum building height (feet)	35
7	Maximum impervious coverage (percent of net lot area)	85%
8	Maximum building coverage (percent of net lot area)	50%

* A minimum setback for all side and rear yards of 50 feet for all active play areas and or open air structures such as pavilions.

** Church spires may extend to a maximum height of 50 feet.

§ 320-43. GENERAL DEVELOPMENT REGULATIONS.

A. [All Uses.](#)

1. Supplemental Regulations: The relevant provisions found in Article XXIII Supplemental Regulations shall apply.
2. Building row maximum. No more than six individual rowhouse units may be attached in a single row.
3. Architectural Design. All new homes, alterations, or additions that are not within a certified historic district shall conform to the following basic design standards:
 - a. New homes shall be consistent with the pattern of size, mass and footprint, as with other similar homes on the block.
 - b. New homes shall be consistent with the proportion of height and width of similar homes on the block.
 - c. New homes shall have front porches or house stoops if the majority of homes of the same housing type on the block have those features.

4. All proposed developments shall be reviewed by the Historical Architectural Review Board when this board has jurisdiction.

§ 320-44. SPECIAL EXCEPTION REGULATIONS.

All R-2 special exception uses shall conform to the standards and criteria of Article XXI Special Exceptions and the criteria contained herein:

A. Office/Light-Manufacturing.

1. Uses shall be limited to the following areas only:
 - a. Properties zoned R2 located west of Markley Street and south of Harding Boulevard (not including Harding Boulevard itself).
 - b. Properties zoned R2 located east of Franklin Street and south of West Main Street.
2. Uses shall not interfere with the public's right to a quiet, clean and peaceful neighborhood.
3. The standards and criteria contained in Article XXIV Performance Standards of this Ordinance shall apply.
4. The minimum distance between office/light-manufacturing uses on separate lots shall be 1,000 feet.
5. No more than 20 full-time employees or part-time equivalent employees per business.
6. Outdoor storage of materials and/or supplies is not permitted.
7. A system of efficient vehicle ingress and egress that does not block or interfere with the use of driveways or the on-street parking areas of neighboring residential properties is required.
8. Only two or three axle commercial vehicles may service the site unless the property has direct driveway access off of the following roads; Markley Street, Dekalb Street and East Main Street.
9. Truck pick-up and delivery zones shall be accommodated on site and shall not diminish the amount of available on-street residential parking.
10. Deliveries, loading and unloading, shall be during normal daytime hours of operation only.
11. No overnight idling of vehicles.
12. All employee and visitor parking in addition to truck pick-up and delivery zones shall be accommodated on site and shall not diminish the amount of available on-street residential parking.
13. Parking Lots:
 - a. Minimum parking setback 5 feet from rear and side yards when abutting a non-residential use and 20 feet when abutting a residential use or district.
 - b. No parking shall be permitted within the front yard setback.
14. Screen buffer of landscaping as per section §433 of the Municipal Subdivision and Land Development Ordinance shall be required along all side and rear yards abutting a residential use or district.
15. Refuse collection areas shall be indoors where feasible. Where indoor refuse collection and storage is impracticable or infeasible, refuse may be stored out of doors provided the following conditions are met:
 - a. Refuse collection areas shall be located to the rear of the building and set back a minimum of 50 feet from all property lines abutting a residential district or use.
 - b. Refuse collection and storage shall be within an enclosure that contains architectural elements consistent with, and complementary to, the primary building(s) on the site.

- c. Refuse collection areas shall be shielded from the direct view of any adjacent residential district or use with landscaping as per section § 433.2.F of the Municipal Subdivision and Land Development Ordinance.
- 16. Sign illumination shall be limited to the hours of operation or between the hours of 6 A.M. and 9 P.M., whichever is less.
- 17. All proposals for new development, redevelopment, or the expansion of an existing light industrial use that results in the construction of a new building(s) or alterations to the exterior of an existing building(s) shall submit the following information to the Design Review Board as established in section § 320-243 in sufficient detail for the Board to render an advisory opinion to the Zoning Hearing Board. Sketch plans shall show the following information:
 - a. Location of existing and proposed buildings and structures on the site.
 - b. Adjoining residential buildings and structures within 50 feet of the property line.
 - c. Architectural elevations or photographs of similar buildings and or structures that are generally accurate facsimiles.

B. Residential Mixed Use Conversion.

- 1. Residential Mixed Use Conversions may only occur in an existing twin, duplex, or rowhouse dwelling that was originally constructed for residential use.
- 2. Residential Mixed Use Conversions may not interfere with the public's right to a quiet, clean and peaceful neighborhood.
- 3. Only one Residential Mixed Use Conversion shall be permitted on a corner property of an intersection, exclusive of alleys or driveways, of a street listed below in the R-2 District.
 - a. Airy Street.
 - b. Elm Street, from Buttonwood Street to Arch Street.
 - c. DeKalb Street, south of West Brown Street.
 - d. Lafayette Street.
 - e. Marshall Street.
 - f. West Oak Street, from Buttonwood Street to Tremont Avenue.
 - g. Spruce Street, from Markley Street to Arch Street.
 - h. Markley Street, south of Fornance Street.
 - i. Fornance Street, from Harding Boulevard to Arch Street.
- 4. Mid-block conversions may only occur on DeKalb Street between Basin Street and Elm Street.
- 5. The minimum distance between intersections with a Mixed Use Conversion shall be 500 feet as measured from the center point of the intersection extending linearly along the center-line of an above named street.
- 6. Residential Mixed Use Conversion shall be limited to the first floor only and shall not exceed 750 square feet of gross floor area except for those uses located on DeKalb Street which may convert an additional 750 square feet of first floor space to a maximum of 1,500 square feet provided that one off-street parking space be provided for each additional 250 square feet of gross floor area.
- 7. No residential uses shall be permitted on the first floor.
- 8. No more than one residential unit per floor shall be permitted to a maximum of two residential units per building after conversion.
- 9. Exterior alterations of the front or side façades shall be limited to that which is necessary for safe and efficient public access.
- 10. Refuse collection shall be contained within the confines of the primary structure.
- 11. Hours of operation shall be limited to between 6 A.M. and 9 P.M.

12. Signage shall be limited to one wall or window per street frontage and shall not exceed 10 square feet.
13. Sign illumination shall be limited to the hours of operation or between the hours of 6 A.M. and 9 P.M., whichever is less.
14. Applicant shall submit architectural plans showing proposed interior alterations, building entrance(s), exterior elevations, signs and lighting shall be submitted to the Design Review Board in sufficient detail for review and comment.

§ 320-45 - § 320-54. (RESERVED)

ARTICLE VI

MSMU Main Street Mixed-Use District

§ 320-55. LEGISLATIVE INTENT.

The intent of the Main Street Mixed Use District is to preserve the character of West Main Street by allowing for a mix of commercial, office and residential uses in a manner compatible with the existing Victorian and early 20th Century homes that predominate the streetscape. Furthermore, it is the intent of this District to encourage retention of the historic housing stock by permitting their adaptive reuse provided that any alteration as may be deemed necessary maintains the visual character and architectural scale of the original structure. All new construction shall be of a scale, mass, and location that is consistent with the established streetscape.

§ 320-56. USE REGULATION.

- A. Permitted Uses. A building may be erected or used or occupied by any of the following purposes and no other as per the following: To determine allowable housing types on each block (see §320-11 for definition of “Block”), not less than 3 residential buildings of the same housing type from the list below must currently exist on the block. For the purpose of this District, 2 individual twin dwelling units sharing a common wall shall constitute a single building. All other housing types, or those housing types listed below that comprise 2 or fewer buildings on the block, are not permitted, and shall be considered non-conforming on the block on which they are located.
1. Single-family detached dwelling.
 2. Twin dwelling.
 3. Duplex dwelling provided that the dwelling was designed and originally constructed as such.
 4. The following residential mixed use conversions:
 - a. Professional office for the practice of medicine, law, engineering, architecture or design, real estate, insurance or financial consultation or other such similar professions.
 - b. Studio for photography, music or dance.
 - c. Retail store for the sale of groceries (“mini-markets”/bodegas), dry goods, variety merchandise, flowers, books, crafts or other household supplies.
 - d. Personal service shop, including barbershop, hairdresser, dressmakers, shoe repair, tailor.

- e. Limited restaurant selling commercially pre-cooked, pre-heated, or micro-waved food.
 - f. Funeral home.
 - g. Coffee shop, tearoom or internet café.
5. Accessory uses on the same lot with and customarily incidental to any principal use permitted by this section, including no-impact home-based business.
- B. Special Exception. Any of the following uses when authorized by the Zoning Hearing Board pursuant to ArticleXXI Special Exceptions and the criteria contained herein.
- 1. Conversion of an existing residential building where the commercial use occupies more than one floor after conversion.
 - 2. Stand alone commercial/office uses such as:
 - a. General retail commercial establishments for the sale of dry goods, variety merchandise, and hardware.
 - b. Drugstores with drive-through facilities.
 - c. Banks with drive-through facilities.
 - d. Restaurants with drive-through facilities.
 - e. Laundromats.
 - f. Professional offices.
- C. Signs. Signs shall be regulated in accordance with the provisions of Article XXVII Signs.
- D. Parking. Unless otherwise noted, off street parking pursuant to the standards in Article XXVI Off-Street Parking and Loading.

§ 320-57. DIMENSIONAL CRITERIA.

A. Special Exception Uses.

A	SPECIAL EXCEPTION USES	STAND ALONE COMMERCIAL/OFFICE
1	Minimum lot size (net square feet)	15,000
2	Minimum lot width (feet)	75
3	Minimum front yard setback from street curb line (feet)	20 not to exceed 30
4	Minimum side yard setback (feet)	15
5	Minimum rear yard setback (feet)	25
6	Maximum building height (feet)	35
7	Maximum impervious surface (percent of net lot area)	80%
8	Maximum building coverage (percent of net lot area)	50%

- B. Front yard. Each property shall have one front yard, and in the case of a corner lot two front yards. Distance shall be determined by measuring from the curb line of the street to the front façade of the principal building, excluding bay windows, stoops or other similar projections on the property immediately to the right or to the left. Either measurement may be used and shall constitute the required build-to line, but in no case shall be less than 15 feet (20 feet along Main Street). On corner lots, the front façade shall constitute the façade that is facing the greater of the two streets (as determined by road classification or traffic volume), or the façade on which the building's primary entrance is located. When bordered by vacant property on one side, the front yard setback established from the adjoining developed property shall apply. For a property that is bordered on both the left and right by vacant property, the front yard shall be 15 feet but no more than 30 feet.

- C. Area, width, yard, height and impervious coverage. Unless otherwise noted, the following dimensional standards shall be established by taking the median value of the same permitted housing types on the block as determined by § 320-41.A. Non-conforming housing types may not reduce lot area or width but shall otherwise conform to § 320-42 B. 3,4,5 and 6 below.
1. Lot area. Shall be the established median value of the same housing type on the block and shall constitute the minimum allowable lot area but in no case shall be less than 3,000 square feet per single-family detached dwelling, 2,500 square feet per twin dwelling unit, 3,500 square feet per duplex building.
 2. Lot width. Shall be the established median value on the block and shall constitute the minimum allowable lot width, but in no case shall be less than 25 feet per single-family detached dwelling, 20 feet per twin dwelling unit, 35 feet per duplex building.
 3. Side yard. Shall be established by the side yard setbacks of the principal building(s) on property immediately adjacent to the left and right (either dimension may be used). The measurement shall be from the side wall, exclusive of bay windows, porches, chimneys or other similar projections to the side property line. In no case shall an individual side yard setback be less than 5 feet. When bordered by vacant property on one side, the setback established from the adjoining developed property shall apply to both sides. If bordered on both sides by vacant property the minimum side yard shall be 15 feet.
 4. Rear yard. Shall be established by the rear yard setbacks of the principal building(s) on property immediately adjacent to the left and or right (either dimension may be used). The measurement shall be from the rear façade, exclusive of bay windows, porches, decks, chimneys or other similar projections to the rear property line. In no case shall the individual rear yard setback be less than 15 feet. When bordered to the rear and side by vacant property the minimum rear yard setback shall be 25 feet.
 5. Building height. To be no greater than the median height of buildings on the block of the same residential use type but in no case shall exceed 40 feet in height.
 6. Off-street parking may be reduced by 1 space per residential unit on streets where on-street parking provides 50% or more of the on-site parking requirement.

HOUSING TYPE	LOT SIZE (NET SQ. FT.)	MAXIMUM IMPERVIOUS SURFACE (PERCENT OF NET LOT AREA)	MAXIMUM BUILDING COVER (PERCENT OF NET LOT AREA)
Single-Family Detached	3,000 to 5,000	60%	30%
	5,001 to 10,000	50%	25%
	10,001 and above	40%	20%
Twin	2,500 to 5,000	80%	50%
	5,001 and above	70%	40%
Duplex	3,500 to 6,000	60%	40%
	6,001 and above	50%	30%

§ 320-58. RESIDENTIAL MIXED USE CONVERSION REGULATIONS.

- A. Conversions may only occur in existing buildings originally constructed for residential use.
- B. No residential uses shall be permitted on the first floor.
- C. Commercial uses may only occupy the first floor after conversion and may not exceed 1,500 gross floor area.
- D. No more than one residential unit per floor shall be permitted to a maximum of two residential units per building after conversion.

- E. Alterations to the front façade must conform to the standards and criteria of the HARB for the West Norristown National Register Historic District, A-Zone.
- F. Building additions shall be located to the rear and shall be compatible with the existing building in appearance size, scale and materials.
- G. The front yard shall be preserved or restored in landscaped open space.
 - 1. Impervious coverage in the front yard shall be sidewalks or pedestrian access paths.
- H. Stairways, fire escapes and other structural alterations shall be located to the rear or side of the building.
- I. A primary entrance from the front facing façade shall be maintained after conversion.
- J. Exterior lighting shall be designed to prevent glare onto adjacent properties. Pedestrian pathways need to be clearly marked and well lit.
- K. Off-street parking shall be provided at a rate of 1 space per every 250 square feet of gross floor area exclusive of the first 750 square feet of commercial use after conversion.
- L. Parking shall be accommodated to the rear or side of the property and may not extend beyond the front wall of the principal building toward West Main Street.
 - 1. Corner lots with two front yards may have parking within the front yard setback of the street of lesser classification.
- M. Refuse collection shall be contained within the confines of the primary structure.
- N. Hours of operation shall be limited to between 6 A.M. and 9 P.M.

§ 320-59. SPECIAL EXCEPTION REGULATIONS.

- A. Residential Conversion to Non-Residential Use.
 - 1. Off-street parking shall be provided at a rate of 1 space per every 250 square feet of gross floor area exclusive of the first 750 square feet of commercial use after conversion.
 - 2. No drive-through facility shall be permitted.
 - 3. The original structure must be retained.
- B. Stand Alone Commercial Uses.
 - 1. Location shall be restricted to only those properties situated along the south side (Schuylkill River side) of West Main Street, and only between the blocks of Chain Street and Stanbridge Street and Buttonwood Street and Hartranft Street.
 - 2. Demolition of an existing building may only occur if the building has limited or no historical value as determined by the HARB.
 - 3. Demolition of a building of historic value may only occur if it is shown to be structurally unsound and cannot be stabilized as determined by a professional structural engineer specializing in historic structures.
 - 4. Only one building shall be permitted per lot with a maximum footprint of 15,000 square feet.
 - 5. The front façade of the building shall be oriented toward West Main Street.
 - 6. The building shall be constructed in an architectural style consistent with the historic district.
 - 7. Blank façades shall not be permitted along any exterior wall facing a public street, and shall contain windows and other architectural elements that are consistent in appearance and scale to that which currently exists on the block.
 - 8. Exterior lighting shall be designed to prevent glare onto adjacent properties. Pedestrian pathways need to be clearly marked and well lit.
 - 9. Parking shall be accommodated to the rear or side of the property and may not extend beyond the front wall of the principal building toward West Main Street.

- a. Corner lots with two front yards may have parking within the front yard setback of the street of lesser classification.
- 10. Off-street parking as per Article XXVI Off-Street Parking and Loading.
- 11. Sketch plan submittal. All proposals shall submit the following information to the Planning Commission in sufficient detail for the Commission to render an advisory opinion to the Municipal Council and HARB. Sketch plans shall show the following information:
 - a. Location of proposed building(s).
 - b. Adjoining residential buildings and structures within 50 feet of the property line.
 - c. Architectural elevations or photographs of similar buildings and or structures that are generally accurate facsimiles.
 - d. Proposed signage.

§ 320-60. GENERAL DEVELOPMENT REGULATIONS.

A. All Uses.

- 1. Supplemental Regulations: The relevant provisions found in Article XXIII Supplemental Regulations shall apply.
- 2. Architectural Design. All new homes, alterations, or additions that are not within a certified historic district shall conform to the following basic design standards:
 - a. New homes shall be consistent with the pattern of size, mass and footprint, as with other similar homes on the block.
 - b. New homes shall be consistent with the proportion of height and width of similar homes on the block.
 - c. New homes shall have front porches or house stoops if the majority of homes of the same housing type on the block have those features.
- 3. All proposed developments shall be reviewed by the Historical Architectural Review Board when this board has jurisdiction. When the Historical Architectural Review Board does not have jurisdiction, all proposed developments shall be reviewed by the Design Review Board as per the standards and criteria of section § 320-243.

§ 320-61 - § 320-64. (RESERVED)

ARTICLE VII

MR Multi-Family Residential District

§ 320-65. LEGISLATIVE INTENT.

The purpose of the Multi-Family Residential district is to provide quality garden apartment, townhouse, mixed-residential, and age restricted housing developments in those locations within the Municipality that are best suited to accommodate the increased density associated with such development. It is further the intent of this district to insure that all new development integrates seamlessly with the surrounding community both visually and functionally. Furthermore, developments are to provide residents the amenities that are commonly associated with compact development such as, but not limited to, landscaped open space, internal trails and/or walkways, passive and/or active recreation facilities, and an integrated sidewalk network.

§ 320-66. USE REGULATIONS.

- A. Permitted uses. A building or buildings may be erected or used and a lot may be used or occupied by any of the following uses and no other.
1. Any R-2 residential use on a single lot as per the standards of the R-2 District.
 2. Multi-family development to include garden apartments, townhouse dwellings, single-family and twin dwellings provided that single-family and twin dwellings comprise no more than 40% of all units built.
 3. Personal service shop, including barbershops, hairdresser, nail salon, shoe repair, tailor, dry cleaner, flower shop, or uses of a similar nature, provided that they are located wholly within a garden apartment building and shall be limited to the first floor only. Total square footage shall not exceed 20% of the first floor gross floor area.
 4. Accessory uses customarily incidental to any principal use permitted by this section including, but not limited to:
 - a. Pool.
 - b. Community center or recreation facility.
 - c. Carports and free standing garages.
 - d. Pavilions and gazebos.
 - e. Maintenance buildings.
- B. Special exceptions. The following uses and no others when authorized by the Zoning Hearing Board pursuant to Article XXI Special Exceptions and the criteria contained herein.

1. Neighborhood playgrounds and parks.
 2. Houses of worship.
 3. Public/private/parochial schools.
- C. Signs. Unless otherwise noted, when erected and maintained in accordance with the provisions of Article XXVII Signs.
- D. Parking. Off-street parking pursuant to the standards in Article XXVI Off-Street Parking and Loading unless otherwise noted.

§ 320-67. DIMENSIONAL CRITERIA.

A. Multi-Family

A	PERMITTED USE	MULTI-FAMILY
1	Minimum tract size (acres)	5
2	Maximum density	15 du per gross acres
3	Minimum tract frontage on a public road (feet)	250
4	Minimum tract boundary setback (feet) single -family or twin dwellings townhouse dwellings garden apartments	30 40 50
5	Minimum distance between buildings (feet) single -family or twin dwellings townhouse dwellings garden apartments	20 side to side, and 50 front or rear 25 side to side, and 50 front or rear 40 side to side, and 75 front or rear
6	Maximum building coverage (percent of net tract area)	25%
7	Maximum impervious surface (percent of net tract area)	60%
8	Minimum common open space (percent of net tract area)	20%
9	Maximum building height (feet) single-family, twin, or townhouse dwellings garden apartments	35, or 2 stories, whichever is less 48, or 4 stories, whichever is less

B. Special Exceptions

A	SPECIAL EXCEPTIONS	NEIGHBORHOOD PLAY GROUNDS/PARKS	HOUSES OF WORSHIP	SCHOOLS/ LIBRARIES
1	Minimum lot size (net square feet)	10,000	10,000	43,560
2	Minimum lot width (feet)	75	75	100
3	Minimum front yard setback from street curb line (feet)	25	20	25
4	Minimum side yard setback (feet)	25*	15	25
5	Minimum rear yard setback (feet)	25*	25	25
6	Minimum building height (feet)	25	35**	35
7	Maximum impervious surface (percent of net lot area)	Not Applicable	75%	30%
8	Maximum building coverage (percent of net lot area)	Not Applicable	60%	20%

* A minimum setback for all side and rear yards of 50 feet for all active play areas and or open air structures such as pavilions.

** Church spires may extend to a maximum height of 50 feet.

§ 320-68. DEVELOPMENT REGULATIONS.

- A. Supplemental Regulations. The relevant provisions found in Article XXIII Supplemental Regulations shall apply.
- B. Multi-Family Development.
1. The property shall be under single ownership for the maintenance, service and operation of the community. This includes all land, buildings, infrastructure and facilities contained within the tract of land.
 2. An internal sidewalk or pathway system shall be provided.
 3. Sidewalks shall be installed along tract frontage adjacent to public streets.
 4. Connectivity shall be provided from internal sidewalks/walkways to the public sidewalk system.
 5. Size Limit for Accessory Buildings:
 - a. Maintenance buildings shall not exceed 1,000 square feet in size.
 - b. Garages and carports:
 - (i) Each individual bay for an accessory garage (not attached to a house) or carport shall not exceed 320 square feet in size.
 - (ii) No more than six (6) garages or carports shall be attached in a row.
 6. No more than 6 townhouse units shall be constructed in a single row.
 7. Single-family twin or townhouse dwellings with garages in the front shall have a minimum 20 foot driveway depth to ensure that no parked vehicles impede the pedestrian use of the sidewalk.
 8. All residential buildings, except garden apartments, located within 30 feet of an existing right-of-way, and garden apartments located within 50 feet of a public right-of-way, shall be oriented with their front façades facing, and taking direct pedestrian access from, the public right-of-way. If this standard cannot be met as determined by Municipal Council, then the following shall apply:
 - a. The rear or side façade of any residential building facing a public right of way shall be so designed with windows, doors, and architectural elements that when taken together visually integrate the building(s) into the existing streetscape environment. To ensure compliance building elevations shall be submitted to the Design Review Board for comment during the land development approval process.
 9. The development shall provide for public outdoor gathering areas or public recreation that shall include, but not be limited to, pocket parks, gazebos, walking trails and playgrounds.
 10. Side and rear yards shall contain perimeter landscaped buffers of sufficient density and opacity to minimize sound and light spillover onto adjoining properties
 11. In addition to the buffers all other areas not devoted to buildings or parking shall be landscaped with trees, shrubs, ornamental plants and grass or other appropriate ground cover.
 12. Trash dumpster areas shall be screened with fencing and landscaping.
 13. All multi-family developments of 25 units or more shall require a traffic impact study.
 14. All proposed developments shall be reviewed by the Historical Architectural Review Board when this board has jurisdiction.

§ 320-69 - § 320-74. (RESERVED)

ARTICLE VIII

NC Neighborhood Commercial District

§ 320-75. LEGISLATIVE INTENT.

The purpose of this district is to provide for commercial areas that cater to the daily convenience shopping and service needs of the surrounding residential neighborhoods. Furthermore, it is the intent of this district to preserve, to the greatest extent possible, the existing building stock that defines the architecturally historic community character. Therefore, all new construction shall be architecturally and functionally compatible with the established streetscape. It is further the intent of this district to:

1. Promote a balance of retail, service, office, and dining uses which serve the adjacent neighborhoods.
2. Encourage pedestrian flow through the design of mixed-use buildings with sidewalk level retail uses.
3. Encourage lively, activity areas and gathering places for the community.
4. Ensure that new buildings, additions, and renovations are consistent with and enhance the surrounding streetscape.
5. Encourage economic development through the establishment of flexible standards.

§ 320-76. USE REGULATION.

- A. Permitted Uses. A building may be erected, altered, or used and a lot may be used or occupied for one or more of the following purposes, with uses allowed to be mixed within a building or mixed in separate buildings on a property, and no other.
1. Any R-2 residential use on a single lot as per the standards and criteria of the R-2 District.
 2. Conversion of an existing residential building where the commercial use occupies one or more floors after conversion as per the standards in Article VI MSMU District.
 3. Small scale retail establishments for the sale of dry goods, variety and general merchandise, household supplies, food, drugs, hardware, furnishings, antiques, baked goods, greeting cards, plants and flowers, optical goods, musical instruments.
 4. Personal service shops, including barbers, hairdressers, tailors, dressmakers, shoe repair and dry cleaning provided that no cleaning operations are performed on the premises.
 5. Studio for photography, music or dance.
 6. Establishment serving food or beverages to the general public, such as restaurant, café, confectionery or ice cream shop, including walk-up windows.
 7. Banks, credit unions and savings and loans.
 8. Small market grocery stores.

9. Catering establishments.
 10. Business office, such as real estate, travel agency, and insurance.
 11. Nail salons, provided that 500 feet separates them from any other nail salon.
 12. Thrift store, provided that 500 feet separates them from any other thrift store.
 13. Professional office for the practice of medicine, law, engineering, architecture, design, real estate, insurance or financial consultation.
 14. Laundromats where customers operate the equipment.
 15. Automotive parts and accessories stores, excluding body shops or repair facilities.
 16. Accessory uses on the same lot with and customarily incidental to any principal use permitted by this section, including no-impact home-based business.
- B. [Special Exception](#). The following uses and no other when authorized by the Zoning Hearing Board pursuant to Article XXI Special Exception and the criteria herein.
1. Outdoor dining.
 2. Taverns provided that 500 feet separates them from an existing school or church.
- C. [Signs](#). Unless otherwise noted, when erected and maintained in accordance with the provisions of Article XXVII Signs.
- D. [Parking](#). Off-street parking, exclusive of parking garages, pursuant to the standards in Article XXVI Off-Street Parking and Loading.

§ 320-77. DIMENSIONAL CRITERIA.

A. [All Non-Residential Uses](#).

A	ALL NON-RESIDENTIAL USES.	USES
1	Minimum lot size (net square feet)	2,500
2	Minimum lot width (feet)	25
3	Minimum front yard (feet)	See § 320-77.B.
4	Minimum side yard setback (feet)	None with shared party wall, 5 with no party wall
5	Minimum rear yard setback (feet)	10 and 20 when abutting a residential use or zone
6	Maximum building height (feet)	35
7	Maximum impervious surface (percent of net lot area)	90%
8	Maximum building coverage (percent of net lot area)	75%

- B. [Front yard](#). Each building shall have one front yard, and in the case of a corner lot two front yards. Distance shall be determined by measuring from the curb line of the street to the front façade of the principal building, excluding bay windows, stoops or other similar projections, on the property immediately to the right or to the left. Either measurement may be used and shall constitute the required build-to line, but in no case shall be less than 10 feet. On corner lots, the front façade shall constitute the façade that is facing the greater of the two streets (as determined by road classification or traffic volume). When bordered by vacant property on both sides the required build to line shall be 20 feet.

§ 320-78. NON-RESIDENTIAL DEVELOPMENT REGULATIONS.

A. [General](#).

1. Supplemental Regulations: The relevant provisions found in Article XXIII Supplemental regulation shall apply.

2. Only one building shall be permitted per lot with a maximum gross floor area of 8,000 square feet.
3. Building additions shall be located to the rear and shall be compatible with the existing building in appearance size, scale and materials.
4. The storage of refuse shall be provided inside the building or within an outdoor area enclosed by either walls or an opaque fence that is architecturally compatible with the primary building.
5. Stairways, fire escapes and other structural alterations shall be located to the rear or side of the building.
6. Parking shall be accommodated to the rear or side of the property and may not extend beyond the front wall of the principal building. Corner lots with two front yards may have parking within the front yard setback of the street of lesser classification.
7. Any building that directly faces an abutting public street shall feature at least one customer entrance to that street with a direct sidewalk connection. This requirement can be met for a building on a corner lot with an entrance facing the corner that is visible from both sides.

B. Design Standards.

1. Alterations to the front façade must conform to the architectural standards and criteria of the applicable HARB.
2. Demolition may only occur if the building has limited or no historical value as determined by the HARB or is shown to be structurally unsound and cannot be stabilized as determined by a professional structural engineer specializing in historic structures.
3. New infill development shall generally employ building types that are compatible to the architecture of the area in their massing and external treatment.
4. New infill development shall also retain the historic architectural rhythm of building openings (including windows and entries) of the same block.
5. Blank façades shall not be permitted along any exterior wall facing a street, parking area or walking area.
6. Awnings, porticos, bay windows, or any other physical protrusion from a façade on which a public sidewalk is located shall not interfere with the free flow of pedestrians by maintaining a 10 foot wide clear pathway at all times.

§ 320-79 - § 320-84. (RESERVED)

ARTICLE IX

CR Commercial Retail District

§ 320-85. LEGISLATIVE INTENT.

The intent of this district is to provide for a variety of goods and services that are typically located in larger commercial/retail centers to the Municipality's residents. It is further the intent of this district to discourage strip-style commercial development with its excessive paved areas, numerous curb cuts and discordant architectural styles, but instead to encourage development that integrates harmoniously with surrounding properties and nearby neighborhoods. It is further the intent of this district to:

1. Encourage the retention of the existing community character of Norristown by preserving the existing buildings and landscape spaces to the greatest extent possible.
2. Encourage consolidation of driveways, parking, and curb cuts to provide more efficient and economical access and parking.
3. Encourage a coordinated pedestrian path system to provide safe, efficient and convenient pedestrian access from parking areas to and amount the various permitted uses, and to neighboring residential areas.
4. Discourage the overdevelopment of lots by limiting the maximum permitted building and impervious coverage.
5. Assure suitable design to protect the character and property values of adjacent and nearby neighborhoods.
6. Minimize congestion and hazardous traffic conditions.
7. Allow existing commercial properties to be appropriately redeveloped.
8. Encourage the location of commercial buildings so they are accessible by public transportation.

§ 320-86. USE REGULATIONS.

- A. Class I Permitted Uses. A building may be erected or uses and a lot may be used or occupied by any of the following Class I uses and no other.
1. Retail stores offering dry goods, variety merchandise, clothing, groceries, baked goods, flowers, plants, drugs, books, furnishings or other household supplies, antiques, hardware, jewelry, clocks, optical goods, cameras, home appliances, electronic equipment. Shopping centers, as defined in this ordinance, are only permitted as a Class III Permitted Use.

2. Retail sale of professional scientific and professional instruments and equipment.
 3. Convenience stores without fuel pumps.
 4. Funeral Homes.
 5. Personal service shop including but not limited to barbershop and/or hairdresser, shoe repair, tailor, nail salon, dry cleaner (pick-up only), self-service laundry.
 6. Offices of doctor, dentist and other healthcare providers.
 7. Administrative Offices.
 8. Studio for dance, art, music, photography or exercise.
 9. Business services establishments including copy centers, retail printing and duplication services, computer rental copying centers, mailbox rental and shipping, express and parcel delivery services.
 10. Bank or financial institution.
 11. Automotive parts and accessories stores.
 12. Restaurants, delicatessens, luncheonettes, coffee shops, retail bakers and confectionery or ice cream shops without drive-through facilities.
 13. Drug store without drive-through facilities.
 14. Day care centers
 15. 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.
- B. [Class II Permitted Uses](#). A building may be erected or used and a lot may be used or occupied by any Class I Permitted Uses and the following Class II uses and no other.
1. Animal hospital and/or veterinarian offices.
 2. Banquet Facilities.
 3. Gas stations and convenience stores with gas pumps.
 4. Car wash facilities.
 5. Class I use with drive-through facilities.
- C. [Class III Permitted Uses](#). A building may be erected or uses and a lot may be used or occupied by any Class I and Class II Permitted Uses and the following Class III uses and no other.
1. Shopping centers.
 2. Lawn and garden centers.
 3. Nursery or greenhouse.
 4. Health Clubs and indoor recreation.
 5. Movie theaters.
 6. Automobile dealerships.
- D. [Special Exceptions](#). The following uses when authorized by the Zoning Hearing Board as a special exception as per Article XXI Special Exceptions.
1. Tavern.
 2. Check cashing facilities.
 3. Pawn shops.
- E. [Signs](#). Unless otherwise noted, when erected and maintained in accordance with the provisions of Article XXVII Signs.
- F. [Parking](#). Unless otherwise noted, off street parking pursuant to the standards in Article XXVI Off-Street Parking and Loading.

§ 320-87. DIMENSIONAL CRITERIA.

A	USES	CLASS I	CLASS II	CLASS III
1	Minimum lot size (net square feet or acres)	10,000	20,000	5 Acres
2	Minimum lot width (feet)	75	100	200
3	Minimum front yard setback (feet)	20	30	50
4	Minimum side yard setback (feet)	15 and 25 when abutting a residential use or zone	20 and 50 when abutting a residential use or zone	40 and 65 when abutting a residential use or zone
5	Minimum rear yard setback (feet)	15 and 25 when abutting a residential use or zone	20 and 50 when abutting a residential use or zone	40 and 65 when abutting a residential use or zone
6	Minimum parking setback from the curb line of the street (feet)	20	20	25
7	Minimum parking setback from nonresidential property lines (feet)	10	10	15
8	Minimum parking setback from residential use or zone (feet)	20	30	40
9	Minimum setback of outdoor storage and trash storage areas from abutting residential a residential use or zone (feet)	30	50	50
10	Maximum building height (feet)	35	40	40
11	Maximum impervious surface (percent of net lot area)	70%	70%	65%
12	Maximum building coverage (percent of net lot area)	35%	30%	25%

§ 320-88. GENERAL REGULATIONS.

A. All Uses.

1. All buildings shall comply with following standards:
 - a. Rear and side façades shall be of finished quality and shall be of color and materials that are similar to the front façade and blend with structures within the development as well as with structures in the surrounding area.
 - b. Any property with more than one building on the site shall have a common and coherent architectural theme throughout the development.
 - c. Building façades must be interrupted at least once within every one hundred (100) horizontal feet, with offsets of four (4) or more feet in depth along any building façade facing a public street or public parking. Offsets shall be continuous from grade to the roofline.
 - d. Building façades of two hundred (200) feet or more which face public streets or public parking shall, in addition to offsets, include other design elements to break up the façade, such as awnings, porches, canopies, towers, balconies, bays, changes in building materials, gables, and planted trellises.
 - e. 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.
 - f. 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.
 - g. Buildings with less than 15,000 square feet of building area on the ground

floor that are located within one hundred (100) feet of a residential zoning district shall have pitched roofs covering at least 80 percent of the building with a pitch of at least 6 vertical inches to every 12 horizontal inches.

- h. Buildings with more than 15,000 square feet on the ground floor shall meet one of the following roof requirements:
 - (i) The same roof requirement as outlined above in section §320-88.A.1F.
 - (ii) Parapets or mansard roofs that conceal flat roofs and rooftop equipment such as HVAC units along all roof edges.
 - (1) For all buildings, building ridgelines or roof planes facing public streets and public parking lots must be interrupted at least once every one hundred (100) feet by a vertical change of five (5) feet, the inclusion of a new gable, or the inclusion of a dormer.
- 2. Any establishment which provides shopping carts for transportation of goods to parking areas must furnish cart storage locations with the following standards:
 - a. The cart storage area shall be clearly marked as such with signage consistent with this ordinance.
 - b. The cart storage area must be protected with a see-through barrier or bollards to prevent carts from drifting.
 - c. The cart storage areas may not diminish the required number of parking spaces.
- 3. All development shall meet the following pedestrian circulation standards:
 - a. A pedestrian walkway, no less than 5 feet in width, separate and apart from parking and travel lanes shall provide a direct link from the public sidewalk or street right-of-way to the principal customer entrance of all principal retail establishments on the site.
 - b. 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.
 - c. Unobstructed sidewalks, no less than 6 feet in width, shall be provided along the full length of the building along any façade featuring a customer entrance, and along any façade abutting public parking areas.
 - d. Along façades with building entrances, the required 6-foot wide sidewalk area shall be set back from the façade by a 3-foot wide area that either contains planting beds or additional sidewalk width.
 - e. 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.
 - f. Buildings and sidewalks shall be handicapped accessible.
- 4. All proposed developments shall be reviewed by the Design Review Board in accordance with section § 320-244.

B. [Class I Permitted Uses.](#)

- 1. No outdoor storage of material or equipment is permitted

C. [Class II Permitted Uses.](#)

- 1. No outdoor storage of material or equipment is permitted.
- 2. Car washes, oil change and lube facilities, gas stations, mini-marts, convenient stores with fuel pumps and any other use with fuel pumps, drive-through facilities, and veterinary clinics shall conform to the standards of Article XXIII Supplemental Regulations.

D. [Class III Permitted Uses.](#)

- 1. All shopping centers and other retail establishments with 75,000 square feet or more in gross floor area shall meet the following additional requirements:

- a. Ground floor façades that face public streets shall have arcades, display windows, entry areas, awnings or other such features along no less than sixty (60) percent of their horizontal length. To qualify for this requirement, 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 (3) of the following: canopies or porticoes; overhangs; recesses/ projections; arcades; raised corniced parapets over the door; peaked roof forms; arches; outdoor patios; and 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 in accordance with section § 433 of the Municipal Subdivision and Land Development Ordinance.
 - d. All sides of shopping centers and retail establishments with 50,000 square feet or more of floor area that directly face an abutting public street shall feature at least one (1) customer entrance connected to the street by a clearly defined pedestrian walkway. 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.
 - e. Shopping centers shall contain a common use area that will serve as a focal point for the center and provide walkways, seating, and landscaping. The common use area shall meet the following requirements
 - (i) It shall generally be located between the street and the front façade of the primary shopping center or large retail establishment building, within 200 feet of this building.
 - (ii) It shall be equal to or greater in size than five (5) percent of the gross floor area of the shopping center or large retail establishment.
 - (iii) It shall be directly connected to the sidewalk in front of the shopping center or large retail establishment, without intervening driveways or streets.
 - (iv) It shall consist of one contiguous area and shall be improved with either 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 and shall be a minimum of 300 square feet in size.
 - (v) It shall contain shade trees, ornamental plantings, and seating; it may also contain outdoor dining areas.
2. Pedestrian circulation as per the following:
 - a. There shall be a pedestrian connection between all parking areas and all buildings.
 - b. 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 retail establishments on the site.
 - c. Walkways shall connect focal points of pedestrian activity such as, but not limited to, transit stops and street crossings.
 - d. Unobstructed sidewalks, no less than 6 feet in width, shall be provided along the full length of the building along any façade featuring a customer entrance, and along any façade abutting public parking areas.
 - e. All internal pedestrian walkways and crosswalks shall be distinguished from driving surfaces through the use of durable materials such as, but not limited to, pavers, bricks, or scored concrete.

3. Large retail uses and shopping centers with over 75,000 square feet of gross building floor area shall provide the following:
 - a. A covered 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 ten (10) foot by twenty (20) foot waiting area that is separated from other sidewalks in the development. The pick-up area must also include an area where a forty-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.
 - c. Properties with frontages of 600 feet or less on any individual street are only permitted 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.
 - d. Parking areas containing 50 or more cars shall have a minimum driveway length of fifty (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 twenty (20) feet provided between the road ultimate right-of way line and the first parking space or internal driveway intersection.
4. Automobile dealerships, new and used, shall conform to the following:
 - a. The sale of gasoline shall be prohibited.
 - b. No temporary storage is allowed on adjacent roadways, or within the street right-of-way line.
 - c. Vehicles shall not be displayed on above-ground platforms and shall be displayed to appear similar to customer parking.
 - d. All repairs, maintenance, and service activities shall be conducted within a completely enclosed building.
 - e. A landscaped screen as per section § 433.C.2 of the Municipal Subdivision and Land Development Ordinance shall be planted along the edge of the parking lot and the street.
5. Lawn and garden centers shall comply with the following:
 - a. Outdoor storage and display of live product may be equal to, but not to exceed 75% of the gross floor area of the retail sales building.
 - b. 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.

E. [Special Exceptions.](#)

1. Tavern must be setback a minimum of 500 feet from an existing school or church.

§ 320-89 - § 320-94. (RESERVED)

ARTICLE X

OR Office-Residential District

§ 320-95. LEGISLATIVE INTENT.

The purpose of the OR Office-Residential District is to recognize the locations and types of health-care and related uses in the Montgomery Hospital Medical Center area of the Municipality. It is further the intent of this district, as circumstances warrant, to provide for the orderly transition of the medical/office and hospital complex into uses that are compatible with, and complementary to, the adjacent residential neighborhoods. Additionally, the intent of this district is to:

1. Ensure that new development and/or redevelopment minimizes any potential adverse impacts on the constrained residential road network.
2. Ensure that new development and/or redevelopment integrates harmoniously with the adjacent residential neighborhoods.
3. Ensure a pedestrian-friendly environment that mitigates pedestrian/automobile conflicts by providing a well-defined, interconnected, perimeter and internal sidewalk system.
4. Provide housing opportunities that cater to the needs of the elderly.

§320-96. USE REGULATIONS

- A. Permitted Uses. A building may be erected, altered, or used for any of the following uses and no other:
 1. Any residential use in Article VI, R-2 Residence District provided that all of the R-2 regulations are met.
 2. Stand-alone housing for the elderly, as per the standards in Article XX, Retirement Community Overlay District, except the minimum tract size may be reduced to two (2) acres, and minimum age for entry shall be 62 years of age.
- B. Special Exceptions. The following uses and no others when authorized by the Zoning Hearing Board pursuant to Article XXI, Special Exceptions and the criteria contained herein:
 1. Medical or surgical hospitals to include any combination of the following: hospital administrative and professional staff offices, medically-related laboratories, providing services to physicians or to the public directly, medical colleges, nursing schools or health-care professional educational uses, and hospices.

2. Professional or medical office buildings, which may include restaurants, cafeterias and service retail facilities provided such uses are accessory to the primary use and contained entirely within the office building. Such accessory uses shall not exceed 5% of the building's total gross floor area individually, or 10% cumulatively.
3. Houses of worship.
4. High-density housing for the elderly to include independent living and/or assisted living up to a maximum of 50 dwelling units per acre, and/or long-term nursing provided the number of beds does not exceed 5% of the development's units.
 - a. The property shall be developed according to a single master land development plan, whether for immediate, future, or phased implementation, and whether in single or multiple ownership, provided all necessary cross-easements are in place. The master land development plan shall establish the design for all aspects of the overall project, including building layout, setbacks, area and bulk regulations, architectural style, parking, drive aisles, stormwater management, utilities, and landscaping. The overall development tract may be comprised of, or subdivided into, individual lots, provided all lots are contiguous and subject to the master land development plan.
 - b. The following accessory uses are permitted provided they are intended primarily to serve the needs of the resident elderly population and contained wholly within the primary residential structure(s). The following accessory uses shall not exceed 5% of any individual building's total gross floor area or 10% cumulatively.
 - (i) Restaurants
 - (ii) Delicatessens
 - (iii) Specialty low volume retail
 - (iv) Personal service shops, including hairdressers and barbers
 - (v) Doctor's offices
 - (vi) Banks
 - c. The following uses are permitted subject to the master land development plan as required in §320-96.B.4 and may comprise, whether individually or cumulatively, no more than 35% of the total net tract area.
 - (i) Adult day-care center, as defined in section § 320-11.
 - (ii) Any commercial use permitted in Article VIII, NC Neighborhood Commercial District, except §320-76.A.15. Automotive Parts and Accessories Stores and excluding any drive-throughs, provided that such use fronts onto Powell Street and all NC regulations are met.
 - d. Development may be lotted or unlotted. For lotted development no individual lot shall be less than 20,000 square feet.
 - e. To calculate maximum residential density, 20,000 square feet shall be subtracted from the total net tract area for each use under §320-96.B.4.c. proposed; the remaining tract area shall be used to calculate the permitted residential density, and shall be restricted to high-density housing for the elderly.
 - f. For lotted development, no internal minimum setbacks, buffers, or yards between or among the lots shall be required. Minimum setbacks, buffers, and yards shall only apply to the perimeter of the overall tract subject to the master land development plan.
- C. Signs. Unless otherwise noted, when erected and maintained in accordance with the provisions of Article XXVII, Signs.
- D. Parking. Unless otherwise noted, off-street parking, exclusive of parking garages, shall conform to the standards in Article XXVI, Off-Street Parking and Loading.

§320-97. DIMENSIONAL CRITERIA

A. Special Exception Uses.

A	SPECIAL EXCEPTION USES	PROFESSIONAL OR MEDICAL OFFICE BUILDINGS AND MEDICAL OR SURGICAL HOSPITALS	HOUSES OF WORSHIP
1	Minimum lot size (net square feet)	40,000	10,000
2	Minimum lot width (feet)	80	80
3	Minimum front yard setback from street curb line (feet)	15 not to exceed 30	20
4	Minimum side yard setback (feet)	20	15
5	Minimum rear yard setback (feet)	20	25
6	Maximum building height (feet)	75 or 6 stories, whichever is less	35 for main building and 50 for spires
7	Maximum impervious surface (percent of net lot area)	90%	75%
8	Maximum building coverage (percent of net lot area)	Not Applicable	60%
9	Minimum common open space (percent of net lot area)	10%	15%

B. Special Exception Uses Continued

B	SPECIAL EXCEPTION USES	HIGH-DENSITY HOUSING FOR THE ELDERLY MASTER PLAN DEVELOPMENT
1	Minimum tract size (net acres)	3 Acres
2	Minimum tract width at widest point (feet)	500
3	Minimum tract depth at narrowest point (feet)	250
4	Minimum building setback from Locust Street (feet from curbline)	50
5	Minimum building setback from all other streets (feet from curbline)	25 not to exceed 40
6	Maximum building height (feet)	High-Density Housing for the Elderly Adult Day-Care Center Neighborhood Commercial
		55 or 4 stories, whichever is less 26 or 2 stories, whichever is less 26 or 2 stories, whichever is less
7	Maximum impervious surface (percent of net tract area)	65%
8	Maximum building coverage (percent of net tract area)	30%
9	Minimum common open space (percent of net tract area)	20%
10	Minimum separation between buildings (feet)	40

§320-98. GENERAL DEVELOPMENT REGULATIONS

A. All Uses.

1. Supplemental Regulations: The relevant provisions in Article XXIII, Supplemental Regulations shall apply.
2. All proposed developments shall be reviewed by the Design Review Board in accordance with section § 320-244, prior to final approval.
3. Buildings and sidewalks shall be handicapped accessible.
4. Parking spaces designed for the exclusive use by disabled persons shall be installed as per section § 430 of the Municipal Subdivision and Land Development Ordinance.
5. Exterior lighting shall be designed to prevent glare onto adjacent properties. Pedestrian pathways need to be clearly marked and well lit.
6. No drive-through facility shall be permitted.
7. Deliveries, loading, and unloading shall be during normal daytime hours of operation only.

8. Architectural Design Standards.
 - a. Preliminary architectural elevations shall be prepared by a registered architect. Such elevations shall illustrate the general design, character, and materials for façades of buildings visible from public streets, walkways, and other lands available for public use.
 - b. Developments shall create focal points with respect to avenues of approach, or other buildings and relate open space between all existing and proposed buildings.
 - c. Developments with more than one building on the site shall have a common and coherent architectural theme throughout.
 - d. Individual buildings shall have clearly defined, highly visible public entrances.
 - e. At least one side of all buildings that directly face an abutting public street shall feature at least one well-defined pedestrian entrance to that street with a direct sidewalk connection.
 - f. Except for parking garages, all façades of new buildings shall be of finished quality and shall be similar in terms of color and materials across all façades. Blank façades shall not be permitted along any exterior wall facing a public street, parking area, or pedestrian walkway. All sides of a building shall contain windows and other architectural elements that are consistent in appearance and scale to that which currently exists in the surrounding residential community, for all stories of the buildings with particular attention paid to the design and articulation of the ground floor.
 - g. Rooftop HVAC systems, elevator equipment or any other mechanical or utilitarian protuberances shall be screened from view from adjacent buildings and from ground level in a manner that is consistent with the architectural design of the building. The height of such mechanical or utilitarian protuberances shall not exceed 10 feet above the zoning district's maximum height limit.
 - h. Loading docks, utility meters, HVAC equipment, 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 impact of these functions are fully contained and out of view from adjacent properties and public streets.
 - i. Refuse collection areas shall be located indoors where feasible. Where indoor refuse collection and storage is impracticable or infeasible, refuse may be stored out of doors provided the refuse collection area is located to the rear of the building and is setback at least 50 feet from all property lines abutting a residential district or use. Any external refuse collection area shall be located within an enclosure that is architecturally-compatible with the primary building(s) on the site and is appropriately screened from the direct view of any adjacent district with landscaping.
9. Landscaping Design Standards.
 - a. All areas of the site not devoted to buildings or parking shall be landscaped with trees, shrubs, ornamental plants and grass or other appropriate ground cover.
 - b. Shade trees meeting the specifications and spacing of section § 433 of the Municipal Subdivision and Land Development Ordinance shall be provided along all streets and may be within the legal right-of-way.
 - c. All buildings shall be landscaped with a combination of evergreen and deciduous trees and shrubs to be used as foundation plantings. Where foundation plantings are not possible or advisable, decorative architectural features such as permanent planters or window boxes may be used. All such features shall

be designed to allow for healthy plant growth.

10. Common Open Space Standards.

- a. Up to 25% of the required open space area can be used for natural features preservation or stormwater management, provided the stormwater management facilities are designed as a vegetated amenity, such as rain gardens.

11. Pedestrian Circulation Standards.

- a. Sidewalks shall be installed along tract frontage adjacent to public streets. In addition, an internal sidewalk or pathway system shall be provided that connects the public sidewalk system to the buildings, parking lots, and other public amenities on the site.
- b. 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.

12. Parking Design Standards.

- a. All surface parking lots shall be set back a minimum of 25 feet from the curbline of all existing streets, including the required buffer planting area per Municipal Subdivision and Land Development Ordinance §433-2.
- b. On lots utilizing a shared parking agreement, parking areas may abut or cross lot lines.

13. Parking Lot Separation Requirements.

- a. Parking areas shall be separated from residential buildings by a landscaped area at least 20 feet in width.
 - (i) A sidewalk of no more than 5 feet in width shall be permitted within the required landscaped area.
- b. Parking areas shall be separated from non-residential buildings by a landscaped area of at least 10 feet in width.
 - (i) Within the required public parking area, a sidewalk of no more than 6 feet in width shall be provided along any building façade featuring a customer entrance or abutting a public parking area.
 - (ii) Along façades with building entrances, the required sidewalk area shall be setback from the façade by a 3-foot wide landscaped area or additional sidewalk width.

14. Traffic Impact Study.

- a. All development with a gross floor area greater than 15,000 square feet (whether individually or cumulatively) or residential developments of 50 units in size or greater shall require a traffic impact study as per section § 320-265.

§ 320-99. SPECIAL EXCEPTION REGULATIONS

A. High-Density Housing for the Elderly, Including Adult Day-Care Centers and Neighborhood Commercial Uses.

- 1. One hundred percent (100%) of the dwelling units shall be age-restricted to age sixty two (62) years or older with the exception of a certified care giver to a qualified resident or disabled dependent. The aforementioned age restriction shall be recorded as a deed restriction on all parcels to be developed.
- 2. Architectural Design Standards.
 - a. Each building shall be oriented with their front façades facing, and taking direct pedestrian access from, Powell Street, Wood Street, or Fornance Street.
- 3. Common Open Space Design Standards.
 - a. Within the common open space required per section § 320-97.B., the develop-

ment shall provide for outdoor gathering areas and incorporate elements such as gardens, gazebos, and walking trails.

- b. Landscape islands within parking lots and required buffer and setback areas may not be included as part of the required open space.
4. Perimeter Fencing.
 - a. A decorative stone or wrought iron fence up to 4 feet in height is permitted along the perimeter of the property.
 5. Off-Street Parking Requirements.
 - a. High-Density Housing for the Elderly.
 - (i) One (1) off-street parking space shall be provided per age-restricted multi-family dwelling unit. Up to 50% of the required residential parking may be provided off-site in joint use parking structures provided the off-site parking structure is located within 500 feet of the main entrance to the residential building and connected by sidewalks and/or a marked crosswalk of at least six (6) feet in width.
 - b. Adult Day-Care Center.
 - (i) One (1) off-street parking space shall be provided per staff member on the largest shift. Up to 50% of the required staff parking may be provided off-site in joint use parking structures provided the off-site structure is located within 500 feet of the main entrance to the day-care building and connected by sidewalks and/or a marked crosswalk of at least six (6) feet in width.
 - (ii) An adequate pick-up/drop-off area shall be provided consisting of a minimum of three (3) drop-off spaces (equivalent to a one parking space in size) shall be provided plus a vehicle stacking lane consisting of a minimum of three (3) vehicle stacking spaces each being a minimum of eighteen (18) feet in length.
 - (iii) One (1) parking space per each shuttle bus that is to be parked on-site, if applicable.
 - c. All other requirements and standards in Article XXVI Off-Street Parking and Loading shall apply.

§ 320-100 - § 320-104. (RESERVED)

ARTICLE XI

OCR Office-Commercial-Retail District

§ 320-105. LEGISLATIVE INTENT.

The intent of this district is to provide for office, government, commercial employment opportunities in addition to limited residential along the DeKalb Street corridor. It is further the intent of this district to:

1. Discourage strip-style commercial development with incongruous architecture, excessive paved areas and numerous curb cuts.
2. Encourage the retention of existing buildings by applying flexible mixed-use development standards for their adaptive reuse.
3. Promote a mix of uses that complement one another.
4. Preserve to the greatest extent possible older buildings that individually or cumulatively create a unique historic character for the District.
5. Ensure a pedestrian friendly environment that mitigates pedestrian/automobile conflicts by providing a well-defined, interconnected, perimeter and internal sidewalk system.
6. Expand employment opportunities.
7. Expand and strengthen the Municipal tax base.

§ 320-106. USE REGULATIONS.

- A. Permitted Uses. A building or buildings may be erected or used and a lot may be used or occupied by any of the following uses and no other.
 1. Offices, including business and professional.
 2. Medical offices of doctor, dentist and other healthcare providers.
 3. Houses of worship.
 4. Only those residential uses permitted in Article III, R-1 Residence District.
- B. Special exceptions. The following uses and no others when authorized by the Zoning Hearing Board pursuant to Article XXI Special Exceptions and the criteria contained herein.
 1. Conversion of an existing residential building where the commercial use occupies more than one floor after conversion as per the standards for such conversions in Article VI MSMU District.
 2. Bed and breakfast as per section §320-237.
 3. Restaurants with or without outdoor dining.

4. Shopping Centers as per section §320-86C.1.
 5. Animal hospital and/or veterinarian offices.
 6. Parking garage.
- C. [Signs](#). Unless otherwise noted, when erected and maintained in accordance with the provisions of Article XXVII Signs.
- D. [Parking](#). Unless otherwise note, off-street parking, exclusive of parking garages, pursuant to the standards in Article XXVI Off-Street Parking and Loading.

§ 320-107. DIMENSIONAL CRITERIA.

A [Permitted Uses](#)

A	PERMITTED USES	ALL USES EXCEPT AS NOTED
1	Minimum lot size (net square feet)	20,000
2	Minimum lot width (feet)	75
3	Minimum front yard setback from street curb line (feet)	25, not to exceed 50
4	Minimum side yard setback (feet)	15
5	Minimum rear yard setback (feet)	15 and 25 when abutting a residential use
6	Maximum building height (feet)	35
7	Maximum impervious surface (percent of net lot area)	65%
8	Maximum building coverage (percent of net lot area)	25%

B [Special Exception Uses](#)

B	SPECIAL EXCEPTION USES	RESIDENTIAL MIXED-USE CONVERSION	PARKING GARAGES
1	Minimum lot size (net square feet)	NA	20,000
2	Minimum lot width (feet)	NA	40
3	Minimum front yard setback from street curb line (feet)	25	15 not to exceed 30
4	Minimum side yard setback (feet)	25	25
5	Minimum rear yard setback (feet)	25	25
6	Maximum building height (feet)	25	45 or 4 stories whichever is less
7	Maximum impervious surface (percent of net lot area)	NA	90%
8	Maximum building coverage (percent of net lot area)	NA	NA

§ 320-108. GENERAL DEVELOPMENT REGULATIONS.

A. [All Uses](#).

1. Supplemental Regulations: The provisions found in Article XXIII Supplemental regulation shall apply.
2. For all buildings, rear and side façades shall be of finished quality and shall be of color and materials that are similar to the front façade and blend with structures within the development as well as with structures in the surrounding area. Blank

walls shall not be permitted along any exterior wall facing a street, parking area, pedestrian walkway, residentially zoned use or property. Development with more than one building on the site shall have a common and coherent architectural theme throughout.

3. Rooftop HVAC systems, elevator equipment or any other mechanical or utilitarian appurtenances shall be screened from view from adjacent buildings and from ground level in a manner that is consistent with the architectural design of the building.
4. Individual buildings shall have clearly defined, highly visible customer entrances.
5. Any building that directly faces an abutting public street shall feature at least one customer entrance to that street with a direct sidewalk connection. This requirement can be met for a building on a corner lot with an entrance facing the corner that is visible from both sides.
6. Parking shall be accommodated to the rear or side of the property and may not extend beyond the front façade of the principal building toward the street.
 - a. Corner lots with two front yards may have parking within the front yard setback of the street of the lesser classification.
7. All proposed developments shall be reviewed by the Historical Architectural Review Board when this board has jurisdiction. When the Historical Architectural Review Board does not have jurisdiction, all proposed developments shall be reviewed by the Design Review Board in accordance with section § 320-244.

B. [Parking Garages.](#)

1. Structured parking garages that contain frontage on DeKalb Street shall have ground floor office, restaurant, or other similar uses facing the street.
2. Façades of garages facing residential streets shall utilize design treatments such as, but not limited to, colonnades, screens, or awnings to be architecturally integrated with the development and surrounding community.

C. [Pedestrian Circulation Design Standards.](#)

1. There shall be clear pedestrian connections between all parking areas and all buildings.
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 entrance of all buildings adjacent to the street. Walkways shall also connect focal points of pedestrian activity such as, but not limited to, transit stops, street crossings, and building and entry points.
3. Unobstructed sidewalks, no less than 6 feet in width, shall be provided along the full length of the building along any façade featuring a customer entrance, and along any façade abutting public parking areas. Along façades with building entrances, the required 6-foot wide sidewalk area shall be set back from the façade by a 3-foot wide 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.

D. [Traffic Impact Study.](#)

1. All development proposals of 25,000 square feet of gross floor area or greater shall require a traffic impact study as per section § 320-265.

§ 320-109 - § 320-114. (RESERVED)

ARTICLE XII

DR Downtown Riverfront District

§ 320-115. LEGISLATIVE INTENT.

The purpose of the Downtown Riverfront District is to encourage and permit a mix of uses that are compatible and complementary with the historic character of the community and its downtown, to assist in its revitalization, and to create accessible public areas along the riverfront for year-round outdoor recreation opportunities. In addition, the purpose is to implement the goals and objectives of the redevelopment plan, the Norristown economic redevelopment strategy, the Lafayette Street Land Use and Access Study, and other applicable policies. Pedestrian-oriented uses and an urban character of design are permitted and encouraged, while automobile-related uses and design qualities that promote a suburban mall or strip commercial appearance are restricted. Also, uses that traditionally accompany and strengthen the commercial core are permitted, such as office, cultural, residential, educational, entertainment, recreational and related uses. New construction should utilize traditional building materials and accepted principles of urban design, while preserving the existing streetscape by placing new buildings at or close to the edge of the public sidewalk.

§ 320-116. USE REGULATIONS.

- A. [Permitted Uses](#). A building may be erected, altered, or used and a lot may be used or occupied for one or more of the following purposes, with uses allowed to be mixed within a building or mixed in separate buildings on a property, and no other:
1. Retail establishments, including department stores for the sale of dry goods, variety and general merchandise, books, magazines, clothing, food, medical supplies, drugs, pets, flowers and floral arrangements, furnishings or other household supplies, and the sale and repair of jewelry, watches, clocks, optical goods or musical, professional or scientific instruments. Pawnshops shall not be permitted.
 2. Business offices, professional offices, government offices and office buildings. Client based social service providers shall not be permitted.
 3. Research and development facilities for technology, pharmaceuticals, and similar uses.
 4. Institutional and educational facilities and accessory complementary services, including college dormitories; studios for dance, music, photography or martial arts; private schools or colleges, including, but not limited to a barber school or business or technical college.

5. Banks, savings-and-loan associations, and financial institutions, provided that no drive-through window service shall be permitted. Check cashing facilities shall not be permitted.
 6. Public or private transit stations or terminals; public or private communications company offices, studios, information transmittal and data transfer facilities.
 7. Restaurants, tearooms, delicatessens, luncheonettes, coffee shops, retail bakers, confectionery or ice cream shops, taverns or other places serving food or beverages, including outdoor restaurant and dining facilities and walk-up windows, however no drive-through facilities shall be permitted.
 8. Hotels, convention centers, and similar facilities.
 9. Sports and recreational facility, including, but not limited to, stadiums, arenas, fitness center, health club, racquet club, indoor theater, performing arts center, river-oriented recreation uses such as boathouses, marinas, boat launch, waterfront recreation facility and associated uses.
 10. Parks, urban plazas and other active or passive open space, including public or private spaces available for the enjoyment of the general public.
 11. Business services, including photocopy shops, insurance agencies, title companies, travel agencies, and real estate offices.
 12. Multifamily residential uses, including mid- and high-rise apartment buildings, which may include a mix of residential and nonresidential uses (e.g.; office/residential or retail/residential).
 13. Parking garages and parking lots, provided that a parking lot is buffered from any street or sidewalk by a low-lying wall, not to exceed three feet in height, in conjunction with a decorative iron fence or other decorative boundary acceptable to the Municipality.
 14. Museums, art galleries, or aquariums.
 15. Child day-care facilities.
 16. Personal services shops, including tailors, barbers, beauty salons, dressmaking, shoe repair, retail dry cleaning, and similar shops.
 17. Accessory uses on the same lot with and customary incidental to any principal use permitted by this section, including no-impact home-based businesses.
- B. [Special Exception](#): Pinnacle Buildings when authorized by the Zoning Hearing Board pursuant to Article XXI Special Exceptions and the criteria contained herein..
- C. [Signs](#). Unless otherwise noted, when erected and maintained in accordance with the provisions of Article XXVII Signs.

§ 320-117. DIMENSIONAL CRITERIA.

A. [All Uses](#).

1. Area, Width and Setbacks.
 - a. No minimum lot area shall be required.
 - b. Each lot shall have a width of at least 20 feet at the street line.
 - c. Building setbacks shall be measured from the curb line of the adjacent street(s).
 - (i) Buildings up to 3 stories minimum setback 10 feet.
 - (ii) Buildings from 4 to 6 stories minimum setback 20 feet.
 - (iii) Maximum building setback 20 feet from the ground floor level of all buildings.
 - d. For buildings on separate lots but not abutting streets the following setbacks between buildings shall apply:
 - (i) That portion of separate buildings sharing a party wall shall be setback 0 feet.

- (ii) That portion of separate buildings not sharing a party wall and up to 4 stories shall be setback 10 feet.
 - (iii) That portion of separate buildings not sharing a party wall and up to 5 to 15 stories shall be setback 30 feet.
 - e. For buildings on a single lot the following setbacks shall apply:
 - (i) That portion of separate buildings sharing a party wall shall be setback 0 feet.
 - (ii) That portion of separate buildings not sharing a party wall and up to 4 stories shall be setback 20 feet.
 - (iii) That portion of separate buildings not sharing a party wall from up to 5 to 8 stories shall be setback 50 feet.
 - (iv) That portion of separate buildings not sharing a party wall from up to 9 to 15 stories shall be setback 100 feet.
- 2. Building Coverage and Impervious Surface.
 - a. No more than 90% of the area of any lot may be covered by buildings.
 - b. A minimum green space area of 10% shall be provided on every lot.
- 3. Building heights. Buildings must meet height requirements for both stories and feet.
 - a. Minimum: 2 stories or 25 feet, whichever is less.
 - b. Maximum with no FAR bonus: 4 stories, or 60 feet, whichever is less.
 - c. Maximum with FAR bonus of 1 or more for non-pinnacle buildings: 10 stories, or 150 feet, whichever is let.
- 4. Building Length.
 - a. Principal buildings shall not exceed 350 feet in horizontal length, unless the principal building wraps a garage structure.
 - b. Garage structures shall not exceed 350 feet in horizontal length, unless the garage is wrapped by a principal building.
 - c. Principal buildings and parking garage structures which are attached shall not exceed 500 feet in horizontal length, provided the parking garage is wrapped on at least three-quarters of its perimeter by the attached occupied principal building, and where the portions of the parking garage above flood level are hidden from view of rivers, creeks, and abutting streets by the attached occupied principal buildings.
- B. Floor area ratio (FAR).
 - 1. Maximum floor area ratio (FAR) with no bonus: 1.0.
 - 2. Maximum floor area ratio with bonuses (as described below): 2.5.
- C. Floor Area Ratio (FAR) bonus. Properties may qualify for the following floor area ratio (FAR) bonuses:
 - 1. On properties where sound design practices are utilized which provide for two of the public amenities as set forth in section § 320-117.D of this article and where integration of an additional ten-percent public open space is provided in the design as set forth in section § 320-119.A a bonus FAR of 0.25 will be allowed. This bonus FAR may be increased by 0.25 for every two additional public amenities provided, as set forth in section § 320-117.D.
 - 2. On properties which utilize and preserve historic façades or structures as designated by Norristown’s official list of historic structures in a manner generally consistent with the Secretary of the Interiors’ guidelines for historic preservation, a bonus FAR of 0.25 will be allowed.
 - 3. On properties where retail, restaurants, or similar business uses are provided along at least 75% of the street level frontage of buildings and parking garages, a bonus FAR of 0.75 will be allowed.

4. On properties where 90% or more of off-street parking is provided in parking garages, where any parking garages on the property are wrapped on at least three-quarters of its perimeter by attached occupied principal buildings or where parking is located completely underground, and where the portions of any parking garages above flood level are hidden from view of rivers, creeks, and abutting streets by attached occupied principal buildings, a bonus FAR of 0.75 will be allowed.
- D. **FAR Bonus Provisions.** In order to qualify for the above FAR bonuses, two or more of the following public amenities shall be provided as part of a private development project as long as they are above and beyond what would otherwise be required by the minimum provisions of the Gateway Redevelopment Overlay District or any other applicable Municipal regulations:
1. Public restrooms which are convenient and easily accessible to the users of the open space and recreational facilities provided by the development, provided the restrooms are available during all normal hours when the public would be using the open space and recreational facilities, including evenings and weekends.
 2. A public boat launch area for the launching and removal of carry-in nonmotorized watercraft, including provisions for temporary short-term on-water and/or on-land mooring of said watercraft and convenient on-land parking and access to the launch site; the launch area design shall comply with all safe, normal and reasonable standards for such a facility.
 3. A scenic overlook of the Schuylkill River (such as an urban plaza) that is open to public use, highlights views of the river and is designed specifically to encourage public gatherings.
 4. Outdoor recreational facilities that are open to public use at all reasonable times, including evenings and weekends, including but not limited to ice skating rink, tennis court, basketball or similar sports court, and similar uses.
 5. Outdoor public fountain, garden, pavilion, or similar amenity available for public use, including weather-protected kiosks for display for historical, cultural, educational, or other resource information for public benefit.
 6. Other similar facilities that provide a desirable benefit and amenity to the public, as determined by the Municipal Council.

§ 320-118. SPECIAL EXCEPTION CRITERIA.

- A. No more than four pinnacle buildings having a maximum height of 15 stories and 225 feet, whichever is less, are allowed on a first-come basis in accordance with the following:
1. A portion of the pinnacle building must be within one thousand (1,000) feet of an active passenger rail station.
 2. Pinnacle buildings may not be located on properties where a historic structure, as designated by Norristown's official list of historic structures, has been razed, when this historic structure existed at the time of adoption of this ordinance.
 3. Pinnacle buildings shall not stand alone but shall be an integral part of the uses and urban design of a planned multi-use complex (such as an educational campus, a complex of sports or recreational facilities that integrate complimentary uses, an integrated office/retail/residential complex or a research and development center with associated offices and retail uses.) No single type of use shall comprise more than 60% of the gross floor area of any individual building within a planned multi-use complex.

§ 320-119. GENERAL REGULATIONS.

A. Riverfront access.

1. Minimum area. A minimum of 10% of the land area of a lot or group of lots under common ownership shall be provided and maintained as permanent open space used for riverfront greenways, plazas, central greens, and/or central landscaped features. The open space shall be a key component integrated into the basic design of the built environment that implements the above purpose and not be left over pieces of land at the periphery of the developed area. This minimum area shall be measured from top or toe (as appropriate) of all slopes exceeding 15%, such that slopes along the roadways and riverbanks may not be included as part of the required open space. Riverfront building setback areas may be used for meeting this minimum permanent open space requirement.
2. Riverfront building setback. A continuous riverfront open space area having a minimum depth of 100 feet that is free of buildings, structures, parking lots or garages, loading or storage areas, roadways, driveways or any other nonpedestrian or non-open space type uses, shall be permanently maintained, as measured from the top of bank (T.O.B.) of the Schuylkill River (30 feet from the T.O.B. along the Stony Creek), in addition to the permanent preservation of the entire riverbank itself between the T.O.B. and the waters edge, with the following exceptions.
3. The following uses shall be permitted within the riverfront building setback area. The materials used, configuration, and design of such uses shall be consistent with the overall vision for the riverfront, as expressed by Municipal Council:
 - a. Private uses.
 - (i) Up to 30% of the minimum riverfront setback area and up to 30% of the linear river frontage measured along the T.O.B. may be utilized up to the river edge for private uses as designated in this section below, provided that such areas do not contain over 300 linear feet of contiguous development and provided these private use areas are separated from other such nodes by a minimum of 500 linear feet, and provided that an equivalent continuous open space area at least 60 feet wide (except as modified herein) is provided around such private use to allow for the free flow of movements and visual openness.
 - (ii) Private use areas shall meet the following requirements:
 - (1) These private uses may occupy land up to (and, where permitted by the authorities having jurisdiction, overlapping) the waters edge so as to restrict access by others to the waters edge, provided a pedestrian access corridor at least 15 feet wide and generally parallel to the river is provided around the use:
 - (a) Restaurants, along with their associated outdoor dining areas, parking, loading and access; and
 - (b) Boathouses, along with their associated launching areas, parking and access.
 - (c) Water-oriented cultural or recreational facility, such as an aquarium, along with associated parking and access.
 - b. Every use abutting the required access corridor shall be designed to complement the corridor and make it feel secure, comfortable, functionally stimulating, and visually attractive to its users.
 - c. The remaining 70% of the area and riverbank length must remain as open space but may include outdoor recreational, cultural, and open space uses such as skating rinks, plazas, boat launching facilities, promenades, and similar uses for the enjoyment of the local population and businesses.

4. All public amenities shall be maintained to an acceptable standard as determined by the Code Enforcement Officer as per municipal standards.
5. Existing historic structures designated by Norristown's official list of historic structures that are used for a permitted use listed in section § 320-116.A and which are utilized and preserved in a manner that is generally consistent with the Secretary of Interior's guidelines for historic preservation may continue to occupy land within the corridor, provided an equivalent continuous open space area at least 60 feet wide is provided around such private use to allow for the free flow of movements and visual openness.
6. Public access.
 - a. There shall be twenty-four-hour daily emergency (i.e., fire, ambulance, and police) access to the full length of the Schuylkill River and the Stony Creek.
 - b. There shall be continuous and connected twenty-four-hour public access every day for walking, sitting, fishing and similar passive use recreational activities to all of the areas referred to in Subsections B of this section. Within the riverfront area, all developers shall construct a walkable hard surface trail at least 10 feet wide to be installed at or near the top of the riverbank as each property is developed.
 - c. Pedestrian access to the river and creek from nearby streets that are perpendicular or parallel to the river and creek shall be provided at intervals not to exceed 600 feet.

B. Landscaping.

1. Landscaping shall meet all provisions of the Municipality's Subdivision and Land Development Ordinance except as modified or supplemented below:
2. Shade trees meeting the specifications and spacing of section § 433C.3 of the Municipal Subdivision and Land Development Ordinance shall be provided along all streets, riverfront greenways, planting strips in parking lots, and perimeters of plazas, central greens, and central landscaped features and may be within the legal right-of-way of streets.
3. Parking areas shall be separated from buildings, property lines (except where shared parking lots overlap a common property line), sidewalks, and internal collector drives by a landscaped area at least five feet in width.
4. All surface parking lots shall have a shade tree, with a caliper of two inches to 2 1/2 inches, at the ends of each single row of cars with at least one tree for every 24 spaces.
5. All buildings shall be landscaped with a combination of evergreen and deciduous trees, shrubs, and groundcovers to be used as foundation planting, i.e., plantings to be installed in proximity to the façades. Where foundation plantings are not possible or advisable, decorative architecture features such as permanent planters or window boxes may be used. All such features shall be designed to allow for healthy plant growth.
6. Existing healthy trees along rivers and creeks shall be preserved to the greatest extent feasible.
7. Riverfront greenways, and perimeters of plazas, central greens, and central landscaped features shall be landscaped with a combination of shade trees, shrubs, and groundcovers.

C. Off-Street Parking and Loading.

1. All proposed developments shall meet the off-street parking requirements of Article XXVI Off-Street Parking and Loading, unless the Municipal Council determines that less parking is needed based on a parking needs analysis study that meets the following standards:

- a. The parking needs analysis study shall be paid for by the applicant. The municipality may choose to hire the consultant for the study or may ask the applicant to hire the consultant.
 - b. The study shall be based on the Institute of Traffic Engineers Standards and be prepared by a professional traffic engineer licensed in the State of Pennsylvania.
 - c. The study must demonstrate to the satisfaction of the Municipal Council that the parking requirements for all proposed uses are adequately met, considering provisions for shared and off peak uses, the needs of the proposed uses, and programming for joint use facilities.
2. Required parking may be provided in joint use parking structures.
 3. Surface parking lots shall be located to the rear of principal buildings or to the side. Surface parking lots shall not be located between a building and a street.
 4. Surface parking lots shall not extend more than 70 feet in width along any street without being interrupted by a principal building.
 5. Surface parking lots shall be screened from view from streets through the use of low-lying decorative walls not to exceed 3 feet in height, decorative iron fencing, and evergreen plantings.
 6. Structured parking garages, including garage levels below occupied principal buildings, shall have ground floor retail, restaurant, or personal service uses facing streets or design treatments such as colonnades, screens, arcades, awnings, landscaping, street furniture, and other public amenities to create the appearance of an occupied building. Blank walls are not permitted to face streets, and all sides visible from public streets shall be designed to create the appearance of an occupied building.
 7. Sufficient loading area complying with Municipal requirements shall be provided to serve nonresidential uses in order to prevent obstruction to local traffic and pedestrian patterns in the neighborhoods.
- D. Pedestrian Circulation.
1. All developments shall include an integrated and coordinated pedestrian circulation system linking the development with nearby uses and buildings, the riverfront, parks, transit facilities, other pedestrian traffic generators, and the remainder of Norristown.
- E. Design Standards.
1. Architectural criteria. The following provisions shall apply for all exterior walls that are visible from public streets, waterways, and open space lands available for public use:
 - a. Preliminary architectural elevations shall be prepared by a registered architect. Such elevations shall illustrate the general design, character, and materials for façades of buildings visible from public streets, waterways, and open space lands available for public use.
 - b. The details of the architectural designs may be modified after preliminary plan approval, provided the overall designs and types of materials conform with the approved plans.
 - c. The architectural designs of all buildings should provide a variety of rooflines and treatments when viewed from public streets, waterways, and open space lands available for public use. Buildings shall not have the exterior appearance of large monolithic structures. Instead, large buildings shall have the appearance of connected smaller buildings. Building walls shall not have an unbroken single appearance for more than 100 feet on the average in horizontal length. Instead, variations in materials, colors, textures, overhangs, setbacks of at least 20 feet, display windows and/or entranceways shall be used to provide visual interest.

- d. Front façades of buildings shall be oriented towards both existing/proposed streets and, when properties front it, the Schuylkill River. Everyday ground level entrances shall be provided for front façades facing streets and the river.
 - e. All primary building entrances shall be accentuated. Permitted entrance accents include: recessed, protruding, canopy, portico, or overhang.
 - f. The architectural design of a building's vertical height shall be broken with variations in materials, colors, textures, setbacks, fenestration, and architectural detailing.
 - g. The façades of buildings visible from public streets, waterways, and open space lands available for public use shall not have a dissonant architectural theme. All buildings within a single project should have a unified or complementary architectural character.
 - h. Blank walls shall not be permitted along any exterior wall facing a street, parking area, pedestrian walkway, stream, or river. These walls shall comprise a minimum of 25 percent window area and a maximum of 75 percent window area.
 - i. Rooftop heating, ventilation, and air-conditioning equipment shall be screened from view from adjacent buildings, public streets, waterways and open space lands available for public use in a manner that is consistent with the architectural design.
 - j. All buildings and roofs shall avoid garish or dissonant color schemes. However, companies will not be required to abandon their legally protected trademarks, logos, color schemes and trim colors, provided they are appropriately integrated into an aesthetically pleasing overall design.
 - k. A coordinated design scheme shall be presented that will promote attractive sign designs among tenants. A detailed design shall be presented for free-standing signs for the development during the subdivision/land development process.
 - l. Loading and unloading docks, dumpsters and exterior compactors shall be located, designed and screened in a manner that minimizes their visibility from adjacent public streets, waterways, and open space lands available for public use and dwellings. No outdoor storage is permitted.
2. Views of the Schuylkill River Valley from streets generally perpendicular to the river, from parks, and from other public gathering places shall generally be preserved.

§ 320-120. APPLICATION AND REVIEW OF DEVELOPMENT PROPOSALS.

- A. Tentative Sketch. A tentative sketch plan shall be submitted, as defined in Article III of the Norristown Municipal Subdivision and Land Development Ordinance, with the following information also to be shown:
- 1. A site plan showing the location of all present and proposed buildings, drives, roadways, proposed traffic patterns, parking lots and garages, pedestrian walkways and plazas and other constructed features on the lot, plus all designated open space and open space/recreational facilities and all water, floodway/floodplains and topographic features. Surrounding existing features may be indicated with aerial photographic information.
 - 2. Architectural plans for any proposed buildings in adequate detail to indicate building setback, footprint dimensions, building heights and building mass.
 - 3. Architectural elevations and sections in adequate detail to indicate how proposed buildings will be compatible with Norristown's built environment and will affect views to the river and across the river to the hills and ridges.

4. Landscaping plan showing the general location of all landscaping areas and the mature height of all proposed vegetation, differentiating between trees and shrubs.
5. Any other pertinent data or evidence that the Municipality may require.
6. There shall be nine copies of each plan submitted;
7. One copy of the plan shall be submitted to either the Historical Architectural Review Board or the Design Review Board, whichever is applicable;
8. Municipal Council shall also review the recommendations of the Historical Architectural Review Board or Design Review Board in subsequent action on the tentative sketch plan. In all cases, Municipal Council shall have the final approval of all development.

§ 320-121. DESIGN REVIEW.

- A. All proposed developments shall be reviewed by the Historical Architectural Review Board when this board has jurisdiction. When the Historical Architectural Review Board does not have jurisdiction, all proposed developments shall be reviewed by a Design Review Board, as outlined in section § 320-243.
- B. In addition to its other review standards, the Historical Architectural Review Board or Design Review Board shall determine whether the proposed development adequately matches the character of nearby historic neighborhoods and whether any proposed riverfront open space areas are welcoming to the general public.

§ 320-122. TRAFFIC IMPACT STUDY.

A traffic impact study as per section § 320-265 shall be required for any residential development 20 units in size or greater or non-residential development 10,000 square feet in size or greater.

§ 320-123 - § 320-127. (RESERVED)

ARTICLE XIII

TC Town Center District

§ 320-128. LEGISLATIVE INTENT.

The purpose of the Town Center District is to encourage and permit uses that are compatible with the historic character of the downtown and to assist in its revitalization. Pedestrian-oriented uses are permitted and encouraged, while automobile-related uses that promote a suburban mall or strip commercial appearance are restricted. Also, uses that traditionally accompany and strengthen the commercial core are permitted, such as office, cultural, residential and related uses. Parking lots shall be separated and buffered from streets and sidewalks by low-lying walls and decorative fences, while new construction should utilize traditional building materials and accepted principles of urban design. Furthermore, all new construction shall preserve the existing streetscape by requiring that all new buildings be built to the edge of the public sidewalk.

§ 320-129. USE REGULATIONS.

- A. Permitted Uses. A building may be erected, altered or used and a lot may be used or occupied for one or more of the following purposes, with uses allowed to be mixed within a building or mixed in separate buildings on a property, and no other:
1. Retail establishments, including department stores for the sale of new dry goods, variety and general merchandise, books, magazines, clothing, food, medical supplies, drugs, pets, flowers and floral arrangements, furnishings or other household supplies and the sale and repair of jewelry, watches, clocks, optical goods or musical, professional or scientific instruments.
 2. Business offices, professional offices, government offices and office buildings. Medical offices are only permitted on the second floor and above. Client based social service providers shall not be permitted.
 3. Banks, savings-and-loan associations and financial institutions, provided that no drive-in window service shall be permitted.
 4. Telephone central offices and telegraph or other public utility offices.
 5. Restaurants, tearooms, delicatessens, luncheonettes, coffee shops, retail bakers, confectionary or ice cream shops, bars, taverns or other places serving food or beverages, provided that no drive-through restaurants or similar uses disbursing food and beverages by means of a drive-in window shall be permitted, while outdoor dining shall be permitted as an accessory use.

6. Hotels.
 7. Indoor theaters and performing arts centers.
 8. Antique stores.
 9. Studios for dance, music, photography or martial arts.
 10. Private schools or colleges (such as a barber school or business or technical college).
 11. Art galleries.
 12. Accessory uses on the same lot with and customarily incidental to any principal use permitted by this section, including no-impact home-based businesses and surface parking lots.
- B. Special Exceptions: Any of the following uses when authorized by the Zoning Hearing Board pursuant to Article XXI.
1. Mid-rise apartment houses, provided all dwelling units are located on the second floor and above.
 2. High-rise apartment houses, provided all dwelling units are located on the second floor and above.
 3. Residential mixed uses, provided all dwelling units are located on the second floor and above.
 4. Apartments, provided that they are above a nonresidential use.
 5. Houses of worship, provided the house of worship is located on a lot 20,000 square feet or greater in size.
 6. Public transit stations or terminals.
 7. Any use listed in section § 320-129.A, which contains a gross floor area in excess of 10,000 square feet.
 8. Parking garages as a principal use.
 9. Bed and breakfast, pursuant to § 320-237.
 10. Tailors, barbers, beauty salons, shoe repair, dressmaking or similar shops.
 11. Health spas.
 12. Retail dry cleaning.
 13. Job printing and photocopying.
 14. Consignment shops.
 15. Single-family detached, twin, rowhouse and duplex dwellings as per the applicable standards of the R-2 Residence District and provided the dwellings were originally constructed as such.
- C. Signs. Unless otherwise noted, when erected and maintained in accordance with the provision of Article XXVII Signs.

§ 320-130. DIMENSIONAL CRITERIA.

- A. All Uses.
1. No minimum lot area shall be required.
 2. Each lot shall have a width of at least 20 feet at the street line.
 3. One hundred percent (100%) of the area of any lot under 5,000 square feet in area may be occupied by buildings. No more than ninety percent (90%) of the area of any lot 5,000 square feet or more in area may be covered by buildings.
 4. No front, rear or side yards shall be required.
 5. Any principal structure constructed, modified or remodeled in this district must have its front façade built to the edge of the public sidewalk, unless the structure is utilizing an existing historic façade as part of a redevelopment project. Corner properties shall be considered as having two front façades. Rear façades are exempt from this requirement. Instead, they are encouraged to provide space for loading docks and dumpsters.
 6. The maximum height of any building or structure erected or used in this district shall be 10 stories or 120 feet.

7. The minimum height of any building erected in this district shall be 2 stories and 25 feet.

§ 320-131. OFF-STREET PARKING AND LOADING.

A. All Uses.

1. The off-street parking regulations, including requirements for a minimum number of parking spaces, of Article XXVI shall not apply in the TC Town Center District.
2. Adequate provision for loading shall be provided for each use in the TC District, unless provision of loading areas is not feasible due to existing buildings or site constraints.
3. When properties have access to two generally parallel streets or to a street and an alley, surface parking lots shall be located to the rear of principal buildings, in accordance with the following standards:
 - a. Surface parking lots shall not be located between any front façade and any street. On corner properties, surface parking lots shall not be located between the two front façades and the two streets.
 - b. Surface parking lots shall not be located to the side of buildings when the parking lot will be visible from the street.
 - c. On through lots, where the property has frontage on two generally parallel streets, surface parking lots shall not be located between the front façade and the street of higher classification, with Main Street always having the highest street classification for purposes of this ordinance.
4. When properties do not have access to two generally parallel streets or to a street and an alley, surface parking lots may be located to the rear or side of principal buildings, in accordance with the following standards:
 - a. Surface parking lots shall not be located between any front façade and any street.
 - b. Surface parking lots located to the side of principal buildings shall not extend more than 70 feet in width along any street without being interrupted by a principal building.
5. Surface parking lots shall be screened from view from streets through the use of low-lying decorative walls not to exceed 3 feet in height, decorative iron fencing, and evergreen plantings.
6. Structured parking facing arterial streets shall have ground floor retail, restaurant, or personal service uses along the street. Structured parking facing other streets shall have ground floor retail, restaurant, or personal services along the street or design treatments such as colonnades, screens, arcades, awnings, landscaping, street furniture, and other public amenities to create the appearance of an occupied building. Blank walls are not permitted to face streets, and all sides visible from public streets shall be designed to create the appearance of an occupied building.
7. Underground structured parking that is below grade and not visible from streets shall be permitted at any location on a lot.

§ 320-132. ARCHITECTURAL AND SITE DESIGN STANDARDS.

- A. Preliminary architectural elevations shall be prepared by a registered architect. Such elevations shall illustrate the general design, character, and materials for façades of buildings visible from public streets, walkways, and other lands available for public use.
- B. The architectural design of all buildings should provide a variety of rooflines and treatments when viewed from public streets, walkways, and other lands available for public use. Buildings shall not have the exterior appearance of large monolithic structures. Instead, large buildings shall have the appearance of connected smaller buildings. Build-

ing walls shall not have an unbroken single appearance for more than 75 feet on the average in horizontal length. Instead, variations in materials, colors, textures, overhangs, setbacks of at least 5 feet, display windows, and/or entranceways shall be used to provide visual interest.

- C. Front façades of buildings shall be oriented towards existing and proposed streets, with an every day entrance in the front façade.
- D. All primary building entrances shall be accentuated. Permitted entrance accents include: recessed, protruding, canopy, cupola, tower, portico, or overhang.
- E. Buildings shall be similar in height and size or shall be articulated and subdivided into vertical and horizontal massing that is more or less proportional to adjacent structures and maintains the existing architectural rhythm on the block.
- F. New infill development shall attempt to maintain the horizontal rhythm of Town Center façades by using a similar alignment of windows, floor spacing, cornices, awnings, and other elements. Portions of buildings that are substantially taller than surrounding buildings shall be set back 5 or more feet from the ground level front façade to minimize the impact of the building on the horizontal building rhythms established on the block.
- G. Blank walls shall not be permitted along any exterior wall facing a street, parking area, or pedestrian walkway. These walls shall comprise a minimum of 30 percent window area and a maximum of 70 percent window area, with the following exception.
 - 1. The ground floor front façades of buildings facing arterial streets shall consist of a minimum of 50 percent window area and a maximum of 85 percent window area, with views provided through these windows into the business or lobby area. The lower edge of ground floor windows for retail, restaurant, and related uses shall be a maximum of 12 to 30 inches above the sidewalk.
- H. Rooftop heating, ventilation, and air-conditioning equipment shall be screened from view from adjacent buildings, public streets, walkways and other lands available for public use in a manner that is consistent with the architectural design.
- I. All buildings and roofs shall avoid garish or dissonant color schemes.
- J. Loading and unloading docks, dumpsters, and exterior compactors shall be located, designed, and screened in a manner that minimizes their visibility from adjacent public streets, walkways, and other lands available for public use and dwellings. No outdoor storage is permitted.
- K. Sidewalks and streetscape improvements shall match the most recent improvements installed by Norristown along portions of the same street within the Town Center District area.

§ 320-133. DESIGN REVIEW.

- A. All proposed developments shall be reviewed by the Historical Architectural Review Board when this board has jurisdiction. When the Historical Architectural Review Board does not have jurisdiction, all proposed developments shall be reviewed by a Design Review Board in accordance with section § 320-243.
- B. In addition to its other review standards, the Design Review Board shall determine whether the proposed development adequately matches the character of downtown Norristown.

§ 320-134 - § 320-139. (RESERVED)

ARTICLE XIV

TCII Town Center II District

§ 320-140. LEGISLATIVE INTENT.

The purpose of the Town Center II District is to encourage and permit uses in areas that are adjacent to, and compatible with the urban core of downtown Norristown. Uses shall complement the Town Center District and support urban core redevelopment.

§ 320-141. USE REGULATIONS.

- A. [Permitted Uses](#). A building may be erected, altered or used and a lot may be used or occupied for one or more of the following purposes, with uses allowed to be mixed within a building or mixed in separate buildings on a property, and no other:
1. Any residential use as per the standards and criteria as specified in the R-2 District.
 2. A building may be erected, altered or used for any of the following non-residential uses provided that each property contains a minimum of 20 feet of frontage along either East Main Street or Lafayette Street.
 - a. Retail establishments, including, variety and general merchandise, books, magazines, food, medical supplies, drugs, pets, flowers and floral arrangements, furnishings or other household supplies and the sale and repair of jewelry, watches, clocks, optical goods or musical, professional or scientific instruments.
 - b. Business offices, professional offices, government offices and office buildings. Medical offices are only permitted on the second floor and above.
 - c. Banks, savings-and-loan associations and financial institutions, provided that no drive-in window service shall be permitted.
 - d. Restaurants, tearooms, delicatessens, luncheonettes, coffee shops, retail bakers, confectionery or ice cream shops, bars, taverns or other places serving food or beverages, provided that no drive-through restaurants or similar uses disbursing food and beverages by means of a drive-in window shall be permitted, while outdoor dining shall be permitted as an accessory use.
 - e. Antique stores.
 - f. Studios for dance, music, photography or martial arts.
 - g. Art galleries.
 - h. Tailors, barbers, beauty salons, shoe repair, dressmaking or similar shops.
 3. Accessory uses on the same lot with and customarily incidental to any principal use permitted by this section, including no-impact home-based business.

- B. Special Exceptions: Any of the following uses, provided that each property contains a minimum of 20 feet of frontage along either East Main Street or Lafayette Street, when authorized by the Zoning Hearing Board pursuant to Article XXI.
 - 1. Residential mixed uses, provided all dwelling units are located on the second floor and above.
 - 2. Apartments, provided that they are above a nonresidential use.
- C. Signs. Unless otherwise noted when erected and maintained in accordance with Article XXVII Signs.

§ 320-142. DIMENSIONAL CRITERIA.

- A. Non-Residential Uses.
 - 1. No minimum lot area shall be required.
 - 2. Each lot shall have a width of at least 20 feet at the street line.
 - 3. One hundred percent (100%) of the area of any lot under 5,000 square feet in area may be occupied by buildings. No more than ninety percent (90%) of the area of any lot 5,000 square feet or more in area may be covered by buildings.
 - 4. No front, rear or side yards shall be required.
 - 5. Any principal structure constructed, modified or remodeled in this district must have its front façade built to the edge of the public sidewalk, unless the structure is utilizing an existing historic façade as part of a redevelopment project. Corner properties shall be considered as having two front façades. Rear façades are exempt from this requirement.
 - 6. The maximum height of any building or structure erected or used in this district shall be 4 stories or 50 feet.
 - 7. The minimum height of any building erected in this district shall be 2 stories and 25 feet.

§ 320-143. OFF-STREET PARKING AND LOADING.

- A. The off-street parking regulations, including requirements for a minimum number of parking spaces, of Article XXVI Off-Street Parking and Loading shall not apply in the Town Center II District.
- B. Adequate provision for loading shall be provided for each use in the TC II District, unless provision of loading areas is not feasible due to existing buildings or site constraints.
- C. Surface parking lots shall be located to the rear of principal buildings, in accordance with the following standards:
 - 1. Surface parking lots shall not be located between any front façade and any street. On corner properties, surface parking lots shall not be located between the two front façades and the two streets.
 - 2. Surface parking lots shall not be located to the side of buildings when the parking lot will be visible from the street.
 - 3. On through lots, where the property has frontage on two generally parallel streets, surface parking lots shall not be located between the front façade and the street of higher classification, with Main Street and Lafayette Street always having the highest street classification for purposes of this ordinance.
- D. When properties do not have access to two generally parallel streets or to a street and an alley, surface parking lots may be located to the rear or side of principal buildings, in accordance with the following standards:
 - 1. Surface parking lots shall be screened from view from streets through the use of low-lying decorative walls not to exceed 3 feet in height, decorative iron fencing, and evergreen plantings.

§ 320-144. ARCHITECTURAL AND SITE DESIGN STANDARDS.

- A. Preliminary architectural elevations shall be prepared by a registered architect. Such elevations shall illustrate the general design, character, and materials for façades of buildings visible from public streets, walkways, and other lands available for public use.
- B. The architectural design of all buildings should provide a variety of rooflines and treatments when viewed from public streets, walkways, and other lands available for public use. Buildings shall not have the exterior appearance of large monolithic structures. Instead, large buildings shall have the appearance of connected smaller buildings. Building walls shall not have an unbroken single appearance for more than 75 feet on the average in horizontal length. Instead, variations in materials, colors, textures, overhangs, setbacks of at least 5 feet, display windows, and/or entranceways shall be used to provide visual interest.
- C. Front façades of buildings shall be oriented towards existing and proposed streets, with an every day entrance in the front façade.
- D. All primary building entrances shall be accentuated. Permitted entrance accents include: recessed, protruding, canopy, cupola, tower, portico, or overhang.
- E. Buildings shall be similar in height and size or shall be articulated and subdivided into vertical and horizontal massing that is more or less proportional to adjacent structures and maintains the existing architectural rhythm on the block.
- F. New infill development shall attempt to maintain the horizontal rhythm of Town Center façades by using a similar alignment of windows, floor spacing, cornices, awnings, and other elements. Portions of buildings that are substantially taller than surrounding buildings shall be set back 5 or more feet from the ground level front façade to minimize the impact of the building on the horizontal building rhythms established on the block.
- G. Blank walls shall not be permitted along any exterior wall facing a street, parking area, or pedestrian walkway. These walls shall comprise a minimum of 30 percent window area and a maximum of 70 percent window area, with the following exception.
 - 1. The ground floor front façades of buildings facing arterial streets shall consist of a minimum of 50 percent window area and a maximum of 85 percent window area, with views provided through these windows into the business or lobby area. The lower edge of ground floor windows for retail, restaurant, and related uses shall be a maximum of 12 to 30 inches above the sidewalk.
- H. Rooftop heating, ventilation, and air-conditioning equipment shall be screened from view from adjacent buildings, public streets, walkways and other lands available for public use in a manner that is consistent with the architectural design.
- I. All buildings and roofs shall avoid garish or dissonant color schemes.
- J. Loading and unloading docks, dumpsters, and exterior compactors shall be located, designed, and screened in a manner that minimizes their visibility from adjacent public streets, walkways, and other lands available for public use and dwellings. No outdoor storage is permitted.
- K. Sidewalks and streetscape improvements shall match the most recent improvements installed by Norristown along portions of the same street within the Town Center District area.

§ 320-145. DESIGN REVIEW.

- A. All proposed developments shall be reviewed by the Historical Architectural Review Board when this board has jurisdiction. When the Historical Architectural Review

Board does not have jurisdiction, all proposed developments shall be reviewed by a Design Review Board in accordance with standards and criteria of section § 320-243.

§ 320-146 - § 320-149. (RESERVED)

ARTICLE XV

LIMU Limited Industrial Mixed Use District

§ 320-150. LEGISLATIVE INTENT.

The purpose of the LIMU District is to provide for a wide variety of low impact light industrial, office, and commercial uses in a mixed-use, live-work environment. Furthermore it is the intent of this district to:

- A. To promote employment opportunities within the Municipality
- B. To strengthen the economic base of the Municipality.
- C. To promote and facilitate a stable and sustainable live-work environment.
- D. To preserve and protect the adjacent residential neighborhoods from adverse impacts.

§ 320-151. USE REGULATION.

- A. [Class I Permitted Uses](#). A building may be erected or used and a lot may be used or occupied by any of the following uses and no other.
 - 1. Artisans' and crafts works.
 - 2. Bookbinding, copying or other printing related processes.
 - 3. Building contractor.
 - 4. Business Offices.
 - 5. Candy manufacturing.
 - 6. Coffee Roasting.
 - 7. Commercial car wash facilities.
 - 8. Fence manufacturing.
 - 9. Furniture and fixtures manufacturing.
 - 10. Glass products from previously prepared materials.
 - 11. Mini storage facilities.
 - 12. Machine shops.
 - 13. Natural and man-made stone finishing and manufacturing.
 - 14. Job printing or photocopying.
 - 15. Public or governmental building or use, including storage yard, repair shop or similar use.
 - 16. Retail or wholesales of industrial products.
 - 17. Scientific or industrial research, engineering, training and testing facilities.
 - 18. Upholstering.
 - 19. Warehousing and storage.

20. Window blinds, shades, and awnings manufacturing.
 21. Any residential use in Article VI, R-2 Residence District provided that all of the R-2 regulations are met.
 22. Accessory uses on the same lot with and customarily incidental to any principal use permitted by this section, including no-impact home-based business.
- B. [Class II Permitted Uses](#). All Class I permitted uses including the following and no other.
1. Automotive and other vehicle sales and repairs.
 2. Automotive body shops provided all work is done in an enclosed space.
 3. Banks, including drive-through windows.
 4. Gas stations.
 5. Fully enclosed automobile showrooms.
 6. Recreational facility of limited scale, such as fitness center, health club, racquet club.
 7. Restaurants, tearooms, delicatessens, luncheonettes, coffee shops, retail bakers, confectionery or ice cream shops, bars, taverns or other places serving food or beverages, including outdoor dining facilities provided exclusive of drive-through facilities.
 8. Retail dry cleaning and laundromat.
- C. [Special Exception](#). The following use and no other when authorized by the Zoning Hearing Board pursuant to Article XXI Special Exceptions and the criteria contained herein.
1. Multi-family residential as an adaptive reuse of a vacant industrial building.
- D. [Signs](#). Unless otherwise noted, when erected and maintained in accordance with the provision of Article XXVII Signs.
- E. [Parking](#). Unless otherwise noted, off-street parking pursuant to the standards in Article XXVI Off-Street Parking and Loading unless otherwise noted.

§ 320-152. DIMENSIONAL CRITERIA.

A	USES	CLASS I	CLASS II
1	Minimum lot size (net square feet)	20,000	40,000
2	Minimum lot width (feet)	75	100
3	Minimum front yard (feet)	20	30
4	Minimum side yard setback(feet)	15 and 25 when abutting a residential use or zone	20 and 50 when abutting a residential use or zone
5	Minimum rear yard setback (feet)	15 and 25 when abutting a residential use or zone	20 and 50 when abutting a residential use or zone
6	Minimum parking setback from the curb line of the street (feet)	20	20
7	Minimum parking setback from nonresidential property lines (feet)	10	10
8	Minimum parking setback from residential use or zone (feet)	20	30
9	Minimum setback of outdoor storage and trash storage areas from a residential use or zone (feet)	30	50
10	Maximum building height (feet)	35	40
11	Maximum impervious surface (percent of net lot area)	80%	70%
12	Maximum building coverage (percent of net lot area)	35%	30%

§ 320-153. GENERAL DEVELOPMENT REGULATIONS.A. All Uses.

1. The applicable provisions found in Article XXIII Performance Standards shall apply.
2. The storage of refuse shall be provided inside the building or within an outdoor area enclosed by either walls or an opaque fence that is architecturally compatible with the primary building.
3. Exterior lighting shall be designed to prevent glare onto adjacent properties. Pedestrian pathways need to be clearly marked and well lit.
4. A planned system of efficient ingress, egress and internal circulation of traffic and pedestrians shall be required.
5. Loading and unloading areas shall be provided to the rear of the use and shall not block or interfere with the use of driveways, parking areas or streets.
6. The total seating area for restaurants devoted to customer use on a single lot shall not exceed an area of 2,000 square feet
7. All employee and visitor parking in addition to truck pick-up and delivery zones shall be accommodated on site.
8. Uses shall not interfere with the public's right to a quiet, clean and peaceful neighborhood.
9. Screen buffer of landscaping as per section § 433C.2 of the Municipal Subdivision and Land Development Ordinance shall be required along all side and rear yards abutting a residential use or district
10. All proposed developments shall be reviewed by the Historical Architectural Review Board when this board has jurisdiction. When the Historical Architectural Review Board does not have jurisdiction, all proposed developments shall be reviewed by the Design Review Board in accordance with section § 320-243.
11. All development proposals of 10,000 square feet of gross floor area or greater, or a residential development of 25 units or more, shall require a traffic impact study as per section § 320-265 and the standards and criteria of the Municipal Subdivision and Land Development Ordinance.

B. Class II Permitted Uses. In addition to all standards listed above the following shall apply.

1. Shall take direct access from, and front on, Main Street and/or Markley Street.
2. Car washes, oil change and lube facilities, gas stations, mini-marts, convenient stores with fuel pumps and any other use with fuel pumps, drive-through facilities, and veterinary clinics shall conform to the applicable standards of Article XXIII Supplemental Regulations.

C. Special Exceptions.

1. Maximum density; 12 dwelling units per acre.
2. Minimum building size for conversion to apartments; 25,000 square feet.
3. All parking shall be provided on-site.

§ 320-154 - § 320-159. (RESERVED)

ARTICLE XVI

HI Heavy Industrial District

§ 320-160. LEGISLATIVE INTENT.

The purpose of this district is to provide for heavy industrial uses such as manufacturing, warehousing and the refinement of raw materials in locations which are suitable and appropriate while taking into consideration their potential impacts on nearby properties not zoned Heavy Industrial. It is further the intent of this district to mitigate to the greatest extent possible potential adverse impacts such as, but not limited to, traffic congestion, noise, odor, glare, air and water pollution.

§ 320-161. USE REGULATION.

- A. **Permitted Uses.** A building may be erected or used and a lot may be used or occupied by any of the following uses or those uses not expressly permitted elsewhere.
1. All uses permitted in the LI-MU District except for those listed as special exception.
 2. Abrasives manufacturing.
 3. Acetylene gas manufacturing.
 4. Asphalt manufacturing or refining.
 5. Brick manufacturing.
 6. Bulk fuel storage.
 7. Cellulose manufacturing.
 8. Cement and cement products manufacturing.
 9. Concrete and concrete products manufacturing.
 10. Fertilizer manufacturing.
 11. Forge plant.
 12. Foundries.
 13. Outdoor storage of raw material or finished product.
 14. Plastic and plastic products manufacturing.
 15. Sawmill.
 16. Truck terminal.
 17. Vehicle manufacturing and assembly.
 18. Wholesale distribution facility.
- B. **Special Exceptions.** The following uses when authorized by Zoning Hearing Board pursuant to Article XXI Special Exceptions and the criteria contained herein.

1. Any use of the same general character as allowed in the above permitted uses or any use not expressly permitted elsewhere in the Municipality.
 2. Adult uses, including but limited to adult bookstores, adult entertainment cabarets, and adult motion-picture theaters.
 3. Tattoo parlors.
 4. Pawn shops.
 5. Methadone clinics.
 6. Mobile home parks.
 7. Rooming houses.
- C. [Signs](#). Signs shall be regulated in accordance with the provision of Article XXVII Signs.
- D. [Parking](#). Off-street parking and loading pursuant to Article XXVI Off-Street Parking and Loading.

§ 320-162. DIMENSIONAL CRITERIA.

A	ALL USES	
1	Minimum lot size (net square feet)	7,500
2	Minimum lot width (feet)	75
3	Minimum front yard (feet)	20
4	Minimum side yard setback (feet)	None, and 50 when abutting a residential use or district
5	Minimum rear yard setback (feet)	10, and 50 when abutting a residential use or district
6	Maximum building height (feet)	45
7	Maximum impervious surface (percent of net lot area)	90%

§ 320-163. GENERAL DEVELOPMENT REGULATIONS

- A. [All uses](#).
1. The provisions found in Article XXIII Performance Standards shall apply.
 2. Plans for any use, subdivision, land development or change of occupancy shall be submitted to Municipal Council prior to the issuance of any building permit or certificate of occupancy, and such plan shall include the following unless otherwise determined by Council:
 - a. A plot plan of the lot and property within 100 feet of all property lines showing the location of all present and proposed buildings, drives, parking lots, including natural and topographical features.
 - b. A detailed description of the proposed use.
 - c. A description of any proposed building.
 - d. A description of the proposed use in sufficient detail to indicate the effects of the use in producing traffic congestion, noise, glare, odors, vibrations, electrical interference, air and water pollution, fire hazards or any and all other potential safety hazards and a detailed plans detailing mitigations strategies.
 - e. Designation of the fuel proposed to be used and engineering plans for the controlling of smoke.
 - f. Any other pertinent data or evidence as deemed necessary by Council.
 3. The storage of refuse shall be provided inside the building or within an outdoor area enclosed by either walls or an opaque fence that is architecturally compatible with the primary building.

4. Exterior lighting shall be designed to prevent glare onto adjacent properties. Pedestrian pathways need to be clearly marked and well lit.
5. A planned system of efficient ingress, egress and internal circulation of traffic and pedestrians shall be required.
6. Loading and unloading areas shall be provided to the rear of the use and shall not block or interfere with the use of driveways, parking areas or streets.
7. Architectural and engineering plans for the treatment and disposal of sewage and industrial waste.
8. Perimeter landscaping as per section § 433 of the Municipality's Subdivision and Land Development Ordinance shall be provided along any property line that either abuts a residential zoned property or use.

B. Special Exceptions.

1. Adult uses, tattoo parlors, pawn shops and methadone clinics may not be located closer than 500 feet from any other adult use, tattoo parlor pawn shop or methadone clinic and must be set back a minimum of 500 feet (1,000 feet for adult uses) from any residential district or use, public park, playground, church or school.
2. Mobile home parks may be developed at a density of 8 dwelling units per acre.

§ 320-164 - § 320-169. (RESERVED)

ARTICLE XVII

IN Institutional District

§ 320-170. LEGISLATIVE INTENT.

The purpose of establishing an institutional district shall be to encourage the preservation and subsequent logical and timely development of land for institutional purposes in accordance with the objectives, policies and proposals of the Comprehensive Plan; to assure the suitable design of institutions in order to protect the environment of the adjacent and nearby neighborhood; and to ensure that institutional development will take place only when served by adequate public utilities and streets. The protective standards in this Article are intended to minimize any adverse effect of institutional developments on nearby property values.

§ 320-171. USE REGULATION.

- A. Permitted Uses. A building may be erected or used and a lot may be used or occupied by any of the following uses and no other.
1. Churches, chapels or other places of worship and their adjunct residential dwellings.
 2. Public and private schools: elementary, middle (junior high) high, colleges and universities.
 3. Mental, medical and surgical hospitals or clinics and sanatoriums.
 4. Institutional headquarters for educational, fraternal, professional, religious and other nonprofit organizations or similar nature.
 5. Agriculture and forestry.
 6. Noncommercial recreational facilities and open space preservation areas.
 7. Cemeteries.
 8. Institutional homes.
 9. Accessory uses customarily incidental to any of the above uses, including but not limited to:
 - a. Offices of staff doctors.
 - b. Residences of institutional employees.
 - c. Temporary living quarters limited to family members and visitors of patients, medical staff, physicians and employees directly affiliated with the permitted use.
 - d. Cafeteria and gift shops.

- B. Signs. Signs shall be regulated in accordance with the provision of Article XXVII Signs.
- C. Parking. Off-street parking pursuant to the standards in Article XXVI Off Street Parking and Loading.

§ 320-172. DIMENSIONAL CRITERIA.

A ALL USES		
1	Minimum lot size (net acres)	2 Acres
2	Minimum lot width (feet)	150
3	Minimum front yard (feet)	100
4	Minimum side yard setback (feet)	75
5	Minimum rear yard setback (feet)	75
6	Maximum building height (feet)	45
7	Maximum impervious surface (percent of net lot area)	50%

§ 320-173. GENERAL DEVELOPMENT REGULATIONS.

- A. All uses.
 - 1. Exterior lighting shall be designed to prevent glare onto to adjacent properties
 - 2. Perimeter landscaping as per section § 433 of the Municipality's Subdivision and Land Development Ordinance shall be provided along any property line that either abuts a residential zoned property or use.

§ 320-174 - § 320-179. (RESERVED)

ARTICLE XVIII

RE Recreation District

§ 320-180. LEGISLATIVE INTENT.

The purpose of the RE Recreation District is to provide the Municipality with active and passive recreational opportunities in order to meet neighborhood and community needs and to establish reasonable standards of performance so as to protect and enhance the built environment and to maximize those desirable benefits which recreational and open space uses inherently offer.

§ 320-181. USE REGULATIONS.

- A. Permitted Uses. A building may be erected or used and a lot may be used or occupied by any of the following purposes and for no other
1. Public park or recreation area owned and operated by the Municipality of Norristown or School District.
- B. Special Exceptions.
1. Zoos, provided that they are owned and operated by a governmental entity or a private organization with the demonstrated knowledge, expertise, and financial resources to ensure the well being of the animals under their care and to provide for the safety of the zoo's patrons and residents of the adjoining neighborhoods.
 2. Privately owned outdoor recreational area or use, including but not limited:
 - a. Park.
 - b. Picnic grounds
 - c. Swim club.
 - d. Ice-skating rinks.
 - e. Golf courses.
 - f. Miniature golf courses.
 - g. Multi-use ball fields
 - h. Tennis courts.
 - i. Basketball courts.
 - j. Any use of the same general character.
- C. Signs. Unless otherwise noted, when erected and maintained in accordance with the provisions of Article XXVII Signs.
- D. Parking. Off-street parking pursuant to the standards in Article XXVI Off Street Parking and Loading.

§ 320-182. DIMENSIONAL CRITERIA.

A	ALL USES	
1	Minimum lot size (net square feet)	25,000
2	Minimum lot width (feet)	100
3	Minimum building setbacks all yards (feet)	25
4	Maximum building height (feet)	35
5	Maximum impervious surface (percent of net lot area)	10%

§ 320-183. GENERAL REGULATIONS.

A. All Uses.

1. Trash Dumpsters and Other Service Functions. Trash dumpsters and service and storage buildings shall be screened from view and otherwise incorporated into the overall design theme of the site.
2. Lighting. Exterior lights shall be designed to prevent glare onto adjacent properties and pedestrian pathways need to be clearly marked and well lit.
3. Commercial Activity. Commercial activity may only take place that is incidental to or supportive of the property's principal use, and:
 - a. The use and its design are compatible with the natural character of the area.
 - b. That no commercial activity shall be permitted except for the charging of admission, the sale of refreshments, or the sale of gifts provided that the items sold are for the purpose of generating revenue for the maintenance, upkeep and general operation of the primary facility.
 - c. Each incidental commercial use shall be located and/or screened so that it shall not be visible from a public street.

§ 320-184 - § 320-189. (RESERVED)

ARTICLE XIX

GRO Gateway Redevelopment Overlay District

§ 320-190. APPLICABILITY.

The Gateway Redevelopment Overlay (GRO) District shall apply to a mapped area located within the established redevelopment area boundary, as created by the Montgomery County Redevelopment Authority within the municipal boundary of Norristown Municipality, Montgomery County, Pennsylvania as of the date of the adoption of this Article, and the following regulations shall apply in addition to those of the underlying zones.

§ 320-191. LEGISLATIVE INTENT.

The purpose of the Gateway Redevelopment Overlay District is to encourage and permit uses that are compatible and complementary with the historic character of the community and its downtown, to assist in its revitalization, and which are in accordance with the goals and objectives of the redevelopment plan, the Norristown economic redevelopment strategy and other applicable policies. Pedestrian-oriented uses and an urban character of design are permitted and encouraged, while automobile-related uses and design qualities that promote a suburban mall or strip commercial appearance are restricted. Also, uses that traditionally accompany and strengthen the commercial core are permitted, such as office, cultural, residential, educational, entertainment, recreational and related uses. Parking lots shall be separated and buffered from streets and sidewalks by low-lying walls and decorative fences, while new construction should utilize traditional building materials and accepted principles of urban design. Furthermore, all new construction shall preserve the existing streetscape by requiring that all new buildings be built at or close to the edge of the public sidewalk. It is also the intention of this District to provide year-round opportunities for outdoor recreation within for occupants, residents and the general public, to the riverfront as a public amenity both visually and physically, and to facilitate circulation for pedestrians to and throughout the District and along the riverfront.

§ 320-192. USE REGULATIONS.

- A. [Permitted Uses](#). A building may be erected, altered or used and a lot may be used or occupied for any of the following purposes and no other:
1. Retail establishments, including department stores for the sale of new dry goods, variety and general merchandise, books, magazines, clothing, food, medical sup-

plies, drugs, pets, flowers and floral arrangements, furnishings or other household supplies and the sale and repair of jewelry, watches, clocks, optical goods or musical, professional or scientific instruments.

2. Business offices, professional offices, government offices and office buildings. Medical offices are only permitted on the second floor and above. Client-based social service providers are not permitted.
 3. Banks, savings and loan associations and financial institutions, provided that no drive-in window service shall be permitted.
 4. Telephone central offices and telegraph or other public utility offices.
 5. Restaurants, tearooms, delicatessens, luncheonettes, coffee shops, retail bakers, confectionery or ice cream shops, bars, taverns or other places serving food or beverages, provided that no drive-through restaurants or similar uses disbursing food and beverages by means of a drive-in window shall be permitted, while outdoor dining shall be permitted as an accessory use.
 6. Hotels.
 7. Indoor theaters and performing arts centers.
 8. Antique stores.
 9. Studios for dance, music, photography or marital arts.
 10. Private schools or colleges (such as a barber school or business or technical college).
 11. Art galleries.
 12. Accessory uses on the same lot with and customarily incidental to any principal use permitted by this section, including no-impact home-based businesses and surface parking lots.
- B. Special Exceptions. The following uses and no others when authorized by the Zoning Hearing Board pursuant to Article XXI, Special Exceptions and the criteria contained herein.
1. Mid-rise apartment houses provided all dwelling units are located on the second floor and above.
 2. High-rise apartment houses provided all dwelling units are located on the second floor and above.
 3. Residential mixed uses provided all dwelling units are located on the second floor and above.
 4. Apartments provided that they are above a nonresidential use.
 5. Houses of worship provided the house of worship is located on a lot 20,000 square feet or greater in size.
 6. Public transit stations or terminals.
 7. Any use listed in section, § 320-192.A, which contains a gross floor area in excess of 10,000 square feet.
 8. Parking garages as a principal use.
 9. Bed-and-breakfast, pursuant to § 320-237.
 10. Tailors, barbers, beauty salons, shoe repair, dressmaking or similar shops.
 11. Health spas.
 12. Retail dry cleaning.
 13. Job printing and photocopying.
 14. Consignment shops.
 15. Thrift stores.
- C. Signs. Unless otherwise noted, when erected and maintained in accordance with the provision of Article XXVII Signs.

§ 320-193. DIMENSIONAL CRITERIA.**A. All Uses.**

1. Lot area. No minimum lot area shall be required.
2. Lot width. Each lot shall have a width of at least 20 feet at the street line.
3. Building area. One hundred percent of the area of any lot under 5,000 square feet in area may be occupied by buildings. No more than 90% of the area of any lot 5,000 square feet or more in area may be covered by buildings.
4. Green space. A minimum green space area of 10% shall be provided on every lot, however a parcel may contain 100% coverage provided that the ten-percent-minimum green space is transferred to another parcel within the District and added to that lot's minimum green space.
5. Yards. Any principal structure constructed, modified or remodeled in this district must have its front façade built to the edge of the public sidewalk or within 15 feet thereof unless that structure is utilizing an existing historic façade as part of a redevelopment project. Corner properties shall be considered as having two front façades. Rear and side façades are exempt from this requirement. Instead, they are encouraged to provide space for loading docks and dumpsters.
6. Base height. Except as otherwise provided in this section, the base maximum height of any building or structure erected or used in this district shall be 10 stories or 150 feet, whichever is less.
7. Floor area ratio. A maximum floor area ratio (FAR) of 4.50 shall be allowed, except as modified below.
8. Height bonus through FAR transfer. On lots where the maximum FAR is not utilized, such area may be transferred to other lots in the designated district. The maximum height limits may be increased to 15 stories or 225 feet, whichever is less, to accommodate the transfer, and to greater height for pinnacle buildings pursuant to section § 320-117.C.
9. FAR bonus. A bonus FAR of 0.5 shall be allowed in the following situations;
 - a. On lots where sound design practices are utilized which provide for two or more of the public amenities as set forth in § 320-197 and, integration of an additional ten-percent public space is provided in the design.
 - b. On lots which utilize and preserve historic façades or structures as designated by the Municipality's official list of historic structures in a manner generally consistent with the Secretary of the Interior's guidelines for historic preservation.
 - c. On lots where retail or similar business uses are provided along at least 75% of the street level frontage of a parking garage.
10. The off-street parking regulations, including requirements for a minimum number of parking spaces, of Article XXVI shall not apply in the GRO Gateway Redevelopment Overlay.

§ 320-194. GENERAL DEVELOPMENT REGULATIONS.**A. Building bulk.**

1. No principal building shall contain a maximum horizontal profile length of greater than 350 feet without parking garage structures, or greater than 500 feet with parking garage structures.
2. Parking garage structures and principal buildings may be attached, but where they would exceed the provisions of § 320-194.A.1. the garage shall be separated from the principal building by a minimum horizontal distance of 30 feet, although the two may be connected via enclosed pedestrian passageways (no more than 20 feet wide or two stories high) above the ground floor level or a roofed but unenclosed passageway on the ground level.

3. The minimum distance between adjacent principal buildings shall be 50% of the height of the tallest of the adjacent buildings but shall not be required to exceed 75 feet.

B. Riverfront access and open space.

1. Minimum area. A minimum of 10% of the land area in the aggregate of all lots within this District shall be provided and maintained as permanent open space. The open space shall be a key component integrated into the basic design of the built environment that implements the above purpose and not be left over pieces of land at the periphery of the developed area. This minimum area shall be measured from top or toe (as appropriate) of all slopes exceeding 15%, such that slopes along the roadways and riverbanks may not be included as part of the required open space nor shall land normally under water of rivers or creeks nor may landscape islands within parking lots be included as part of the required open space.
2. Riverfront building setback. A continuous riverfront open space area having a minimum depth of 100 feet that is free of buildings, structures, parking lots or garages, loading or storage areas, roadways, driveways or any other non-pedestrian or non-open space type uses, shall be permanently maintained, as measured from the top of bank (T.O.B.) of the Schuylkill River with the following exceptions for private uses.
3. The following uses shall be permitted within the riverfront building setback area. The materials used, configuration, and design of such uses shall be consistent with the overall vision for the riverfront, as expressed by Municipal Council.
 - a. Up to 30% of the minimum riverfront setback area and up to 30% of the linear river frontage measured along the T.O.B. may be utilized up to the river edge for private uses as designated in this section below, provided that such areas do not contain over 300 linear feet of contiguous development and provided these private use areas are separated from other such nodes by a minimum of 500 linear feet, and provided that an equivalent continuous open space area at least 60 feet wide (except as modified herein) is provided around such private use to allow for the free flow of movements and visual openness.
 - b. The required sixty-foot width of the continuous open space which loops around a riverfront private use area may be reduced to a minimum of 45 feet in width, provided that the three-hundred-foot maximum length of the private use area along the riverfront is reduced by five feet for every one foot of width reduction below 60 feet.
 - c. The following private uses may occupy land up to (and, where permitted by the authorities having jurisdiction, overlapping) the water's edge so as to restrict access by others to the water's edge:
 - (i) Restaurants, along with their associated outdoor dining areas, parking, loading and access; and
 - (ii) Boathouses, along with their associated launching areas, parking and access.
 - d. The following private uses may occupy land close to the water's edge, but must provide a basically flat, all-weather pedestrian access corridor having a usable width of at least 15 feet between their private use area and the water's edge:
 - (i) Hotels, offices, multifamily residential uses, or combinations thereof, along with their normal accessory uses, parking and access; and
 - (ii) Water-oriented cultural or recreational facility, such as an aquarium, along with associated parking and access.

- e. Every use abutting the required access corridor shall be designed to complement the corridor and make it feel secure, comfortable, functionally stimulating and visually attractive to its users.
 - f. The remaining 70% of the area and riverbank length must remain as open space but may include outdoor recreational, cultural and open space uses such as skating rinks, plazas, boat launching facilities, promenades and similar uses for the enjoyment of the local population and businesses.
4. All public amenities shall be maintained to an acceptable standard as determined by the Code Enforcement Officer as per municipal standards.
 5. Public access. Provided that the landowner is immune from liability pursuant to the Recreational Use of Land and Water Act, 68 P.S. § 477-1 et seq.:
 - a. There shall be twenty-four-hour daily emergency (i.e., fire, ambulance and police) access to the full length of the Schuylkill River and the Stony Creek.
 - b. There shall be twenty-four-hour public access every day for walking, sitting, fishing and similar passive use recreational activities to all of the areas referred to in subsections B and C of this section. Within the riverfront, area all developers shall construct a walkable hard surface trail at least 10 feet wide to be installed at or near the top of the riverbank as each property is developed.

C. Landscaping.

Landscaping requirements in the GRO District shall meet all provisions of the Municipality's Subdivision and Land Development Ordinance and the following:

1. Shade trees meeting the specifications and spacing of section § 433.C.3 of the Municipal Subdivision and Land Development Ordinance shall be provided along all streets and may be within the legal right-of-way.
2. Parking areas shall be separated from buildings, property lines (except where shared parking lots overlap a common property line), sidewalks and internal collector drives by a landscaped area at least five feet in width.
3. All surface parking lots shall have a shade tree, with a caliper of two inches to 2 1/2 inches, at the ends of each single row of cars with at least one tree for every 24 spaces.
4. All buildings shall be landscaped with a combination of evergreen and deciduous trees and shrubs to be used as foundation planting, i.e., plantings to be installed in proximity to the façades. Where foundation plantings are not possible or advisable, decorative architecture features such as permanent planters or window boxes may be used. All such features shall be designed to allow for healthy plant growth.
5. The above design criteria are intended to develop a standard whereby adequate landscaping is included in the development. The criteria are not intended to strictly direct the location of this landscaping.
6. A landscaping plan is required and shall be drawn at a scale of at least one inch equals 50 feet. It shall be totally coordinated with the overall site plan and shall contain the following:
 - a. A delineation of existing and proposed plant materials.
 - b. A delineation of other landscape features, including planting beds to be used for herbaceous plants, spaces to be devoted to courtyards and sitting areas, areas to be devoted to open lawns and other site amenities of the proposed development such as paving, site lighting, signs, kiosks, benches, street furniture, etc.
 - c. A plant list wherein the botanical and common name of proposed plants are tabulated, along with the quantity, caliper, height and other characteristics.
 - d. Details for the planting and staking of trees and the planting of shrubs and any other details which depict other related installations such as walls, fences, trash receptacles, tree grates, etc.

- e. Information in the form of notes or specifications concerning the proposed design of the site development. Such information shall convey the proposals for paving, seeding, sodding, mulching and the like.
- D. Conflicts. In the event of a conflict between the requirements contained in this section and other requirements contained in this Chapter, the requirements of this Article XIX shall supersede any requirements contained elsewhere in this Chapter.

§ 320-195. APPLICATION AND REVIEW OF DEVELOPMENT PROPOSALS.

A. Tentative sketch.

For all proposed development a tentative sketch plan shall be submitted, as defined in Article III of the Municipal Subdivision and Land Development Ordinance, with the following information also to be shown:

1. A site plan showing the location of all present and proposed buildings, drives, roadways, proposed traffic patterns, parking lots and garages, pedestrian walkways and plazas and other constructed features on the lot, plus all designated open space and open space/recreational facilities and all water, floodway/floodplains and topographic features. Surrounding existing features may be indicated with aerial photographic information.
2. Architectural plans for any proposed buildings in adequate detail to indicate building setback, footprint dimensions, building heights and building mass.
3. Landscaping plan showing the general location of all landscaping areas and the mature height of all proposed vegetation, differentiating between trees and shrubs.
4. Architectural elevations or sections in adequate detail to indicate how proposed buildings will affect views to the river and across the river to the hills and ridges.
5. Any other pertinent data or evidence that the Design Review Board may require.
6. All tentative sketch plans, as described above, shall follow the procedure specified in Article III of the Municipal Subdivision and Land Development Ordinance, with the following revisions:
 - a. There shall be nine copies of each plan submitted.
 - b. One copy of the plan shall be submitted to the Design Review Board.
 - c. Application for review of the tentative sketch plans shall be placed in the agenda of the Design Review Board Meeting.
 - d. Municipal Council shall also review the recommendations of the Design Review Board in subsequent action on the tentative sketch plan. In all cases, Municipal Council shall have the final approval of all development.
7. All tentative sketch plans shall, in their layout and design, show the following:
 - a. An integrated and coordinated pedestrian circulation system linking the site with nearby uses and buildings, the riverfront, parks, transit facilities, other pedestrian traffic generators, the rest of the redevelopment area, and the remainder of the Municipality.
 - b. Access to the river, both physically and visually, from the surrounding area streets perpendicular to the river and other through streets.
 - c. All open spaces areas in the form of walkways, plazas, arcades, etc.
 - d. Architectural design.
 - e. Any unobstructed views across the Schuylkill River.

§ 320-196. DESIGN.

- A. All development proposals shall be submitted to the Design Review Board with the following information:
 1. Preliminary architectural elevations shall be submitted with any special exception application or land development application, whichever occurs first. Such eleva-

tions shall be prepared by a registered architect. Such elevation shall illustrate the general design, character and materials for sides of buildings visible from public streets, waterways and open space lands available for public use.

2. The details of the architectural designs may be modified after conditional use approval, provided the overall designs and types of materials conform with the approved plans.
3. The architectural designs of all buildings should provide a variety of rooflines and treatments when viewed from public streets, waterways and open space lands available for public use. Buildings shall not have the exterior appearance of large monolithic structures. Instead, large buildings shall have the appearance of connected smaller buildings. Building walls shall not have an unbroken single appearance for more than 100 feet on the average in horizontal length. Instead, variations in materials, colors, textures, overhangs, setbacks of at least 20 feet, display windows and/or entranceways shall be used to provide visual interest.
4. In no case shall the horizontal length of a building or other structure, building height, building separation or other bulk requirements exceed the provisions of this Article.
5. The architectural design of a building's vertical height shall be broken with variations in materials, colors, textures, setbacks, fenestration and architectural detailing.
6. The sides of buildings visible from public streets, waterways and open space lands available for public use shall not have a dissonant architectural theme. All buildings within a single project should have a unified or complimentary architectural character.
7. Rooftop heating, ventilation and air-conditioning equipment shall be screened from view from adjacent buildings, public streets, waterways and open space lands available for public use in a manner that is consistent with the architectural design.
8. All buildings and roofs shall avoid garnish or dissonant color schemes. However, companies will not be required to abandon their legally protected trademarks, logos, color schemes and trim colors, provided they are appropriately integrated into an aesthetically pleasing overall design.
9. A coordinated design scheme shall be presented that will promote attractive sign designs among tenants. A detailed design shall be presented for freestanding signs for the development during the subdivision/land development process.
10. Loading and unloading docks, dumpsters and exterior compactors shall be located, designed and screened in a manner that minimizes their visibility from adjacent public streets, waterways and open space lands available for public use and dwellings. No outdoor storage is permitted.

§ 320-197. SOUND DESIGN PUBLIC AMENITIES FAR BONUS PROVISIONS.

- A. In order to qualify for the FAR bonus provision under the sound design practices, two or more of the following public amenities shall be provided as part of a private development project as long as they are above and beyond what would otherwise be required by the minimum provisions the District or any other applicable Municipal regulations:
 1. Public restrooms which are convenient and easily accessible to the users of the open space and recreational facilities provided by the development, provided the restrooms are available during all normal hours when the public would be using the open space and recreational facilities, including evenings and weekends.
 2. A public boat launch area for the launching and removal of carry-in nonmotorized watercraft, including provisions for temporary short-term on-water and/or on-land mooring of said watercraft and convenient on-land parking and access to the launch site; the launch area design shall comply with all safe, normal and reasonable standards for such a facility.

3. A scenic overlook of the Schuylkill River (such as an urban plaza) that is open to public use, highlights views of the river and is designed specifically to encourage public gatherings.
4. Outdoor recreational facilities that are open to public use at all reasonable times, including evenings and weekends, including but not limited to ice skating rink, tennis court, basketball or similar sports court and similar uses.
5. Outdoor public fountain, garden, hedge maze, pavilion or similar amenity available for public use, including weather-protected kiosks for display for historical, cultural, educational or other resource information for public benefit.
6. Other similar facilities that provide a desirable benefit and amenity to the public, as determined by the Municipal Council.

§ 320-198. OFF-STREET PARKING AND LOADING.

- A. The off-street parking and loading regulations of Article XXVI Off-Street Parking and Loading shall not apply. Instead, the provisions of this section shall apply subject to the approval of Municipal Council.
 1. A parking needs analysis study shall be provided by the applicant. It shall be based on the Institute of Traffic Engineers Standards and be prepared by a professional traffic engineer licensed in the State of Pennsylvania. It must demonstrate to the satisfaction of the Municipal Council that the parking requirements for all proposed uses are adequately met, considering provisions for shared and off peak uses, the needs of the proposed uses and programming for joint use facilities. For uses requiring 5,000 square feet or less that are proposed in existing buildings, the requirements for a parking study may be waived. To qualify for this, the applicant must demonstrate to the satisfaction of the Municipal staff that sufficient off-street parking arrangements are being provided.
 2. Required parking may be provided in joint use parking structures.
 3. Sufficient loading area complying with Municipal requirements shall be provided to serve nonresidential uses in order to prevent obstruction to local traffic and pedestrian patterns in the neighborhoods.

§ 320-199. TRAFFIC IMPACT STUDY.

A traffic impact study prepared by a professional traffic engineer licensed in the state of Pennsylvania shall be provided with each development proposal, and it shall demonstrate conformity of the incremental improvements with the needed overall improvements as defined in the adopted Lafayette Street Corridor Study prepared by McMahon Associates, Inc., dated September 2000, any other traffic studies adopted subsequently by Municipal Council and the plans referenced in section § 320-265.

§ 320-200 - § 320-204. (RESERVED)

ARTICLE XX

RC Retirement Community Overlay District

§ 320-205. LEGISLATIVE INTENT.

The purpose of the RC - Retirement Community Overlay District is to provide for the development of Retirement Communities in Norristown that would provide for the development of a building or group of buildings designed for and intended for occupancy by persons who are the age 55 and older as permitted under the Federal Fair Housing Act, which development may include commercial/retail uses subject to the provisions of this Article, all of which will generate tax ratables for the Municipality and which are in the best interests of the health, safety and welfare of the residents of Norristown.

§ 320-206. APPLICABILITY.

The RC - Retirement Community Overlay District shall apply only to those areas designated by Norristown Municipal Council as being appropriate for the establishment of a Retirement Community use, as defined by this Chapter. Furthermore, Properties shall be declared to be subject to the RC - Retirement Community Overlay District by ordinance at the discretion of the Norristown Municipal Council.

§ 320-207. USE REGULATIONS.

- A. Permitted Uses. A building may be erected, altered or used, and a lot may be used or occupied for the following uses and no other.
1. Single-family detached dwellings.
 2. Single-family semi-detached dwellings.
 3. Single-family attached dwellings
 4. Multi-family residential dwellings.
 5. Accessory uses, subject to the requirements of section § 320-209.
 6. The following commercial/retail uses available for use by the public; provided, however, that such use stands alone and is not located in a building containing residential units, and no more than 5% of the tract shall be used for such use:
 - a. Retail store for sale of dry goods, variety merchandise, clothing, food, beverages, flowers and plants, drugs, furnishings or other household supplies, hardware and/or other similar goods.

- b. Personal service shop, including barbershops, hairdresser, nail salon, shoe repair, tailor, dry cleaner, self-service laundry and/or similar uses.
- c. Professional offices, medical offices, business offices or government offices.
- d. Restaurants (not including drive-throughs), tearooms, delicatessens, luncheonettes, coffee shops, retail bakers and confectionery or ice cream shops.
- e. Banks, savings-and-loan associations and financial institutions, provided that no drive-in window service shall be permitted.
- f. Dance, exercise, music or art studio/gallery.
- g. Mini market.

§ 320-208. DIMENSIONAL CRITERIA.

A. Area and Building Setback Regulations for a Retirement Community.

- 1. Minimum Tract Area (net acres): 12 acres.
(For purposes of this section, the tract area may include one or more abutting parcels, or parcels separated by an existing public road(s), owned under single ownership and submitted together for a unified development, but shall not include the area of an existing public road, if any.)
- 2. Maximum Building Coverage: 25% of the net tract area.
- 3. Maximum Impervious Surface: 60% of net tract area.
- 4. Minimum Common Open Space: 20% of net tract area.
- 5. Side and Rear Yard Setback from the property line (feet): 30 with the following exception:
 - a. In the event a multi-family building is located adjacent to the R-1 District and the height of the multi-family building is greater than 40 feet, then the side yard setback shall be increased by an additional 10 feet.
- 6. Front Yard Setback from public right of way:
 - a. Residential Uses:
 - (i) Single-family all types: 25 feet from the edge of the curb-line.
 - (ii) Multi-family: 35 feet from the edge of the curb-line.
 - b. Retail/commercial: 30 feet from the edge of the curb-line.

B. Minimum Distance between Buildings.

- 1. Residential Uses:
 - a. Single-family all types: 20 feet
 - b. Multi-family: 40 feet
(Multi-family buildings connected by a climate controlled, entirely enclosed pedestrian way shall be considered a single structure.)
- 2. Retail/commercial 15 feet

C. Maximum Building Height.

- 1. No multi-family building shall exceed 4 stories or 48 feet, all other residential uses shall not exceed 2 stories or 35 feet, whichever is greater.
- 2. No retail/commercial building shall exceed 2 stories or 35 feet, whichever is greater.

D. Maximum Building Row. No more than 6 units shall be attached for semi-detached dwellings and single-family attached dwellings.

E. Maximum Density. 15 dwelling units per acre of gross tract area

§ 320-209. ACCESSORY USES.

- A. Accessory to Permitted Uses.
 - 1. Swimming pools.
 - 2. Carports and freestanding garages.
 - 3. Pavilions and gazebos.
 - 4. Maintenance building.
- B. Size Limit for Accessory Buildings.
 - 1. Maintenance buildings shall not exceed 1,000 square feet in size.
 - 2. Garages and carports:
 - a. Each individual bay for an accessory garage (not attached to a house) or carport shall not exceed 320 square feet in size.
 - b. No more than six (6) garages or carports shall be attached in a row.

§ 320-210. GENERAL DEVELOPMENT REGULATIONS.

- A. Parking.
 - 1. Residential Use, except multi-family: 1.5 spaces per dwelling unit.
 - 2. Multi-Family Use: 1 space per dwelling unit.
 - 3. Retail/Commercial Use: 1 space per 400 square feet of gross floor area.
- B. Parking in Setbacks. Notwithstanding anything contained herein to the contrary, parking shall be permitted within the front yard setback.
 - 1. If more than one (1) use permitted under section § 320-207 above is developed as part of the Retirement Community, then parking shall be provided such that the cumulative parking requirements of such various developed uses are met.
- C. Common Open Space.
 - 1. The open space shall be owned by the owner of the Retirement Community.
 - 2. The open space shall be available for use by the residents of the Retirement Community for passive recreation.
 - 3. Stormwater management facilities and natural features may be included in the required open space.
- D. Common Areas and Facilities.
 - 1. A Retirement Community may include common areas and facilities wholly contained within, and accessory to a multi-family structure, to be used solely by the residents and invited guests, and not by the general public, for a community room, fitness center, hair salon, gift shop, flower shop, dining hall, medical exam office, physical/occupational therapy office, multi-media room, administrative office, building maintenance, or uses of a similar nature as determined by Council. Common areas and facilities located within a multi-family building (i.e., not exterior common areas such as walking trails and gazebos) shall not exceed 15% of the total gross floor area of all of the multi-family buildings located in the Retirement Community.
- E. Ownership and Occupancy.
 - 1. The property comprising the Retirement Community shall be under single ownership for the maintenance, service and operation of the community. This includes all land, buildings, infrastructure and public or community utilities contained within the tract of land.
 - 2. The residential portion of the Retirement Community shall be operated under a Resident Agreement or similar document without deeded fee simple ownership of a dwelling.
 - 3. One hundred percent (100%) of the dwelling units in a Retirement Community shall be age restricted to age fifty-five (55) or older with the exception of a certified care giver to a qualified resident or disabled dependent. The aforementioned age restriction shall be recorded as a deed restriction on all parcels to be devel-

oped of the Retirement Community. Notwithstanding anything contrary to the foregoing, one (1) residential dwelling in the Retirement Community shall be permitted to be occupied by resident staff personnel, and his/her spouse and children, whom may be under the age of fifty-five (55).

4. No property developed as a Retirement Community shall be subdivided in the future and the owner of the Retirement Community shall record a deed restriction prohibiting the property from being subdivided in the future.
5. All buildings and infrastructure shall be designed to support handicapped adaptability and accessibility.

F. Design.

A Retirement Community shall provide the following:

1. Internal sidewalks or pathway system, at grade (i.e., no curbing).
2. Sidewalks installed along tract frontage adjacent to public streets.
3. Trash dumpster areas shall be screened with fencing and landscaping, as approved by Municipal Council.
4. Single family dwellings with garages shall have a minimum 20 foot driveway depth to ensure that no parked vehicles impede the pedestrian use of the sidewalk.
5. The rear façade of single family dwellings facing a public right of way shall include architectural features to create more of a “front yard” appearance. Building elevations shall be submitted to the Design Review Board for comment during the land development approval process. If the applicant proceeds by submitting preliminary plans and final plans separately, building elevations may be submitted to the Design Review Board for comment during final plan review and the applicant waives its right to claim that final plan approval must be given in accordance with preliminary plan approval on the issue of building elevations. Where an applicant proceeds by submitting preliminary plans as final plans, building elevations must be submitted to the Design Review Board for comment prior to “preliminary as final” approval.
6. Amenities to promote public outdoor gathering areas, including but not limited to, a gazebo or park benches.
7. Pedestrian walkways shall be provided across all public roads between adjacent parcels developed as a Retirement Community.
8. Connectivity shall be provided from internal sidewalks/walkways to the public sidewalk system.

G. Traffic Impact Study.

All Retirement Community developments of 50 units or more or which contain a retail/commercial gross floor area of 15,000 square feet or more shall require a traffic impact study as per section § 320-265.

H. Conflicts.

In the event of a conflict between the requirements contained in this section and other requirements contained in this Chapter, the requirements of this Article XX shall supersede any requirements contained elsewhere in this Chapter.

§ 320-211 - § 320-214. (RESERVED)

ARTICLE XXI

Special Exceptions

§ 320-215. GENERAL STANDARDS FOR ZONING HEARING BOARD REVIEW.

In the consideration of an application for a special exception, the Zoning Hearing Board shall:

- A. Consider the suitability of the property for the use desired. Assure itself that the proposal is consistent with the spirit, purpose and intent of the Zoning Ordinance, the Comprehensive Plan and other relevant plans adopted by Municipal Council.
- B. Determine that the proposal will not substantially injure or detract from the use of neighboring property or from the character of the neighborhood and that the use of the adjacent property is adequately safeguarded.
- C. Determine that the proposal will serve the best interests of the Municipality, the convenience of the community (where applicable) and benefit the public welfare; also ensure that the proposal will have a positive effect on the visual, physical, economic and social needs of the community.
- D. Consider the effect of the proposal upon the logical, efficient and economical extension of public services and facilities such as public water, sewers, police and fire protection and public schools.
- E. Consider the suitability of the proposed location of use with respect to probable effects upon highway traffic and pedestrian movements and assure adequate access and circulation arrangements in order to protect major roads from undue congestion and hazard.
- F. Be guided in its study, review and recommendation by sound standards of subdivision and land development practice where applicable.
- G. Impose such conditions and safeguards in addition to those required as are necessary to assure that the intent of this chapter and the Comprehensive Plan are complied with, which conditions may include (but are not limited to) harmonious design of buildings, planting and its maintenance as a sight or sound screen, the minimizing of noxious, offensive or hazardous elements and adequate standards of parking, loading and sanitation.
- H. The Zoning Hearing Board shall be limited to consideration of applications as they relate to ordinance provisions in effect at the time of the application. Norristown Municipal Council shall retain the exclusive right to enact and amend ordinances.

§ 320-216. CONDITIONS.

The Zoning Hearing Board shall allow each of the following uses as a special exception in a district in which such use is designated as a special exception only if it complies with the conditions listed below and any conditions deemed necessary by the Board to implement the intent of this chapter.

- A. Rooming Houses.
 - 1. No Rooming House shall exceed 35 feet in height.
- B. Group Homes.
 - 1. There shall be twenty-four-hour resident supervision by people qualified by training and experience in the field for which the group home is intended.
 - 2. The use shall be licensed under the applicable state program.
 - 3. Any medical or counseling services provided shall be done only for residents.
- C. Institutional Homes.
 - 1. There shall be twenty-four-hour resident supervision by people qualified by training and experience in the field for which the institutional home is intended.
 - 2. The use shall be licensed under the applicable state program.
 - 3. Any medical or counseling services provided shall be done only for residents.
- D. Family Day-Care Homes.
 - 1. The owner must be registered or licensed, as applicable, with the Pennsylvania Department of Public Welfare (DPW) and must demonstrate compliance with all DPW regulations for such homes, including those standards governing adequate indoor space, accessible outdoor play space and any applicable state or local building and fire-safety codes.
 - 2. A drop-off area shall be provided with sufficient area to allow the temporary parking of a parked vehicle. An existing driveway or common parking area may be used.
 - a. If a driveway is used for the drop-off area and the proposed use fronts on an arterial or collector street, a turnaround area shall be provided so that vehicles can exit the site driving forward. In cases where the drop-off area for a family day-care home cannot be accommodated on the site, the applicant shall demonstrate that there is on-street parking or some other available parking area located within 250 feet of the property line of the proposed facility or that all clients will walk to the facility.
 - b. Outdoor play shall be limited to the hours between 8:00 a.m. and sunset.
 - 3. Signs shall comply with standards governing signs for home occupations, according to the requirements of Article XXVII Signs.
 - 4. Any addition or improvement to an existing residential structure or property for purposes of home day care shall preserve its residential character. The scale, bulk, height and roof pitch of any addition and the building materials used shall be compatible with the existing structure.
 - 5. Each operator of a newly established family day-care home shall notify the Municipality, in writing, at least 30 days prior to the initiation of such use for the purpose of allowing the Municipality to establish a record of the new use. Already licensed or registered facilities shall notify the Municipality of their operation, in writing, no less than 60 days after the enactment of this chapter.
 - 6. The number of children permitted, excluding immediate family members residing on the property, shall be limited to no more than 6 unrelated individuals.
 - 7. Family day-care homes may only operate within an existing single-family or twin dwelling located on a residential street between Markley Street to the west and DeKalb Pike to the east, and West Fornance Street to the south and West Roberts Street to the north.

8. Family day-care homes on the same street may be located no closer than 500 feet apart.
- E. Day-Care Centers.
1. The operator must be licensed with the Pennsylvania Department of Public Welfare (DPW) and must demonstrate compliance with all DPW regulations for such homes.
 2. One drop-off space measuring ten by twenty (10 x 20) feet shall be provided for every 20 children the center is licensed to accommodate.
 3. When an off-premises play area is utilized, it must be located within a quarter of a mile from the center and be safely accessible without crossing at grade any arterial street or other hazardous area.
 4. Fencing of outdoor play area. A minimum six-foot-high, opaque fence shall be erected along the perimeter of the outdoor play area.
 5. Outdoor play shall be limited to the hours between 8:00 a.m. and sunset.
 6. No portion of the outdoor play area shall be located less than 50 feet from an existing occupied dwelling without the owner's written consent.
 7. Any signs shall comply with regulations applicable to the district in which the day-care center is located.
- F. Hospices.
1. There shall be no more than six residents.
 2. There shall be twenty-four-hour resident supervision by people qualified by training and experience in the field for which the group home is intended.
 3. The use shall be licensed under the applicable state program.
 4. Any medical or counseling services provided shall be done only for residents.
- G. Public/Private/Parochial Schools, Houses of Worship, and Libraries.
1. A sketch plan shall be submitted to the Design Review Board as established in section § 320-243 or if in a certified historic district to the Historical Architectural Review Board with the following information:
 - a. Adjoining residential buildings and structures within 50 feet of the tract boundary line.
 - b. Internal vehicle circulation and parking plan.
 - c. Street and driveway location(s).
 - d. Interior and perimeter landscaping.
 - e. Architectural renderings or photographs of similar buildings that are of a generally accurate facsimile in order to insure that the units constructed are architecturally compatible with the homes in the adjoining neighborhood(s).
 2. Parking and internal circulation:
 - a. All parking shall be accommodated on-site.
 - b. An on-site drop-off/pick-up area shall be provided with sufficient capacity for the type of facility proposed, consistent with the following standards:
 - (i) All sites shall provide sufficient turnaround area so that areas may exit the site while driving forward.
 - (ii) Minimum dimensions for a drop-off/pick-up area shall be 9 feet by 60 feet (3 car spaces); with appropriate tapers from and to the driveway it adjoins, subject to the approval of the Municipal Engineer.
 - (iii) A planned system of efficient access, egress and internal circulation of traffic which shall interfere minimally with residential traffic shall be required.
 3. Side and rear yards shall contain perimeter landscaped buffers of sufficient density and opacity to minimize sound and light spillover onto adjoining properties.

§ 320-217 - § 320-229. (RESERVED)

ARTICLE XXII

Accessory Uses

§ 320-230. USES ACCESSORY TO DWELLINGS.

A. Accessory Uses

1. Accessory uses and detached accessory structures shall be permitted in the rear yard only, not in a front yard or side yard, unless otherwise specified. Accessory structures shall not occupy more than twenty percent (20%) of the rear yard in all districts except the business and manufacturing districts where such uses and structures shall not occupy more than fifty percent (50%) of the rear yard area. When permitted in the side or front yard, accessory structures shall not occupy more than ten percent (10%) of the yard area.
2. The nearest point of any accessory building shall be located no closer than five (5) feet from the permitted principal structure; shall be placed on a pad of concrete, asphalt, wood, or metal and shall not exceed fifteen (15) feet in height.
3. Any accessory building for motor vehicles shall be placed on a concrete floor or pad.
4. No more than one accessory building shall be erected on a lot in any residential district when the principal dwelling has an attached garage. No more than two accessory buildings shall be erected on a lot in any residential district when there is no attached garage.
5. Central air conditioning compressors are permitted in the rear yard or the side yard without a building permit. Where it is determined that it is impractical to locate a central air conditioning compressor in the side or rear yard, the unit may be placed front yard provided that the air conditioning compressor is screened from view.
6. Private swimming pools shall be walled or fenced by a detached wall or fence at least four (4) feet high and no closer to the perimeter walls of the pool than four (4) feet at any point. Such wall or fence must be constructed so as to prevent uncontrolled access by children from the street or adjacent properties. All fence openings or points of entry into the pool area enclosure shall be equipped with gates that have self-closing and self-latching devices placed at the top of the gate.
 - a. Properties containing private swimming pools are not subject to the above regulations if the private swimming pool is an aboveground swimming pool with a deck, the bottom of said deck to be at least 48 inches above grade level

and extended out perpendicular from the sides of the pool. Such deck shall have, on its outer edges, a fence at least thirty-two (32) inches in height above such deck level, and be of a type which will prevent uncontrolled access by children from the street or adjacent properties. Such fence and deck shall have a ladder at the opening of the fence, with a gate which is equipped with self-closing and self-latching devices placed at the top of the gate.

§ 320-231. SETBACKS FOR ACCESSORY BUILDINGS.

No accessory building shall be located within the required front yard setback or closer than five feet to a rear or side lot line.

§ 320-232. SIZE LIMIT FOR ACCESSORY BUILDINGS.

A. Size Limit

1. Any garden shed, private greenhouse or shelter for pets which exceed 150 square feet in area or 12 feet in height shall be permitted only by special exception.
2. Any other freestanding accessory use building which exceeds 600 square feet in area or 12 feet in height shall be a special exception, subject to the following standards:
 - a. Setback regulations for principal buildings shall apply to the accessory building.
 - b. Landscaping may be required to mitigate the visual impact of the building on neighboring properties.
 - c. Compatibility of the building with the size and scale of surrounding buildings shall be considered.

§ 320-233 - § 320-234. (RESERVED)

ARTICLE XXIII

Supplemental Regulations

§ 320-235. STATEMENT OF INTENT.

It is the intent of this Article to establish clear standards for activities for various uses and activities that may be associated with various zoning districts or types of land use and to cross-reference provisions in the Municipality's Subdivision and Land Development Ordinance that regulate activities in one or more zoning districts. Except where noted in this Article, these regulations apply to all zoning districts within the Municipality.

§ 320-236. APPLICATIONS.

Applications shall be filed with the Municipality for subdivision and/or land development and/or other uses of land, as permitted by this chapter, in compliance with the following:

- A. Ownership. The subject tract or land area shall be in one ownership or shall be subject to a joint application filed by the owners of the entire site, under single direction, using one overall plan.
- B. Applications for permitted uses which are not subdivisions or land developments shall include a proposed plan in sufficient detail and clarity to enable the Zoning Officer to determine compliance with all applicable regulations.

§ 320-237. BED AND BREAKFASTS.

- A. Standards.
 1. The owner(s) of the bed and breakfast must occupy the dwelling unit as his/her/their principal residence.
 2. Residential buildings incorporating bed and breakfast as an accessory use shall have a minimum of 2,000 square feet of living area.
 3. The number of guest sleeping rooms shall not exceed five (5).
 4. The length of stay within a bed and breakfast shall not exceed fourteen (14) consecutive days in any six-month period.
 5. As part of the price of the lodging room, overnight guests may be provided with up to one meal per day. Any meal service provided shall be for overnight guests only.
 6. Separate kitchens in guest rooms shall be prohibited.
 7. One unlighted sign shall be permitted identifying the property as a bed and breakfast. The sign shall not exceed 4 square feet in area and shall be set back a mini-

mum of 3 feet from the public road right-of-way.

8. The property in question shall be maintained so that the appearance of the building and grounds are consistent with the neighborhood's overall single-family residential character.

§ 320-238. BUILDING ON ALLEY LOTS.

No structure shall be erected, constructed, converted, altered, remodeled, restored or repaired for human habitation on an alley lot. An alley lot has access only on an alley and no public street frontage. An existing structure located on an alley lot shall not be converted, altered or remodeled but may be restored or repaired for an existing use.

§ 320-239. CAR WASHES.

A. Standards.

1. Automated washing and drying facilities shall be located entirely within an enclosed and roofed building.
2. Automated car washes shall provide 10 spaces for cars waiting to be washed and 7 spaces for cars exiting the car wash bay.
3. Self-service car wash facilities provide sufficient on-site stacking lanes to accommodate a minimum of 4 automobiles for the first washing bay and 1 automobile for each additional washing bay.
4. One (1) parking space per vacuum, or other special service area other than washing areas, shall be provided.
5. Car wash facilities contain on-site systems designed to prevent water runoff and freezing on parking and travel lanes, streets and adjoining properties.
6. All car-washing equipment shall be contained within a building.
7. Car wash bay doors may not directly face the street.

§ 320-240. COMMERCIAL VEHICLES IN RESIDENTIAL DISTRICTS.

Commercial vehicles over three-fourth (3/4) ton's capacity shall not be parked overnight on the street in any residential district. Only one commercial vehicle may be parked off street in a residential district property, provided that it is kept in a garage or otherwise screened from view from a street, alley or adjacent residential properties.

§ 320-241. CORNER LOTS.

All principal and accessory buildings shall be located behind the setback line on both streets. This setback does not apply to retaining and freestanding walls or fences which are regulated separately in section § 320-248.

§ 320-242. SATELLITE DISHES AND ANTENNAS.

A. Intent.

1. To accommodate the need for satellite dishes and antennas while regulating their location and number in the Municipality.
2. To minimize the adverse visual effects of satellite dishes, antennas and antenna support structures through proper design, siting and screening.
3. To avoid potential damage to persons and adjacent properties from satellite dish and antenna support structure failure and falling ice, through engineering and proper siting of satellite dishes and antenna support structures.
4. To encourage the joint use of any new antenna support structures to reduce the number of such structures needed in the future.

B. Permitted Uses.

1. Noncommercial Satellite Dish or Antenna. Noncommercial satellite dishes or antennas are permitted in any zoning district as an accessory use, subject to the provisions of this section.
 - a. An antenna up to 5 feet in height is permitted by right, and no site plan shall be required, provided all standards in sections § 320-242.B.3. & 4. are met.
 - b. An antenna more than 5 feet in height is permitted by special exception, and a site plan shall be required.
 - c. Satellite dishes up to 2 feet in diameter shall be permitted by right with the following conditions:
 - (i) Satellite dishes shall not be visible from the street and may only be located on the rear facing slope of pitched roofs, toward the middle of flat roofed buildings, or on the rear façade.
 - (ii) Ground-mounted satellite dishes shall be located to the rear of the property behind the building.
 - (iii) Satellite dishes that no longer function or are no longer under contract for service shall be removed from the building or site within 90 days.
 - d. Satellite dishes may be situated on the front or side façade provided a building permit is obtained and the following conditions are met:
 - (i) The applicant shall submit documentation detailing the reason(s) why the dish cannot be placed as stipulated in section § 320-242.B.1.c above.
 - (ii) The applicant shall submit a preliminary architectural rendering to the Historical Architectural Review Board, or the Design Review Board if the property is not located within a certified historic district, for review and comment.
2. Commercial Satellite Dish or Antenna. Commercial satellite dishes or antennas are permitted only in the HI Heavy Industrial, TC Town Center, or CR Commercial Retail zoning districts.
 - a. A satellite dish or antenna up to 10 feet in diameter or height is permitted by right, and no site plan shall be required.
 - b. A satellite dish or antenna more than 10 feet in diameter or height is permitted by special exception, and a site plan shall be required.
3. Standards for all satellite dishes and antennas.
 - a. Height, measured from the base of the structure to the highest point of the structure, shall be no greater than 35 feet.
 - b. If the satellite dish or antenna is mounted on the ground, the building setbacks required by the underlying zoning district shall apply, except that in no case shall the setback be less than 5 feet.
 - c. If the satellite dish or antenna is mounted on a roof, it shall be no less than 5 feet from any property line or party wall.
 - d. The applicant shall demonstrate that the proposed satellite dish, antenna, and support structure are safe and the surrounding areas will not be negatively affected by support structure failure, falling ice or other debris, electromagnetic fields or radio frequency interference. When required by the Municipality, all support structures shall be fitted with anti-climbing devices, as approved by the manufacturers.
 - e. When any satellite dish, antenna, or support structure is mounted on the ground and is more than 10 feet in diameter or height, it shall be either enclosed by a fence or be fitted with a manufacturer's approved anti-climbing device. The determination of whichever is more appropriate or effective shall be made by the Municipality after consultation with the applicant. The maximum height of any fence shall be 8 feet.

4. Landscaping. All satellite dishes and antennas that are mounted on the ground and are more than 5 feet in height or diameter shall be landscaped using one of the following methods:
 - a. Evergreen or deciduous shrubs. Shrubs shall be placed 3 feet on center in a minimum 5 foot-wide bed surrounding the satellite dish or antenna arranged to provide a continuous hedge-like screen at a minimum height of 3 1/2 feet at maturity.
 - b. Opaque fence with ornamental trees and shrubs. A 6 foot-high opaque fence surrounding the site element on at least 3 sides with additional plantings at the minimum rate of 3 shrubs and 2 ornamental trees or large shrubs for every 10 linear feet of proposed fence, arranged formally or informally next to the fence.
 - c. Existing healthy trees, shrubs or woodlands that are to be preserved may be substituted for part or all of the required landscaping at the discretion of the Municipal Council. The minimum quantities and/or visual effect of the existing vegetation shall be equal to or exceed that of the required buffer.
 - d. No plantings shall impede the function of the satellite dish or antenna.

§320-242.1. WIRELESS TELECOMMUNICATIONS FACILITIES

A. Intent.

1. To establish uniform standards for the siting, design, permitting, maintenance, and use of wireless telecommunications facilities in the Municipality of Norristown.
2. To promote the health, safety, and welfare of Municipal residents and businesses with respect to wireless telecommunications facilities.
3. To provide for the managed development of wireless telecommunications facilities in a manner to provide adequate wireless telecommunications services within the Municipality in accordance with federal and state laws and regulations.
4. To establish procedures for the design, siting, construction, installation, maintenance, and removal of wireless telecommunications facilities in the Municipality, including facilities both inside and outside the public rights-of-way.
5. To address new wireless technologies, including but not limited to, distributed antenna systems, data collection units, cable wi-fi, and other wireless telecommunications facilities.
6. To encourage the co-location of wireless telecommunications facilities on existing structures rather than the construction of new wireless support structures.
7. To protect Municipal residents from potential adverse impacts of wireless telecommunications facilities and preserve, to the extent permitted under law, the visual character of established communities and the natural beauty of the landscape.
8. To update the Municipality's wireless telecommunications facilities regulations to incorporate changes in federal and state laws and regulations.

B. General Requirements for All Wireless Telecommunications Facilities and Wireless Support Structures.

1. Standard of Care. Any wireless telecommunications facility and any associated wireless support structure shall be designed, constructed, operated, maintained, repaired, modified, and removed in strict compliance with all current applicable technical, safety, and safety-related codes, including but not limited to, the most recent editions of the American National Standards Institute (ANSI) Code, Na-

tional Electrical Safety Code, National Electrical Code, as well as the accepted and responsible workmanlike industry practices of the National Association of Tower Erectors, if applicable. Any wireless telecommunications facility and any associated wireless support structure shall at all times be kept and maintained in good condition, order, and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property in the Municipality.

2. Wind. Any wireless support structure shall be designed to withstand the effects of wind according to the standard designed by the American National Standards Institute (ANSI).
3. Public Safety Communications. No wireless telecommunications facility shall interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.
4. Radio Frequency Emissions. No wireless telecommunications facility may, by itself or in conjunction with other wireless telecommunications facilities, generate radio frequency emissions in excess of the standards and regulations of the FCC.
5. Aviation Safety. Wireless telecommunications facilities and any associated wireless support structure shall comply with all federal and state laws and regulations concerning aviation safety.
6. Timing of Approval. Within thirty (30) calendar days of the date that an application for a wireless telecommunications facility is filed with the Municipality, the Municipality shall notify the applicant in writing of any information required to complete the application.
 - a. All applications for a new wireless support structure shall be acted upon within 150 calendar days of the receipt of a fully completed application and the Municipality shall advise the applicant in writing of its decision. If additional information was requested by the Municipality to complete the application, the time required by the applicant to provide the information shall not be counted toward the Municipality's 150 day review period.
 - b. All applications for the modification, replacement, or collocation of a wireless telecommunications facility shall be acted upon within 90 calendar days of receipt of a fully completed application and the Municipality shall advise the applicant in writing of its decision. If additional information was requested by the Municipality to complete the application, the time required by the applicant to provide the information shall not be counted toward the Municipality's 90 day review period.
7. Permit Fees. The Municipality may assess appropriate and reasonable permit fees directly related to the Municipality's actual costs in reviewing and processing the application for approval of a wireless telecommunications facility and any associated wireless support structure, as well as related inspection, monitoring and related costs. Such permit fees shall be determined by the Municipality and authorized by resolution of the Council, and shall be based on the Municipality's actual costs as applied to such wireless telecommunications facility and any associated wireless support structure.
8. Maintenance. The following maintenance requirements shall apply:
 - a. All wireless telecommunications facilities and any associated wireless support structures shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.
 - b. Such maintenance shall be performed to ensure the upkeep of the facility in order to promote the safety and security of the Municipality's residents.
 - c. All maintenance activities shall utilize the best available technology for pre-

venting failures and accidents.

C. General Requirements for All New Wireless Support Structures.

1. Height.
 - a. All new wireless support structures shall be designed at the minimum functional height. All new wireless support structures, including all antennas and equipment, shall not exceed a maximum total height of 150 feet. All applicants must submit documentation to the Municipality justifying the total height of the structure.
 - b. Any height extensions to an existing wireless support structure shall require prior approval of the Municipality, and shall not increase the overall height of the wireless support structure by more than 30 feet and shall not cause the existing structure to exceed the total maximum height limit of 150 feet.
2. Identification. All new wireless support structures shall post a notice in a readily visible location identifying the name and phone number of a party to contact in the event of an emergency, subject to approval by the Municipality.
3. Painting and Lighting. All new wireless support structures shall be painted with a rust-preventive paint of an appropriate color to harmonize with the surroundings. Wireless support structures shall not be artificially lighted, except as required by law.
4. Noise. All new wireless support structures shall be operated and maintained so as not to produce noise in excess of applicable noise standards under state law and the Municipal Code, except in emergency situations requiring the use of a backup generator, where such noise standards may be exceeded on a temporary basis only.
5. Non-Conforming Uses. Non-conforming wireless support structures that are hereafter damaged or destroyed due to any reason or cause may be repaired and restored at their former location, but must otherwise comply with the terms and conditions of this ordinance.
6. FCC License. Each person that owns or operates a wireless support structure shall submit a copy of its current FCC license, including the name, address, and emergency telephone number for the operator of the facility.
7. Collocation.
 - a. An application for a new wireless support structure outside the ROW shall not be approved unless the Municipality finds that the wireless telecommunications equipment planned for the proposed wireless support structure cannot be accommodated on an existing or approved structure or building. Any application for approval of a new wireless support structure outside the ROW shall include a comprehensive inventory of all existing towers and other suitable structures within a two-mile radius from the point of the proposed structure, unless the applicant can show to the satisfaction of the Municipality that a different distance is more reasonable, and shall demonstrate conclusively why an existing tower or other suitable structure cannot be utilized.
 - b. An application for a new wireless support structure in the ROW shall not be approved unless the Municipality finds that the proposed wireless telecommunications equipment cannot be accommodated on an existing structure, such as a utility pole or traffic light pole. Any application for approval of a new wireless support structure in the ROW

shall include a comprehensive inventory of all existing towers and other suitable structures within a one-mile radius from the point of the proposed structure, unless the applicant can show to the satisfaction of the Municipality that a different distance is more reasonable, and shall demonstrate conclusively why an existing tower or other suitable structure cannot be utilized.

8. Design Regulations. Any new wireless support structure shall employ the most current Stealth Technology available in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact. The application of the Stealth Technology chosen by the applicant shall be subject to the approval of the Municipality. In the sole discretion of the Municipality, the requirement to utilize Stealth Technology may be waived if the Council determines that the waiver is in the best interest of the Municipality.
9. Notice. Upon submission of an application for any new wireless support structure, the applicant shall mail notice thereof to each of the owners of property lying within 300 feet of the boundary lines of the lot for which the application has been filed. Notice shall be served upon the owner by first class mail at the last known address of the property owner according to county records. If service cannot be made upon the owner or occupant, then such property shall be posted by placing the notice on a conspicuous place on the dwelling house, if any, on the property. Such notices shall be supplied by the Zoning Officer, as well as a list of the person or persons to be served, and it shall be the obligation of the applicant to see that such service is made at the applicant's expense and proper return of such service made to the Municipality.
10. Graffiti. Any graffiti on the wireless support structure or on any accessory equipment or structures shall be removed at the sole expense of the owner within ten (10) business days of notice of the existence of the graffiti.
11. Removal. In the event that use of a wireless support structure is planned to be discontinued, the owner shall provide written notice to the Municipality of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned wireless telecommunications facilities, or portions thereof, shall be removed as follows:
 - a. All unused or abandoned wireless support structures and accessory facilities shall be removed within twelve (12) months of the cessation of operations at the site unless a time extension is approved by the Municipality.
 - b. If the wireless telecommunications facility and/or accessory facility is not removed within twelve (12) months of the cessation of operations at a site, or within any longer period approved by the Municipality, the wireless telecommunications facility and accessory facilities and equipment may be removed by the Municipality and the cost of removal assessed against the owner of the wireless telecommunications facility.
 - c. Any unused portions of wireless support structures, including antennas, shall be removed within twelve (12) months of the time of cessation of operations. The Municipality must approve all replacements of portions of a wireless support structure previously removed.
12. Retention of Experts. The Municipality may hire any consultant(s) and/or expert(s) necessary to assist the Municipality in reviewing and evaluating the application for approval of any new wireless support structure and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of this Ordinance. The applicant and/or owner of the wireless telecommunications facility shall reimburse the Municipality for all costs of the Municipality's consultant(s) in providing expert evaluation and consultation in connection with these activities.

13. Financial Security. Prior to the issuance of a permit for a new wireless support structure, the applicant shall, at its own expense, obtain from a surety licensed to do business in Pennsylvania and maintain a bond, or other form of security acceptable to the Municipal Solicitor, in an amount of \$100,000 to assure the faithful performance of the terms and conditions of this Ordinance. The bond shall provide that the Municipality may recover from the principal and surety any and all compensatory damages incurred by the Municipality for violations of this Ordinance, after reasonable notice and opportunity to cure. The owner shall file the bond with the Municipality.

D. [Additional Requirements for New Wireless Support Structures Outside of the Right-of-Way.](#)

1. Permitted in Certain Zones Subject to Regulations. New wireless support structures outside the right-of-way shall be permitted only in the IN Institutional, RE Recreation, CR Commercial Retail, LI-MU Light Industrial Mixed Use, and HI Heavy Industrial zoning districts subject to the restrictions and conditions provided herein. Additionally, no new wireless support structure shall be located within 100 feet of the zoning district boundary of the R-1 Residential, R-2 Residential, or MR Multifamily Residential zoning districts, nor within 100 feet of the boundary of a registered historic district within the Municipality.
2. Zoning Standards. New wireless support structures shall be permitted as either the sole use on a lot or combined with another non-residential use on the same lot. The wireless support structure and any other structures or equipment on the lot must comply with all applicable standards of the underlying zoning district, including but not limited to: minimum lot size and setback requirements.
3. Fence/Screen. A security fence having a maximum height of six (6) feet shall completely surround any new wireless support structure, guy wires, or any accessory equipment or structures. A Screening Buffer per the Municipal Subdivision and Land Development Ordinance section § 433.2.D.(1) shall be located along the perimeter of the security fence.
4. Accessory Equipment and Structures. All utility buildings and accessory structures shall be architecturally designed to blend into the environment. All utility buildings and accessory structures shall have a maximum building footprint of 600 square feet and a maximum height of 15 feet.
5. Access Road. An access road, turnaround space, and parking shall be provided as needed to ensure adequate emergency and service access to the wireless support structure. Maximum use of existing roads, whether public or private, shall be made to the extent practicable. Where applicable, the owner shall present documentation to the Municipality that the property owner has granted an easement for the proposed facility.
6. Inspection. The Municipality reserves the right to inspect any wireless support structure to ensure compliance with the provisions of this Ordinance and any other provisions found within the Municipal Code or state or federal law. The Municipality and/or its agents shall have the authority to enter the property upon which a wireless telecommunications facility is located at any time, upon reasonable notice to the operator, to ensure such compliance.

E. [Additional Requirements for New Wireless Support Structures in the Right-of-Way.](#)

1. Permitted in Certain Zones Subject to Regulations. New wireless support structures in the right-of-way shall be permitted only in the IN Institutional, RE Recreation, CR Commercial Retail, LI-MU Light Industrial Mixed Use, and HI Heavy Industrial zoning districts subject to the restrictions and conditions provided herein. Additionally, no new wireless support structure shall be located within 100 feet of

the zoning district boundary of the R-1 Residential, R-2 Residential, or MR Multifamily Residential zoning districts, nor within 100 feet of the boundary of a registered historic district within the Municipality.

2. **Time, Place, and Manner.** The Municipality shall determine the time, place, and manner of construction, maintenance, repair, and/or removal of all wireless support structures in the ROW based on public safety, traffic management, physical burden on the ROW, and related considerations. For public utilities, the time, place, and manner requirements shall be consistent with the police powers of the Municipality and the requirements of the Public Utility Code.
3. **Equipment Location.** Wireless support structures in the ROW and any accessory equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists, or to otherwise inconvenience public use of the ROW as determined by the Municipality. Equipment connected to, or associated with, a wireless support structure shall be either attached to the same pole, with at least 12 feet of vertical clearance between the ground and the bottom of the equipment structure, or located underground.
4. **Relocation or Removal of Facilities.** Within 60 days following written notice from the Municipality, or such longer period as the Municipality determines is reasonably necessary or such shorter period in the case of an emergency, an owner of a wireless support structure in the ROW shall, at its own expense, temporarily or permanently remove, relocate, change, or alter the position of any wireless telecommunications facility when the Municipality, consistent with its police powers and applicable Public Utility Commission regulations, shall determine that such removal, relocation, change or alteration is reasonably necessary under the following circumstances:
 - a. The construction, repair, maintenance, or installation of any Municipal or other public improvement in the right-of-way;
 - b. The operations of the Municipality or other governmental entity in the right-of-way;
 - c. Vacation of a street or road or the release of a utility easement; or
 - d. An emergency as determined by the Municipality.
5. **Compensation for ROW Use.** In addition to permit fees as described in section § 320-242.1.B.7. above, every wireless support structure in the ROW is subject to the Municipality's right to fix annually a fair and reasonable compensation to be paid for use and occupancy of the ROW. Such compensation for ROW use shall be directly related to the Municipality's actual ROW management costs including, but not limited to, the costs of the administration and performance of all reviewing, inspecting, permitting, supervising, and other ROW management activities by the Municipality. The annual ROW management fee for wireless support structures in the ROW shall be determined by the Municipality and authorized by resolution of the Municipal Council and shall be based on the Municipality's actual ROW management costs as applied to such wireless support structure.

F. General Requirements for the Collocation, Replacement, or Modification of Wireless Telecommunications Facilities.

1. **Permitted in All Zones Subject to Regulations.** Collocation, replacement, or modification of all wireless telecommunications facilities is permitted in all zones subject to the restrictions and conditions prescribed herein and subject to the prior written approval of the Municipality.
2. **Easement.** Where the proposed collocated wireless telecommunications facility will be located on a property with another principal use, the applicant shall present documentation evidencing that the owner of the property has granted an easement,

license agreement, or other access agreement satisfactory to the Municipality for the proposed facility, and that vehicular access is provided to that facility.

3. Removal. In the event that use of a collocated wireless telecommunications facility is discontinued, the owner shall provide written notice to the Municipality of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned wireless telecommunications facilities or portions of wireless telecommunications facilities shall be removed as follows:
 - a. All abandoned or unused wireless telecommunications facilities and accessory equipment shall be removed within twelve (12) months of the cessation of operations at the site unless a time extension is approved by the Municipality.
 - b. If the wireless telecommunications facility and/or accessory equipment is not removed within twelve (12) months of the cessation of operations at the site, or within any longer period approved by the Municipality, the wireless telecommunications facility and/or associated equipment may be removed by the Municipality and the cost of removal assessed against the owner of the wireless telecommunications facility.
4. Historic Buildings. No wireless telecommunications facility may be located on a building or structure that is listed on either the National or Pennsylvania Registers of Historic Places, or has been designated by the Municipality as being of historic significance.

G. Additional Requirements for Collocation, Replacement, or Modification of Wireless Telecommunications Facilities outside the Right-of-Way that Substantially Change the Wireless Support Structure to Which They Are Attached.

1. Development Regulations. Collocated wireless telecommunications facilities shall be co-located on existing structures, such as existing buildings or existing wireless support structures subject to the following conditions:
 - a. All utility buildings and accessory structures shall be architecturally designed to blend into the environment. All utility buildings and accessory structures shall have a maximum building footprint of 600 square feet and a maximum height of 15 feet.
 - b. A security fence having a maximum height of six (6) feet shall completely surround any utility buildings and accessory structures. A Screening Buffer per the Municipal Subdivision and Land Development Ordinance section § 433.2.D.(1) shall be located along the perimeter of the security fence.
 - c. Vehicular access to any utility buildings and accessory structures shall not interfere with the parking or vehicular circulations on the site for the principal use.
2. Design Regulations. Collocated wireless telecommunications facilities located outside the ROW shall employ the most current Stealth Technology available and be treated to match the supporting structure in an effort to minimize aesthetic impact. The application of the Stealth Technology chosen by the applicant shall be subject to the approval of the Municipality. In the sole discretion of the Municipality, the requirement to utilize Stealth Technology may be waived if the Council determines that the waiver is in the best interest of the Municipality.
3. Inspection. The Municipality reserves the right to inspect any wireless telecommunications facility to ensure compliance with the provisions of this Ordinance and any other provisions found within the Municipal Code or state or federal law. The Municipality and/or its agents shall have the authority to enter the property upon which a wireless telecommunications facility is located at any time, upon reasonable notice to the operator, to ensure such compliance.

H. Additional Requirements for Collocation, Replacement, or Modification of Wireless Telecommunications Facilities in the Right-of-Way.

1. Collocation. Collocated wireless telecommunications facilities located in the ROW shall be collocated on existing poles, such as existing utility poles or light poles.
2. Time, Place, and Manner. The Municipality shall determine the time, place, and manner of construction, maintenance, repair, and/or removal of all wireless telecommunications facilities in the ROW based on public safety, traffic management, physical burden on the ROW, and related considerations. For public utilities, the time, place, and manner requirements shall be consistent with the police powers of the Municipality and the requirements of the Public Utility Code.
3. Design Requirements.
 - a. Collocated wireless telecommunications facility installations located above the surface grade in the public ROW including, but not limited to, those on streetlights and joint utility poles, shall consist of equipment components that are no more than six (6) feet in height and that are compatible in scale and proportion to the structures upon which they are mounted. All equipment shall be the smallest and least visibly intrusive equipment feasible.
 - b. Antennas and all support equipment shall be treated to match the supporting structure. Wireless telecommunications facilities and accompanying equipment shall be painted, or otherwise coated, to be visually compatible with the support structure upon which they are mounted.
4. Equipment Location. Collocated wireless telecommunications facilities located in the ROW and any accessory equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists, or to otherwise inconvenience public use of the ROW as determined by the Municipality. Equipment connected to, or associated with, a wireless telecommunications facility shall be either attached to the same pole, with at least 12 feet of vertical clearance between the ground and the bottom of the equipment structure, or located underground.
5. Relocation or Removal of Facilities. Within 60 days following written notice from the Municipality, or such longer period as the Municipality determines is reasonably necessary or such shorter period in the case of an emergency, an owner of a wireless telecommunications facility located in the ROW shall, at its own expense, temporarily or permanently remove, relocate, change, or alter the position of any wireless telecommunications facility when the Municipality, consistent with its police powers and applicable Public Utility Commission regulations, shall determine that such removal, relocation, change or alteration is reasonably necessary under the following circumstances:
 - a. The construction, repair, maintenance, or installation of any Municipal or other public improvement in the right-of-way;
 - b. The operations of the Municipality or other governmental entity in the right-of-way;
 - c. Vacation of a street or road or the release of a utility easement; or
 - d. An emergency as determined by the Municipality.
6. Compensation for ROW Use. In addition to permit fees as described in section § 320-242.1.B.7. above, every wireless telecommunications facility located in the ROW is subject to the Municipality's right to fix annually a fair and reasonable compensation to be paid for use and occupancy of the ROW. Such compensation for ROW use shall be directly related to the Municipality's actual ROW management costs including, but not limited to, the costs of the administration and performance of all reviewing, inspecting, permitting, supervising, and other ROW management activities by the Municipality. The annual ROW management fee for wireless tele-

communications facilities located in the ROW shall be determined by the Municipality and authorized by resolution of the Municipal Council and shall be based on the Municipality's actual ROW management costs as applied to such wireless telecommunications facility.

§ 320-243. DESIGN REVIEW BOARD.

A. Intent.

1. Design Review Board is hereby established for the purpose of reviewing the design, layout and other features of proposed developments in keeping with the intent and purposes set forth in this article. The Design Review Board shall be comprised of five members. There shall be a member of the Municipal Council, Municipal Planning Commission, a design professional, a representative of the development community, and one additional appointee of the Municipal Council. The purpose of the Design Review Board is to make a finding that the proposed development is in conformity with all the provisions of this chapter and sound design practices.

B. Standards

1. The site development plan shall meet or exceed all applicable provisions.
2. The plan is in the best interest of the public health, safety, and general welfare of Municipal residents.
3. General site considerations (including site layout, open space, topography, orientation and location of buildings, circulation and parking, setbacks, heights, walls, fencing and similar elements) and general architectural considerations (including the character, scale and quality of the design, the architectural relationship with the site and other buildings, screening of exterior appurtenances and similar elements) have been designed and incorporated to invite pedestrian circulation between this area and the remainder of the Municipality, to be compatible with the existing built environment, and to encourage continuing revitalization of the Municipality.

§ 320-244. DRIVE-THROUGH FACILITIES.

A. Standards

1. Stacking Lanes
 - a. Restaurants 10 spaces.
 - b. Banks and drug stores 6 spaces.
 - c. All other uses 6 spaces.
 - d. Stacking lanes shall not interfere with parking spaces or the internal and external circulation of the site.
2. Order, pick-up windows, and stacking lanes may not front or be parallel to the façade facing the primary street access or be located along the front facing façade of the building.
3. Pedestrian entryways must be located a minimum of 20 feet from the order and pick-up window if separate.
4. A clearly marked crosswalk located from the entryway(s) to the parking lot situated perpendicular to the drive-through stacking lane that, in addition to paint, is in a physical form sufficient to alert drivers of potential pedestrian/vehicle conflicts.

§ 320-245. EFFECT OF PRIVATE COVENANTS.

Nothing herein contained shall be construed to render inoperative any enforceable restriction established by covenants running with the land, which restrictions are not prohibited by or are not contrary to the regulations herein established.

§ 320-246. FACILITIES SCREENING.

Loading docks, utility meters, HVAC equipment, trash dumpsters and other service functions shall be incorporated into the overall design theme of the building(s) 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.

§ 320-247. FENCES AND WALLS.

A. Standards

1. Maximum Height of Fences and Walls by District. No fence or wall, except the wall of a building permitted under the terms of this chapter, shall be erected which exceeds the maximum height specified below for the zoning district and yard in which such fence or wall is located.

ZONING DISTRICT	YARD LOCATION	MAXIMUM FENCE HEIGHT (FT)*	MAXIMUM FREESTANDING WALL HEIGHT (FT)	MAXIMUM RETAINING WALL HEIGHT (FT)
HI, LIMU, and CR Districts	Front Yard	10	4	6
	Side or Rear Yard		6	
All Other Districts	Front Yard	4	4	6
	Side or Rear Yard	6	6	

NOTES: Notwithstanding any fence height specifically required for a buffer*

2. A fence or wall abutting a ball field, tennis court, or basketball court may be erected which exceeds the maximum height specified in the table above for the zoning district and yard in which it is located, provided that such wall or fence does not exceed 10 feet in height.
3. All fences and walls shall be outside of the legal right-of-way.
4. All fences and walls running along a rear lot line shall be set back at least two feet from the cartway of an alley, where applicable.
5. A clear sight triangle of 75 feet shall be provided for all corner lots where a fence or wall meets at an intersection.
6. All fences shall be erected with the finished side of the fence facing adjacent properties. The finished side shall be considered the side without the structural supporting members.
7. No fence with barbed wire, razor wire, or electrical current shall be permitted.

§ 320-248. FRONT PORCHES.

A. Standards.

1. The front porch shall be placed along the street façade of the building.
2. Porches shall be a minimum of 6 feet deep and should extend a minimum of 70% of the façade of the building.
3. The porch shall remain open and shall at no time be enclosed with building walls or screens. Railing shall be permitted no higher than the minimum height required by the building code.
4. No second floor balcony, deck or enclosed construction shall be permitted above the porch structure except in the R-1 and R-2 Residential Districts as a special exception.

§ 320-249. GASOLINE SERVICE STATIONS, MINI-MARTS, CONVENIENCE STORES WITH FUEL PUMPS AND ALL USES WITH FUEL PUMPS.

A. Standards.

1. Building, exclusive of pump islands, shall face the primary street access.

2. All activities except those to be performed at the fuel and air pumps shall be performed within a completely enclosed building.
3. Minimum setback of pump islands is 50 feet from the curb line of the street, 80 feet from residentially- zoned properties or use, and 30 feet from all other property lines.
4. Minimum setback of parking from fuel pumps is 30 feet.
5. Fuel pump areas shall not interfere with parking spaces or internal circulation. In developments with multiple uses, the fuel pump area shall be separated from the parking and internal circulation of the other uses.
6. Canopies shall comply with the following standards:
 - a. Canopies shall be set back at least 15 feet from property lines, 25 feet from the curb line of the street, and 50 feet from residentially zoned property or use.
 - b. Canopies shall have a maximum height of 16 feet measured to the under- side of the canopy.
 - c. The clearance height of canopies shall be clearly marked.
 - d. Individual canopies shall have a maximum area of 3,600 square feet.
 - e. Multiple canopies shall be separated by a minimum distance of 15 feet.
 - f. Lighting for canopies shall be recessed so that the bottom of the lighting fixture is flush with the underside of the canopy, using a full cutoff flat lens luminaries.
 - g. Canopies shall be designed to be architecturally compatible with the architecture of the neighboring community.

§ 320-250. HOUSE STOOPS.

A. Standards.

1. Stoops may extend into the sidewalk provided that a minimum 5 foot wide sidewalk, clear of any and all obstructions, is maintained from the stoop to the curb line of the street for pedestrian use.
2. Stoops partial walls and railings may be no higher than 42 inches.

§ 320-251. LOADING AND OUTDOOR SALES AND STORAGE.

A. Standards.

1. Outdoor sales and storage areas shall conform to the following requirements:
 - a. Outdoor sales and storage areas shall not be located within twenty (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% of the gross building floor area of any uses.

§ 320-252. LOT WIDTH.

All lots must have sufficient frontage on a public or private street to meet the minimum lot width requirements of the zoning district. Minimum lot width or frontage as required under this chapter shall be measured at the ultimate right-of-way line of the street, except that, for

lots bordering the turnaround portion of a cul-de-sac, lot width may be measured at the building line. The minimum lot width shall extend into the lot for the full depth of the building envelope.

§ 320-253. LIGHTING STANDARDS.

A. 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 foot candle 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 twenty-five (25) feet in height from grade level, and no pedestrian lighting standard shall exceed sixteen (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 ten (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 twenty (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.
8. The Zoning Officer shall report to the Municipal Council, which shall then direct the person(s) responsible for the lighting to correct the problem.
9. If the problem is not corrected within 30 days of written notification from the Municipal Council, the Council may correct the problem at the expense of the person(s) responsible for the lighting.
10. When lighting is observed to be a potential hazard or nuisance to an abutting property, the Zoning Officer shall make a determination as above, when requested by the affected property owner. The following shall be used as criteria:
 - a. No light shall shine directly into the windows of a building on an abutting property.
 - b. No light shall shine directly onto the ground or improvements thereon of an abutting property; however:
 - (i) Incidental light may be permitted to fall on abutting property; and
 - (ii) The amount of incidental light permitted to fall on an abutting residential property shall not exceed the amount set by resolution of the Municipal Council.
 - c. If the Zoning Officer reports an adverse effect of lighting on an abutting property to the Municipal Council, then the Council shall act to have the problem corrected as above.

§ 320-254. OBSTRUCTION TO VISION AT INTERSECTIONS PROHIBITED.

On any corner lot, no physical improvement or planting area shall be erected, altered or maintained within the required yards which shall cause obstruction to driver vision from the abutting intersection.

§ 320-255. OUTDOOR DINING.

A. Standards.

1. Application for outdoor dining conditional use shall provide the following information:
 - a. Address.
 - b. An outline of the area proposed for outdoor dining use including existing plantings, light poles, signage, etc.
 - c. Layout of dining facility limited to the following; tables, chairs umbrellas and planters.
2. Umbrellas must be sufficiently weighted to avoid displacement by wind and the drip edge must be located at least 7 feet above the ground.
3. Outdoor furnishings shall be stored inside the restaurant after normal operating hours.
4. The outdoor dining area shall be kept clear of litter, food scraps or soiled dishes and utensils at all times.
5. The sidewalk on which the outdoor dining facility is located shall be kept clean and the sweeping of debris or spilled materials into the gutter is prohibited.
6. A minimum 5 foot wide, uninterrupted continuous pedestrian pathway on the sidewalk must be maintained at all times.

§ 320-256. PEDESTRIAN CIRCULATION

A. Standards.

1. There shall be clear, grade-separated pedestrian connections between all parking areas and all buildings.
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 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.
3. Unobstructed sidewalks, no less than 6 feet in width, shall be provided along the full length of the building along any façade featuring a customer entrance, and along any façade abutting public parking areas. Along façades with building entrances, the required 6-foot wide sidewalk area shall be set back from the façade by a 3-foot wide 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.

§ 320-257. PLAYGROUNDS OR PARKS.

A. Standards.

1. Buffers. Side and rear yards shall contain perimeter landscaped buffers as per the standards of section § 433 of the Municipal Subdivision and Land Development Ordinance.
2. Illumination. Lighting for security purposes shall be arranged in a manner which will protect neighboring properties from unreasonable glare or hazardous interference of any kind.
3. Usage. Facilities usage shall be intended for daylight hours only.

§ 320-258. PROJECTIONS INTO REQUIRED YARDS.**A. Standards.**

1. No building and no part of a building shall be erected within or shall project into any required yard in any district unless otherwise noted in the district and the following:
 - a. A terrace, platform, landing place or deck not covered by a roof, canopy or trellis, which does not extend above the first floor, may be erected to extend into a required yard a distance of not more than 12 feet, provided that it shall not extend into such yard more than 40% of the required depth or width of the yard.
 - b. A porte cochere or carport may be erected over a driveway in a required side yard, provided that such structure is:
 - (i) Not more than 14 feet in height and 20 feet in length.
 - (ii) Entirely open at least three sides, exclusive of the necessary supporting columns and customary architectural features.
 - (iii) At least three feet from the side lot line.
 - c. A buttress, chimney, cornice, pier or pilaster of a building may project not more than 18 inches into a required yard.
 - d. Open, unenclosed fire escapes, steps and bay windows may project not more than three feet into a required yard.
 - e. A planter or flowerbox may project over the front building line 24 inches to 36 inches but in any event not to exceed the projection of the steps into the right-of-way.

§ 320-259. PUBLIC UTILITIES.

The provisions of this chapter shall not be so construed as to limit or interfere with the construction, installation, operation and maintenance of public utility structures or facilities in existence at the time of passage of this chapter, or which may hereafter be located within public easements or rights-of-way designated for such purposes. Unless otherwise stated, the location of any such construction not within a public easement or right-of-way shall be permitted as a special exception by the Zoning Hearing Board, in compliance with the provisions of Article XXI Special Exception. The Zoning Hearing Board shall give consideration to the effect of such construction or installation upon the public safety and the character of the adjacent neighborhoods. Wireless telecommunications facilities are not included under this section. They are regulated separately in § 320-242.1.

§ 320-260. REFUSE COLLECTION FACILITIES.**A. Standards.**

1. Refuse collection facilities shall be provided for all multifamily developments containing four or more units and all nonresidential developments, either inside the building(s) or within an area enclosed by either walls or opaque fencing.
2. Walls or fencing shall be designed to shield the refuse facilities from direct view from adjacent properties, to a height of at least six feet.
3. Facilities shall be designed in a manner which can accommodate collection trucks and shall be large enough to accommodate recycling containers.
4. Landscaping shall be provided around these facilities in compliance with the requirements of the Municipal Subdivision and Land Development Ordinance.
5. Refuse facilities attached to buildings shall be subject to the same building setbacks as the buildings.
6. Refuse facilities detached from residential buildings shall meet setbacks for accessory structures and shall be subject to a setback of 10 feet from all primary build-

ings on the subject property or neighboring properties. They shall not be located in the front yard area.

§ 320-261. RESIDENTIAL HANDICAP ACCESSIBILITY RAMPS AND LIFTS

A. Standards.

1. Building permit shall be obtained from the building permit from the Building Department.
2. Ramp or lifts must comply with all applicable provisions of the Americans with Disabilities Act.
3. Ramps must be parallel to the building.
4. Ramps or lifts must be constructed or placed on the rear facing façade.
5. Ramps or lifts may be constructed or placed on the side or front façade provided the applicant can demonstrate, to the satisfaction of the Building Department, that access from the rear facing façade is either infeasible or impracticable. If construction or placement is on the front or side façade the following additional conditions shall be met.
 - a. The design, construction and location shall be appropriate to the context of the existing structure and neighborhood.
 - b. A rendering shall be submitted to the Planning Commission for review and comment on the ramp or lift's contextual compatibility unless the property is located in a designated historic district.
 - c. If the property is located in a designated historic district approval is required from the Historical Architectural Review Board.
6. Front and side facing ramps or lifts may extend into the front or side yard setback provided the following conditions are met:
 - a. The property owner must demonstrate that the ramp or lift cannot be constructed within the subject property lines.
 - b. If front facing, the ramp or lift may extend 5 feet into the sidewalk but must leave a minimum 5 feet of open sidewalk in front of the ramp or lift that is clear of obstructions for pedestrians to pass.
 - c. If located to the side, any ramp or lift must leave a minimum side yard setback of 3 feet that is clear of any and all obstructions allowing unencumbered access to the rear of the property.

§ 320-262. RESIDENTIAL PARKING AND GARAGES.

A. Standards.

1. To maintain the existing character of the neighborhood surface parking shall not be permitted in the front yard. If a proposed lot abuts an existing alley, then parking must be placed in the rear yard of the property with access to the parking from said alley and garages facing the alley or to the side.
2. In situations where no alley is present or proposed, the parking shall be located as follows:
 - a. In the side or rear yard, with a side drive configuration.
 - b. On the street, if the existing pattern on the block is for on-street parking.
3. Garages facing an alley shall be setback a minimum of 10 feet from the edge of the alleyway and 5 feet from the side yard property line.
4. Where no alley exists or can be created, or where the property lacks sufficient depth for parking in the rear or for a rear facing garage, then parking in the front yard setback or a front facing garage shall be permitted as a Special Exception as per Article XXI, and the following:

- a. No more than one off-street parking space shall be permitted on the driveway in front of a front facing garage.
 - (i) Only the garage space shall count toward the required parking.
 - (ii) No portion of the sidewalk or walkway in front of the dwelling may be used for off-street parking.
- b. Minimum lot width for an interior rowhouse dwelling with a front facing garage shall be 22 feet.
- c. No more than 4 units of a 6 unit rowhouse may have front facing garages.
- d. Width of driveways serving garages shall be no greater than the width of the garage entry.
- e. A free standing front facing garage, or front facing garage that is not structurally integral to the dwelling, shall be set back a minimum of 20 feet from the dwelling's front façade.
- f. No portion of an attached garage may project beyond the front façade of the dwelling.
- g. Garage doors shall contain decorative architectural elements that complement the building's front façade and entryway.

§ 320-263. SIDEWALKS.

A. Standards.

- 1. The area between the front façade and the curb line of the street shall include a sidewalk as defined in section § 414 of the Municipal Subdivision and Land Development Ordinance and shall be free and clear of any and all obstacles to pedestrian circulation caused by the property owner.
- 2. The unencumbered sidewalk width may be reduced to 4 feet in instances where the obstruction is preexisting and is the property of a public utility or the Municipality of Norristown.

§ 320-264. STRIPPING TOPSOIL.

A. Standards.

- 1. No person, firm or corporation, other than the Municipality of Norristown or an agency acting under contract therewith, shall remove topsoil or sod in any district, except under the following conditions:
 - a. In connection with the construction or alteration of a building for which a building permit has been previously issued or in connection with excavation or grading incidental to such building or maintenance of the grounds thereof.
 - b. In connection with normal lawn preparation and maintenance on the lot from which such topsoil is removed.
 - c. In connection with any accessory use incidental to a permitted use.
 - d. In connection with the construction or alteration of a street.

§ 320-265. TRAFFIC IMPACT STUDY.

A. Standards.

- 1. A traffic impact study prepared by a professional traffic engineer licensed in the state of Pennsylvania shall be provided with each development proposal, and it shall demonstrate conformity of the incremental improvements with the needed overall improvements as defined in the adopted Lafayette Street Corridor Study prepared by McMahon Associates, Inc., dated September 2000, any other traffic studies adopted subsequently by Municipal Council and the plans referenced in section § 320-1, Statement of legislative intent, and to demonstrate compliance with sound engineering practice, efficient traffic management and conformance with standards of the ITE.

§ 320-266. WATER SUPPLY AND SEWAGE DISPOSAL.

All development in the municipality shall be served by public water supply and sewage disposal facilities.

§ 320-267. OIL CHANGE AND LUBE FACILITIES

A. Standards.

1. All activities are performed within a completely enclosed building.
2. Outdoor storage is not permitted.
3. Sufficient on-site stacking lanes are provided to accommodate a minimum of 4 automobiles for the first maintenance bay and 1 automobile for each additional maintenance bay.

§ 320-268. VETERINARY.

A. Standards.

1. Buildings are adequately soundproofed so that sounds generated within the building cannot be perceived at the lot boundary.
2. No shelter, run, or structure that will contain animals at night is located within 75 feet of a property line or street.

§ 320-269. ADAPTIVE REUSE.

- A. Purpose. The purpose of the adaptive reuse ordinance is to provide for the rehabilitation and adaptive reuse of historic religious institutions in a manner that preserves their context and unique place in the history of the Municipality of Norristown, while providing a viable economic use that offset the costs of renovating and maintaining these historic structures. If a property is converted, the architectural character of the building(s) shall be maintained, to the greatest extent practicable, in order to retain the visual character of the building and the grounds as they were designed and/or as they have traditionally been maintained.
- B. Applicability. These standards shall apply to buildings originally constructed principally as a religious institution, church, house of worship, or parsonage/rectory, as determined by the Zoning Officer. Eligible buildings must have been constructed in or before 1940 as indicated in the Montgomery County Board of Assessment Appeals records.
- C. Permitted Uses. A building proposed for adaptive reuse may be used or occupied for one or more of the following purposes, with uses allowed to be mixed within a building or mixed in separate buildings on a property, when authorized as a special exception by the Zoning Hearing Board pursuant to Article XXI Special Exceptions and the criteria contained herein.
1. Age-restricted multi-family residential.
 - a. A lot area of not less than 2,500 square feet shall be provided per dwelling unit. A maximum density of 15 dwelling units per gross acre shall apply.
 - b. One hundred percent (100%) of the dwelling units shall be age-restricted to age sixty two (62) years or older, with the exception of a certified care giver to a qualified resident, or disabled dependent. The aforementioned age restriction shall be recorded as a deed restriction on the property.
 - c. One (1) off-street parking space shall be provided per age-restricted multi-family dwelling unit.
 2. Business or professional offices, excluding client-based social services.
 - a. This use shall be limited to one employee per 500 square feet of gross floor area.
 3. Cultural institution, including but not limited to, art gallery, library, museum, or theater for the performing arts.

- a. If classes are to be provided, the use shall be limited to one class at a time with not more than 10 students in the class and not more than two instructors.
- 4. Bed & breakfast, in accordance with the requirements set forth in §320-237, as well as the following additional regulations.
 - a. This use shall be limited to eligible buildings located in the R1 Residence, OCR Office Commercial Retail, TC Town Center, and GRO Gateway Redevelopment Overlay zoning districts.
 - b. Buildings with a gross habitable floor area of less than 2,000 square feet are not eligible for this use.
- 5. Day-care center, in accordance with the requirements set forth in §320-216.E.
- 6. Community center or recreation facility.
- 7. Accessory uses customarily incidental to a principal uses permitted by this section.
- D. Architectural Design Standards.
 - 1. Exterior building materials shall be maintained or replaced with like materials in order to retain or preserve the historic character of the property to the greatest extent possible. Window or door openings shall not be altered, other than for maintenance or replacement with like materials and assemblies.
 - 2. There shall be no external alteration of the converted building except as permitted below.
 - a. Those necessary for reasons of safety or compliance with the accessibility and exiting requirements in the International Building Code.
 - b. Openings required to accommodate new windows and doors, grade-level patios, or wood decks.
 - c. Vents or exhausts for mechanical systems.
 - d. Upper floor balconies on the side or rear of the building.
 - e. Open porches, up to 300 square feet.
 - f. New stairways located to the rear of the building unless required by the building code to be located on the side of the building.
 - g. Building additions.
 - 1. For buildings with 5,000 or more square feet of total habitable floor area, the permitted expansion is limited to no greater than 10% of the existing building's total habitable floor area but in no case exceeding 1,000 square feet.
 - 2. For buildings with less than 5,000 square feet of total habitable floor area, the building may be expanded by up to 20% of the existing building's total habitable floor area, or 1,000 square feet, whichever is less.
 - 3. All building additions shall be located on the rear or side façade and shall be compatible with the existing building in appearance, size, scale, and materials.
- E. General Development Regulations.
 - 1. Supplemental Regulations. The relevant provisions found in Article XXIII Supplemental Regulations shall apply.
 - 2. Building Coverage and Impervious Surface:
 - a. Not more than 60% of the tract area may be occupied by buildings.
 - b. Not more than 75% of the tract area may be covered with impervious surfaces.
 - c. To the degree the lot is nonconforming to the building area or impervious surface requirements, the existing and new improvements required to complete the conversion shall comply with the standards in Article XXV Nonconformities.
 - 3. Perimeter landscaping per section § 433 of the Municipality's Subdivision and Land Development Ordinance shall be provided along any property line that either abuts a residential zoned property or use.

4. Parking. Unless otherwise noted, off-street parking pursuant to the standards in Article XXVI Off-Street Parking and Loading.
5. Signs. Unless otherwise noted, when erected and maintained in accordance with the provisions of Article XXVII Signs.
6. All proposed conversions shall be reviewed by the Historical Architectural Review Board, when this board has jurisdiction. When the Historical Architectural Review Board does not have jurisdiction, all proposed developments shall be reviewed by the Design Review Board as per the standards and criteria in section § 320-243.
7. All development with a gross floor area greater than 15,000 square feet (whether individually or cumulatively), or residential developments of 20 units in size or greater, shall require a traffic impact study, as per section § 320-265.

§ 320-270 - § 320-279. (RESERVED)

ARTICLE XXIV

Performance Standards

§ 320-280. CONFORMANCE REQUIRED.

No use otherwise allowed shall be permitted within any use district which does not conform to the following standards of use, occupancy and operation, which standards are hereby established as the minimum requirements maintained within said area.

§ 320-281. NOISE.

A. Standards.

1. Sound levels shall be measured with a sound-level meter and associated octave-band filter manufactured according to standards prescribed by the American Standards Association. Measurements shall be made using the flat network of the sound-level meter.
 - a. At no point along the boundary of a residential district or along an adjacent lot shall the sound-pressure level of any operation or plant exceed the decibel limits in the octave band designated below:
 - (i) Daytime hours, 7:00 a.m. to 10:00 p.m., local time:

Octave Band Preferred Center Frequency (hertz)	MAXIMUM PERMITTED SOUND LEVEL (DECIBELS)	
	Along Residence District Boundaries	Along Adjacent Lot Boundaries
31.5	76	79
63	71	74
125	65	69
250	57	64
500	51	58
1,000	45	52
2,000	39	47
4,000	34	43
8,000	32	40

(ii) Nighttime hours: 10:00 p.m. to 7:00 a.m., local time:

Octave Band Preferred Center Frequency (hertz)	MAXIMUM PERMITTED SOUND LEVEL (DECIBELS)	
	Along Residence District Boundaries	Along Adjacent Lot Boundaries
31.5	72	79
63	67	74
125	61	68
250	53	60
500	47	53
1,000	41	47
2,000	35	41
4,000	30	36
8,000	28	34

(iii) Impact noises shall not exceed the following peak intensities:

Octave Band Preferred Center Frequency (hertz)	MAXIMUM PERMITTED SOUND LEVEL (DECIBELS)	
	Along Residence District Boundaries	Along Adjacent Lot Boundaries
Overall peak	80	86

2. Exceptions. The maximum permissible sound levels by the receiving land use category as listed in the previous table shall not apply to any of the following noise sources:
 - a. The emission of sound for the purpose of alerting persons to the existence of an emergency.
 - b. Emergency work to provide electricity, water or other public utilities when public health or safety is involved.
 - c. Explosives and construction operations.
 - d. Motor vehicle operations.
 - e. Surface carriers engaged in commerce by railroad.
 - f. The unamplified human voice.

§ 320-282. VIBRATION.

A. Standards.

1. No industrial operation or activity shall cause at any time and at any point along the nearest adjacent lot line ground-transmitted vibrations in excess of the limits set forth below. Vibration (the periodic displacement, measured in inches, of earth) shall be measured with a three-component measuring instrument and shall be expressed as displacement in inches.

FREQUENCY (CYCLES PER SECOND)	MAXIMUM PERMITTED DISPLACEMENT (INCHES)
0 to 10	.0008
10 to 20	.0005
20 to 30	.0002
30 to 40	.0002
40 and over	.0001

2. Exceptions. The following uses and activities shall be exempt from the vibration level regulations:
 - a. Vibrations not directly under the control of the property user.
 - b. Vibrations emanating from construction and maintenance activities between 7:00 a.m. and 9:00 p.m. Such activities are those which are nonroutine operations accessory to the primary activities and which are temporary in nature or conducted infrequently.

- c. Transient vibrations of moving sources, such as automobiles, trucks, airplanes and railroads.

§ 320-283. OUTDOOR STORAGE.

A. Standards.

1. No flammable or explosive liquids, solids or gases shall be stored in bulk above the ground, except for tanks or drums of fuel directly connecting with energy devices, heating devices or appliances located and operated on the same lot as the tanks or drums of fuel.
2. All outdoor storage facilities for fuel, raw materials and products stored outdoors, including those permitted in the above subsection, shall be enclosed by a fence of a type, construction and size as shall be adequate to protect and conceal the facilities from any adjacent properties. Fencing shall not only encompass the question of safety but also of screening, and the screening shall preferably be evergreens. All National Occupational Safety and Health Administration regulations shall be met.
3. No materials or wastes shall be deposited upon a lot in such form or manner that they may be transported off by natural causes or forces, nor shall any substance which can contaminate a stream or watercourse or otherwise render such stream or watercourse undesirable as a source of water supply or recreation or which will destroy aquatic life be allowed to enter any stream or watercourse. Applicable Department of Environmental Protection regulations shall apply.
4. All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible or otherwise attractive to rodents or insects shall be stored outdoors only if enclosed in containers adequate to eliminate such hazards. Applicable County Department of Health and National Occupational Safety and Health Administration regulations shall apply.

§ 320-284. WASTE TREATMENT AND DISPOSAL.

All methods of sewage and waste treatment and disposal shall be approved by the Pennsylvania Department of Environmental Protection. Any sewage or waste discharged into the public sewer system shall also be approved by the Sanitary Water Board and the Municipality of Norristown. The standards of such regulations or the following, whichever is more restrictive, shall apply.

A. Standards.

1. There shall be no discharge of any toxic substance, gasoline, benzene, naphtha, fuel, oil or other flammable or explosive liquid, solid or gas, any liquid having a temperature higher than 150° F or any matter containing any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure or any solid or viscous substance capable of causing obstruction in or other interference with the proper operation of a sewage treatment plant or any liquid having a pH lower than five point zero (5.0) or higher than nine point zero (9.0) or having any other corrosive property capable of causing damage or hazard to structures, equipment or personnel or material which would be harmful to the treatment of sewage.
2. Acidity and alkalinity of wastes shall be neutralized with a pH of seven point zero (7.0) as a daily average on a volumetric basis, with a temporary variation of a pH of five point zero (5.0) to nine point zero (9.0).
3. Wastes shall contain no cyanides and no halogens and shall not contain more than 10 parts per million of the following gases: hydrogen sulfide, sulfur dioxide and nitrogen dioxide.

4. Wastes shall not contain any insoluble substances in excess of 10,000 parts per million nor exceed a daily average of 500 parts per million nor fail to pass a No. 8 sieve nor have a dimension greater than twenty-five hundredths (0.25) inch.
5. Wastes shall not have:
 - a. A chlorine demand in excess of 15 parts per million.
 - b. Phenols in excess of five millionths (0.0005) part per million.
 - c. Grease, fats or oils or any oily substance in excess of 100 parts per million or exceeding a daily average of 25 parts per million.

§ 320-285. ENVIRONMENT.

A. Standards.

1. Dust, dirt, smoke, vapor, gas, odor, glare and heat control.
 - a. The air pollution control regulations promulgated by the State Air Pollution Control Act of January 8, 1960, P.L. 2119, as amended, *Editor's Note: See 35 P.S. § 4001 et seq.* shall be used to control the emissions of dust, dirt, smoke, vapors, gases, odors, glare and heat in the Municipality. (2)
 - b. The regulations are part of Title 25, Rules and Regulations, Department of Environmental Protection, Subpart C, Protection of Natural Resources, Article III, Air Resources.
2. Light, glare and heat control. No use shall carry on an operation that will produce light, heat or glare perceptible beyond the property line of the lot on which the operation is situated.

§ 320-286. ELECTRIC, DIESEL OR OTHER POWER.

Every use requiring power shall be so operated that any service lines, substation, etc., shall conform to the highest applicable safety requirements and shall be constructed, installed, etc., so that it will be an integral part of the architectural features of the plant or, if visible from abutting residential properties, shall be concealed by evergreen planting.

§ 320-287. RADIOACTIVITY AND ELECTRICITY.

Activities which may emit radioactivity beyond enclosed areas shall comply with the codes of the Pennsylvania Department of Environmental Protection's Division of Radiology. The Federal Nuclear Regulatory Commission shall also regulate the control of radioactive material associated with any activity in the Municipality. No electrical disturbances, except from domestic household appliances, shall be permitted to adversely affect any equipment at any time other than the equipment creating the disturbance.

§ 320-288 - § 320-289. (RESERVED)

ARTICLE XXV

Nonconformities

§ 320-290. ESTABLISHMENT AND CONTINUATION.

A. Standards.

1. A lot, structure or use which does not conform to the applicable regulations of this chapter for the district where such structure, lot or use is located but was lawfully in existence prior to the effective date of such regulation shall be deemed nonconforming.
2. Whenever the regulations of this chapter are amended, including the creation of a new district or the relocation of district boundaries, the provisions of this Article shall apply to any nonconformities created by such amendment.
3. Any nonconforming lot, nonconforming structure or nonconforming use may be continued, maintained, improved and repaired, provided that it conforms to the requirements of this Article.
4. Whenever a lawful nonconforming lot, nonconforming structure or nonconforming use is sold to a new owner, such nonconformity may be continued by the new owner.

§ 320-291. ALTERATION OR EXTENSION.

A. Standards.

1. Nonconforming lots.
 - a. A structure may be constructed on a nonconforming lot, provided that the applicable yard requirements of this chapter are met.
 - b. An undeveloped, nonconforming lot may be devoted to a use permitted in the district in which such lot is located, provided that the applicable yard requirements of this chapter are met.
 - c. In the case of a nonconforming lot which is occupied by a nonconforming use, any extension or enlargement shall also meet the requirements of section § 320-291.A.3.b.
2. Nonconforming structures.
 - a. A nonconforming structure may be altered or enlarged, provided that such alteration or enlargement does not increase the degree of nonconformance, increase the size of the nonconforming part of the structure or create a new nonconformity.

- b. In the case of a nonconforming structure which is used by a nonconforming use, such alteration or enlargement shall also meet the requirements of Sub-section § 320-291.A.3.b.
3. Nonconforming uses.
- a. Changes.
 - (i) A nonconforming use may be changed to a conforming use by obtaining a valid zoning permit.
 - (ii) Once changed to a conforming use, no structure or land shall be permitted to revert to a nonconforming use.
 - (iii) A nonconforming use may be changed to another nonconforming use only if permitted by special exception granted by the Zoning Hearing Board in accordance with Article XXI Special Exceptions and after the following conditions are met:
 - (1) The applicant shall show that the nonconforming use cannot reasonably be changed to a conforming use.
 - (2) The applicant shall show that the proposed change will be equally or less objectionable in external effects than the existing nonconforming use with regard to:
 - (a) Traffic generation and congestion, including truck, passenger car, bicycle and pedestrian traffic.
 - (b) Noise, smoke, dust, fumes, vapors, gases, heat, odor, glare or vibration.
 - (c) Storage and waste disposal.
 - (d) Appearance.
 - b. Extension or enlargement.
 - (i) The extension or enlargement of a lawful nonconforming use shall be only upon the same lot in existence on the date the use became nonconforming.
 - (ii) A lawful nonconforming use of a portion of a building may be extended throughout the building as it existed on the date the use became nonconforming.
 - (iii) A lawful nonconforming use on a conforming lot may be extended to a new building or portion of a building on the same lot only to the extent that:
 - (1) All new construction shall comply with all of the applicable yard requirements and coverage standards of the district in which the building is located.
 - (2) Such extension shall not expand the building footprint by more than 25%.
 - (3) Such extension shall not result in a building of more than two stories in height.
 - (iv) An extension or enlargement of a nonconforming use which does not conform to the requirements of 3.b.(i),(ii) or (iii) shall only be based on a variance granted by the Zoning Hearing Board in accordance with the standards of section § 320-357.

§ 320-292. RESTORATION OR RECONSTRUCTION.

A. Standards.

- 1. Nonconforming structures.
 - a. If a nonconforming structure is damaged or destroyed in any manner, regardless of the cause, to the extent that the cost of restoration to the condition

prior to such damage or destruction does not exceed 75% of the cost of constructing the entire structure, then the restoration of such nonconforming structure may include restoration of the original nonconformity, provided that a building permit for such restoration is obtained within 18 months from the date of such damage or destruction and restoration is completed in accordance with the terms of the building permit.

- b. If a nonconforming structure is damaged or destroyed in any manner, regardless of the cause, to the extent that the cost of restoration to the condition prior to such damage or destruction exceeds 75% of the cost of constructing the entire structure, then the restoration of such structure shall comply with all provisions of this chapter.
2. Nonconforming uses.
- a. Abandonment.
 - (i) If a nonconforming use of a structure or land is discontinued or abandoned for 365 consecutive days, subsequent use of such building or land shall conform to the regulations of the district in which it is located.
 - (ii) The act of abandonment and the intent to abandon shall be presumed to commence on the date when customary efforts to continue the use (operation, lease, sale, obtaining or renewing a rental license, etc.) cease.
 - (iii) Notwithstanding subsection (i) and (ii) above, the failure to obtain or renew an annual rental license (as required by Chapter 245 of the General Laws of Norristown) for a nonconforming multi-family residential use for 365 consecutive days, combined with a physical inspection of the structure conducted by the Norristown Codes Department revealing that the structure is vacant, shall constitute both the actual abandonment and the intent to abandon the nonconforming use, requiring any subsequent use to conform with the regulations of the district in which the property is located.
 - b. Damage or destruction.
 - (i) If a structure or set of structures devoted to a nonconforming use is damaged or destroyed in any manner, regardless of the cause, to the extent that the cost of restoration to the condition prior to such damage or destruction does not exceed 50% of the cost of constructing the entire structure or set of structures, then such structures or set of structures, when restored, may be devoted to the original nonconforming use, provided that a building permit for such restoration is obtained within 18 months from the date of such damage or destruction and restoration is completed in accordance with the terms of the building permit.
 - (ii) If a structure or set of structures devoted to a nonconforming use is damaged or destroyed in any manner, regardless of the cause, to the extent that the cost of restoration to the condition prior to such damage or destruction exceeds 50% of the cost of constructing the entire structure or set of structures, then such structure or set of structures, when restored, may be devoted only to those uses which conform to the regulations of the district in which it is located.
3. Measurement of costs. For purposes of this section, the restoration costs of any damaged or destroyed structure shall include only the present costs of actually reconstructing the damaged or destroyed structure and the construction costs of such structure shall include only the present costs of actually constructing such structure and shall not include the costs of land, personal property or structural alterations.

§ 320-293. REGISTRATION.

Upon adoption of this Article, the Zoning Officer shall develop procedures to identify and register nonconforming uses and structures.

§ 320-294 - § 320-299. (RESERVED)

ARTICLE XXVI

Off-Street Parking and Loading

§ 320-300. OFF-STREET PARKING REQUIREMENTS.

A. Standards.

1. The number, size and type of parking spaces required for particular zoning uses shall be determined according to the standards described herein. The number of parking spaces required per use is stated in this section; if the proposed use does not precisely match one of the listed uses herein, the number of spaces required shall be based on the use which most closely matches the proposed use.
2. In cases where accessory uses are customary to a principal use, the accessory use parking requirement is listed with the primary use requirement. Other uses which are accessory in nature, but which are classified in this Ordinance as a principal use, are required to have the number of parking spaces required for the accessory use in addition to those required for the principal use.
3. A “parking space” shall be a space which, exclusive of driveways and turning areas, is a minimum of nine feet wide and 18 feet long and is accessible for the parking of one vehicle. All off-street parking spaces or areas shall be paved. Required off-street parking areas for three or more vehicles shall have individual spaces marked and shall be so designed, maintained and regulated so that no parking, backing onto or other maneuvering incidental to parking shall be on any public street, walk or alley and so that any vehicle may be parked or unparked without moving another.
4. Parking spaces are required to be located on the site (off-street) for which they are intended, unless on-street parking provisions are applicable.
5. When the word “parking” or “parking requirement” is referenced, it refers to both the size and number of the spaces.

§ 320-301. APPLICATION AND INTERPRETATION.

A. Existing Nonconforming Land Uses:

1. Existing land uses which are nonconforming with respect to the parking requirements established herein shall be exempt from compliance unless an addition, alteration, or change in use occurs. Existing non-conformities are recognized with respect to both the number of existing parking spaces and the size of existing parking spaces.
2. Additions: When a use which is nonconforming with respect to parking is increased with an addition to the property or structure, parking must be provided

for the additional use area according to the provisions expressed herein. The existing use area may continue to operate without increasing parking provisions for that use, provided the number of parking spaces originally existing is not reduced in number or size.

3. Alterations: When a use which is nonconforming with respect to parking is changed through an alteration to property, structure or use, the alteration may not reduce the amount of parking originally available in either number or size of spaces. An alteration which generates increased use or demand on the premises may only occur provided the required number of parking spaces is installed on the site.
4. Change in Use: When a parcel, property, structure or use which is nonconforming with respect to parking requirements is changed to a different use classification as described herein, the change may only occur provided corresponding parking requirements can be achieved.
 - a. More Intense Use: A change in use which generates a higher parking requirement than previously contained on the site, or than can be added in compliance with the zoning district provisions, must seek variance approval from the Municipal Zoning Hearing Board.
 - b. Less Intense Use: A change in use which generates a lower parking requirement than previously contained on the site, may be permitted without a variance, provided the following applies:
 - (i) The number of available parking spaces for the proposed use is within 75 percent of the number required under the provisions of this Ordinance.
 - (ii) The number of available parking spaces originally contained on the site is not reduced by alterations, additions, or other zoning criteria required for the proposed new use.

§ 320-302. EXISTING CONFORMING LAND USES.

A. Standards.

1. Existing land uses which are conforming with respect to the parking requirements established herein may not undergo addition, alteration, or change in use which creates nonconforming parking conditions, unless a variance is obtained from the Township Zoning Hearing Board.
2. Additions or Alterations: Conforming parking spaces must be provided for the additional use area or alteration, according to the provisions expressed herein.
3. New Land Uses: A parcel, property, structure, or use which requires permit approval, special exception use approval, subdivision or land development approval according to the requirements of this Ordinance and other adopted codes or ordinances of the Municipality shall comply with the intent and parking regulations established herein.

§ 320-303. REMEDIES FOR ALLEVIATING PARKING DEFICIENCIES IN NONCONFORMING BUILDINGS AND USES:

A. Standards.

1. In order to help prevent the vacancy of commercial buildings and properties which are nonconforming with respect to parking requirements, a building may be partially utilized or employ shared-use provisions in order to achieve the highest degree of parking compliance. This provision may be accomplished through the

permit process and does not require Zoning Hearing Board action.

2. When such options are utilized, the allocation of use must be clearly identified on a floor plan layout of the building or premises submitted with the permit application, and the shared allocation of parking spaces must be stated on the Certificate of Occupancy for the building, property, structure, or use, as a condition of use and occupancy approval.

§ 320-304. PARKING USE REQUIREMENTS.

- A. Standards. The following off-street parking requirements shall be provided for uses as established below:

Apartment/Condominium Building or Multi-Family Dwelling Unit: Parking spaces shall be provided per dwelling units as follows:

Efficiency Units	1.0/DU
One Bedroom Units	1.0/DU
Two Bedroom Units	1.5/DU
Three Bedroom Units	1.5/DU
Four Bedroom Units	1.5/DU

Apartment Complex: Same as Use **Apartment/Condominium Building**, plus 1/4 parking spaces per dwelling unit for visitors and overflow parking if proposed in land development with greater than 16 units.

Athletic/Health Club: 1 parking space for every 200 square feet.

Bed and Breakfast: In addition to parking required for the home, 1 parking space per guest room, plus 1 parking space per employee.

Car Wash: In addition to the stacking area required by §320-239, 1 parking space for every 200 square feet of gross leasable floor area not contained in the washing area.

Church/House of Worship: 1 parking space for every 25 square feet of primary worship space. This standard may be reduced by special exception.

Club, Fraternal Organization or Lodge: 1 parking space for every 100 square feet of floor area used or intended to be used for service to customers, patrons, clients, guests or members.

Commercial Buildings (unless specifically regulated herein): 1 parking space for every 400 square feet of net square footage.

Community Centers, Libraries, Museums, or other similar places: 1 parking space for every 800 square feet of floor area in public use.

Duplex Unit or Multiplex Unit: 1 parking space per unit.

Funeral Home: No less than 1 parking space for every 3 seats provided for patron use, or at least 1 parking space for every 50 square feet of gross floor area used or intended to be used in the operation of the establishment (exclusive of body preparation rooms), whichever requires the greater number of parking spaces.

Gasoline Service Station or Fuel Service Islands: 1 parking space per 200 square feet of gross floor area of any building wherein retail sales are transacted

Group Home, Personal Care Home, or Institutional Home: 1 parking space per employee, plus 1 parking space for every 4 residents of the group home.

Hotel/Motel/Inn: No less than 1 parking space for each guest room provided on the premises, plus 1 parking space for each employee working on the largest shift, plus required parking spaces for accessory uses such as entertainment, restaurants, and the like, as established herein.

No-Impact Home-Based Business: No additional spaces are required, over and above what is required for the residence.

Open Areas Used for Commercial Purposes: 1 parking space per 1,500 square feet of area, or fraction thereof.

Rental Agency: 1 off-street display space for each vehicle displayed or intended for rental, plus 1 standard size parking space for every 200 square feet of gross floor area devoted to office, sales, showroom, or stockroom use.

Restaurant, Sit Down: For restaurants located in the CR or OCR zoning districts, 1 parking space for every 50 square feet of gross leasable floor area devoted to customer or patron use for sit-down restaurants, or 1 parking space for every 3 seats, whichever requires the lesser number of spaces. In all other districts, use the Commercial Buildings off-street parking requirements.

Restaurant, Take-Out: For restaurants located in the CR or OCR zoning districts, 1 parking space for every 75 square feet of gross leasable floor area devoted to customer or patron use, plus 1 parking space for every 3 seats provided. In all other districts, use the Commercial Buildings off-street parking requirements.

Rooming House: 1 parking space per room, plus 1 parking space per employee.

Rowhouse: 1.5 parking spaces per unit.

Schools, Stadiums, Theaters, Public Auditoriums, or other similar places:
1 parking space for every 5 seats.

Self-Storage Facility: 1 parking space for every 100 storage units or fraction thereof, the spaces which shall be located in the vicinity of the leasing office; plus 1 space for the number of employees on the largest shift.

Shopping Center: 1 parking space for every 250 square feet of gross leasable floor area. This standard applies when the gross leasable floor area of all buildings comprising the shopping center are greater than 10,000 square feet.

Single Family Detached: 2 parking spaces exclusive of garage space.

Supermarket or Grocery: 1 parking space for every 200 square feet of gross leasable floor area.

Townhouse Dwelling Unit: 2 parking spaces exclusive of garage space, plus .25 parking space per dwelling unit for visitors and overflow parking if proposed in a subdivision having more than 16 units and involving the creation of new streets or drives.

Twin Dwelling Unit: 2 parking spaces.

Veterinary Clinic: 4 parking spaces for each exam room.

§ 320-305. PARKING SPACE COMPUTATION.

A. Standards

1. **Fractions.** In computing the number of required parking spaces, if the computation results in a fraction, 1 additional space shall be required for the fractional amount.
2. **Gross Leasable Floor Area.** Unless otherwise stated, parking space requirements

are calculated using the Gross Leasable Floor Area of a building. The gross leasable floor area is calculated by determining the sum of all floor areas of a building capable of being devoted to a principal or accessory use of an occupant or tenant, as measured by the exterior building walls, minus floor areas of the building devoted to:

- a. Basement and crawl space utilized strictly as storage use.
 - b. Mechanical and building utility spaces such as elevator shafts, water closets, and building equipment rooms.
 - c. Common hallways and stairways.
 - d. Aesthetic lobbies used for architectural enhancement or display, and not used or intended for business use.
 - e. Mezzanines devoted exclusively to storage use.
 - f. Bathroom facilities for use by common tenants or the general public utilizing the building.
 - g. Garage area utilized in the required parking space count for the principal building use, and not devoted to storage use.
 - h. Design elements for handicapped accessibility.
3. The gross leasable floor area may not be altered without consideration and adjustment to the available or producible parking spaces on the premises. Once floor area is omitted from the gross leasable floor area calculation, it cannot be converted into other uses unless the appropriate parking adjustment is satisfied.
 4. Unless specifically provided for herein, when multiple uses occur within the same building or upon the same premises, the collective parking requirement shall be calculated as the sum of the square footage required for each individual use. This provision does not apply to uses identified as qualifying for multiple use reduction, as provided herein.

§ 320-306. SPECIAL EXCEPTIONS.

The nonresidential parking spaces required in §320-304 herein may be located elsewhere than on the same lot when authorized as a special exception by the Zoning Hearing Board, subject to the following conditions:

- A. That the owners of two or more establishments shall submit, with their application for special exception, a site plan showing joint use and location of a common off-street parking area.
- B. That some portion of the common off-street parking area lies within 400 feet of an entrance, regularly used by patrons, into the buildings served thereby.
- C. That the Zoning Hearing Board may, in its discretion, reduce the amount of required parking space upon determination that greater efficiency is effected by joint use of a common parking area, but in no case shall the number of off-street parking spaces be reduced by more than 20% of the required number of spaces.
- D. The Zoning Hearing Board may eliminate the off-street parking requirements for establishments of under 2,000 square feet of floor space if, in its judgment, the requirement is adequately met by available on-street parking within 400 feet of an entrance regularly used by patrons into the proposed building or by available off-street parking open to the public within 1,200 feet of an entrance regularly used by patrons into the proposed building. All calculations of distance between the entrance of a building and the entrance to a parking facility proposed to meet the requirements set forth in this Article shall be based on the shortest distance along existing public sidewalks and walkways.

§ 320-307. PARKING HELD IN RESERVE.

If the number of spaces required by §320-304 of this Article is substantially larger than the number of spaces anticipated by the applicant, then the concept of parking held in reserve may be used to avoid unnecessary paving while ensuring adequate area for potential parking demands.

- A. Suitable area must be available on the site for 100% of the parking required by §320-304, above.
- B. The number of spaces which must be paved initially may be reduced by up to 50% by the Municipal Council, upon recommendation of the Municipal Planning Commission and Engineer.
- C. Suitable area must be reserved for the balance of the total number of spaces required by §320-304. The total number of spaces shall be constructed by the applicant if and when determined necessary by the Council, upon recommendation of the Borough Engineer. The Council may require the installation of these parking spaces under the following conditions:
 - 1. Evidence of a continued overflow of parking as installed by the applicant.
 - 2. Reevaluation of necessary parking capacity upon a change in status of use, ownership, number of employees and/or size of building or land area used.
- D. A financial guaranty shall be provided by the applicant to cover the cost of installation of the parking spaces held in reserve, for a period of one year following installation of the initially constructed parking spaces. The type and dollar value of the guaranty must be approved by the Municipal Council, upon recommendation of the Municipal Solicitor and Engineer.
- E. To qualify for use of the reserve parking concept, the applicant shall demonstrate that the number of spaces required by §320-304 herein is substantially larger than the number of spaces anticipated by providing evidence supporting reduced parking needs to the Municipal Planning Commission and Engineer for their review and recommendations to the Municipal Council.

§ 320-308. MOBILITY REQUIREMENTS (BUSES, SHUTTLES, AND BICYCLES).

- A. Standards.
 - 1. Buses. Multiple use retail centers and planned business complexes greater than 50,000 square feet in total gross building area are required to provide:
 - a. One (1) off-street space for every 50,000 square feet of gross floor area. Bus spaces must be designed to accommodate buses; spaces designed for general vehicles may not be counted towards required parking for buses and may not occupy required fire lanes.
 - b. A pickup area for public transportation. The pickup area must include a 10 foot by 20 foot waiting area that is additional to the development's sidewalks. The pickup area must also include an area where a 40 foot bus can park without blocking any lanes of the development's driveways. Where the pickup area is internal to the development, driveways and a parking area must be provided that can handle and are designed for the weight and length of a 40 foot passenger bus.
 - 2. Van Pool and Paratransit Vehicles. Multiple use retail centers and planned business complexes greater than 50,000 square feet in total gross building area are required to provide a single lane drop-off area for van pool and paratransit vehicles. Drop-off facilities may not occupy other required areas and must be clearly identified with permitted signage and lane markers.

3. Bicycle Storage Areas. Multiple use retail centers and planned business complexes greater than 25,000 square feet in total gross building area are required to provide bicycle storage areas near the principal building entrance area.

§ 320-309. PARKING LOT USE RESTRICTIONS.

A. Standards

1. No parking area shall be used for any purpose that interferes with its ability to provide the required amount of parking
2. All parking lots shall be operated and maintained in accordance with all of the following conditions:
 - a. They shall not be used for the sale, repair, or dismantling of any vehicles, equipment, materials or supplies.
 - b. They shall be properly graded for drainage and surfaced with concrete, asphaltic concrete, asphalt, or any dustfree surfacing.
 - c. All parking lots shall be maintained in good condition; free of weeds, dust, trash or debris.
 - d. They shall be provided with access drives located so as to minimize the effect of headlight glare.

§ 320-310. PARKING SPACE REDUCTION FORMULA.

- A. The required number of parking spaces may be reduced by 15% if the property is within 660 feet of a public transit stop, based on the shortest distance along existing public sidewalks and walkways.
- B. In addition to §320-310 A., the required number of parking spaces may be reduced by an additional 25% if two or more uses share a building or complex. Within the building or complex, at least one of the uses must be residential and at least one of the uses must be non-residential.

§ 320-311. OFF-STREET LOADING REQUIREMENTS:

- A. Standards. In connection with any building or structure which is to be erected or substantially altered and which requires the receipt or distribution of materials or merchandise by trucks or similar vehicles, there shall be provided offstreet loading berths not less than the minimum requirements specified in this subsection:
 1. Areas provided for the loading and unloading of delivery trucks and other vehicles, and for the servicing of shops by refuse collection, fuels, and other service vehicles, shall be arranged so that they may be used without blocking or interfering with lanes, access drives; parking aisles; parking facilities, or pedestrian ways; or requiring backing out into a street.
 2. All required loading berths shall be located on the same lot as the use to be served, and no portion of the vehicle shall project into any traffic lane.
 - a. Exception: Loading and unloading of motor vehicles for delivery to automobile sales agencies may be arranged for and conducted in an alternative location in order to reduce the impact of noise to adjoining residential districts. The alternative location may not be one which creates the same noise impact to another residential area.
 - b. Exception: Two or more establishments may use a common loading area if it meets all other applicable requirements within this Section.
 3. Loading areas or docks shall be located to the side or rear of the building.
 4. No loading facilities shall be constructed in any required buffer area.

5. All off-street loading areas shall be adequately screened from adjacent streets and properties, and landscaped in accordance with an overall plan, designed according to the provisions herein.
6. A required off-street loading berth shall be at least 15 feet in width by at least 50 feet in length, exclusive of aisle and maneuvering space, and shall have a vertical clearance of at least 16 feet.
 - a. Exception: Where it can be demonstrated that loading and unloading will only be performed by small trucks or vans, the loading berth size may be reduced upon agreement with the Municipality. The approved plan shall contain a note which so restricts the type of loading permitted, and subsequent uses shall be restricted as necessary.
7. Each required offstreet loading berth shall be designed with appropriate means of vehicular access to an interior drive in a manner which will least interfere with existing or planned traffic movements
8. The location and design of loading areas shall be acceptable to the Municipal Engineer.
9. All open offstreet loading berths shall be paved in accordance with the regulations of the Municipal Subdivision and Land Development Ordinance.
10. No storage or motor vehicle repair work of any kind, except emergency work, shall be permitted within any required loading berth.
11. Space allocated to an offstreet loading berth shall not be used to satisfy the space requirements for any offstreet parking facilities or portions thereof.
12. Required Number of Loading Berths: Each building, premises, structure, or use erected or altered after the adoption of this Ordinance shall provide loading berths as described below.
13. Off-Street Loading Requirements by Land Use Type; Designated off-street loading areas are not required for lots smaller than 10,000 square feet.
14. Non-Residential Berths

USE:	GROSS FLOOR AREA (S.F.)	# OF BERTHS
Business and Professional Office	First 10,000	1
	Next 40,000	1
	Each additional 50,000 sq. ft. or fraction thereof	1
Retail	First 5,000 sq. ft.	1
	Next 5,000 sq. ft.	1
	Each additional 20,000 sq. ft. or fraction thereof	1
	Uses over 100,000 sq. ft.	1 Loading Dock
Industrial	First 3,000 sq. ft.	1
	Next 7,000 sq. ft.	1
	Each additional 20,000 sq. ft. or fraction thereof	1
Other Uses (as deemed necessary by Municipal Council)	First 20,000 sq. ft.	1
	Each additional 20,000 sq. ft. or fraction thereof	1

§ 320-312 - § 320-314. (RESERVED)

Article XXVII

Signs

§ 320-315. INTENT.

It is the intent of this Article to regulate signs to ensure that they are appropriate for their respective principal uses and in keeping with the appearance of the affected property and surrounding environment. Illustrations, which present typical examples of signs, are provided for to document the intent of the Article.

1. Allow adequate signage for the economic vitality of businesses and the appropriateness of use while minimizing clutter, confusion and the unsightliness of excessive signage.
2. Establish criteria designed to encourage signs that 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.
3. Allow for the coordination of signs to reflect the character of the architecture, landscape and visual themes that the Municipality is supporting.

§ 320-316. CONFORMANCE REQUIRED.

In all zoning districts within the Municipality of Norristown, after the effective date of this chapter, signs may be erected, altered, maintained, used or moved only when in accordance with the provisions of this chapter.

§ 320-317. DEFINITIONS.

Words and phrases used in this Article shall have the meanings defined in this section. Words and phrases not defined in this Article but defined elsewhere in this chapter shall be given the meanings set forth in the definitions section.

Abandoned Sign

A sign which has not identified or advertised a current business, service, owner, product or activity, for a period of at least 180 days, and/or for which no legal owner can be found.

Address Sign

A sign that designates the street number and/or street name for identification purposes, as designated by the United States Postal Service.

Animated Sign

A sign or portion of a sign that displays an electronic image or video with action or motion or the optical illusion of motion, flashing or color changes and allows for periodic changes in copy, images and/or symbols by electronic means. This definition includes television screens, plasma screens, digital screens, flat screens, LED screens, streaming video or reader boards, and holographic displays, or other technologies of a similar nature. Animated signs are prohibited. Changeable-message outdoor advertising signs that meet all of the standards contained herein are not to be considered animated signs.

Awning Sign

Any sign which is printed, painted or attached flat against the surface of an awning made of canvas, fabric, metal or similar material, which is affixed to a building and projects therefrom for the purpose of shielding a doorway or window from the elements. The following shall apply to awning signs:

1. The maximum sign area requirement for awning signs applies only to the area used for the sign lettering and/or logo and not the entire dimensions of the awning.
2. Sign lettering and/or logo shall not exceed 30% of the exterior surface of the awning.
3. Awning shall have a minimum height of eight feet clearance from the sidewalk.
4. Awning may not extend more than 4.5 feet from the building.

Banner Sign

A non-permanent sign of lightweight fabric, or similar flexible material, which is supported by frame, rope, wires or anchoring devices, which may or may not include characters, letters, logos, illustrations, or graphic symbols. National flags, flags of political subdivisions and symbolic or decorative flags of any institution, neighborhood, residential use or business shall not be considered banners for the purpose of this Article.

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 than illuminate any particular sign, structure, or other object, also known as a "searchlight." (Prohibited)

Building Frontage

For the purpose of calculating the allowable total sign area for wall and other signs:

1. The linear footage of the building face which serves as a principal approach to a building and which building face fronts upon a public street, a shopping center driveway, parking area containing a minimum of six parking spaces, or pedestrian mall or walkway.
2. For corner lots, such footage may be calculated separately for the principal approach and one adjacent face, if such face also fronts on a public street, a shopping center driveway, public parking area containing a minimum of six vehicle parking places, pedestrian mall or public walkway. A sign area calculated for each frontage shall be erected on that frontage only and shall not be increased by the sign area calculated for another frontage.

Changeable Message Outdoor Advertising Sign

An off-premises outdoor advertising sign with a digital display capable of changing advertising messages by remotely controlled means. Each message display shall

present a single image, such that each image must be displayed for at least 10 seconds presenting a single image, constant in appearance, color and lighting, and there may be no more than a one-second interval for transition from one message display to the next, constant in appearance, and these changeable-message signs shall not be considered to be an animated or flashing sign, and there shall be no action, motion, flashing or color changes within each message display interval. Electronic changeable-message off-premises signs shall not be permitted as roof signs.

Commercial Message

Any sign wording, logo or other representation that directly or indirectly names, advertises or calls attention to a business, product, service or other commercial activity.

Directional Sign

An on-premises sign designed to guide vehicular and/or pedestrian traffic into and out of, or within a site.

Directory Sign

A sign designating businesses or offices located on a multitenant lot. A sign advertising a group of establishments occupying one property, with the name of the property and the names of the individual establishments located within the property or building.

Flashing Sign

A sign whose illumination is not kept constant in intensity at all times when in use and which exhibits changes in light, color, direction or animation. Flashing signs are prohibited.

Freestanding Sign

Any sign supported by structures or supports that are placed on or anchored in the ground and are independent from any building or other structure. For the purpose of this definition, "freestanding signs" may consist of the following:

1. Monument Sign — A sign designed to be viewed at eye level. The bottom of the sign is no more than three feet from the ground.
2. Pole Sign — A sign which is detached from a building and supported by no more than two poles or other structure supports which are architecturally dissimilar to the design of the sign.

Double-Faced Sign

A sign with two identical faces of equal sign area, which are back to back.

General Purpose Sign

A sign that contains a commercial message, 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.

Government/Regulatory Sign

Any sign for the control of traffic or for identification purposes, including street signs, warning signs, railroad-crossing signs and signs of public service companies indicating danger or construction, which are erected by or at the order of a public officer, employee or other agent thereof in the discharge of official business.

Home Occupation Sign

A sign which designates no-impact home-based businesses as permitted in this chapter.

Illuminated Sign

A non-flashing or non-twinkling sign which has letters, figures, designs or outlines illuminated by an internal or external light source as a part of the sign.

1. Internal Illuminated — Lighting that illuminates the sign from within the sign cabinet. Awning signs shall not be internally lit.
2. External or Halo Illuminated — The illumination of a sign by a separate light fixture that casts light directly on the sign or the light is shown from behind a letter or graphic that displays the name of the business without any visible light penetrating through the face of the letter or graphic.

Incidental Sign

A directional, information or sign of a public service nature, indicating business hours, the availability of public restrooms, parking, telephones, signs on automated teller machines (ATM), drive-through window menus, gas pumps, vending machines, newspaper delivery boxes or similar public conveniences, provided they do not contain a commercial message (including logos), and do not obstruct the sight triangles at internal intersections on the premises.

Instructional Sign

A sign located within the interior of a lot, generally not visible from the street or adjoining properties, which provides information as to the location, interior operation and/or use of the buildings or facilities.

Interior Sign

Any sign located fully within the interior of a building or stadium that is intended solely for information relating to the operation of such building or stadium.

Legally Nonconforming Sign

Any existing sign that is located on a premises in the Municipality with a permitted use, was legally erected prior to the adoption of this Article, and does not meet the provisions of the current chapter.

Marquee Sign

Any sign attached to a marquee for the purposes of identifying a movie theater or similar place of entertainment. (Permitted only as a conditional use)

Memorial Sign

A memorial plaque or tablet to include grave markers or other remembrances of persons or events, which is not for commercial or advertising purposes.

Mural (Noncommercial)

Artwork applied to the wall of a building, wall, or other structure. A mural covers the surface and depicts a scene or event of natural, social, cultural or historic significance and contains no commercial message or commercial logo of any kind. (Permitted only as a conditional use)

Neon Sign

Any sign or decorative lighting composed of glass tubing containing neon gas, or a sign or decorative lighting simulating such technology.

On-Premises Advertising Sign

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

Pennant

Any lightweight plastic, fabric, or other similar material whether containing a commercial message or not, suspended from a rope, wire, or string, usually in a series, designed to move in the wind.

Personal Expression Sign

An on-premises sign that expresses an opinion, interest, position, or other non-commercial message.

Portable-Movable 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; 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. This definition does not apply to sandwich board signs or umbrellas used for outdoor dining. (Prohibited)

Projecting Sign

Any sign mounted to a wall or other vertical surface that does not interfere with normal pedestrian or vehicular traffic.

Public Interest Sign

A sign on public property that displays information pertinent to public safety or legal responsibilities of the public, such as warning signs.

Revolving or Rotating Sign

Any sign, sign message, or sign part that revolves or rotates in a circular motion. (Prohibited)

Roof Sign, Integral

Any wall sign integrated with the roof of a building that does not extend vertically above the roofline.

Roof Sign

Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof. (Prohibited)

Sandwich Board Sign

A movable sidewalk sign consisting of two faces, weighted at the bottom, and whose message is targeted to pedestrians.

Sign

Any device, fixture, placard, building wall, structure, object or surface visible to the outside or outdoor surface or any device that displays or includes any letter, word, form, graphic, insignia, flag, color, illumination, or symbol used for visual communication, which directs attention to an object, product, place, activity, service, event, person, institution, organization or business and is visible from any street, right-of-way, sidewalk, alley, parking lot, park or other public property. The term "sign" shall not include any item of merchandise normally displayed within a show window of a business.

Sign Area

The sign area 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. Where the sign consists of individual letters, designs or symbols attached to a structure, awning, wall or window, the area shall be that of the smallest rectangle which encompasses all of the letters, designs and symbols.

1. Signs may be double-sided. In determining the area of a double-sided sign, only one side shall be considered, provided that both faces are identical. When the interior angle formed by the faces of a multisided sign is greater than 45°, then all sides of such sign shall be considered in calculating the sign area.
2. Any spacing between signs designating different or separate occupants or uses of a building shall not be counted as sign area.

Sign Face

The part of a sign that is or can be used to identify, advertise, and communicate information for visual representation, which attracts the attention of the public for any purpose. This definition shall include any background material, panel trim and color used that differentiates the sign from the building or structure on which it is placed. The sign structure shall not be included, provided that no message, display or symbol is designed and included as part of the structure.

Sign Height

The vertical 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.

Sign Structure

A sign structure is defined as the supporting structure erected and used to support a sign, such as brackets, posts, monument bases, etc. Sign structure shall be in keeping with the architectural style of the building that it is related to.

Snipe Sign

A sign or poster affixed to a tree, fence, utility pole, traffic light device or streetlight pole, regulating street sign, such as a stop sign, or upon rocks or natural features. (Prohibited)

Temporary Sign

A type of non-permanent sign that is located on private property that can be displayed for no more than 30 consecutive days at one time.

Uniform Construction Code

The Uniform Construction Code, as amended, shall be utilized as it relates to these guidelines with respect to construction standards, approved materials and projection standards, unless otherwise specified in this chapter.

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. (Prohibited)

Wall Sign

Any sign which in any manner is affixed to and parallel to any exterior wall of the building or structure and which projects no more than 18 inches from above the parapet wall, eaves or building facade on which it is located, if a building has a canopy or marquee constructed as an integral part of the building, the front line of the canopy or marquee shall be interpreted as being part of the face of the building.

Window Sign

Any sign mounted, affixed or painted on a window or a sign inside a building which can be seen from outside the building, window or door. Window signs may be permanent or temporary and shall not exceed 25% of window area.

§ 320-318. PERMIT REQUIRED; SIGN CATEGORIES.A. Standards.

1. The erection or placement of a sign is regulated and requires a permit unless a sign is specifically exempt from regulation. The regulation shall include any building, construction, attachment, hanging, suspension, alteration, repair, repainting, removal, relocation, or demolition of a sign of any type.
2. All signs in the Municipality fall into one of the following categories:
 - a. Signs exempt from the permit requirements.
 - b. Prohibited signs.
 - c. Temporary and limited duration signs.
 - d. Permitted signs:
 - e. The Municipal Zoning Officer will provide applications for sign permits, fee information, inspection requirements, and application requirements dealing with submission of drawings and construction information.

§ 320-319. SIGNS EXEMPT FROM PERMIT REQUIREMENTS.A. Standards. The following signs shall not require permits but shall conform to the requirements set forth below and the tables included in this Article. *Editor's Note: The Table of Sign Regulations is included at the end of this chapter.*

1. Address signs.
2. Flags.
 - a. Location: Flags and flagpoles shall not be located within any right-of-way.
 - b. Height: Flags shall have a maximum height of 20 feet.
 - c. Number: No more than two (2) flags per lot in the R-1, R-2, and MR zoning districts, no more than three (3) flags per lot in all other zoning districts.
 - d. Size: Maximum flag size is 6 sq. ft. in the R-1, R-2, and MR zoning districts; 40 sq. ft. in all other zoning districts.
 - e. Flags containing commercial message may be used as permitted freestanding or projecting signs, and if so used, the area of the flag shall be included in, and limited by, the computation of allowable area for signs on the property.
 - f. Flags up to four (4) sq. ft. in area containing non-commercial messages are considered personal expression signs and are regulated in accordance with section § 320-319.A.7.
3. Government/regulatory signs and notices.
4. Home occupation signs.
5. Home security signs, not exceeding one square foot.
6. Incidental signs, not exceeding three (3) square feet in area, provided they do not contain commercial advertising (including logos), and do not obstruct the sight triangles at internal intersections on the premises.
7. Personal expression signs, provided that they are not illuminated and are either freestanding, wall or window signs. Such signs may not exceed four (4) square feet and, in the case of freestanding signs, may not exceed four (4) feet in height.
8. Public monument, plaque or historic identification marker erected by a government agency.
9. Public interest sign, to be of adequate size and located in a prominent location.
10. Professional nameplates, not exceeding six (6) inches high by 18 inches wide.
11. Temporary signs in accordance with the regulations set forth in section § 320-320.A.
12. Sandwich board signs. Where permitted, sandwich board signs shall be permitted according to the following regulations:
 - a. The maximum height of sandwich board signs shall be four (4) feet and the width shall not exceed 30 inches.

- b. Sandwich board signs shall be located either adjacent to the building or adjacent to the curb. In either location, at least three feet of sidewalk shall be left unobstructed.
 - c. Only one (1) sandwich board sign will be permitted per building frontage and must be located within 12 feet of the business it advertises.
 - d. Sandwich board signs 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 building, structure, object or tree.
 - e. Sandwich board signs shall be made of materials that present a finished appearance.
 - f. Sandwich board signs shall be removed from the sidewalk at the close of business hours.
13. Pennant: limited to one row per street frontage, and shall be erected for not more than 30 consecutive days unless approval is granted for an additional 30 days.

§ 320-320. TEMPORARY AND LIMITED DURATION SIGNS.

A. Temporary Signs.

- 1. General Provisions: Temporary signs that are located on private property and comply with all of the requirements in this sub-section are permitted in all zoning districts and are exempt from standard permit requirements.
- 2. Sign Type: All temporary signs are permitted in the following sign types, subject to all additional standards herein.
 - a. Freestanding sign.
 - b. Window sign.
 - c. Wall sign.
 - d. Banner sign.
- 3. Size and Number.
 - a. Residential Zoning Districts: The following standards shall apply to temporary signs located in the R-1, R-2, and MR zoning districts.
 - i. Small Temporary Signs: One (1) small temporary sign, up to six (6) sq. ft. in area and four (4) feet in height, is permitted per property.
 - b. Non-Residential Zoning Districts: The following standards shall apply to temporary signs located in all other zoning districts.
 - i. Large Temporary Signs: One (1) large temporary sign, up to 16 sq. ft. in area and eight (8) feet in height, is permitted per property.
 - ii. Small Temporary Signs: One (1) small temporary sign, up to six (6) sq. ft. in area, and six (6) feet in height, is permitted per property.
 - iii. Banner Signs: One (1) banner, up to 24 sq. ft. in area and ten (10) feet in height, is permitted per property.
 - iv. Temporary window signs are permitted in combination with permanent window signs; however, total window coverage shall not exceed 25% of the glass area.
- 4. Duration and Removal.
 - a. Temporary signs may be displayed up to a maximum of 30 consecutive days, two (2) times per calendar year.
 - b. The Municipality or property owner may confiscate temporary signs installed in violation of this Article. Neither the Municipality nor the property owner is responsible for notifying sign owners of confiscation of an illegal temporary sign.
- 5. Permission: The party posting the temporary sign is solely responsible for obtaining the permission of the property owner before posting their temporary sign.

6. Municipal Notification: Temporary signs are exempt from the standard permit requirements but the date of erection of a temporary sign must be written in indelible ink on the lower right hand corner of the sign.
 7. Installation and Maintenance.
 - a. All temporary signs must be installed such that in the opinion of the Municipality's Zoning Officer, they do not create a safety hazard.
 - b. All temporary signs must be made of durable materials and shall be well-maintained.
 - c. Temporary signs that are frayed, torn, broken, or that are no longer legible will be deemed unmaintained and required to be removed.
 8. Illumination: Illumination of any temporary sign is prohibited.
- B. Limited Duration signs.
1. General Provisions: Limited duration signs that are located on private property are permitted in all zoning districts, subject to the requirements in this sub-section.
 2. Sign Type: Limited duration signs are permitted in the following sign types, subject to all additional standards herein.
 - a. Freestanding sign.
 - b. Window sign.
 - c. Wall sign.
 3. Size and Number.
 - a. Residential Zoning Districts: The following standards shall apply to limited duration signs located in the R-1, R-2, and MR zoning districts.
 - i. Small Limited Duration Sign: One (1) small limited duration sign, up to six (6) sq. ft. in area and four (4) feet in height, is permitted per property.
 - b. Non-Residential Zoning Districts: The following standards shall apply to limited duration signs located in all other zoning districts.
 - i. Large Limited Duration Sign: One (1) large limited duration sign, up to 16 sq. ft. in area and eight (8) feet in height, is permitted per property. If a property is at least five (5) acres in size and/or has at least 10,000 sq. ft. of floor area, one (1) additional large limited duration sign may be permitted per property.
 - ii. Small Limited Duration Sign: One (1) small limited duration sign, up to six (6) sq. ft. in area and six (6) feet in height, is permitted per property. If a property is at least five (5) acres in size and/or has at least 10,000 sq. ft. of floor area, one (1) additional small limited duration sign may be permitted per property.
 4. Permit Requirements.
 - a. A permit for a limited duration sign is issued for one (1) year and may be renewed annually.
 - b. An application for a limited duration sign permit must include:
 - i. A description of the sign indicating the number, size, shape, dimensions, and colors of the sign, and the expected length of time the sign will be displayed;
 - ii. A schematic drawing of the site showing the proposed location of the sign in relation to nearby buildings and streets; and
 - iii. The number of signs on the site.
 5. Installation and Maintenance.
 - a. All limited duration signs must be installed such that in the opinion of the Municipality's Zoning Officer, they do not create a safety hazard.
 - b. All limited duration signs must be made of durable materials and shall be well-maintained.

- c. Limited duration signs that are frayed, torn, broken, or that are no longer legible will be deemed unmaintained and required to be removed.
6. Illumination: Illumination of any limited duration sign is prohibited.

§ 320-321. PROHIBITED SIGNS.

- A. Prohibited signs. The following signs are unlawful and prohibited.
 1. Abandoned signs.
 2. Any sign which by reason of its size, shape, location, content, color or manner of illumination may be confused with or resembles a traffic control signs or signals, including but not limited to signs containing words such as “stop,” “look,” or “danger.”
 3. Any sign that flashes, rotates, revolves or oscillates.
 4. Any animated or flashing signs or signs with internally generated messages or symbols.
 5. Any sign that obstructs free ingress or egress from a door, window, fire escape or other exitway.
 6. Vehicular signs. This regulation does not include the use of business logos, identification, or advertising on vehicles primarily and actively used for business purposes and/or personal transportation.
 7. Signs erected without the permission of the property owner or authorized agent.
 8. Signs that create a hazard by obstructing the clear view of vehicles and pedestrian traffic.
 9. Signs that exhibit statements, words or pictures of obscene or pornographic subjects, as determined by the Municipality.
 10. Any novelty sign, including but not limited to an object (e.g., tire, automobile food or beverage product), unless the novelty object or item is part of a sign that otherwise complies with this chapter and represents 20% or less of the total sign area.
 11. Special promotional devices or displays, such as beacons, floodlights, tethered balloons filled with gas or air.
 12. Signs with reflective backgrounds.
 13. Projecting V-shaped signs.
 14. Snipe signs.
 15. Signs placed on benches bearing advertising.
 16. Freestanding sign within 75 feet of the top of the bank of the Schuylkill River, except street identification and directional signs installed by the Municipality, county or commonwealth.

§ 320-322. GENERAL REGULATIONS.

- A. Location of signs.
 1. No sign shall be erected or maintained so as to prevent free ingress and egress to or from any door, window or fire escape.
 2. No sign shall be placed in such a position as to endanger pedestrians or traffic on a street by obscuring the view or by interfering with official street signs or signals by virtue of position or color.
 3. No sign, except official traffic signs or those approved by the Municipality of Norristown, is permitted within the cartway of the right-of-way.
 4. No projecting sign shall extend into the cartway of the right-of-way or be less than seven feet above a pedestrianway.
 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. Signs, not including historical markers and banners approved by the Municipality, 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.
 7. Signs and their supporting structures shall maintain clearance and noninterference with all surface and underground utility and communications lines or equipment.
- B. 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 signs and interior window signs, shall be constructed only of durable materials with painted, engraved or raised messages. Plastic sign inserts shall be permitted for internally lit signs. C.
- C. Size of lettering and window graphics.
1. All window signs shall have letters no larger than 18 inches in height for signs located 30 feet or less above grade; 24 inches in height for signs located 30 to 60 feet above grade; and 36 inches in height for signs located 60 or more feet above grade.
 2. Window graphics shall not exceed 25% of the clear window surface.
- D. Illumination of signs. Signs may be illuminated, unless otherwise specified herein, consistent with the following standards:
1. 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.
 - b. Internal. Illumination of a sign designed to give forth an artificial light directly through transparent or translucent materials from a source of light within such a sign. Sign lettering may be backlit (halo) or neon or similar lighting. The text and graphics shall be illuminated with lighter colors, and the background shall be a darker color. This shall not apply to changeable-message outdoor advertising signs, which shall be subject to the provisions of § 320-317.C.
 2. Illumination shall be permitted only to the extent necessary to allow signs to be seen and read at night at a distance not to exceed 500 feet for signs of 20 square feet or more in area and 150 feet for signs less than 20 square feet in area.
 3. Neon signs, neon lighting, as defined herein, are not permitted in residential districts.
- E. English language. Identification and directional signage containing non-English language shall also include its equivalent in English in order to address the health, safety, and welfare of vehicular and pedestrian customers trying to find the location of said premises, as well as all emergency services personnel responding to said premises.
- F. Construction of signs.
1. Every sign permitted in this Article must be kept in safe condition and good repair at all times as determined by the Municipal Code Enforcement Official. All signs not properly maintained shall be subject to removal.
 2. A sign using electricity shall be installed in conformance with the Chapter 132, Uniform Construction Code, as amended. Signs not attached to a building shall be connected by underground electrical service only. Applications for electrical permits shall be filed at the same time of the sign permit application.
- G. Removal of signs. A sign shall be found to be in violation of this Article and may be required to be removed by the Municipality under any of 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 Code Enforcement 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 Article.
3. The sign has become abandoned as defined in this Article.

§ 320-323. ILLEGAL, ABANDONED AND NONCONFORMING SIGNS.

- A. Nonconforming Signs. Any sign legally existing at the time of the adoption of this Article that does not conform to the requirements of this Article shall be considered a nonconforming sign and shall be bound by the regulations of this Article regarding nonconforming signs.
1. Any change to the sign face of a nonconforming sign shall meet the requirements of this Article, except for replacement of changeable-message outdoor advertising sign display units so long as such replacement shall not result in an enlargement of the dimensions of the display.
 2. A sign, other than off-premises advertising signs, which does not conform to this Article shall be removed when the sign requires any structural renovation or the background area of the sign is to be altered.
 3. All nonconforming signs, except those which are painted onto building walls, may be repainted, resurfaced or repaired, provided that they are not substantially destroyed or abandoned, and provided such does not change the dimension of the existing sign.
 4. A nonconforming sign must be removed within 15 days after notification by the Zoning Officer or be made to conform to this Article in every respect whenever:
 - a. It is not securely attached to the ground, wall or roof and can be easily moved;
 - b. It becomes so deteriorated that it no longer serves a useful purpose of communication and is a nuisance as determined by the Municipality; or
 - c. It is abandoned by the owner or the use is abandoned.

§ 320-324. PERMIT PROCEDURES.

- A. Standards.
1. It shall be unlawful to erect, alter, repair or relocate any sign within the Municipality without first obtaining a sign permit, unless the sign is specifically exempt from the permit requirements.
 2. Applications for sign permits shall be made upon forms provided by the Zoning Officer and shall contain and/or have attached the following information where relevant:
 - a. Name, address and telephone number and signature of the owner or duly authorized agent for the property owner.
 - b. Name, address and telephone number and signature of the owner of the sign.
 - c. Name, address and telephone number of the sign contractor.
 - d. Property address and applicable zoning district.
 - e. Two copies of a sketch plan drawn to one inch equals one-foot scale, depicting:
 - (i) Lot dimensions, building frontage, and existing cartways, right-of-ways and driveways.
 - (ii) The design of each sign face and sign structure, including dimensions, total area, sign height, depth, color scheme, structural details, materials, lighting scheme and proposed location.

- (iii) Sign message.
- (iv) Building elevation, existing and proposed façades, parapet walls, cornices and the location and size of all proposed and existing permanent signage.
- (v) Current photographs showing existing signs on the premises and certifying the date on which the photographs were taken.
- f. A permit fee shall be paid, per the fee schedule established by resolution of Municipal Council.
- g. Such other information which may be required by the Zoning Officer to show full compliance with this and all other ordinances of the Municipality.

§ 320-325. ANNUAL LICENSE FEE.

A. Standards.

1. The owner of the sign or owner of the property on which the sign is erected or displayed shall pay to the Municipality an annual license fee per fee schedule established by resolution of Municipal Council.
2. A fee will be charged annually for permanent signs and on a month-by-month basis for temporary signs for all signs requiring a permit. In calculating the total amount of square feet per sign with or without defined borders, use the guidelines as set forth in this chapter.
3. All licenses shall expire at 12:00 midnight on June 30 of each year. The license fees shall be due and payable July 1 of each license year. If a license is requested after July 1 of the licensing year, the total annual fee shall be due and payable upon application. The licensing fee shall commence July 6, 1992, and shall continue yearly thereafter unless amended or repealed.
4. All unpaid sign fees will be assessed a per-month delinquent fee of 1 1/12%. After December 31 of the current year, if unpaid, delinquent fee charges shall be collected by lien or any action at law.

§ 320-326. CONDITIONAL USE STANDARDS.

A. Procedure for Consideration of a Conditional Use Application. An application for any conditional use, as specified in this Article, shall be considered by Municipal Council according to the following procedure.

B. Application.

1. The application shall be submitted in writing to the Municipality using approved forms during regular business hours, with a fee as required by the Municipality's fee schedule.
2. The application shall include the request for approval of a conditional use and sufficient information to document compliance with the applicable standards of this chapter; a tentative sketch plan of the proposed development shall be included.
3. The Municipal Planning Commission may submit one copy of the application to the Montgomery County Planning Commission for its advisory review, one copy to Municipal Council, and other copies to agencies and/or technical consultants whose review may be relevant.

C. Public Hearing and Decision Process.

1. Municipal Council shall schedule a public hearing within 60 days from the date of the applicant's request, pursuant to public notice, unless the applicant has agreed in writing to an extension of this time limit.
2. Municipal Council shall consider the comments and recommendations of the Municipal and County Planning Commissions, other advisors and those present at the public hearing prior to deciding to approve or deny the proposed use. In allowing a conditional use, Municipal 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 this chapter.

3. In deciding all applications for conditional uses, Municipal Council shall be guided by the following standards and criteria:
 - a. The proposed use shall be one permitted by conditional use and one that will conform to the applicable regulations of the district in which it is located.
 - b. The proposed use shall be considered in light of the general standards for Zoning Hearing Board decisions in Article XXX.
 - c. Municipal Council shall render a written decision on the application within 45 days after the last hearing in which the Board considered the application.
 - d. Where Municipal Council fails to render a decision within 45 days or fails to hold the required hearing within 60 days from the date of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time.
- D. Standards. General standards for permitting a conditional use shall be as follows:
 1. The conditional use will not be detrimental to or endanger the public health, safety, morals, or general welfare.
 2. The conditional use will not be injurious to the use and enjoyment of other properties in the immediate vicinity for purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
 3. The applicant shall establish that the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
 4. The applicant shall establish that adequate utilities, access roads, drainage, and/or necessary facilities have been or are being provided.
 5. The applicant shall establish that adequate measures have been or will be taken to provide ingress and egress, designed so as to minimize traffic congestion on public streets.

§ 320-327. PROVISIONS GOVERNING OFF-PREMISES ADVERTISING SIGNS.

- A. Intent. The purpose of this section is to provide an area for the placement of Off-Premises Advertising Signs in the Municipality, to provide regulations for such signs, and to locate such signs so that they are not adverse to the health, safety and general welfare of the residents of Norristown.
- B. Standards.
 1. "Off-premises advertising sign" shall be defined as a sign offering a non-site-specific message and/or advertising a business, product, commodity, industry, home occupation, service, entertainment or similar activity which is sold, offered or conducted elsewhere than on the property upon which the sign is located.
 2. Locations where signs permitted. Off-premises advertising signs are permitted by conditional use in the following locations in the Municipality of Norristown.
 - a. On all properties fronting along Markley Street in the LI-MU and TC Districts, provided that all other criteria of this section are met.
 3. Regulations governing off-premises advertising signs.
 - a. Size of sign. An off-premises advertising sign may not exceed 300 square feet per side in area, with a maximum length of 25 feet and a maximum width of 12 feet, except for changeable-message outdoor advertising signs along Markley Street in the TC and LI-MU Zoning Districts, which signs shall not exceed 378 square feet in area.
 - b. The maximum height of an off-premises advertising sign shall be the minimum necessary in order for the sign to be reasonably viewed by the intended motorists and in no event higher than 30 feet measured from ground level to

the top of the sign. Ground level shall be the average grade of the area where the sign is to be located and shall be determined prior to approval of the sign. No mounding, grading or modification shall be permitted that would have the effect of increasing the permitted height of the sign.

- c. Off-premises advertising signs shall be located no closer than 20 feet from any property line, except for off-premises advertising signs on Markley Street in the LI-MU or TC Districts, which shall not extend into any public rights-of-way or beyond any property line.
- d. Spacing. Off-premises advertising signs may not be located closer than 750 feet from another off-premises advertising sign, except that such spacing requirement shall not apply to signs placed, owned and operated by or on behalf of the Municipality.
- e. Each off-premises advertising sign shall be located on a separate lot. There shall be no more than one off-premises advertising sign per lot.
- f. Off-premises advertising signs shall not display any message or graphic that would be considered a public nuisance or that would distract motorists.
- g. External lighting. Lighting of off-premises advertising signs shall be limited so as not to shine onto other properties, and such lighting shall be turned off between 12:00 midnight and sunrise, except for changeable-message outdoor advertising signs, which shall be subject to the limitations set forth in section § 320-326.B.3.h below. External lighting fixtures must be placed above the sign and directed downward, rather than at the bottom of the sign directed upward toward the sky. All such lighting fixtures must be aimed and controlled so as to place light output only on the face of the sign and not projected past the sign.
- h. Internal illumination and computer-controlled electronic displays, video signs, LED displays or changing or changeable-copy signs are prohibited, except for time-and-temperature displays and changeable-message outdoor advertising signs, if the lighting of such changeable-message outdoor advertising sign is limited to a level not exceeding 7,500 nits (candelas per square meter), during the period each day from official sunrise until official sunset, and is programmed to automatically dim to a lighting level not exceeding 750 nits from official sunset until official sunrise.
- i. The minimum lot size for a property on which an off-premises advertising sign may be located is 1/2 acre.
- j. Construction and maintenance of sign.
 - (i) All plans for off-premises advertising signs shall be certified by a licensed structural engineer.
 - (ii) All off-premises advertising signs shall be constructed in accordance with industry-wide standards established by the Outdoor Advertising Association of America and the Institute of Outdoor Advertising, or their successor organizations. All off-premises advertising signs shall be structurally sound and maintained in good condition. If the signs are not structurally sound or are in poor condition, the signs shall be immediately removed at the sole cost and expense of the owner of the sign. If an off-premises advertising sign is not structurally sound or remains in poor condition, the Municipality of Norristown shall notify the owner of the property on which the sign is located and provide the owner 60 days' written notice, by certified mail sent to the owner's

last known address, to remove the sign. If the sign is not removed within 60 days of the date of the notice, the Municipality may remove the sign, and the cost thereof shall be paid by the owner of the property on which the sign is located. The Municipality of Norristown may file a lien against the property or take any action authorized by law to collect the cost of removal if it is not paid by the owner of the property.

- (iii) The rear face of a single-face off-premises advertising sign shall be maintained with a single neutral color acceptable to the Municipality.
- k. All off-premises advertising signs shall be identified on the structure with the name and address of the owner of such sign. Such signs within any area regulated by Title 67, Chapter 445 of the Pennsylvania Code shall be further identified with a permit number or tag issued by the Pennsylvania Department of Transportation.
- l. Landscaping. Landscaping shall be provided and maintained at and around all off-premises advertising signs, in accordance with a landscaping plan to be submitted at the time of conditional use application, such that the area in the immediate vicinity of the sign structure presents an appearance that is attractive to passing motorists. Such landscaping plan shall, to the extent practicable, present an attractive and logical scheme which incorporates a variety of low-growing evergreen and deciduous plantings, providing year round vitality and visual interest. Such landscape plan shall take into consideration the need for access to the sign structure with necessary equipment, as well as visibility of the advertising faces as viewed by the traveling public.
 - (i) A landscaping plan which meets the following minimum requirements shall be submitted, reviewed and approved by the Municipal Engineer:
 - (1) Five evergreen trees with a height of five feet to six feet planted within a forty-foot radius on the sides and rear of the base of the sign;
 - (2) Four flowering trees with a height of eight feet to 10 feet planted within a fifty-foot radius on the sides and rear of the base of the sign; and
 - (3) One shrub tree with a height of three feet to four feet for each three lineal feet of road frontage along the parcel or 40 shrubs, whichever is greater, to be placed in front of the sign.
 - (ii) All trees four inches in diameter or greater that are removed due to the construction or erection of an off-premises advertising sign shall be replaced on site at a ratio of one replacement tree for each tree removed, using native species, no less than two inches in caliper.
- m. All off-premises signs shall comply with any and all applicable zoning regulations of the Municipality of Norristown, and any and all municipal, state and/or federal regulations, including, but not limited to, the Norristown Administrative Code and all applicable Pennsylvania Department of Transportation regulations. In the event any other applicable regulation is in conflict with the provisions of this section, the more strict regulation shall apply.
- n. In addition to the requirements set forth in § 320-192 of this chapter, plans submitted for off-premises advertising signs shall show the following:
 - (i) The location of the proposed sign on the lot with the required sign setbacks from the property line and ultimate right-of-way;
 - (ii) The location and species of existing trees over four inches in diameter and those that are proposed to be removed.
 - (iii) The distance to the nearest existing off-premises advertising sign.

§ 320-328. USE TABLE BY DISTRICT.

DISTRICT	USE	SIGN PURPOSE	SIGN FORM	MAXIMUM NUMBER	MAXIMUM SIGN AREA	MAXIMUM SIGN HEIGHT	ADDITIONAL REQUIREMENTS	
All Districts	Single-family residential	Address	Wall		2 square feet			
	Multi-family residential Non-residential	Address	Awning Freestanding Wall		10 square feet		Awnings per Section 320-317 Definitions	
	All Uses	Directional Incidental	Freestanding			6 square feet	4 feet (freestanding)	
			Wall			One square foot	8 feet (wall)	
		Memorial	Wall Freestanding	One sign per premises	9 square feet		Non-illuminated	
		Personal Expression	Wall Banner Freestanding Window		4 square feet	6 feet (freestanding)	Non-illuminated	
Public Interest	Wall Freestanding	Two signs per premises	4 square feet	6 feet (freestanding)	Non-illuminated Minimum spacing 100 feet apart			

Residential Districts (RI, R2, MR)	Single-family residential	Home Occupation	Wall	One sign per street frontage	2 square feet	6 feet	Non-illuminated signs only.
	Multi-family residential		Awning Freestanding Wall Sign	One sign per street frontage	12 square feet	6 feet	Non-illuminated signs only. Freestanding signs on each premises shall be spaced at least 100 feet apart.
	All other uses		Awning Wall	One sign per street frontage	20 square feet	6 feet	Non-illuminated signs only.
			Freestanding		Freestanding signs are permitted on lots equal to or greater than 10, 890 square feet. Freestanding signs on each premise shall be spaced at least 100 feet apart. Non-illuminated only.		
		Window		Shall not exceed 25 % of glass area		Window signs may be temporary or permanent and require a permit. Non-illuminated only.	

DISTRICT	USE	SIGN PURPOSE	SIGN FORM	MAXIMUM NUMBER	MAXIMUM SIGN AREA	MAXIMUM SIGN HEIGHT	ADDITIONAL REQUIREMENTS	
TC Town Center, TC Town Center II, OR Office Residential, NC Neighborhood Commercial, DR Downtown Riverfront	Multi-family		Awning Freestanding	1 sign per premises	12 square feet	6 feet freestanding	Non-illuminated	
	Institutional		Awning Freestanding	1 sign per premises	20 square feet	6 feet (freestanding)	Non-illuminated Premises must have at least 30 feet of frontage to be eligible for a freestanding sign. Freestanding signs must be located at least 100 feet apart.	
			Wall	1 sign per premises	35 square feet		Illumination permitted.	
			Window		Shall not exceed 25% of glass area		Window signs may be temporary or permanent and require a permit. Illumination permitted	
	All other uses		Awning			24 square feet		Non-illuminated
			Freestanding	3 signs per premises	15 square feet	6 feet (freestanding)	Premises must have at least 30 feet of frontage to be eligible for a freestanding sign. Freestanding signs must be located at least 100 feet apart.	
			Projecting	1 per premises	6 square feet		Minimum height 7.5 above the pedestrian sidewalk. Illumination permitted.	
			Sandwich Board	1 Sign per street frontage	6 square feet		Shall only be displayed on the sidewalk area contiguous to the façade of the business for which it is displayed. Shall not impede pedestrian traffic. Shall only be displayed during business hours. The sign must be constructed of materials that present a finished appearance and be weighted at the bottom. Rough-cut plywood is not acceptable. Chalkboard and white board signs shall be permitted. The written message of the sign should be kept to the minimum necessary to communicate the name of the business or a special message of the business.	
			Wall	1 per frontage	35 square feet		Illumination permitted.	
			Window		Shall not exceed 25% of glass area		Window signs may be temporary or permanent and require a permit. Illumination permitted. Neon window signs require a permit and count toward the total sign area.	

DISTRICT	USE	SIGN PURPOSE	SIGN FORM	MAXIMUM NUMBER	MAXIMUM SIGN AREA	MAXIMUM SIGN HEIGHT	ADDITIONAL REQUIREMENTS	
CR Commercial Retail, MS-MU Main Street Mixed Use, LIMU Limited Industrial Mixed Use, OCR Office Commercial Retail, Institutional	Multi-family		Awning Freestanding	1 per premises	12 square feet	6 feet freestanding	Non-illuminated	
	Institutional		Awning	1 per premises	20 square feet		Non-illuminated	
			Freestanding	1 per premises	20 square feet	6 feet		
			Wall	1 per premises	12 square feet		Illumination permitted	
			Window		Shall not exceed 25% of glass area		Window signs may be temporary or permanent. Temporary window signs are permitted for one calendar month unless approved for one additional calendar month. Illumination permitted.	
	All other uses		Awning	1 per premises	35 square feet		Non-illuminated	
			Freestanding	1 sign per premises entrance	15 square feet	6 feet	Premises must have at least 30 feet of frontage to be eligible for a freestanding sign. Freestanding signs must be located at least 100 feet apart.	
			Sandwich Board	1 sign per street frontage	6 square feet		Shall only be displayed on the sidewalk area contiguous to the façade of the business for which it is displayed. Shall not impeded pedestrian traffic. Shall only be displayed during business hours. Non-illuminated only. The sign must be constructed of materials that present a finished appearance and be weighted at the bottom. Rough-cut plywood is not acceptable. Chalkboard and white board signs shall be permitted. The written message of the sign should be kept to the minimum necessary to communicate the name of the business or a special message of the business.	
			Wall	1 sign per frontage	35 square feet		Illumination permitted.	
			Window		Shall not exceed 25% of glass area		Window signs may be temporary or permanent and require a permit. Neon window signs require a permit and are count toward the total sign area. Illumination permitted.	
	HI Heavy Industry	Industrial		Awning Wall		35 square feet		
				Freestanding - monument		20 square feet	6 feet	Premises must have at least 30 feet of frontage to be eligible for a freestanding sign. Freestanding signs must be located at least 100 feet apart.
				Freestanding - pole		20 square feet	15 feet	
				Window		Shall not exceed 25% of glass area		Window signs may be temporary or permanent and require a permit.
		All other uses		Wall	One sign per premises	24 square feet	12 feet	
Freestanding							Premises must have at least 30 feet of frontage to be eligible for a freestanding sign. Freestanding signs must be located at least 100 feet apart.	

ARTICLE XXVIII

Floodplain Regulations

§ 320-330. STATUTORY AUTHORIZATION

The Legislature of the Commonwealth of Pennsylvania has, by the passage of the Pennsylvania Floodplain Management Act of 1978, delegated the responsibility to local governmental units to adopt floodplain management regulations to promote public health, safety, and the general welfare of its citizenry. Therefore, the Norristown Municipal Council does hereby adopt the following provisions pursuant to the Pennsylvania Floodplain Management Act as follows:

§320-331. GENERAL PROVISIONS

- A. Intent. The intent of this Ordinance is to:
1. Protect areas of the floodplain necessary to contain flood waters.
 2. To permit only those uses in the floodplain that are compatible with preserving natural conditions and stream flow.
 3. Promote the general health, welfare, and safety of the community by preventing development in areas prone to flooding.
 4. Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.
 5. Minimize danger to public health by protecting water supply and natural drainage.
 6. Reduce financial burdens imposed on the community, its governmental units, and its residents, by preventing excessive development in areas subject to flooding.
 7. Comply with federal and state floodplain management requirements.
- B. Applicability.
1. The Floodplain Conservation District is defined and established as a district applicable to those areas of the Municipality of Norristown, subject to inundation by the waters of the one-hundred-year flood as delineated on the Flood Insurance Rate Map (FIRM) for Montgomery County, Pennsylvania, as prepared by the Federal Emergency Management Agency, dated March 2, 2016 and subsequent revisions thereto. Said floodplain areas shall consist of the following specific areas:
 - a. A and AE flood zones.
 - b. Soils with a frequency of flooding of 1% or greater per year, as delineated by the Natural Resources Conservation Service, United States Department of Ag-

riculture Web-Based Soil Survey (available online at <http://websoilsurvey.nrcs.usda.gov/>), including the following soils:

- (i) Bowmansville (Bo)
- (ii) Knauers (Bo)
- (iii) Gibraltar (Gc)
- (iv) Hatboro (Ha)
- (v) Rowland (Rt)
- (vi) Rowland (RwA)
- (vii) Rowland (RwB)
- (viii) Urban Land Occasionally Flooded (UIA)

2. In lieu of the above, the Municipality of Norristown may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by Professional Engineers or others of demonstrated qualifications, Licensed in the Commonwealth of Pennsylvania who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Municipality.
 3. The Floodplain Conservation District shall be delineated according to FEMAs Flood Insurance Rate Map (FIRM) for the Municipality of Norristown, which is hereby made a part of this article, and additional area based on soils as described in section § 320-331.B.1.b. The FIRM is available for inspection at the municipal office.
 4. The Floodplain Conservation District shall be deemed an overlay on any zoning district now or hereafter applicable to any lot.
 5. It shall be unlawful for any person, partnership, business or corporation to undertake, or cause to be undertaken, any construction or development anywhere within the Municipality of Norristown unless a Permit has been obtained from the Floodplain Administrator.
 6. A Permit shall not be required for minor repairs to existing buildings or structures.
- C. [Abrogation and Greater Restrictions](#). This ordinance supersedes any other conflicting provisions which may be in effect in the Floodplain Conservation District. However, any other ordinance provisions shall remain in full force and effect to the extent that those provisions are more restrictive. If there is any conflict between any of the provisions of this Ordinance, the more restrictive provision shall apply.
- D. [Severability](#). If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such a decision shall not affect the remaining portions of the Ordinance, which shall remain in full force and effect, and for this purpose the provisions of this Ordinance are hereby declared to be severable.
- E. [Warning and Disclaimer of Liability](#).
1. The degree of flood protection sought by the provisions of this Ordinance is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur or flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Ordinance does not imply that areas outside the Floodplain Conservation District, or that land uses permitted within such areas will be free from flooding or flood damages.
 2. This Ordinance shall not create liability on the part of the Municipality of Norristown or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made there under.

§320-332. DEFINITIONS

A. **General.** Unless specifically defined below, words and phrases used in this Ordinance shall be interpreted so as to give this Ordinance its most reasonable application. All definitions set forth in this section § 320-332. are specific to this Floodplain Ordinance, and do not apply elsewhere.

B. **Specific Definitions.**

Accessory Use or Structure

A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

Base Flood

A flood which has a one percent chance of being equaled or exceeded in any given year (also called the "100-year flood").

Base Flood Elevation (BFE)

The elevation shown on the Flood Insurance Rate Map (FIRM) for Zones AE, AH, A1-30 that indicates the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year. The BFE is also shown on the FIS profile, and can be determined for Zone A Floodplains.

Basement

Any area of the building having its floor below ground level on all sides.

Building

A combination of materials to form a permanent structure having walls and a roof. Included shall be all manufactured homes and trailers to be used for human habitation.

Development

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

Existing Manufactured Home Park or Subdivision

A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

Existing Structure/Existing Construction

A structure for which the "start of construction" commenced before the effective date of the FIRM.

Expansion to an Existing Manufactured Home Park or Subdivision

The preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Flood

A temporary inundation of normally dry land areas.

Flood Insurance Rate Map (FIRM)

The official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood Insurance Study (FIS)

The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

Floodplain Area

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

Floodproofing

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

Floodway

The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Floodway Fringe

That part of the floodplain adjacent to and extending from the floodway and subject to inundation by the 100-year flood.

Freeboard

A factor of safety usually expressed in feet above a flood level for purposes of floodplain management.

Highest Adjacent Grade

The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic structures

Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Pennsylvania Historical and Museum Commission (PHMC) as meeting the criteria for individual listing on the National Register;
2. Certified or preliminarily determined by the Pennsylvania Historical and Museum Commission (PHMC) as contributing to the historical significance of a National Register historic district or a district preliminarily determined by the PHMC to be eligible to qualify for listing in the National Register, or;
3. Designated as historic by a municipal ordinance:
 - a. Identified individually or as part of a local historic district by a zoning ordinance under the authority of the Pennsylvania Municipalities Planning Code or
 - b. Located in a local historic district that has been certified by the Pennsylvania Historical and Museum Commission as meeting the requirements of the Pennsylvania Historic District Act.

Lowest Floor

The lowest floor of the lowest fully enclosed area (including basement).An

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

Manufactured Home

A structure, transportable in one or more sections, which is built on a permanent chassis, and is designed for use with or without a permanent foundation when attached to the required utilities. The term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than 180 consecutive days.

Manufactured Home Park or Subdivision

A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Minor Repair

The replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep; minor repairs shall 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 exit way 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.

New Construction

Structures for which the start of construction commenced on or after the effective start date of this floodplain management ordinance and includes any subsequent improvements to such structures. Any construction started after September 3, 1985 and before the effective date of this floodplain management ordinance is subject to the ordinance in effect at the time the permit was issued, provided the start of construction was within 180 days of permit issuance. The base floor elevation of any building deemed new construction shall be 1' - 6" above the base flood elevation.

New Manufactured Home Park or Subdivision

A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community. The base floor elevation of any new manufactured home shall be 1' - 6" above the base flood elevation.

One Hundred-Year Flood

The flood having a 1% chance of being equaled or exceeded in any given year. Also referred to as the '1% frequency flood', or the 'Base Flood', as defined by FEMA in the Flood Insurance Study for the Municipality of Norristown.

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.

Post-FIRM Structure

A structure for which construction or substantial improvement occurred after 12/31/1974, or on or after the community's initial FIRM dated December 22, 1972, whichever is later, and, as such would be required to be compliant with the regulations of the NFIP.

Pre-FIRM Structure

A structure for which construction or substantial improvement occurred on or before 12/31/1974, or before the community's initial FIRM dated December 22, 1972, and, as such would not be required to be compliant with the regulations of the NFIP.

Recreational Vehicle

A vehicle which is:

1. Built on a single chassis;
2. Not more than 400 square feet, measured at the largest horizontal projections;
3. Designed to be self-propelled or permanently towable by a light-duty truck,
4. Not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Redevelopment Area

A census tract or group of census tracts eligible for the Montgomery County Revitalization Program and identified in the adopted municipal revitalization plan.

Regulatory Flood Elevation

The regulatory flood elevation is the elevation to which development is regulated for purposes of elevation and/or dry floodproofing. It is equal to the base flood elevation (BFE) plus a freeboard of 1' - 6" feet.

Repetitive Loss

Flood related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds 25 percent of the market value of the structure before the damages occurred.

Special Permit

A special approval which is required for hospitals, nursing homes, jails, and new manufactured home parks and subdivisions and substantial improvements to such existing parks, when such development is located in all, or a designated portion of a floodplain.

Special Flood Hazard Area (SFHA)

An area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. It is shown on the FIRM as Zone A or AE.

Special Floodplain Area

The areas identified as Zone AE in the Flood Insurance Study, where one hundred (100) year flood elevations have been provided, but no floodway has been delineated.

Start of Construction

Includes substantial improvement and other proposed new development and means the date the Permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit and shall be completed within 12 months after the date of issuance of the permit unless a time extension is granted,

in writing, by the Floodplain Administrator. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure

A walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

Subdivision

The division or redivision of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs, or devisees, transfer of ownership or building or lot development: Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access or any residential dwelling, 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 fifty (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 fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage (or "repetitive loss" when a repetitive loss provision is used) regardless of the actual repair work performed. The term does not, however include any project for improvement of a structure to correct existing violations of state or local health, sanitary, building 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. For alteration of historic structures, see section § 320-334.D.5.

Uniform Construction Code (UCC)

The statewide building code adopted by The Pennsylvania General Assembly in 1999 applicable to new construction in all municipalities whether administered by the municipality, a third party or the Department of Labor and Industry. Applicable to residential and commercial buildings, The Code adopted The International Residential Code (IRC) and the International Building Code (IBC), by reference, as the construction standard applicable with the State floodplain construction. For coordination purposes, references to the above are made specifically to various sections of the IRC and the IBC.

Violation

The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR §60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

§320-333. IDENTIFICATION OF FLOODPLAIN AREAS

- A. Identification. The Floodplain Conservation District shall be any areas of the Municipality of Norristown classified as special flood hazard areas (SFHAs) in the Flood Insurance Study (FIS) and the accompanying Flood Insurance Rate Maps (FIRMs) dated March 2, 2016 and issued by the Federal Emergency Management Agency (FEMA), or the most recent revision thereof, including all digital data developed as part of the Flood Insurance Study. The Floodplain Conservation District shall also include areas with soils listed in section § 320-331.B.3., along with any community identified flood hazard areas. The above referenced FIS and FIRMs, and any subsequent revisions and amendments are hereby adopted by Municipality of Norristown and declared to be a part of this ordinance.
- B. Description and Special Requirements of the Floodplain Conservation District. The Floodplain Conservation District shall consist of the following specific areas/districts:
1. The Floodway Area/District shall be those areas identified as Floodway on the FIRM as well as those floodway areas which have been identified in other available studies or sources of information for those special floodplain areas where no floodway has been identified in the FIS. The floodway represents the channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation by more than one (1) foot at any point.
 - a. Within any floodway area, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
 - b. No new construction or development shall be allowed, unless a permit is obtained from the Department of Environmental Protection Regional Office.
 2. The AE Area/District shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA and for which base flood elevations have been provided.
 - a. In AE Area adjacent to the floodway shall be those areas identified as AE Zone on the FIRM included in the FIS prepared by FEMA for which base flood elevations have been provided and a floodway has been delineated.
 - b. No permit shall be granted for any construction, development, use, or activity within any AE Area/District unless it is demonstrated that the cumulative effect of the proposed development would not, together with all other existing and anticipated development, increase the BFE than one (1) foot at any point.
 3. Community Identified Flood Hazard Areas shall be those areas where the Municipality of Norristown has identified local flood hazard or ponding areas, as delineated and adopted on a Local Flood Hazard Map using best available topographic data and locally derived information such as flood of record, historic high water marks,

soils or appropriate study methodologies.

4. The A Area/District shall be the areas identified as an A Zone on the FIRM included in the FIS prepared by FEMA and for which no one-percent (1%) annual chance flood elevations have been provided. For these areas, elevation and floodway information from other Federal, State, or other acceptable source shall be used when available. Where other acceptable information is not available, the elevation shall be determined by using the elevation of a point on the boundary of the Floodplain Conservation District which is nearest the construction site.
 - a. In lieu of the above, the municipality may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by Professional Engineers Licensed in the Commonwealth of Pennsylvania or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the municipality.
- C. [Changes in Identification of Area](#). The Floodplain Conservation District may be revised or modified by the Municipality of Norristown 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 FEMA. Additionally, as soon as practicable, but not later than six (6) months after the date such information becomes available, a community shall notify FEMA of the changes by submitting technical or scientific data.
- D. [Boundary Disputes](#). Should a dispute concerning any identified floodplain boundary arise, an initial determination shall be made by the Municipality of Norristown Planning Commission and any party aggrieved by this decision or determination may appeal to the Municipality of Norristown Council. The burden of proof shall be on the appellant.
- E. [Corporate Boundary Changes](#). Prior to development occurring in areas where annexation or other corporate boundary changes are proposed or have occurred, the community shall review flood hazard data affecting the lands subject to boundary changes. The community shall adopt and enforce floodplain regulations in areas subject to annexation or corporate boundary changes which meet or exceed those in CFR 44 60.3.

§320-334. USES PERMITTED IN THE FLOODPLAIN CONSERVATION DISTRICT

- A. [Uses Permitted by Right](#). The following uses are permitted by right in the floodplain Conservation District in compliance with the requirements of this Article:
 1. Up to half of any required yard setback area on an individual residential lot may extend into the Floodplain Conservation District.
 2. Open space uses that are primarily passive in character shall be permitted to extend into the floodplain including:
 - a. Wildlife sanctuaries, nature preserves, forest preserves, fishing areas, passive areas of public and private parklands, and reforestation.
 - b. Streambank stabilization.
 3. Forestry operations reviewed by the Montgomery County Conservation District.
 4. The following floodplain crossings are permitted, provided disturbance to any existing woodlands and degradation of water quality are minimized to the greatest extent practicable:
 - a. Agricultural crossings by farm vehicles and livestock.
 - b. Driveways serving single family detached dwelling units, roadways, recreational trails, railroads, and utilities.

5. Agricultural uses conducted in compliance with methods prescribed in the latest version of the Department of Environmental Protection's Erosion and Sediment Pollution Control Manual. In the event that the municipality has a Riparian Corridor Conservation District or similar regulation, the more restrictive regulation shall apply.
 6. Public sewer and/or water lines and public utility transmission lines running along the corridor. Utility crossings shall be made perpendicular to the direction of flow, or as near as practical.
 7. Development of elevated and flood-proofed buildings on brownfield sites in redevelopment areas encouraging economic revitalization, in compliance with section § 320-338.B. The base floor elevation shall be 1' - 6" above the flood elevation.
- B. [Uses Prohibited in the Floodplain Conservation District.](#) Any use or activity not authorized within section § 320-334.A., herein, shall be prohibited within the Floodplain Conservation District and the following activities and facilities are specifically prohibited, except for as part of a redevelopment project in compliance with section § 320-334.A.7. herein:
1. No new construction, alteration, or improvement of buildings and any other type of permanent structure, including fences shall be permitted in the floodway or the 100-year floodplain.
 2. New construction of buildings or placement of fill within the 100 year floodplain is prohibited.
 3. No encroachment, alteration, or improvement of any kind shall be made to any watercourse.
 4. Clearing of all existing vegetation, except where such clearing is necessary to prepare land for a use permitted under section § 320-334.A., herein, and where the effects of these actions are mitigated by reestablishment of vegetation.
 5. Use of fertilizers, pesticides, herbicides, and/or other chemicals in excess of prescribed industry standards.
 6. Roads or driveways, except where permitted as corridor crossings in compliance with section § 320-334.A., herein.
 7. Motor or wheeled vehicle traffic in any area not designed to accommodate adequately the type and volume.
 8. Parking lots.
 9. Subsurface sewage disposal areas.
 10. Sod farming.
 11. Stormwater basins, including necessary berms and outfall facilities.
 12. The storage of chemicals, oils, greases, gasoline, or other products that would be harmful to the environment or water.
- C. [Nonconforming Structures and Uses in the Floodplain District.](#) The provisions of this Ordinance 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 section § 320-334.D. of this ordinance shall apply.
- D. [Improvements to Existing Structures in the Floodplain Conservation District.](#) The following provisions shall apply whenever any improvement is made to an existing structure located within any Floodplain Conservation District:
1. No expansion or enlargement of an existing structure shall be allowed within any floodway area that would cause any increase in the elevation of the base flood elevation.
 2. No expansion or enlargement of an existing structure shall be allowed within any AE Area/District with floodway, as defined in section §320-333.B.2., which would, together with all other existing and anticipated development, increase the BFE

more than one (1) foot at any point. Any expansion or enlargement of an existing structure shall be an elevation of 1' - 6" above the base floor elevation.

3. No expansion or enlargement of an existing structure shall be undertaken in the direction of the stream bank.
4. Any modification, alteration, reconstruction, or improvement, of any kind to an existing structure, to an extent or amount of fifty (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 Ordinance.
5. Historic structures undergoing repair or rehabilitation that would constitute a substantial improvement as defined in this ordinance must comply with all ordinance requirements that do not preclude the structure's continued designation as an historic structure. Documentation that a specific ordinance requirement will cause removal of the structure from the National Register of Historic Places or the State Inventory of Historic Places must be obtained from the Secretary of the Interior or the State Historic Preservation Officer. Any exemption from the ordinance requirements will be the minimum necessary to preserve the historic character and design of the structure.
6. The above activity shall also address the requirements of 34 PA Code, as amended and the 2009 IBC and the 2009 IRC.
7. Any modification, alteration, reconstruction, or improvement of any kind that meets the definition of "repetitive loss" shall be undertaken only in full compliance with the provisions of this ordinance.

§320-335. VARIANCES

- A. General. If compliance with any of the requirements of this Ordinance would result in an exceptional hardship to a prospective builder, developer or landowner, the Municipality of Norristown may, upon request, grant relief from the strict application of the requirements.
- B. Variance Procedures and Conditions.
 1. For a use other than those permitted in § 320-334, an application seeking approval by variance shall be forwarded to the Zoning Hearing Board along with required studies or information and the findings of the Zoning Officer.
 2. No variance shall be granted for any construction, development, use, or activity within any floodway area that would cause any increase in the BFE.
 3. No variance shall be granted for any construction, development, use, or activity within any AE Area/District floodway that would, together with all other existing and anticipated development, increase the BFE more than one (1) foot at any point.
 4. No variance shall be granted for any of the other requirements pertaining specifically to development regulated by section § 320-337.D. (pertaining to special technical requirements for activities requiring a Special Permit) or to Development Which May Endanger Human Life (section § 320-336.C.1.).
- C. Special Requirements for Subdivisions. All subdivision proposals and development proposals containing at least 50 lots or at least 5 acres, whichever is the lesser, in flood hazard areas where base flood elevation data are not available, shall be supported by hydrologic and hydraulic engineering analyses that determine base flood elevations and floodway information. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA for a Conditional Letter of Map Revision or Letter of Map Revision.
- D. Special Requirements for Manufactured Homes.
 1. Within the Floodplain Conservation District, manufactured homes shall be prohibited within the area measured one hundred (100) feet landward from the top-of-bank of any watercourse.

2. Where permitted by variance within the Floodplain Conservation District, all manufactured homes, and any improvements thereto, shall be:
 - a. Placed on a permanent foundation.
 - b. Elevated so that the lowest floor of the manufactured home is at least one and one half (1 ½) feet above the Base Flood Elevation.
 - c. Anchored to resist flotation, collapse, or lateral movement.
 - d. Have all ductwork and utilities including HVAC/heat pump elevated to the Regulatory Flood Elevation.
 3. Installation of manufactured homes shall be done in accordance with the manufacturers' installation instructions as provided by the manufacturer. Where the applicant cannot provide the above information, the requirements of Appendix E of the 2006 International Residential Building Code or the U.S. Department of Housing and Urban Development's Permanent Foundations for Manufactured Housing, 1984 Edition, draft or latest revision thereto shall apply and 34 PA Code Chapter 401- 405.
 4. Consideration shall be given to the installation requirements of the 2009 IBC, and the 2009 IRC or the most recent revisions thereto and 34 PA Code, as amended where appropriate and/or applicable to units where the manufacturers' standards for anchoring cannot be provided or were not established for the proposed installation.
- E. [Special Requirements for Recreational Vehicles](#). Recreational vehicles in Zones A1-30, AH and AE must either
1. be on the site for fewer than 180 consecutive days, and
 2. be fully licensed and ready for highway use, or
 3. meet the permit requirements for manufactured homes in section § 320-335.D.
- F. [Variance Conditions](#).
1. If granted, a variance shall involve only the least modification necessary to provide relief.
 2. In granting any variance, the Zoning Hearing Board shall attach the reasonable conditions and safeguards outlined herein. These conditions and safeguards are necessary in order to protect the public health, safety, and welfare of the residents of the municipality.
 3. Whenever a variance is granted, the Zoning Hearing Board shall notify the applicant in writing that:
 - a. The granting of the variance may result in increased premium rates for flood insurance.
 - b. Such variances may increase the risks to life and property.
 4. In reviewing any request for a variance, the Zoning Hearing Board shall consider, at a minimum, the following:
 - a. That there is good and sufficient cause, including:
 - (i) That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the zoning ordinance in the neighborhood or district in which the property is located.
 - (ii) That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.

- (iii) That such unnecessary hardship has not been created by the appellant.
- (iv) That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
- b. That failure to grant the variance would result in exceptional hardship to the applicant.
- c. That the granting of the variance will:
 - (i) neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense.
 - (ii) nor create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable state or local ordinances and regulations.
- 5. A complete record of all variance requests and related actions shall be maintained by the Municipality of Norristown. In addition, a report of all variances granted during the year shall be included in the biennial report to FEMA.

§320-336. TECHNICAL PROVISIONS IN THE EVENT OF A VARIANCE BEING GRANTED

- A. General. In granting any variance, the Municipality of Norristown shall attach the following technical provisions to the proposal for which the variance has been granted. These conditions and safeguards are necessary in order to protect the public health, safety, and welfare of the residents of the municipality.
 - 1. Pertaining To The Alteration or Relocation of Watercourse
 - 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 Regional Office.
 - b. No encroachment, alteration, or improvement of any kind shall be made to any watercourse unless it can be shown that the activity will not reduce or impede the flood carrying capacity of the watercourse in any way.
 - c. In addition, the FEMA and Pennsylvania Department of Community and Economic Development, shall be notified prior to any alteration or relocation of any watercourse.
 - 2. The municipality shall require technical or scientific data to be submitted to FEMA for a Letter of Map Revision (LOMR) within six (6) months of the completion of any new construction, development, or other activity resulting in changes in the BFE. A LOMR or Conditional Letter of Map Revision (CLOMR) is required for:
 - a. Any development that causes a rise in the base flood elevations within the floodway; or
 - b. Any development occurring in Zone AE, which will cause a rise of more than one floor in the base flood elevation; or
 - c. Alteration or relocation of a stream (including but not limited to installing culverts and bridges).

3. Any new construction, development, uses or activities allowed by variance within any Floodplain Conservation District shall be undertaken in strict compliance with the provisions contained in this Ordinance and any other applicable codes, ordinances and regulations. In addition, when such development is proposed within the area measured one hundred (100) feet landward from the top of bank of any watercourse, a permit shall be obtained from the Department of Environmental Protection Regional Office.

B. Elevation and Floodproofing Requirements.

1. Residential Structures

- a. In AE Zones, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation. The design and construction standards and specifications contained in the 2009 International Building Code (IBC) and in the 2009 International Residential Code (IRC) or the most recent revisions thereof and ASCE 24 and 34 PA Code (Chapters 401-405 as amended) shall be used.
- b. In A Zones, where there are no Base Flood Elevations specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation determined in accordance with section § 320-333.B.3. of this ordinance.
- c. The design and construction standards and specifications contained in the 2009 International Building Code (IBC) and in the 2009 International Residential Code (IRC) or the most recent revisions thereof and ASCE 24 and 34 PA Code (Chapters 401-405 as amended) shall be utilized.

2. Non-Residential Structures.

- a. In AE Zones, any new construction or substantial improvement of a non-residential structure shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation, or be designed and constructed so that the space enclosed below the regulatory flood elevation:
 - (i) Is floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water and,
 - (ii) Has structural components with the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
- b. In A Zones, where there no Base Flood Elevations are specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including basement) elevated or completely floodproofed up to, or above, the regulatory flood elevation determined in accordance with section § 320-333.B.4. of this ordinance.
- c. Any non-residential structure, or part thereof, made watertight below the regulatory flood elevation shall be floodproofed in accordance with the WI 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 March 1992) 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.
- d. The design and construction standards and specifications contained in the 2009 International Building Code (IBC) and in the 2009 International Residential Code (IRC) or the most recent revisions thereof and ASCE 24 and 34 PA Code (Chapters 401-405 as amended) shall be used.

3. Space below the lowest floor
 - a. Fully enclosed space below the lowest floor (excluding basements) which will be used solely for the parking of a vehicle, building access, or incidental storage in an area other than a basement, shall be designed and constructed to allow for the automatic entry and exit of flood waters for the purpose of equalizing hydrostatic forces on exterior walls. The term “fully enclosed space” also includes crawl spaces.
 - b. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, and meet or exceed the following minimum criteria:

Minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.

The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, etc., or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

The space shall be designed to drain toward the water course as flood waters recede.
4. Accessory Structures
 - a. Structures accessory to a principal building need not be elevated or flood-proofed to remain dry, but shall comply, at a minimum, with the following requirements:
 - (i) 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.
 - (ii) Floor area shall not exceed 100 square feet.
 - (iii) The structure will have a low damage potential.
 - (iv) The structure will be located on the site so as to cause the least obstruction to the flow of flood waters.
 - (v) Power lines, wiring, and outlets will be elevated to the regulatory flood elevation.
 - (vi) Permanently affixed utility equipment and appliances such as furnaces, heaters, washers, dryers, etc., are prohibited.
 - (vii) Sanitary facilities are prohibited.
 - (viii) The storage of chlorine, gas, oil, fertilizer and/or other chemicals is prohibited.
 - (ix) The structure shall be adequately anchored to prevent flotation or movement and shall be designed to automatically provide for the entry and exit of floodwater for the purpose of equalizing hydrostatic forces on the walls. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:
 - A. A minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.
 - B. The bottom of all openings shall be no higher than one (1) 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 flood waters.

C. Special Technical Requirements.

1. Development Which May Endanger Human Life. In accordance with the Pennsylvania Floodplain Management Act, and the regulations adopted by the Department of Community and Economic Development as required by the Act, any new or substantially improved structure which will be used for the production or storage of any of the following dangerous materials or substances; or, will be used for any activity requiring the maintenance of a supply of more than 550 gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises; or, will involve the production, storage, or use of any amount of radioactive substances; shall be subject to the provisions of this section, in addition to all other applicable provisions. The following list of materials and substances are considered dangerous to human life: The material listed below shall be stored in accordance with the strictest industry standards that may apply.
 - Acetone
 - Ammonia
 - Benzene
 - Calcium carbide
 - Carbon disulfide
 - Celluloid
 - Chlorine
 - Hydrochloric acid
 - Hydrocyanic acid
 - Magnesium
 - Nitric acid and oxides of nitrogen
 - Petroleum products (gasoline, fuel oil, etc.)
 - Phosphorus
 - Potassium
 - Sodium
 - Sulphur and sulphur products
 - Pesticides (including insecticides, fungicides, and rodenticides)
 - Radioactive substances, insofar as such substances are not otherwise regulated.
2. Any structure of the kind described in section § 320-336.C.1. above, shall be prohibited within any Floodway Area. Where permitted by variance within any Identified Floodplain Area, any new or substantially improved residential structure of the kind described in section § 320-336.C.1. above, shall be elevated to remain completely dry up to at least one and one-half (1-1/2) feet above base flood elevation and built in accordance with section § 320-336.B.
3. Within any Identified Floodplain Area, any new or substantially improved structure of the kind described in section § 320-336.C.1. above, shall be prohibited within the area measured fifty feet (50') landward from the top-of-bank of any water-course.
4. Where permitted by variance within any Identified Floodplain Area, any new or substantially improved non-residential structure of the kind described in section § 320-336.C.1. above, shall be built in accordance with section § 320-336.B. including:
 - a. Elevated, or designed and constructed to remain completely dry up to at least one and one-half feet (1 ½') above Base Flood Elevation, and
 - b. Designed to prevent pollution from the structure or activity during the course of a base flood.
 - c. Any such structure, or part thereof, that will be built below the regulatory flood elevation shall be designed and constructed in accordance with the

standards for completely dry floodproofing contained in the publication "Flood-Proofing Regulations (U.S. Army Corps of Engineers, June 1972, as amended March 1992), or with some other equivalent watertight standard.

- D. Design and Construction Standards. The following minimum standards shall apply for all construction and development proposed within any Floodplain Conservation District:
1. Fill. If fill is used, it shall:
 - a. Extend laterally at least fifteen (15) feet beyond the building line from all points;
 - b. Consist of soil or small rock materials only - Sanitary Landfills shall not be permitted;
 - c. Be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling;
 - d. Be no steeper than one (1) vertical to three (3) horizontal, feet unless substantiated data, justifying steeper slopes are submitted to, and approved by the Floodplain Administrator; and
 - e. Be used to the extent to which it does not adversely affect adjacent properties.
 - f. The area shall be stabilized in accordance with PADEP erosion control standards.
 2. Drainage Facilities. Storm drainage facilities shall be designed to convey the flow of storm water runoff in a safe and efficient manner. The system shall insure proper drainage along streets, and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.
 3. Water and Sanitary Sewer Facilities and Systems.
 - a. All new or replacement water supply and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of flood waters.
 - b. Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.
 - c. No part of any on-site sewage system shall be located within any Floodplain Conservation District 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. The rim elevations of a settling tank and process areas shall be a minimum of 1' - 6" above the flood elevation.
 - e. The design and construction provisions of the UCC and FEMA #348, Protecting Building Utilities From Flood Damages and The International Private Sewage Disposal Code shall be utilized.
 4. Other Utilities. All other utilities such as gas lines, electrical and telephone systems shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.
 5. Streets. The finished elevation of all new streets shall be no more than one (1) foot below the Regulatory Flood Elevation.
 6. Storage. All materials that are buoyant, flammable, explosive, or in times of flooding could be injurious to human, animal, or plant life, and not listed in section § 320-336.C., Development Which May Endanger Human Life, shall be stored at or above the Regulatory Flood Elevation and/or flood proofed to the maximum extent possible.
 7. 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 flood water.

8. Anchoring.
 - a. All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.
 - b. 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.
9. Floors, Walls and Ceilings.
 - a. Wood flooring used at or below the Regulatory Flood Elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain without causing structural damage to the building.
 - b. Plywood used at or below the regulatory flood elevation shall be of a "marine" or "water-resistant" variety.
 - c. 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.
 - d. Windows, doors, and other components at or below the regulatory flood elevation shall be made of metal or other "water-resistant" material.
10. Paints and Adhesives.
 - a. Paints and other finishes used at or below the regulatory flood elevation shall be of "marine" or "water-resistant" quality.
 - b. Adhesives used at or below the regulatory flood elevation shall be of a "marine" or "water-resistant" variety.
 - c. All wooden components (doors, trim, cabinets, etc.) shall be finished with a "marine" or "water-resistant" paint or other finishing material.
11. Electrical Components.
 - a. Electrical distribution panels shall be at least three (3) feet above the base flood elevation.
 - b. Separate electrical circuits shall serve lower levels and shall be dropped from above.
12. Equipment. Water heaters, furnaces, air conditioning and ventilating units, and other electrical, mechanical or utility equipment or apparatus shall be located at an elevation of 1' - 6" foot above the Regulatory Flood Elevation.
13. Fuel Supply Systems. All gas and oil supply systems shall be designed to prevent the infiltration of flood waters into the system and discharges from the system into flood waters. Additional provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.
14. Uniform Construction Code Coordination.
 - a. The Standards and Specifications contained 34 PA Code (Chapters 401-405), as amended and not limited to the following provisions shall apply to the above and other sections and sub-sections of this ordinance, to the extent that they are more restrictive and/or supplement the requirements of this ordinance.
 - i. International Building Code (IBC) 2009 or the latest edition thereof: Sections 801, 1202, 1403, 1603, 1605, 1612, 3402, and Appendix G.
 - ii. International Residential Building Code (IRC) 2009 or the latest edition thereof: Sections R104, R105, R109, R323, Appendix AE101, Appendix E and Appendix J.

§320-337. ACTIVITIES REQUIRING SPECIAL PERMITS

- A. General. In accordance with the administrative regulations promulgated by the Department of Community and Economic Development to implement the Pennsylvania Floodplain Management Act, the activities indicated in section § 320-337.A.1. and section § 320-337.A.2. shall be prohibited within any Floodplain Conservation District unless a Special Permit has been issued by the Municipality of Norristown. In order to apply for a special permit, a variance must first be obtained, as outlined in section § 320-335.
1. The commencement of any of the following activities; or the construction enlargement, or expansion of any structure used, or intended to be used, for any of the following activities:
 - a. Hospitals
 - b. Nursing homes
 - c. Jails or prisons
 2. The commencement of, or any construction of, a new manufactured home park or manufactured home subdivision, or substantial improvement to an existing manufactured home park or manufactured home subdivision.
- B. Application Requirements for Special Permits. Applicants for Special Permits shall provide five copies of the following items:
1. A written request including a completed Special Permit Application Form.
 2. A small scale map showing the vicinity in which the proposed site is located.
 3. A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:
 - a. North arrow, scale and date;
 - b. Topography based upon the North American Vertical Datum (NAVD) of 1988, showing existing and proposed contours at intervals of two (2) feet;
 - c. All property and lot lines including dimensions, and the size of the site expressed in acres and square feet;
 - d. The location of all existing streets, drives, other access ways, and parking areas, with information concerning widths, pavement types and construction, and elevations;
 - e. The location of any existing bodies of water or watercourses, buildings, structures and other public or private facilities, including railroad tracks and facilities, and any other natural and man-made features affecting, or affected by, the proposed activity or development;
 - f. The location of the floodplain boundary line, information and spot elevations concerning the base flood elevation, and information concerning the flow of water including direction and velocities;
 - g. The location of all proposed buildings, structures, utilities, and any other improvements; and
 - h. Any other information which the municipality considers necessary for adequate review of the application.
 4. Plans of all proposed buildings, structures and other improvements, clearly and legibly drawn at suitable scale showing the following:
 - a. Sufficiently detailed architectural or engineering drawings, including floor plans, sections, and exterior building elevations, as appropriate;
 - b. For any proposed building, the elevation of the lowest floor (including basement) and, as required, the elevation of any other floor;
 - c. Complete information concerning flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the base flood elevation;
 - d. Detailed information concerning any proposed floodproofing measures;
 - e. Cross section drawings for all proposed streets, drives, other access ways, and parking areas, showing all rights-of-way and pavement widths;

- f. Profile drawings for all proposed streets, drives, and vehicular access ways including existing and proposed grades; and
 - g. Plans and profiles of all proposed sanitary and storm sewer systems, water supply systems, and any other utilities and facilities.
5. The following data and documentation:
- a. Certification from the applicant that the site upon which the activity or development is proposed is an existing separate and single parcel, owned by the applicant or the client he represents;
 - b. Certification from a registered professional engineer, architect, or landscape architect Licensed in the Commonwealth of Pennsylvania that the proposed construction has been adequately designed to protect against damage from the base flood elevation;
 - c. A statement, certified by a registered professional engineer, architect, landscape architect, or other qualified person which contains a complete and accurate description of the nature and extent of pollution that might possibly occur from the development during the course of a base flood elevation, including a statement concerning the effects such pollution may have on human life;
 - d. A statement certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the effects the proposed development will have on base flood elevation elevations and flows;
 - e. A statement, certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the kinds and amounts of any loose buoyant materials or debris that may possibly exist or be located on the site below the base flood elevation and the effects such materials and debris may have on base flood elevation elevations and flows;
 - f. The appropriate component of the Department of Environmental Protection's "Planning Module for Land Development;"
 - g. Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection to implement and maintain erosion and sedimentation control;
 - h. Any other applicable permits such as, but not limited to, a permit for any activity regulated by the Department of Environmental Protection under Section 302 of Act 1978-166; and
 - i. An evacuation plan which fully explains the manner in which the site will be completely safely evacuated including all patients, inmates, etc. before or during the course of a base flood.
- C. [Application Review Procedures](#). Upon receipt of an application for a Special Permit by the Municipality of Norristown, the following procedures shall apply in addition to those of section § 320-338:
- 1. Within three (3) working days following receipt of the application, a complete copy of the application and all accompanying documentation shall be forwarded to the County Planning Commission by registered or certified mail for its review and recommendations. Copies of the application shall also be forwarded to the Municipality of Norristown Planning Commission and Municipality of Norristown engineer for review and comment.

2. If an application is received that is incomplete, the Municipality of Norristown shall notify the applicant in writing, stating in what respect the application is deficient.
3. If the Municipality of Norristown decides to disapprove an application, it shall notify the applicant, in writing, of the reasons for the disapproval.
4. If the Municipality of Norristown approves an application, it shall file written notification, together with the application and all pertinent information, with the Department of Community and Economic Development, by registered or certified mail, within five (5) working days after the date of approval.
5. Before issuing the Special Permit, the Municipality of Norristown shall allow the Department of Community and Economic Development thirty (30) days, after receipt of the notification by the Department, to review the application and decision made by the Municipality of Norristown.
6. If the Municipality of Norristown does not receive any communication from the Department of Community and Economic Development during the thirty (30) day review period, it may issue a Special Permit to the applicant.
7. If the Department of Community and Economic Development should decide to disapprove an application, it shall notify the Municipality of Norristown and the applicant, in writing, of the reasons for the disapproval, and the Municipality of Norristown shall not issue the Special Permit.

D. Special Technical Requirements.

1. In addition to the requirements of section § 320-336 of this Ordinance, the following minimum requirements shall also apply to any proposed development requiring a Special Permit. If there is any conflict between any of the following requirements and those in section § 320-333 of this Ordinance or in any other code, ordinance, or regulation, the more restrictive provision shall apply.
2. No application for a Special Permit shall be approved unless it can be determined that the structure or activity will be located, constructed and maintained in a manner which will:
 - a. Fully protect the health and safety of the general public and any occupants of the structure. At a minimum, all new structures shall be designed, located, and constructed so that:
 - (i) The structure will survive inundation by waters of the base flood elevation without any lateral movement or damage to either the structure itself, or to any of its equipment or contents below the BFE.
 - (ii) The lowest floor (including basement) will be elevated to at least one and one half (1½) feet above the Base Flood Elevation.
 - (iii) The occupants of the structure can remain inside for an indefinite period of time and be safely evacuated at any time during the base flood elevation.
 - b. Prevent any significant possibility of pollution, increased flood levels or flows, or debris endangering life and property.
3. All hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc. shall be submitted in sufficient detail to allow a thorough technical review by the Municipality of Norristown and the Department of Community and Economic Development.

§320-338. ADMINISTRATION

- A. Designation of the Floodplain Administrator. The Municipal Code Manager of the Municipal Building and Code Department is hereby appointed to administer and enforce this ordinance and is referred to herein as the Floodplain Administrator.
- B. Permits Required. A Permit shall be required before any construction or development is undertaken within the Floodplain Conservation District. In the case of a proposed hospital, nursing home, jail, prison, or manufactured home park, the permit referred to here would be the Special Permit of section § 320-337.
- C. Duties and Responsibilities of the Floodplain Administrator.
1. The Floodplain Administrator shall issue a Permit only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this and all other applicable codes and ordinances.
 2. Prior to the issuance of any permit, the Floodplain Administrator shall review the application for the permit to determine if all other necessary government permits required by state and federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended); the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended); the Pennsylvania Clean Streams Act (Act 1937-394, as amended); and the U.S. Clean Water Act, Section 404, 33, U.S.C. 1344. No permit shall be issued until this determination has been made.
 3. In the case of existing structures, prior to the issuance of any Development/Permit, the Floodplain Administrator shall review the history of repairs to the subject building, so that any repetitive loss issues can be addressed before the permit is issued.
 4. During the construction period, the Floodplain Administrator or other authorized official shall inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable municipal laws and ordinances. The Floodplain Administrator shall make as many inspections during and upon completion of the work as are necessary.
 5. In the discharge of his/her duties, the Floodplain Administrator shall have the authority to enter any building, structure, premises or development in the Floodplain Conservation District, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this ordinance.
 6. In the event the Floodplain Administrator discovers that the work does not comply with the permit application or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, the Floodplain Administrator shall revoke the Permit and report such fact to the Municipality of Norristown Council for whatever action it considers necessary.
 7. The Floodplain Administrator shall maintain all records associated with the requirements of this ordinance including, but not limited to, permitting, inspection and enforcement.
 8. The Floodplain Administrator shall consider the requirements of 34 PA Code and the 2009 IBC and the 2009 IRC or latest revisions thereof.
- D. Application Procedures and Requirements.
1. Application for such a Permit shall be made, in writing, to the Floodplain Administrator on forms supplied by the Municipality of Norristown. Such application shall contain the following:
 - a. Name, address and contact name of the applicant.
 - b. Name, address and contact name of the owner of land on which proposed construction is to occur.
 - c. Name, address and contact name of the contractor.

- d. Site location including address.
 - e. Listing of other permits or variances required.
 - f. Brief description of proposed work and estimated cost, including a breakout of flood-related cost and the market value of the building before the flood damage occurred, where appropriate.
2. If any proposed construction or development is located entirely or partially within any Floodplain Conservation District, applicants for Permits shall provide all the necessary information in sufficient detail and clarity to enable the Floodplain Administrator to determine that:
- a. All such proposals are consistent with the need to minimize flood damage and conform to the requirements of this and all other applicable codes and ordinances;
 - b. All utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage; and
 - c. Adequate drainage is provided so as to reduce exposure to flood hazards.
 - d. Structures will be anchored to prevent floatation, collapse, or lateral movement.
 - e. Building materials are flood-resistant.
 - f. Appropriate practices that minimize flood damage have been used.
 - g. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities have been designed and/or located 1' - 6" above the base flood elevation to prevent water entry or accumulation.
3. Applicants shall file the following minimum information plus any other pertinent information as may be required by the Floodplain Administrator to make the above determination:
- a. A completed Permit Application Form.
 - b. A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:
 - (i) North arrow, scale, and date;
 - (ii) Topographic contour lines, at 2' intervals
 - (iii) The location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision and development;
 - (iv) The location of all existing streets, drives, and other access ways; and
 - (v) The location of any and all utilities both above and below ground.
 - (vi) The location of any existing bodies of water or watercourses, the Floodplain Conservation District, and, if available, information pertaining to the floodway, and the flow of water including direction and velocities.
 - c. Plans of all proposed buildings, structures and other improvements, drawn at a scale of one (1) inch being equal to one hundred (100) feet or less showing the following:
 - (i) The proposed lowest floor elevation of any proposed building based upon North American Vertical Datum of 1988;
 - (ii) The elevation of the base flood;
 - (iii) Supplemental information as may be necessary under 34 PA Code, the currently adopted edition of the ICC for both commercial and residential construction.
 - d. The following data and documentation:
 - (i) If available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a base flood elevation; and detailed information concerning any proposed flood proof-

- ing measures and corresponding elevations.
- (ii) Documentation, certified by a registered professional engineer or architect, to show that the cumulative effect of any proposed development within an AE Area/District without floodway when combined with all other existing and anticipated development, will not increase the base flood elevation more than one (1) foot at any point.
 - (iii) A document, certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the pressures, velocities, impact and uplift forces associated with the base flood elevation. Such statement shall include a description of the type and extent of flood proofing measures which have been incorporated into the design of the structure and/or the development.
 - (iv) Detailed information needed to determine compliance with section § 320-336.D.6., Storage, and section § 320-336.C., Development Which May Endanger Human Life, including:
 - A. The amount, location and purpose of any materials or substances referred to in section § 320-336.C. and section § 320-336.D.6. which are intended to be used, produced, stored or otherwise maintained on site.
 - B. A description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed in section § 320-336.C. during a base flood.
 - (v) The appropriate component of the Department of Environmental Protection's "Planning Module for Land Development."
 - (vi) Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection, to implement and maintain erosion and sedimentation control.
- e. Applications for Permits shall be accompanied by a fee, payable to the municipality based upon the estimated cost of the proposed construction as determined by the Floodplain Administration.
- E. [Review by County Conservation District](#). A copy of all applications and plans for any proposed construction or development in any Floodplain Conservation District to be considered for approval shall be submitted by the Floodplain Administrator to the County Conservation District for review and comment prior to the issuance of a Permit. The recommendations of the Conservation District shall be considered by the Floodplain Administrator for possible incorporation into the proposed plan.
- F. [Review of Application by Others](#). A copy of all plans and applications for any proposed construction or development in any Floodplain Conservation District to be considered for approval may be submitted by the Floodplain Administrator to any other appropriate agencies and/or individuals for review and comment.
- G. [Changes](#). After the issuance of a Permit by the Floodplain Administrator, no changes of any kind shall be made to the application, permit or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Floodplain Administrator. Requests for any such change shall be in writing, and shall be submitted by the applicant to Floodplain Administrator for consideration.
- H. [Placards](#). In addition to the Permit, the Floodplain Administrator shall issue a placard which shall be displayed on the premises during the time construction is in progress. This placard shall show the number of the Permit the date of its issuance and be signed by the Floodplain Administrator.
- I. [Start of Construction](#).
1. Work on the proposed construction shall begin within 180 days after the date

of issuance and shall be completed within twelve (12) months after the date of issuance of the Permit or the permit shall expire unless a time extension is granted, in writing, by the Floodplain Administrator. The term, "start of construction" shall be understood as defined in section § 320-332.B. of this ordinance.

2. Time extensions shall be granted only if a written request is submitted by the applicant, which sets forth sufficient and reasonable cause for the Floodplain Administrator to approve such a request.

J. Enforcement.

1. Notices. Whenever the Floodplain Administrator or other authorized municipal representative determines that there are reasonable grounds to believe that there has been a violation of any provisions of this Ordinance, or of any regulations adopted pursuant thereto, the Floodplain Administrator shall give notice of such alleged violation as hereinafter provided. Such notice shall:
 - a. Be in writing;
 - b. Include a statement of the reasons for its issuance;
 - c. Allow a reasonable time not to exceed a period of thirty (30) days for the performance of any act it requires;
 - d. Be served upon the property owner or his agent as the case may require; provided, however, that such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been served with such notice by any other method authorized or required by the laws of this State;
 - e. Contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Ordinance.
2. Penalties. Any person who fails to comply with any or all of the requirements or provisions of this Ordinance or who fails or refuses to comply with any notice, order of direction of the Floodplain Administrator or any other authorized employee of the Municipality shall pay a fine to the Municipality of Norristown, of not less than \$1,000.00 nor more than \$10,000.00 for each day of violation plus costs of prosecution. In addition to the above penalties all other actions are hereby reserved including an action in equity for the proper enforcement of this Ordinance. The imposition of a fine or penalty for any violation of, or noncompliance with, this Ordinance shall not excuse the violation or noncompliance or permit it to continue and all such persons shall be required to correct or remedy such violations and noncompliance within a reasonable time. Any development initiated or any structure or building constructed, reconstructed, enlarged, altered, or relocated, in noncompliance with this Ordinance may be declared by the Municipality of Norristown Council to be a public nuisance and abatable as such. Any structure so designated may be demolished if deemed a threat to the public safety. The cost of the demolition shall be passed onto the property owner.

K. Appeals.

1. Any person aggrieved by any action or decision of the Floodplain Administrator concerning the administration of the provisions of this Ordinance, may appeal to the Municipality of Norristown Council. Such appeal must be filed, in writing, within thirty (30) days after the decision, determination or action of the Floodplain Administrator.
2. Upon receipt of such appeal the Municipality of Norristown Council shall set a time and place, within not less than ten (10) or not more than thirty (30) days, for the purpose of considering the appeal. Notice of the time and place at which the appeal will be considered shall be given to all parties.
3. Any person aggrieved by any decision of the Municipality of Norristown Council

may seek relief there from by appeal to court, as provided by the laws of this State including the Pennsylvania Floodplain Management Act.
§ 320-339 - § 320-341. (RESERVED)

ARTICLE XXIX

Administration

§ 320-342. ZONING OFFICER.

- A. Appointment and qualifications. The provisions of this chapter shall be enforced by a Zoning Officer with the aid of the Police Department and other municipal agencies. The Zoning Officer shall be appointed at the first meeting of the Municipal Council following the adoption of this chapter. He shall be a full-time Municipal employee and shall receive such compensation as the governing body, by resolution, shall provide.
- B. Powers and duties.
1. It shall be the duty of the Zoning Officer and he shall have power:
 - a. To keep a record of all plans and applications for permits and all permits issued, with notations as to special conditions attached thereto. All records shall be open for public inspection.
 - b. To review applications for zoning permits for erections or alterations of structures or changes of use to determine whether such construction or use is in accordance with the general requirements of this chapter, all other applicable ordinances and the laws and regulations of the commonwealth. The Zoning Officer shall issue no permit unless it conforms to all applicable ordinances, statutes and regulations.
 - c. To conduct investigations and surveys to determine compliance or non-compliance with the terms of this chapter. In carrying out such surveys, the Zoning Officer or his representative may enter upon any land or buildings.
 - d. To make written orders requiring compliance with the provisions of this chapter, to be served personally or by registered mail.
 - e. To institute proceedings in courts of proper jurisdiction for the enforcement of the provisions of this chapter.
 - f. To maintain a map showing the current zoning classification of all land.
 - g. To maintain a map and register showing the registration, identity, location and type of all nonconforming uses.
 - h. To participate in all proceedings before the Zoning Hearing Board, to present facts and information to assist the Board in reaching a decision which shall be compatible with this chapter and to have decisions of the Board reviewed in a court of proper jurisdiction when, in the judgment of the Zoning Officer, such review is desirable or indicated.

2. The Zoning Officer shall issue no permit for the construction or use of any land or building unless it also conforms to the requirements of all other ordinances of Norristown and to the laws of the commonwealth.

§ 320-343. PERMITS.

No building shall be constructed or altered in the Municipality nor the use of any building changed nor vacant land occupied until a zoning permit is secured from the Zoning Officer. Upon completion of the work authorized by any permit, the applicant or owner shall notify the Zoning Officer of said completion. No permit shall be considered as complete or permanently effective until the Zoning Officer has noted on the permit that the work has been inspected and approved as being in conformity with the provisions of this chapter.

§ 320-344. PERMIT APPLICATIONS.

All applications for zoning permits shall be made, in writing, by the owner or tenants or authorized agent and shall be filed with the Zoning Officer on forms prescribed by him. The application shall include a statement as to the proposed use of the building; shall be accompanied by a plan, drawn to scale, showing the location of the building in relation to property and road lines; shall include a statement that the side lines of all roads shown on the plan have been located and staked on the premises by a surveyor or other person competent to give such location; and shall give the name and address of the person who has so located and staked the road lines. If the applicant desires the Zoning Hearing Board to grant a special exception, then, in addition, the application shall set forth the nature of the special exception and shall state briefly the reasons why such special exception should be granted and any other information the Zoning Hearing Board may require.

§ 320-345. FEES.

The applicant for a permit, at the time of making the application, shall pay to the Treasurer of the Municipality a fee in accordance with a fee schedule adopted by resolution of the Municipal Council. A copy of the receipt shall be forwarded to the Zoning Officer by the Treasurer's office.

§ 320-346 - § 320-349. (RESERVED)

ARTICLE XXX

Zoning Hearing Board

§ 320-350. APPOINTMENT.

Municipal Council shall appoint a Zoning Hearing Board consisting of five members as provided for in the Pennsylvania Municipalities Planning Code (53 P.S. § 10101 et seq.). All appointments of members to said Board shall be subject to the approval and confirmation of the Municipal Council by an affirmative vote of four members of the Council. All approvals and confirmations of the Council's appointments shall be by written resolution specifically identifying the initiation and termination of the terms of office of each member so appointed. The word "Board," when used in this Article, shall mean the Zoning Hearing Board.

§ 320-351. MEMBERSHIP; TERMS; VACANCIES.

The membership of the Board shall consist of five residents of the Municipality. Their terms of office shall be five years and shall be so fixed that the term of office of one member shall expire each year at the end of the calendar year. Initiation of the terms of office of the five-member Board shall be as provided in the Municipalities Planning Code. The Board shall promptly notify the governing body of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other office in the municipality.

§ 320-352. REMOVAL OF MEMBERS.

Any Board member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the Municipal Council which appointed the member, taken after the member has received 15 days' advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

§ 320-353. ORGANIZATION OF BOARD.

The Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all the members of the Board, but the Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf, and the parties may waive further action by the Board as provided in section § 320-355. The Board may take, alter and rescind rules and forms for its procedure consis-

tent with the ordinances of the Municipality and the laws of the Commonwealth. The Board shall keep full public records of its business and shall submit a report of its activities to the Municipal Council once a year.

§ 320-354. SERVICE EXPENDITURES.

Within the limits of funds appropriated by the governing body, the Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the Board may receive compensation for the performance of their duties as may be fixed by the Municipal Council, but in no case shall it exceed the rate of compensation authorized to be paid to the members of the Municipal Council.

§ 320-355. HEARINGS.

- A. Hearings. The Board shall conduct hearings and make decisions in accordance with the following requirements:
1. Notice of such application and hearing including the date, time, and location of the hearing and the nature of the relief sought in the application shall be given to each of the owners of property lying within 300 feet of the boundary lines of the lot for which the application has been filed. Notice shall be served upon the owner by first class mail at the last known address of the property owner according to county records. If service cannot be made upon the owner or occupant, then such property shall be posted by placing the notice on a conspicuous place on the dwelling house, if any, on the property. Such notices shall be supplied by the Administrative Officer, as well as a list of the person or persons to be served, and it shall be the obligation of the applicant to see that such service is made at the applicant's expense and proper return of such service made to the Board.
 2. The hearings shall be conducted by the Board, or the Board may appoint any member as a hearing officer. The decision or, where no decision is called for, the findings shall be made by the Board, but the parties may waive decision or findings by the Board and accept the decision or findings of the hearing officer as final.
 3. The parties to the hearing shall be the Municipality and any person who is entitled to notice under Subsection A.1. without special request therefor who has made timely appearance of record before the Board and any other person permitted to appear by the Board.
 4. The Chairman or Acting Chairman of the Board or the hearing officer presiding shall have the power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
 5. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
 6. Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded.
 7. The Board or the hearing officer, as the case may be, shall keep a record of the proceedings, either stenographically or by sound recording, and a transcript of the proceedings and copies of graphic or written material received in evidence shall be made available to any party at cost.
 8. The Board or the hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate; shall not take notice of any communication, reports, staff memoranda or other materials unless the parties are afforded an opportunity to contest the material so noticed; and shall not inspect

the site of its surroundings with any party or his representative unless all parties are given an opportunity to be present.

9. The Board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within 45 days. Each decision shall be accompanied by findings of fact and conclusions based thereon, together with the reasons therefor. Conclusions based on any provisions of this chapter or of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in light of the facts found. If the hearing is conducted by a hearing officer and there has been no stipulation that his decision or findings are final, the Board shall make his report and recommendations available to the parties, and the parties shall be entitled to make written representations thereon to the Board prior to a final decision or entry of findings. Where the Board has the power to render a decision and the Board or the hearing officer, as the case may be, fails to render the same within the period required by this subsection, the decision shall be deemed to have been rendered in favor of the applicant.
10. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their names and addresses with the Board not later than the last day of the hearing, the Board shall provide, by mail or otherwise, a brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

§ 320-356. APPEALS FROM ZONING OFFICER.

The Board shall hear and decide appeals where it is alleged by the appellant that the Zoning Officer has failed to follow prescribed procedures or has misinterpreted or misapplied any provision of a valid ordinance or map or any valid rule or regulation governing the action of the Zoning Officer. Nothing contained herein shall be construed to deny to the appellant the right to proceed directly in court, where appropriate, pursuant to Pa.R.C.P., Sections 1091 to 1098, relating to mandamus.

§ 320-357. VARIANCES.

A. Standards

1. The Board shall hear requests for variances where it is alleged that the provisions of this chapter inflict unnecessary hardship upon the applicant. The Board may, by rule, prescribe the form of application and may require preliminary application to the Zoning Officer. The Board may grant a variance, provided that the following findings are made, where relevant, in a given case:
 - a. That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this chapter in the neighborhood or district in which the property is located.
 - b. That, because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this chapter and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
 - c. That such unnecessary hardship has not been created by the applicant.
 - d. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located or substantially or

- permanently impair the appropriate use or development of adjacent property or be detrimental to the public welfare.
- e. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
 - f. When hearing requests for commercial uses in or adjacent to residential areas, consideration shall be given to minimizing the potential impact that the use could have on the area. Issues such as limiting hours of operation, noise, exterior lighting, deliveries, trash collection, signage, and other related issues shall be considered.
2. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purpose of this chapter.
 3. In a floodplain district, variances may be issued by the Municipal for new construction and substantial improvements to be erected on a lot of one-half (1/2) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level in conformance with the requirements of this section above and additional requirements as follows:
 - a. Variances shall only be issued by a community upon a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship to the applicant and a determination that the granting of a variance would not result in increased flood heights, additional threats to public safety or extraordinary public expense or create nuisances, cause blight on or victimization of the public or conflict with existing local laws or ordinances.
 - b. All provisions of Article XXV Nonconformities of this chapter pertaining to nonconforming uses shall be complied with.
 - c. Variances shall not be issued which would cause any rise in the heights of the water surface elevation of the one-hundred-year flood.
 - d. The Municipal shall maintain a record of all variance actions pertaining to floodplain districts, including justification for their issuance, and report such variances issued in its annual report submitted to the Federal Insurance Administrator.

§ 320-358. SPECIAL EXCEPTIONS.

When the Municipal Council, in this chapter, has stated special exceptions to be granted or denied by the Board pursuant to express standards and criteria, the Board shall hear and decide requests for such special exceptions in accordance with such standards, criteria, and the general standards for review found in Article XXI Special Exceptions. In granting a special exception, the Board 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 this chapter.

§ 320-359. PARTIES APPELLANT BEFORE BOARD.

Appeals under section § 320-356 and proceedings to challenge an ordinance under section § 320-357 may be filed with the Board, in writing, by any officer or agency of the Municipal or any person aggrieved. Requests for a variance under section § 320-359 and for a special exception under section § 320-185 may be filed with the Board by any landowner or any tenant with the permission of such landowner.

§ 320-360. TIME LIMITATIONS.

- A. Standards. The time limitations for raising certain issues and filing certain proceedings with the Board shall be the following:
1. No issue of alleged defect in the process of enactment of any ordinance or map or any amendment thereto shall be raised in any proceeding filed with the Board later than 30 days from the time such ordinance, map or amendment takes effect, unless the person raising such issue alleges and proves that he failed to receive adequate notice of the enactment or amendment. If such person has succeeded to his interest after the enactment of the ordinance, adequate notice to his predecessor in interest shall be deemed adequate notice to him.
 2. No person shall be allowed to file any proceeding with the Board later than 30 days after any application for development, preliminary or final, has been approved by the Municipal Council if such proceeding is designed to secure reversal or to limit the approval in any manner, unless such person alleges and proves that he failed to receive adequate notice of such approval. If such person has succeeded to his interest after such approval, adequate notice to his predecessor in interest shall be deemed adequate notice to him.

§ 320-361. STAY OF PROCEEDINGS.

Upon filing any proceeding referred to in section § 320-359 and during its pendency before the Board, all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer or of any agency or body and all official action thereunder shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Board facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by the court having jurisdiction of zoning appeals on petition after notice to the Zoning Officer or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Board by persons other than the applicant, the applicant may petition the court having jurisdiction of zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the Board. The question of whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the court.

§ 320-362 - § 320-369. (RESERVED)

ARTICLE XXXI

Violations and Penalties

§ 320-370. VIOLATIONS.

- A. Standards.
1. It shall be the duty of the Zoning Officer or other officials responsible for code enforcement as designated by the Zoning Officer to take cognizance of violations of this chapter. The official shall investigate each violation which comes to his attention, whether by observation or communication, and shall order, in writing, the correction of such conditions as are found to be in violation of this chapter.
 2. Failure to secure a zoning permit when required, previous to the erection, construction, extension or addition of a building shall be a violation of this chapter.

§ 320-371. ENFORCEMENT NOTICE.

- A. If it appears to the Municipality that a violation of this zoning ordinance has occurred, the Municipality shall initiate enforcement proceedings by sending an enforcement notice as provided in this section.
- B. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record.
- C. An enforcement notice shall state at least the following:
1. The name of the owner of record and any other person against whom the Municipality intends to take action.
 2. The location of the property in violation.
 3. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the ordinance.
 4. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
 5. That the recipient of the notice has the right to appeal to the zoning hearing board within a prescribed period of time in accordance with procedures set forth in the ordinance.
 6. That failure to comply with the notice within the time specified, unless extended by appeal to the zoning hearing board, constitutes a violation, with possible sanctions clearly described.

§ 320-372. ENFORCEMENT REMEDIES.

- A. Any person, partnership or corporation or other entity who or which has violated or permitted the violation of the provisions of this zoning ordinance shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Municipality, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Municipality as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the magisterial district judge. If the defendant neither pays nor timely appeals the judgment, the Municipality may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the magisterial district judge determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation or other entity violating this ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the magisterial district judge and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this zoning ordinance shall be paid over to the Municipality.
- B. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.
- C. Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the Municipality the right to commence any action for enforcement pursuant to this section.

§ 320-373. OTHER REMEDIES.

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained or any building, structure or land is used or any hedge, tree, shrub or other growth is maintained in violation of this chapter or any regulations made pursuant hereto, in addition to other remedies provided by law, any appropriate action or proceeding by authorized legal process may be instituted or taken to prevent such unlawful erection, construction or reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or abate such violation, to prevent the occupancy of said building, structure or land or to prevent any illegal act, conduct, business or use in or about such premises.

§ 320-374. FEES.

- A. Standards.
 - 1. The Municipality of Norristown may establish reasonable charges for copies of Zoning Hearing Board documents in accordance with fee schedules adopted by resolution of the Municipal Council.
 - 2. The fee charged for each application for an appeal, variance or special exception to the Zoning Hearing Board shall be paid at the time of filing such appeal. The fee shall be in accordance with the current fee schedule adopted by the Municipal Council by resolution, which may be amended from time to time by the Municipal Council.

§ 320-375 - § 320-379. (RESERVED)

ARTICLE XXXII

Amendments

§ 320-380. AMENDMENT BY GOVERNING BODY.

The Municipal Council of Norristown may, from time to time, amend, supplement, change, modify or repeal this chapter, including the Zoning Map, by proceeding in the following manner and as otherwise required by law.

§ 320-381. AMENDMENT PROCEDURE.

A. Standards.

1. Before voting on the enactment of an amendment, Council shall hold a public hearing thereon, pursuant to public notice. In addition, if the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted at points deemed sufficient along the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one week prior to the date of the hearing.
2. In addition to the requirement that notice be posted under clause (1), where the proposed amendment involves a zoning map change, notice of the public hearing shall be mailed at least thirty days prior to the date of the hearing by first class mail to the addresses to which real estate tax bills are sent for all real property located within the area being rezoned, as evidenced by tax records within the possession of the municipality of Norristown. The notice shall include the location, date and time of the public hearing. A good faith effort and substantial compliance shall satisfy the requirements of this subsection.
 - a. This clause shall not apply when the rezoning constitutes a comprehensive rezoning.
3. In the case of an amendment other than that prepared by the Norristown Planning Commission, Council shall submit each such amendment to the Planning Commission at least 30 days prior to the hearing on such proposed amendment to provide the Planning Commission an opportunity to submit recommendations.
4. If, after any public hearing held upon an amendment, the proposed amendment is changed substantially, or is revised, to include land previously not affected by it, Council shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.

5. Norristown shall submit all zoning text and zoning map amendments to the County Planning Commission at least 30 days prior to the public hearing for recommendations.
6. Within 30 days after enactment, a copy of the amendment to the zoning ordinance shall be forwarded to the County Planning for their files.

§ 320-382. APPLICATION; FEE.

- A. Standards. Every application for amendment of this chapter shall first be presented to the Zoning Officer and shall contain the following:
 1. The applicant's name and address and his representative and the interest of every person represented in the application.
 2. A plan showing the extent of the area to be zoned, streets bounding and intersecting the area, the land use and zone classification of abutting districts and the photographs of the area to be rezoned and abutting areas.
 3. A statement of the circumstances in the proposed district and the abutting districts and any other factors on which the applicant relies as reason for supporting the proposed rezoning.
 4. The approximate time schedule for the beginning and completion of development in the area.
 5. A site plan, drawn to scale, indicating the locations of structures, uses and areas for off-street parking and loading.
 6. Information about the market area to be served by the proposed development if a commercial use, including population, effective demand for proposed business facilities and any other information describing the relationship of the proposed development to the needs of the market area as the Zoning Officer, Planning Commission or governing body shall prescribe.
 7. For a change or amendment to this chapter and/or the Zoning Map, the applicant or appellant shall pay a fee established by resolution by Council which may be amended from time to time by resolution of Council for each application for such change.

§ 320-383 - § 320-389. (RESERVED)

