

# **ZONING ORDINANCE**

**RIDLEY PARK BOROUGH**  
**Delaware County, Pennsylvania**

**2009**

**ZONING ORDINANCE**

**FOR THE**

**BOROUGH OF RIDLEY PARK**

**Adopted October 20, 2009**

**Prepared by the Delaware County Planning Department**

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**BOROUGH OF RIDLEY PARK  
DELAWARE COUNTY, PENNSYLVANIA**

ORDINANCE NO. 1188 OF 2009

**AN ORDINANCE OF THE BOROUGH OF RIDLEY PARK, COUNTY OF DELAWARE,  
COMMONWEALTH OF PENNSYLVANIA ADOPTING THE BOROUGH OF RIDLEY  
PARK ZONING ORDINANCE OF 2009**

**WHEREAS**, the Borough Council of the Borough of Ridley Park desires to adopt a new comprehensive zoning ordinance that is designed to preserve and build upon Ridley Park Borough's traditional and historic character.

**NOW THEREFORE, IT IS HEREBY ORDAINED AND ENACTED** by the Borough Council of the Borough of Ridley Park as follows:

**Section 1. Amendment to Chapter 213 of the Code of the Borough of Ridley Park.** Chapter 213 of the Code of the Borough of Ridley Park, entitled "Zoning" is hereby amended by deleting the existing text of such Chapter in its entirety and substituting in lieu thereof the text of the "Borough of Ridley Park Zoning Ordinance of 2009," a copy of which is attached hereto as Exhibit "A" and incorporated herein.

**Section 2. Repealer.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of any inconsistency.


**Section 3. Severability.** If any clause, sentence, paragraph or part of this Ordinance, or the application thereof to any person or circumstance, shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance nor the application of such clause, sentence, paragraph or part to other persons or circumstances, directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the legislative intent that this Ordinance would have been adopted had such provisions not been included or such persons or circumstances been expressly excluded from their coverage.

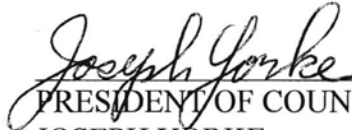
**Section 4. Effective Date.** This ordinance shall be effective immediately.

**ENACTED AND ORDAINED**, by the Borough of Ridley Park, Delaware County, Pennsylvania,  
this 20<sup>th</sup> day of October, 2009.

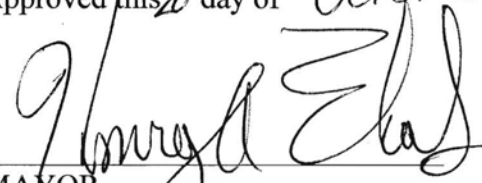
**BOROUGH OF RIDLEY PARK**

Attest:

  
SECRETARY  
TERRY BRADLEY

  
PRESIDENT OF COUNCIL  
JOSEPH YORKE

Approved this 20<sup>th</sup> day of October, 2009.

  
MAYOR  
HENRY A. EBERLE, JR.

**EXHIBIT "A"**  
**Borough of Ridley Park Zoning Ordinance of 2009**

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**ZONING MAP**

**Article 1**  
**GENERAL PROVISIONS**

**100 Title**

This Ordinance shall be known and may be cited as the “Borough of Ridley Park Zoning Ordinance of 2009.”

**101 Purposes**

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

1. To promote, protect, and facilitate any or all of the following: the public health, safety, and general welfare; coordinated and practical community development and growth and proper population density; guidance on uses of land and structures and type and location of public grounds and facilities; promotion of energy conservation through planning practices and promotion of the effective utilization of renewable energy sources; the provision of adequate light, water, and air, access to incident solar energy, police and fire protection, transportation, sewerage, and schools; and preservation of the natural, scenic, and historic values in the environment as well as the preservation of wetlands, aquifers, and floodplains.
2. To prevent one or more of the following: overcrowding of land; blight; danger and congestion in travel and transportation; or loss of health, life, or property from fire, flood, panic, or other dangers.
3. To provide for the use of land within the municipality for residential housing of various dwelling types encompassing all basic forms of housing, including single-family and a reasonable range of multi-family dwellings in various arrangements.
4. To accommodate reasonable overall community growth, including population and employment growth and opportunities for development of a variety of residential dwelling types and nonresidential uses.

## 102 Establishment of Districts

For the purposes of this Ordinance, Ridley Park Borough is hereby divided into the following zoning districts:

Zoning Districts	
<b>R-1</b>	Residential District
<b>R-2</b>	Residential District
<b>R-3</b>	Residential District
<b>RC</b>	Cluster Zoning Overlay
<b>C-1</b>	Commercial District
<b>C-2</b>	Commercial District
<b>IFC</b>	Interstate Fronting Civic Use District
<b>IND</b>	Industrial District
<b>MED</b>	Medical Campus District
<b>POS</b>	Parks and Open Space District

## 103 Establishment of Controls

### 1. Minimum and Uniform Regulations

Unless specifically indicated otherwise, the regulations set forth in this Ordinance shall be minimum regulations and shall apply uniformly to each class or kind of structures or land.

### 2. Proposed Uses and Structures

In all zoning districts, after the effective date of this Ordinance, any new building or other structure or any tract of land shall be constructed, developed, and used only in accordance with the regulations specified herein, except where a variance has been authorized by the Zoning Hearing Board in accordance with Article 23.

### 3. Existing Uses and Structures

In all districts, after the effective date of this Ordinance, any lawful, existing building or other structure or any tract of land or any lawful, existing use of a building, structure, or tract of land which is not in conformity with the regulations of the district in which it is located shall be deemed to be nonconforming and subject to the regulations of Article 21.

**104 Zoning Map, District Boundary Lines, and Tolerances**

1. The zoning district locations and boundaries are those that exist on the legally adopted official Zoning Map, a copy of which is attached hereto and made a part of this Zoning Ordinance. The original Zoning Map shall be kept on file in the office of the Borough Manager. Whenever changes are made in the boundaries or other matters included on the said Zoning Map, such changes in the map shall be made by the Borough Engineer within five (5) days after the amendment has been approved by Borough Council.
2. Where possible, the boundaries between districts shall follow natural or man-made boundaries and lines. Unless otherwise indicated, boundaries shall be the centerline or extension of the centerline of a street, alley, or highway, railroad rights-of-way, streams, or other natural or man-made features that can form logical boundaries to districts.
3. Where a district boundary line divides a lot held in single and separate ownership at the effective date of this Ordinance, the regulations of the less restricted district shall extend over the portion of the lot in the more restricted district a distance of not more than twenty-five (25) feet from the district boundary.
4. Boundaries indicated as appearing to follow platted lot lines shall be construed as following such lot lines. Distances not specifically indicated on the official Zoning Map shall be determined by the scale of the map. In any other circumstances not covered above or in the event of any uncertainty as to the boundary of any district, the Zoning Hearing Board shall interpret the district boundaries.

**105 Interpretation**

1. In the interpretation and application of the provisions of this Ordinance, the said provisions shall be held to be the minimum requirements for the promotion and protection of the public health, welfare, and safety. Where the provisions of this Ordinance impose greater restrictions than those of any other ordinance or regulation, the provisions of this Ordinance shall be controlling. Where the provisions of any statute, other ordinance, or regulation impose greater restrictions than this Ordinance, the provisions of such statute, ordinance, or regulation shall be controlling.
2. In interpreting the language of this Zoning Ordinance to determine the extent of the restriction upon the use of the property, the language shall be interpreted, where doubt exists as to the intended meaning of the language written and

enacted by the governing body, in favor of the property owner and against any implied extension of the restriction.

**106 Municipal Liability**

The grant of a permit or approval under this Ordinance shall not constitute a representation, guarantee, or warranty of any kind by the Borough as to the safety of the proposed use and shall create no liability upon the Borough, its officials, or employees.

**107 Severability**

If any article, section, subsection, paragraph, clause, or provision of this Ordinance shall be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or of any other part.

**108 Repealer**

The existing zoning regulations, as amended, are hereby repealed.

**109 Effective Date**

This Ordinance shall become effective immediately upon final enactment.

**Article 2**  
**DEFINITIONS**

**200 Interpretation of Language**

Unless otherwise expressly stated, the following words and phrases shall be construed throughout this Ordinance to have the meaning indicated herein. Words used in the present tense include the future. The singular shall include the plural, and the plural shall include the singular. The word “building” includes the word “structure.” The phrase “used for” includes “arranged for,” “designed for,” “intended for,” “maintained for,” or “occupied for.” The word “person” includes an individual, corporation, partnership, incorporated association, or any other similar entity. The words “includes” or “including” shall not limit the term to the specified examples but are intended to extend their meaning to all other instances of like kind and character. The words “shall” and “will” are mandatory and not discretionary, and the word “may” is permissive. Terms not defined herein shall have the meaning customarily assigned to them.

**201 Definition of Terms**

In this Ordinance, words, terms, and phrases shall have the following meanings:

**ABANDONMENT**

Where a building or land is abandoned for six (6) consecutive months or more, whereby the owner discontinues the maintenance, use, or any activity, the building or structure shall be declared abandoned. In the case of abandonment of a nonconforming use, Article 21 applies.

**ACCESSORY STRUCTURE**

A structure detached from a principal building on the same lot and incidental and subordinate to the principal building or use.

**ACCESSORY USE**

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

**ADULT USE**

Any establishment that affords patrons to hear, view, read, lease, or purchase publications, movies, or videotapes which have as their dominant theme explicit sexual activities not normally seen in public or in other commercial or club type operations. To be considered an adult use, an establishment must devote not less than fifteen (15) percent of its sales or inventory to material having explicit sexual themes or content.

**ALTERATION**

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

**AMUSEMENT, INDOOR**

Amusement and recreational services that are wholly enclosed in a building.

**ANTENNA**

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

**ARCHITECTURAL STYLE**

The characteristic form and detail of buildings of a particular historic period.

**AUTOMATED TELLER MACHINE (ATM), FREESTANDING**

A machine used by patrons for conducting transactions including deposits, withdrawals, and fund transfers without contact with financial institution personnel.

**AUTOMOBILE REPAIR SHOP**

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

**BASEMENT**

An enclosed area located partly or completely below grade. A basement shall be considered a story for the purpose of height measurement if the basement ceiling is five (5) feet or more above the average grade level around the building.

**BILLBOARD**

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

**BUILDING**

Any structure, either temporary or permanent, having a roof or other covering and designed or used for shelter or enclosure of any person, animal, property, or equipment of any kind.

**BUILDING COVERAGE**

The ratio obtained by dividing the gross floor area of all principal and accessory buildings on a lot by the total area of the lot upon which the buildings are located.

**BUILDING HEIGHT**

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

**BUILDING LINE**

A line parallel to the street right-of-way line touching that part of a building closest to the street.

**BUILDING PERMIT**

Written permission issued by the proper municipal authority for the construction, repair, alteration, or addition to a structure.

**BUILDING SETBACK LINE**

A line parallel to the street right-of-way line at a distance that is equal to the depth of the front yard required for the district in which the lot is located.

**CAFETERIA**

A restaurant designed so that customers carry their meals from a counter to their tables.

**CAR WASH**

Any building or premises used for washing motor vehicles.

**CERTIFICATE OF APPROPRIATENESS**

The approval statement signed by Borough Council and the Historical and Architectural Review Board (HARB) which certifies the appropriateness of a particular request for the construction, alteration, reconstruction, restoration, demolition, or razing of all or a part of any building within the Historic District.

**CERTIFICATE OF OCCUPANCY**

A document issued by a duly authorized local authority allowing the occupancy of a building and certifying that the structure or use has been constructed or will be used in compliance with all applicable local codes and ordinances.

**CHILD CARE FACILITY**

An establishment providing for the care, supervision, and protection of children.

**CLINIC**

An establishment where patients are admitted for examination and treatment on an outpatient basis by physicians, dentists, other medical personnel, psychologists, or social workers and where such examination and treatment generally require a stay of less than twenty-four (24) hours.

**CLUB, PRIVATE**

A group of people organized for a common purpose to pursue common goals, interests, or activities and usually characterized by certain membership qualifications, payment of fees and dues, regular meetings, and a constitution and bylaws.

**CLUSTER**

A development design technique that concentrates buildings on a part of the site to allow remaining land to be used for recreation, common open space, and preservation of environmentally sensitive features.

**COMMERCIAL GREENHOUSE**

A structure in which plants, vegetables, flowers, and similar materials are grown for sale.

**COMMUNITY CENTER**

A facility used for recreational, social, educational, civic, and cultural activities.

**COMPREHENSIVE PLAN**

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

**CONDITIONAL USE**

A use which, because of its potential for impact on the community at large, is permitted by Borough Council following a recommendation by the Borough Planning Commission and a Council-hosted public hearing, if it is found that the applicable standards and criteria stated in this Ordinance have been met.

**CONDOMINIUM**

A building or group of buildings in which dwelling units, offices, or floor area are owned individually and the structure, common areas, and facilities are owned by all of the owners on a proportional, undivided basis.

**CONVENIENCE STORE**

A retail store containing less than five thousand (5,000) square feet of gross floor area and usually being open fifteen (15) to twenty-four (24) hours per day. It is designed to attract and depends upon a large volume of traffic.

**CONVERSION**

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

**DAY CARE CENTER**

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

**DENSITY, GROSS**

The maximum number of dwelling units per gross acre permitted by the Zoning Ordinance. This term refers to all of the land within the boundaries of a particular area, including streets, rights-of-way, easements, etc.

**DEVELOPER**

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

**DEVELOPMENT**

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

**DRIVEWAY**

A private roadway providing access to a street or highway. Driveways may be paved or unpaved and are not considered streets, roads, or highways.

**DWELLING**

A building or unit designed and constructed for residential use.

**DWELLING, MULTI-FAMILY**

A building containing three (3) or more dwelling units, including units that are located one over another.

**DWELLING, SINGLE-FAMILY ATTACHED (TOWNHOUSE)**

A single-family dwelling unit within a building, which unit has at least one (1) party wall in common with other dwelling units in the same row; a townhouse or rowhouse.

**DWELLING, SINGLE-FAMILY DETACHED**

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

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

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

**DWELLING, TWO-FAMILY**

A building designed and occupied exclusively as a residence for two (2) families living independently of one another. Duplex structures are within this dwelling type.

**DWELLING UNIT**

One (1) or more living or sleeping rooms, together with separate cooking and sanitary facilities, which are accessible from the outdoors either directly or through an entrance hall shared with other dwelling units.

**ENLARGEMENT**

An increase in the size of an existing structure or use, including the physical size of the property, building, parking, and other improvements.

**FAÇADE**

The exterior walls of a building exposed to public view or that wall viewed by persons not within a building.

**FAÇADE, PRINCIPAL**

Exterior wall of a building or structure that is adjacent to or fronts on a public street, park, or plaza.

**FAMILY**

Any number of individuals living together as a single housekeeping unit when said individuals are related by blood, marriage, or adoption, including foster children; or not more than three (3) unrelated individuals living together as a single housekeeping unit with single kitchen facilities.

**FAMILY DAY CARE HOME**

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

**FLOOR AREA RATIO (FAR)**

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

**FOOD PREPARATION/CATERING**

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

**FRATERNAL ORGANIZATION**

A group of people formally organized for a common interest, usually cultural, religious, or entertainment, with regular meetings, rituals, and formal written membership requirements.

**FREESTANDING BUILDING**

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

**FUNERAL HOME**

A building used for the preparation of the deceased for burial and the display of the deceased and rituals connected therewith before burial or cremation.

**GARAGE, PRIVATE**

A structure that is accessory to a single- or two-family dwelling, is used for the parking and storage of vehicles owned and operated by the residents thereof, and is not a separate commercial enterprise available to the general public.

**GASOLINE SERVICE STATION**

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

**GLARE**

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

**GROUP DAY CARE HOME**

The premises in which care is provided at one time for more than six (6) but fewer than sixteen (16) older school-age level children or more than six (6) but fewer than thirteen (13) children of another age level who are unrelated to the operator. The term includes a facility located in a residence or another premises.

**HAZARDOUS MATERIALS**

Those chemicals or substances which are defined as “physical hazards” or “health hazards” in the most recently adopted version of the Uniform Construction Code.

**HEALTH HAZARD**

A classification of a chemical for which there is statistically significant evidence that acute or chronic health effects are capable of occurring in exposed persons. The term “health hazard” includes chemicals that are carcinogens, toxic or highly toxic agents, reproductive toxins, neurotoxins, agents which are capable of acting on the hematopoietic system, and agents which damage the lungs, skin, eyes, or mucous membranes.

**HOSPITAL**

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

**HOTEL**

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

**IMPERVIOUS COVER**

The percentage of the lot area covered by surfaces that have a runoff coefficient of 0.8 or higher. In case of uncertainty, the Borough Engineer shall have the authority to determine the runoff coefficient of a particular type material.

**IMPERVIOUS SURFACE**

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

**LANDSCAPED PLANTING AREA**

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

**LAUNDROMAT**

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

**LIBRARY**

A place containing books for reading, study, and research.

**LOADING SPACE**

An off-street space or berth for the loading or unloading of commercial vehicles.

**LODGE**

(1) The place where members of a local chapter of an association or a fraternal, cultural, or religious organization hold their meetings; (2) the local chapter itself. See “Club, Private.”

**LOT**

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

**LOT AREA**

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

**LOT, CORNER**

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

**LOT COVERAGE**

That percentage of a lot that is covered by all combined structures, paving, or any impervious surfaces. See “Impervious Surface.”

**LOT DEPTH**

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

**LOT LINE**

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

**LOT LINE, FRONT**

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

**LOT LINE, REAR**

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

**LOT LINE, SIDE**

The side property line of a lot, which shall be perpendicular to or radial to the front lot line and shall continue in a straight line from the front lot line to the rear lot line.

**LOT, MINIMUM AREA OF**

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

**LOT WIDTH**

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

**MIXED USE DEVELOPMENT**

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

**MOTEL**

An establishment providing sleeping accommodations for transients.

**MUNICIPALLY OWNED PROPERTY**

Any real estate parcel owned by the Borough of Ridley Park.

**NEW CONSTRUCTION**

Structures for which construction was started after the effective date of this Ordinance and includes any subsequent improvements to such structures.

### **NO-IMPACT HOME-BASED BUSINESS**

A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client, or patient traffic, whether vehicular or pedestrian, pickup, delivery, or removal functions to or from the premises, in excess of those normally associated with residential use.

### **NONCONFORMING BUILDING OR STRUCTURE**

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

### **NONCONFORMING LOT**

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

### **NONCONFORMING USE**

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

### **OCCUPANCY PERMIT**

A required permit allowing the use of a building or structure after it has been determined that all of the requirements of applicable ordinances have been met.

### **OFF-STREET PARKING SPACE**

An open space or a garage on a lot in back of the front building line intended for parking of a motor vehicle. The area of any "parking space" shall be not less than nine by twenty (9 x 20) feet, which shall be exclusive of passageways, driveways, or other means of circulation or access to a street or alley.

### **OPEN SPACE**

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

**OUTDOOR RETAIL SALES AND ACTIVITIES**

Permanent outdoor sales and rental establishments including equipment and other uses where the business is not conducted entirely within a structure.

**OUTDOOR RETAIL SALES, TEMPORARY**

Temporary outdoor retail operations including farmer's markets; seasonal sales of Christmas trees, pumpkins, or other seasonal items; semi-annual sales of art or handcrafted items in conjunction with community festivals or art shows; and sidewalk or parking lot sales.

**OUTDOOR VENDING MACHINE**

A mechanical device located on the outside of a building that provides a product or service to the public for compensation, including, but not limited to, water dispensers, drink dispensers, food dispensers, water vending machines, or automated teller machines (ATMs).

**PARK, PRIVATE**

A tract of land owned or controlled and used by specific and designated entities or persons for active and/or passive recreational purposes.

**PARK, PUBLIC**

A tract of land owned by a branch of government and available to the general public for recreational purposes.

**PARKING LOT**

An off-street, ground level open area that provides temporary storage for motor vehicles.

**PARKING STRUCTURE**

A building or structure consisting of more than one (1) level and used to store motor vehicles on a short-term, temporary basis.

**PENNSYLVANIA MUNICIPALITIES PLANNING CODE (MPC)**

Pennsylvania Act 247 of 1968 (P.L. 805) as amended, also cited as 53 P.S. 10101 et seq., or any subsequent Act of the Commonwealth of Pennsylvania that replaces, supplements, or repeals any or all of the provisions of Act 247.

**PERMIT**

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

**PERSONAL SERVICE SHOP OR ESTABLISHMENT**

A business engaged in providing services involving the care or appearance of a person, his or her clothing, or similar personal needs. Included in this definition are barber, beautician, shoe repair, fitness club, laundry or cleaner, or similar establishment, but not including a nail salon, tattoo parlor, massage parlor, or body-piercing establishment.

**PHYSICAL HAZARD**

A chemical that is a combustible liquid, compressed gas, cryogenic, explosive, flammable gas, flammable liquid, flammable solid, organic peroxide, oxidizer, or unstable or water-reactive material.

**PICNIC AREA**

A place equipped with tables, benches, grills, and trash receptacles for people to assemble, cook, eat, and relax.

**PLACE OF WORSHIP**

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

**PLANTED VISUAL SCREEN**

A strip of trees, hedges, or other plantings adjacent to the boundary of a property which, at the time of planting, shall be not less than six (6) feet high and of sufficient density to constitute an effective visual screen and thereby give visual protection to abutting properties. Such screen shall consist primarily of dense evergreens that shall be planted not farther than seven (7) feet from one another and shall be permanently maintained. Deciduous trees may be added to create interest and variety.

**PLAYGROUND**

An active recreational area with a variety of facilities, including equipment for younger children, but excluding tennis or basketball courts.

**PRINCIPAL BUILDING OR USE**

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

**PROFESSIONAL HOME OFFICE**

A home occupation carried on by the practitioner of a recognized profession. Examples of such profession include doctor, attorney, accountant, architect, and similar professions. Businesses such as real estate and insurance are not included in this group and are more appropriate in commercial districts.

**PROFESSIONAL OFFICE**

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

**PUBLIC UTILITY FACILITIES**

Buildings, structures, and facilities including generating and switching stations, poles, lines, pipes, pumping stations, repeaters, antennas, transmitters and receivers, valves, and all buildings and structures relating to the furnishing of utility services such as electric, gas, telephone, water, sewer, and public transit to the public.

**PUBLIC UTILITY TRANSMISSION TOWER**

A structure owned and operated by a public utility electric company regulated by the Pennsylvania Public Utility Commission designed and used to support overhead electricity transmission lines.

**RECREATION, ACTIVE**

Leisure-time activities, usually of a formal nature and often performed with others, requiring equipment and taking place at prescribed places, sites, or fields.

**RECREATION, PASSIVE**

Activities that involve relatively inactive or less energetic activities, such as walking, sitting, picnicking, and board and table games.

**RECREATIONAL AREA**

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

**RELIGIOUS USE**

A structure or place in which worship, ceremonies, rituals, and education pertaining to a particular system of beliefs are held.

**RESEARCH LABORATORY**

A facility for investigation into the natural, physical, or social sciences which may include engineering and product development.

**RESTAURANT, FAST FOOD/DRIVE-IN/TAKE-OUT**

Any restaurant where the design or method of operation involves the serving of food or beverage which is not normally delivered to the customer's table by an employee of the restaurant. This includes all establishments where over thirty (30) percent of the business involves the sale of refreshments or beverages taken out and consumed in places other than the interior of the restaurant or where ordering and pickup of food may take place from an automobile.

**RESTAURANT, SIT-DOWN**

Any restaurant where the customer is normally served the food or beverage by a restaurant employee at the table or counter at which said items are consumed or a cafeteria-style operation where food or beverages are consumed on the premises.

**RETAIL STORE**

General merchandise and other stores selling consumer-oriented goods at retail including department stores, "5 & 10" or variety stores, drugstores, sporting goods shops, shops offering wearing apparel and accessories, gift shops, camera stores, antique shops, music stores, newsstands, tobacco stores, flower shops, jewelry stores, luggage and other leather goods stores, hobby shops, and other stores of the same general character.

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

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

**RIGHT- OF -WAY LINE**

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

**ROOF LINE**

The line that marks the lowest point of the roof.

**ROOF RIDGE LINE**

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

**SATELLITE ANTENNA**

An antenna together with all attachments and parts, the purpose of which is to receive communication from orbiting satellites.

**SCALE**

(1) The relationship between distances on a map and actual ground distances; (2) the proportioned relationship of the size of parts to one another.

**SCHOOL**

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

**SCHOOL DISTRICT**

The specific jurisdiction administered by the elected or appointed body of a state, county, or other local governmental unit to provide educational services to its resident population.

**SCHOOL, ELEMENTARY**

Any school that is licensed by the State and meets the state requirements for elementary education.

**SCHOOL, PAROCHIAL**

A school supported, controlled, and operated by a religious organization.

**SCHOOL, PRIVATE**

Any building or group of buildings, the use of which meets state requirements for elementary, secondary, or higher education and which does not secure the major part of its funding from any governmental agency.

**SCHOOL, SECONDARY**

Any school that is licensed by the State and authorized to award diplomas for secondary education.

**SCHOOL, VOCATIONAL**

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

**SCREEN**

Any barrier intended and designed to shield properties and uses from other uses or activities having a different sound and other impacts (e.g., screening of industrial uses or activities from nearby residential structures).

**SEASONAL OUTDOOR CAFÉ**

An establishment where food is served for consumption at tables on a sidewalk or patio adjacent to the establishment between May 1 and September 30. Such outdoor dining area shall be limited so as to leave not less than three (3) feet of sidewalk for passage of pedestrians.

**SETBACK, REQUIRED**

The minimum distance from the street right-of-way line or any other lot line that establishes the area, commonly known as the “building envelope,” within which the principal structure must be erected or placed.

**SHED**

An accessory structure or building used primarily for storage purposes.

**SHOPPING CENTER**

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

**SIGHT TRIANGLE**

A triangular shaped portion of land established at street intersections in which nothing is erected, placed, or planted that exceeds a height of two and one-half (2 ½) feet so as not to limit or obstruct the sight of motorists entering or leaving the intersection.

**SIGN**

Any device, placard, or structure affixed to, supported by, or suspended from a stationary object, building, or the ground that uses color, form, graphics, illumination, symbols, or writing to communicate information of any kind to the public.

**SIGN, ABANDONED**

Any sign that contains or exhibits broken panels, visible rust, visible rot, damaged support structures, or missing letters or which is otherwise dilapidated, unsightly, or unkempt and/or for which no legal owner can be found.

**SIGN AREA**

The area of all lettering, wording, and accompanying designs and symbols, together with the background on which they are displayed. “Sign area” excludes any supporting framework and bracing, provided that it does not contain any lettering, wording, symbols, or designs. “Sign area” shall be computed as a square or rectangle drawn at the outer limits of the sign face. In the case of cylindrical signs, signs in the shape of cubes, or other signs which are essentially three (3)-dimensional with respect to their display surfaces, the entire display surface or surfaces is included in the computation of area.

1. Where the sign consists of a double face, only one (1) side shall be considered for the purpose of calculating total sign area. Where both sides are not identical or where the interior angle formed by the faces of a sign is greater than forty-five (45) degrees, all faces shall be considered in calculating total 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, DOUBLE-FACED**

A sign with two (2) identical faces of equal sign area which are back to back.

**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 distance from the highest portion of the sign, including all structural elements, to mean grade.

### **SIGN, NONCONFORMING**

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

### **SIGN, OFF-PREMISES**

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

### **SIGN, ON-PREMISES**

A sign that directs attention to a business, establishment, or use located or conducted on the same lot on which the sign is located.

### **SIGN STRUCTURE**

A supporting structure erected and used for the purpose of physically supporting a sign, situated on any premises where a sign may be located. This definition shall not include a building, fence, wall, or earthen berm.

### **SIGN, TEMPORARY**

A sign that is used in connection with an event, situation, or circumstance that is designed or intended to take place or be completed within thirty (30) days after the permit for the sign was issued or is intended to remain on the location where it is placed or erected for not more than thirty (30) days.

### **SIGNS AS DEFINED BY FORM:**

**Awning Sign** – Any sign painted on or applied to a structure made of cloth, canvas, metal, or similar material which is affixed to a building and projects from it.



**Banner** – A sign consisting of lightweight, flexible material which is supported by a frame, rope, wires, or other anchoring devices, which may or may not include copy, logo, or graphic symbols.



**Canopy** – A rigid, multi-sided structure covered with fabric, metal, or other material and supported by columns or posts embedded in the ground. It may be illuminated by means of internal or external sources.

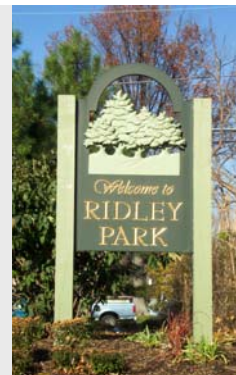


**Flashing Sign** – A sign whose illumination is not kept constant in intensity at all times when in use and which exhibits changes in light, color, direction, or animation. *Prohibited*



**Freestanding Sign** – A sign and supporting structure that is secured in the ground and independent of any building, fence, or other support. For the purpose of this definition, “freestanding signs” may consist of the following:

1. **Ground Sign** – A type of freestanding sign designed to be viewed at eye level. The bottom of the sign is no more than three (3) feet from the ground.
2. **Pole sign** – A type of freestanding sign that is supported by one (1) or more poles.



**SPECIAL EXCEPTION**

Special permission granted by the Zoning Hearing Board in accordance with the provisions of Articles 17 and 23 of this Ordinance.

**STEEP SLOPE, AREAS OF**

Areas of land that have a change in elevation from fifteen (15) to twenty-five (25) percent, as measured over a distance of one hundred (100) feet.

**STREET**

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

**STREET LINE**

The line dividing the street and the abutting property. The street line shall be the same as the street right-of way line.

**STRUCTURE**

Anything built, constructed, or erected which requires location on the ground or attachment to something located on the ground.

**STUDIO**

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

**SWIMMING POOL, PRIVATE**

Any body of water, tank, or receptacle of water having a depth at any point of greater than two (2) feet used or intended to be used for swimming or bathing solely by the owner, his family, and guests of the household and constructed, installed, established, or maintained outside of any building in or above the ground upon any premises as an accessory use to the residence.

**THEATER**

A building or part of a building used to show motion pictures or for drama, dance, or other live performances.

**TOWNHOUSE BUILDING**

A building containing single-family attached dwelling units (townhouse units) in which each townhouse unit is attached only by a party wall or walls to one (1) or two (2) other townhouse units. Townhouse buildings erected after the effective date of this Ordinance shall contain not more than eight (8) attached units.

**TRAILER, CONSTRUCTION/OFFICE**

A moveable structure located at or near a work or construction site for storage or other purpose related to or supporting construction or office activity, except in the Industrial district. Such trailers shall not be used for storage, office purposes, or similar uses unless they are located on or within one hundred (100) feet of a construction site. Such trailers shall be temporary uses that require a permit from the Borough.

**TRAILER, OFFICE/STORAGE**

A moveable structure located in the Industrial district used for office, storage, or similar purposes.

**VARIANCE**

Relief granted pursuant to Articles VI and IX of the *Pennsylvania Municipalities Planning Code* and Article 23 of this Ordinance.

**VERY STEEP SLOPE, AREAS OF**

Areas of land that have a change in elevation greater than twenty-five (25) percent, as measured over a distance of one hundred (100) feet.

**WIRELESS TELECOMMUNICATIONS TOWERS AND FACILITIES**

(1) A parcel of land containing a tower, sending and receiving antennas attached to the tower, and a prefabricated or modular structure or cabinets containing electronic equipment; (2) a Federal Communications Commission (FCC)-licensed facility designed and used for the purpose of transmitting, receiving, and relaying voice and data signals from various wireless communication devices and equipment. For purposes of this Ordinance, amateur radio transmission facilities and facilities used exclusively for receive-only antennas are not classified as wireless telecommunications towers and facilities.

**YARD**

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

**YARD, FRONT**

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

**YARD, REAR**

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

**YARD, REQUIRED**

The open space between a lot line and the buildable area or “building envelope” within which the principal structure must be erected or placed.

**YARD, SIDE**

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

**ZONING ORDINANCE**

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

**ZONING PERMIT**

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

# Article 3 ZONING DISTRICT SUMMARY TABLES

## 300 Introduction

Within the various districts as indicated on the official Zoning Map of Ridley Park Borough, and subject to all other requirements and conditions specified in this Ordinance, land, buildings, and structures may be used and buildings and structures may be erected which are intended or designed to be used for uses listed in the zoning use summary table for convenience of administration of this section of the Ordinance.

Summary Table Key
P = Permitted Use
S = Special Exception (subject to Article 17)
C = Conditional Use (subject to Article 18)
A = Accessory Use (subject to Article 16)

These tables are designed for quick reference only. The specific requirements stated in the individual zoning district articles are controlling.

## 301 Use Summary Table

	Use	R1	R2	R3	C1	C2	MED	POS	IFC	IND
A	Adult uses									S
	Apartment units (above first floor)				P	P				
	Automobile repair shops, including auto bodywork and painting									P
B	Banks and other financial institutions				P	P				
	Beverage distributors					P				
	Building materials storage and sales									P
C	Car washes					P				
	Church or other place of worship, including accessory instructional facility or residence	S	S	S						
	Clubs or lodges, private			S						
	Cold-storage plants, frozen food plants and lockers, and catering establishments									P
	Commercial greenhouses, nurseries, and wholesale florists									P
	Confectioneries or bakery shops				P	P				
	Convenience stores					P				
D	Day care center				S	S	S			
	Dwelling, multi-family			P		P				
	Dwelling, single-family attached			P		P				
	Dwelling, single-family detached	P	P	P		P				
	Dwelling, single-family semi-detached		P	P		P				
	Dwelling, two-family detached (duplex)			P		P				
	Dwelling, two-family semi-detached (twin duplex)			P		P				
E										
F	Family day care homes	S	S	S						
	Fast food or drive-in restaurants					P				

Use		R1	R2	R3	C1	C2	MED	POS	IFC	IND
G	Funeral home					S				
	Garage, private	A	A	A			A			
	Gas or service stations					P				
H	General service or contractor's shops									P
	Group day care home				S	S	S			
	Hospitals						P			
I	Hotels, motels, or inns and related facilities (min. 2 acres)					P				
	Indoor storage buildings, warehouses, or distribution centers									P
L	Laboratories and scientific or industrial research and development centers									P
	Laundromat				S	S				
	Laundry, laundry service, cleaning and dyeing plants									P
M	Mail-order merchandise businesses									P
	Manufacture, compounding, processing, packaging, or treatment of products from previously prepared materials (subject to performance standards)									S
	Medical or dental clinic or center and related offices						P			
	Medical office building						P			
N	Mortuaries			P		P				P
	Municipal buildings or uses	P	P	P				C	P	
	Newspaper or printing establishments					S				
O	No-impact home-based business	A	A	A						
	Off-street parking	A	A	A	S	S	A	A	A	
P	Outdoor educational facilities (no structures), such as nature trails and natural amphitheaters							P	P	
	Parking structure						C			
	Passive recreational uses							P	P	
P	Personal service shops, including tailors, barbers, beauty salons, dressmaking, shoe repair, or similar uses				P	P				
	Picnic areas							P	P	
	Playfields							C	P	
P	Playgrounds	P	P	P				P	P	
	Printing, publishing, photofinishing, or similar establishments									P
P	Private swimming pools and other private recreational uses (accessory use)	A	A	A						
	Professional or business office or studio			S	P	P				
P	Public or private schools and religious and philanthropic uses, excluding hospitals, sanatoriums, and correctional or penal institutions	S	S	S						

	Use	R1	R2	R3	C1	C2	MED	POS	IFC	IND
	Public or private utility facilities or buildings	S	S	S						
	Public park or recreational use							P		
Q										
R										
	Restaurant, cafeteria, or coffee shop serving users of the principal permitted use						A		C	
	Retail stores				P	P				
S	Satellite antenna	A	A	A						
	School	S	S	S						
	Sit-down restaurants				P	P				
	Storage (indoor)				A	A	A			
T	Tattoo parlors									S
	Tennis courts							C		
	Theaters and places of amusement, recreation, or assembly				S	S				
U										
V										
W										
X										
Y										
Z										

**302 Area and Bulk Regulations Summary Table**

District and Uses	Lot Area (sq. feet min.)	Lot Width (min.)	Front Yard (min.)	Side Yard (min.)	Rear Yard (min.)	Maximum Building Coverage (percentage of lot area)	Maximum Impervious Surface (percentage of lot area)	Height (max.)
<b>Residential Districts</b>								
<b>R-1</b>								
Detached	5,000	50 feet	25 feet	8 feet (each side)	25 feet	30%	40%	35 feet or 3 stories
<b>R-2</b>								
Detached	4,000	40 feet	25 feet	6 feet (each side)	20 feet	40%	50%	35 feet or 3 stories
Semi-detached	3,600	30 feet	25 feet	10 feet (1 side)	20 feet	40%	50%	35 feet or 3 stories
<b>R-3</b>								
Detached	4,000	40 feet	25 feet	6 feet (each side)	20 feet	40%	50%	35 feet or 3 stories
Semi-detached	3,000	30 feet	25 feet	10 feet (1 side)	20 feet	40%	50%	35 feet or 3 stories
Attached	2,000	18 feet	25 feet	10 feet (each end of row)	20 feet	50%	70%	35 feet or 3 stories
Multi-family	2,000	30 feet	25 feet	20 feet (each side)	20 feet	70% 1.5 FAR	80%	60 feet or 5 stories
<b>Commercial Districts</b>								
<b>C-1</b>	N/A	N/A	N/A	N/A	N/A	80% 1.5 FAR	100%	45 feet or 4 stories
<b>C-2</b>	N/A	50 feet	10 feet	10 feet	10 feet	75% 0.75 FAR	80%	35 feet or 3 stories
<b>Parks and Open Space</b>								
<b>Parks and Open Space</b>	43,560	50 feet	50 feet*	50 feet*	50 feet*	25%	30%	35 feet or 3 stories
<b>Industrial</b>								
<b>Industrial</b>	25,000	100 feet	50 feet	20 feet (each side)	25 feet	40%	60%	35 feet or 3 stories
<b>Medical Campus</b>								
<b>Medical Campus</b>	20,000	100 feet	25 feet	25 feet	30 feet	40%	60%	60 feet or 5 stories
<b>Interstate Fronting Civic Use</b>								
<b>Interstate Fronting Civic Use</b>	43,560	50 feet	50 feet*	50 feet*	50 feet*	25%	30%	35 feet or 3 stories

\* For conditional uses that abut a residential district.

**Article 4**

**R - 1 RESIDENTIAL DISTRICT**

**400 Purpose**

The purpose of this district is to preserve and maintain the integrity of the unique and historic, low-density and primarily single-family character of the district while allowing for the reasonable use of its structures and land, preserving open space, and providing for and regulating accessory uses and home occupations and certain nonresidential uses as permitted by special exception.

**401 Uses Permitted by Right**

Land, buildings, or premises shall be used by right for only one or more of the following uses:

1. Dwellings, single-family detached.
2. Municipal buildings and uses.
3. Park, open space, tot lot, or playground.

**402 Conditional Uses**

The following use is permitted by conditional use only, subject to the applicable provisions of Article 18:

1. Community center, subject to Section 1807.

**403 Special Exceptions**

The following uses are permitted by special exception only, subject to the applicable provisions of Articles 17 and 23:

1. Public or private utility facilities or buildings that service one or more land uses within the Borough, subject to Section 1703.
2. Religious or philanthropic uses, excluding hospitals, sanatoriums, and correctional or penal institutions, subject to Section 1705.
3. Public or private schools, subject to Section 1706.
4. Family day care homes, subject to Section 1707.
5. Professional home office or studio, subject to Section 1708.

#### 404 Accessory Uses and Structures

The following uses are permitted as accessory uses incidental to the uses permitted by right:

1. Off-street parking in accordance with Article 14 of this Ordinance.
2. Garages (private) for the exclusive purpose of storing vehicles or household goods belonging to and intended for the use of the occupant of the principal use.
3. Utility sheds for the exclusive purpose of storing household goods belonging to and intended for the use of the occupant of the principal use, subject to Section 1604.
4. Private swimming pools and other private recreational uses, subject to Section 1608.
5. Signs, when erected and maintained in accordance with Article 15 of this Ordinance.
6. No-impact home-based business, subject to Section 1605.
7. Satellite antennas for satellite communication, subject to Section 1607.

#### 405 Area and Bulk Regulations

Standard	Size
1. Lot area	5,000 square feet minimum
2. Lot width	50 feet minimum
3. Building coverage	30 percent maximum
4. Impervious surface	40 percent maximum
5. Front yard	25 feet minimum
6. Side yards	
a. Main building	8 feet minimum (each side)
b. Accessory building	3 feet minimum (each side)
7. Rear yard	
a. Main building	25 feet minimum
b. Accessory building	3 feet minimum
8. Height	
a. Main building	35 feet or 3 stories maximum
b. Accessory building	15 feet or 1 story maximum

**Article 5**

**R - 2 RESIDENTIAL DISTRICT**

**500 Purpose**

The purpose of this district is essentially the same as the purpose of the R-1 district while permitting a somewhat higher density.

**501 Uses Permitted by Right**

Land, buildings, or premises shall be used by right for only one or more of the following uses:

1. Any uses permitted by right within the R-1 Residential district.
2. Dwellings, single-family semi-detached, provided that the dwelling with which it has a party wall in common is erected at the same time.

**502 Conditional Uses**

The following use is permitted by conditional use only, subject to the applicable provisions of Article 18:

1. Those uses permitted by conditional use in the R-1 Residential district.

**503 Special Exceptions**

The following uses are permitted by special exception from the Zoning Hearing Board, provided that they conform to the R-2 area and bulk regulations:

1. Those uses permitted by special exception in the R-1 Residential district.
2. Residential conversions, subject to Section 1710.

**504 Accessory Uses and Structures**

The following uses are permitted as accessory uses incidental to the uses permitted by right, provided that they conform to the R-2 area and bulk regulations:

1. Those uses permitted as accessory uses in the R-1 Residential district.

**505 Area and Bulk Regulations**

Standard	Size
1. Lot area a. Single-family detached b. Single-family semi-detached	4,000 square feet minimum 3,600 square feet minimum
2. Lot width a. Single-family detached b. Single-family semi-detached	40 feet minimum 30 feet minimum
3. Building coverage	40 percent maximum
4. Impervious surface	50 percent maximum
5. Front yard	25 feet minimum
6. Side yards a. Single-family detached b. Single-family semi-detached c. Accessory building	6 feet minimum (each side) 1 side yard, 10 feet minimum 3 feet minimum (each side)
7. Rear yard a. Main building b. Accessory building	20 feet minimum 3 feet minimum
8. Height a. Main building b. Accessory building	35 feet or 3 stories maximum 15 feet or 1 story maximum

**Article 6**

**R - 3 RESIDENTIAL DISTRICT**

**600 Purposes**

The purposes of this district are to provide for two-family, townhouse, and apartment developments of moderate size, height, and density and to provide effective buffer and screening requirements to protect abutting lower density districts.

**601 Uses Permitted by Right**

Land, buildings, or premises shall be used by right for only one or more of the following uses:

1. Any uses permitted by right within the R-2 Residential district.
2. Dwellings, two-family detached including duplexes, provided that each unit has a separate exterior entrance.
3. Dwellings, two-family semi-detached, provided that the dwelling with which it has a party wall in common is erected at the same time.
4. Dwellings, single-family attached (townhouse or rowhouse), provided that no single structure shall contain more than eight (8) dwelling units and provided that all units within one (1) structure are erected at the same time.
5. Multi-family dwellings, three (3) or more dwelling units, provided that they meet all other applicable portions of this Ordinance.
6. Mortuaries.

**602 Conditional Uses**

The following use is permitted by conditional use only, subject to the applicable provisions of Article 18:

1. Those uses permitted by conditional use in the R-1 Residential district.

**603 Special Exceptions**

The following uses are permitted by special exception only, subject to the applicable provisions of Articles 17 and 23:

1. All uses permitted by special exception within the R-2 Residential district.

2. Private clubs or lodges, subject to Section 1704.

**604 Accessory Uses and Structures**

The following uses are permitted as accessory uses incidental to the uses permitted by right, provided that they conform to the R-3 area and bulk regulations:

1. Those accessory uses permitted in the R-2 Residential district.

**605 Area and Bulk Regulations**

Standard	Size
1. Lot area <ol style="list-style-type: none"> <li>a. Single-family detached</li> <li>b. Single-family semi-detached</li> <li>c. Single-family attached</li> <li>d. Multi-family</li> </ol>	4,000 square feet minimum 3,000 square feet minimum 2,000 square feet minimum 2,000 square feet per unit minimum
2. Lot width <ol style="list-style-type: none"> <li>a. Single-family detached</li> <li>b. Single-family semi-detached</li> <li>c. Single-family attached</li> <li>d. Multi-family</li> </ol>	40 feet minimum 30 feet minimum 18 feet minimum 30 feet minimum
3. Building coverage <ol style="list-style-type: none"> <li>a. Single-family detached</li> <li>b. Single-family semi-detached</li> <li>c. Single-family attached</li> <li>d. Multi-family</li> </ol>	40 percent maximum 40 percent maximum 50 percent maximum 70 percent maximum
4. Impervious surface <ol style="list-style-type: none"> <li>a. Single-family detached</li> <li>b. Single-family semi-detached</li> <li>c. Single-family attached</li> <li>d. Multi-family</li> </ol>	50 percent maximum 50 percent maximum 70 percent maximum 80 percent maximum
5. Floor area ratio (FAR) <ol style="list-style-type: none"> <li>a. Multi-family</li> </ol>	One and five tenths (1.5) maximum
6. Front yard	25 feet minimum
7. Side yards <ol style="list-style-type: none"> <li>a. Single-family detached</li> <li>b. Single-family semi-detached</li> <li>c. Single-family attached</li> <li>d. Multi-family structures</li> <li>e. Accessory building</li> </ol>	6 feet minimum (each side) 1 side yard, 10 feet minimum 10 feet minimum (each end of row) 20 feet minimum (each side) 3 feet minimum (each side)
8. Rear yard <ol style="list-style-type: none"> <li>a. Main building</li> <li>b. Accessory building</li> </ol>	20 feet minimum 3 feet minimum

9. Height	
a. Single-family structures	35 feet or 3 stories maximum
b. Multi-family structures	60 feet or 5 stories maximum
c. Accessory building	15 feet or 1 story maximum

**Article 7**

**R C C L U S T E R Z O N I N G O V E R L A Y**

**700 Purpose**

The purpose of cluster zoning is to create and promote an alternative and optional method of new residential development through a cluster zoning concept that would encourage good site planning on environmentally sensitive tracts but that would maintain the same density as permitted by the underlying zoning district. This cluster zoning is an overlay district that applies only to land zoned as R-3 Residential.

**701 Statement of Objectives**

The use of cluster zoning is herein included to advance the following objectives:

1. To permit a more attractive, varied arrangement of dwelling units and open space on a particular tract.
2. To allow specific parcels of land to be developed more efficiently and economically and with greater environmental sensitivity than is possible under standard lot-by-lot zoning.
3. To preserve natural features such as tree masses, stream valleys, woodlands, steep slopes, and other natural features which are appropriate for park, recreation, and/or other open space uses.

**702 General Building Regulations**

1. The tract of land must be held in single and separate ownership and contain not less than five (5) acres.
2. The area and bulk regulations of the R-3 district (Section 605) shall apply.
3. The housing types permitted in this Cluster Overlay shall be single-family attached dwellings (townhouses) and single-family semi-detached dwellings (twins) only.
4. No structure shall be nearer than thirty (30) feet to the tract boundary.
5. Where the developer elects to develop not less than two (2) acres with the permitted housing types, a reduction in lot area of ten (10) percent shall be permitted.

6. The total number of units permitted shall not exceed the number allowed under the regulations of the R-3 district.

### **703 Open Space**

The following requirements shall be met before approval of the cluster-type development is granted:

1. The areas designated as open space areas shall be those which will serve to preserve woodlands, stream valleys, steep slopes, unusual topography, or other natural features of the tract or which are appropriate for park, recreation, or other open space purposes.
2. Areas for common open space use may be reserved for private use or may, subject to agreement of Borough Council, be dedicated to the Borough. Areas to be set aside and reserved for private use shall be restricted by dedicated easement, covenant, or other legal written agreement acceptable to the Borough for perpetual preservation and maintenance of the subject open space.

**Article 8**

**C - 1 COMMERCIAL DISTRICT**

**800 Purpose**

The purpose of this district is to provide appropriate locations for the conduct of activities suitable for the small suburban central business district. These regulations are intended to support and complement the overall development plan as contained in the Borough's most recently adopted Comprehensive Plan and Downtown Revitalization Strategy. Visitors to the C-1 district may initially arrive by foot, motor vehicle, or mass transit. But once arrived, pedestrian traffic will account for the principal mode of transportation. Accordingly, individual parking needs may be satisfied either individually or through common parking lots.

**801 Uses Permitted by Right**

Land, buildings, or premises shall be used by right for only one or more of the following uses:

1. Apartment units located above the first floor of the structure.
2. Retail stores.
3. Personal service shops, including tailors, barbers, beauty salons, dressmaking, shoe repair, or similar uses, not including nail salons.
4. Sit-down restaurants.
5. Professional or business offices or studios.
6. Confectioneries or bakery shops.
7. Banks and other financial institutions.
8. Bars or taverns.

**802 Conditional Uses**

None.

**803 Special Exceptions**

The following uses are permitted by special exception only, subject to the applicable provisions of Articles 17 and 23:

1. Day care center, subject to Section 1707.

2. Group day care home, subject to Section 1707.
3. Laundromat.
4. Theaters and places of amusement, recreation, or assembly.
5. Off-street parking, subject to the primary use to serve one or more permitted uses.
6. Conversions of the second floor, subject to Section 1712.

**804 Accessory Uses and Structures**

The following uses are permitted as accessory uses incidental to the uses permitted by right:

1. Accessory uses on the same lot with and customarily incidental to any of the above permitted uses.
2. Storage within a completely enclosed building in conjunction with a permitted use.
3. Signs in accordance with Article 15.

**805 Area and Bulk Regulations**

Standard	Size
1. Lot area	2,500 square feet minimum
2. Lot width	25 feet minimum
3. Building coverage	80 percent maximum
4. Impervious surface	100 percent maximum
5. Height	45 feet or 4 stories maximum

**806 Special Development Regulations**

1. Each lot must abut a public street.
2. Building façades shall maintain a consistent street edge close to the street line. No minimum front setback shall be generally required, except that a setback up to twenty (20) feet from the front property line may be provided for the purposes of a courtyard, plaza, square, recessed entrance, or an outdoor dining area, subject to Section 809.

3. All off-street parking shall be restricted to the rear of structures or lots and subject to Article 14 of this Ordinance.
4. Automobile entrances to the site shall be minimized and placed in such a way as to maximize safety and efficient traffic circulation and minimize the impact on the surrounding area.
5. Each separate use or group of buildings constructed and maintained on a lot as a unified development shall have no more than two (2) accessways connecting a tract to any one (1) street or highway for each three hundred (300) feet of frontage.
6. No permanent storage of merchandise, articles, or equipment shall be permitted outside of a building.
7. No outdoor vending machine shall be permitted in any required yard abutting a street or on a public sidewalk.
8. No drive-through or drive-in restaurant, bank, or similar auto dependent establishment shall be permitted.

### **807 Building Design**

This section applies to all new structures and to additions of four hundred (400) square feet or more to existing structures.

1. The use of contemporary interpretations of earlier design styles of surrounding structures in the C-1 district is encouraged, including characteristics such as scale; massing; roof shape; window size, shape, and spacing; and exterior materials.
2. The street elevation of principal structures shall have at least one (1) street-oriented entrance and contain the principal windows of the structure.
3. Site plans shall include drawings, renderings, or perspectives of a professional quality which illustrate the scale; massing; roof shape; window size, shape, and spacing; and exterior materials of the structure.
4. The Planning Commission shall review the site plans and make recommendations to the applicant for amendments to achieve consistency with this section.
5. In order to prevent blank front walls with little or no window area, any new construction, renovation, or addition involving the front wall or façade shall have a wall to window ratio of not more than two (2) to one (1).

## **808 Exhibiting Merchandise on Sidewalks**

1. In the C-1 district, the public rights-of-way, specifically the sidewalks of the Borough of Ridley Park, may be used for the purpose of exhibiting wares, goods, and merchandise for sale and for use in a manner which will be conducive to business.
2. Exhibiting merchandise on sidewalks shall be limited only to sidewalks in excess of three (3) feet in width from the building line to the street line, but in no instance shall the use permitted exceed one third (1/3) of said sidewalk area. The use shall be limited to the sidewalk area contiguous to the business use. The use of the sidewalk area shall be from 8:00 a.m. until 6:00 p.m. daily or, if a business normally operates beyond 6:00 p.m., then during said business hours when the business is operating, but not beyond 9:00 p.m. daily, after which all merchandise, equipment, or fixtures shall be removed from said right-of-way.

## **809 Seasonal Outdoor Café Dining**

1. In the C-1 district, the public rights-of-way, specifically the sidewalks of the Borough of Ridley Park, may be used for the purpose of seasonal outdoor café dining, subject to the following provisions:
  - a. Seasonal outdoor café dining for table service only, restricted to use of sidewalks contiguous to property lines in excess of three (3) feet in width minimum from the building line to the street line, and the use for seasonal outdoor café dining shall leave a minimum of thirty-six (36) inches of usable, safe, clear walk area of the sidewalk that provides for *Americans with Disabilities Act* (ADA) compliant access. In the event that thirty-six (36) inches is not adequate for ADA compliance, more than the thirty-six (36) inches of useable sidewalk may be required in order to be ADA compliant which shall be determined by the Zoning Officer.
  - b. The use for seasonal outdoor café dining of the sidewalk area from 8:00 a.m. until 11:00 p.m. daily is permitted if a permit is received from the Borough. All equipment, tables, chairs, umbrellas, and barricades will be removed from the sidewalk in the fall each year as designated by resolution of Borough Council.
  - c. Umbrellas for the purpose of shielding patrons from weather and such elements may be affixed to outdoor tables in a manner which prevents the umbrellas and/or tables and/or chairs from tipping. Umbrellas shall not contain any written advertisements for the food establishment(s) or vendor(s). Umbrellas shall not exceed the dimensions of the tables if

vertical lines are drawn upward to where an umbrella would span nor can the umbrellas in height impede pedestrians' headroom.

- d. Temporary barricades, as approved by the Zoning Officer, shall be placed at the edge of the usable sidewalk area for the food establishment in order to delineate the usable space for the food establishment and the usable walk area. Such barricades shall be in place during the hours of use. The location of outdoor dining may not use driveways or areas that are used for off-street parking.
- e. During Borough permitted events, the Borough will determine on an event-by-event basis, due to concerns for the Borough citizens' health, safety, and welfare, if seasonal outdoor café dining may occur. Reasonable notice to permit holders under this Ordinance will be provided by the Borough.

## 2. Permits

- a. Any food establishment intending to provide seasonal outdoor café dining table service is required to apply for a permit. An application must be filed with the Borough to secure a permit. A fee must be paid with the filing of the application. Such fee can be amended in the future by resolution of Borough Council.
- b. No action shall be taken on any application for a permit under this subsection until the application has been completed in its entirety and the application fee, as required by a schedule of fees established and amended from time to time by resolution of Borough Council, has been paid in full. The schedule of fees shall be kept on file at the Borough Hall. There shall be no prorating of fees under this subsection.
- c. The applicant shall save, indemnify, defend, and keep harmless the Borough of Ridley Park, its officers, employees, and agents from and against any and all actions, suits, demands, payments, costs, and charges for and by reason of the existence of the restaurant-café and all damages to persons or property resulting from or in any manner caused by the presence, location, use, operation, installation, maintenance, replacement, or removal of such restaurant-café or by the acts or omissions of the employees or agents of the applicant in connection with such restaurant-café.
- d. The applicant shall stop serving customers on or before 11:00 p.m., prevailing time, and clear all tables of food, beverages, and customers on or before 12:00 midnight, prevailing time.

**Article 9**

**C - 2 COMMERCIAL DISTRICT**

**900 Purpose**

The purpose of this district is to provide sufficient space for automobile-oriented merchandising, including the provision of off-street parking spaces and safe circulation of pedestrian and motor traffic in the district and adjoining areas. Techniques including marginal access roads, joint access to thoroughfares, and flexible placement of structures to promote an orderly, safe environment shall be encouraged.

**901 Uses Permitted by Right**

Land, buildings, or premises shall be used by right for only one or more of the following uses:

1. All uses permitted in the C-1 district.
2. All residential uses permitted in the R-3 district.
3. Hotels, motels, or inns and related facilities on a minimum lot size of two (2) acres.
4. Convenience stores.
5. Fast food or drive-in restaurants.
6. Gas or service stations.
7. Beverage distributors.
8. Car washes.
9. Remote parking, subject to Section 1408.
10. All uses permitted by right (Section 901) or by special exception (Section 903) may be arranged as a shopping center, subject to Section 906.

**902 Conditional Uses**

None.

**903 Special Exceptions**

The following uses are permitted by special exception only, subject to the applicable provisions of Articles 17 and 23:

1. All uses permitted by special exception in the C-1 district.
2. Residential conversions, subject to Section 1710.
3. Funeral homes, subject to Section 1713.

**904 Accessory Uses and Structures**

The following uses are permitted as accessory uses incidental to the uses permitted by right:

1. Accessory uses on the same lot with and customarily incidental to any of the above permitted uses.
2. All accessory uses permitted in the C-1 district.

**905 Area and Bulk Regulations for Individual Uses**

Standard	Size
1. Lot area	10,000 square feet minimum
2. Lot width	50 feet minimum
3. Setbacks Front Side Rear	10 feet minimum 10 feet on each side of a building 25 feet minimum
4. Building coverage	65 percent maximum
5. Impervious surface	80 percent maximum
6. Height	35 feet or 3 stories maximum

**906 Area and Bulk Regulations for Shopping Centers**

Standard	Size
1. Lot/tract area	15,000 square feet minimum
2. Unit width	25 feet minimum
3. Setbacks Front Side Rear	10 feet minimum 10 feet on each side of a building 30 feet minimum
4. Building coverage	65 percent maximum

5. Impervious surface	80 percent maximum
6. Height	35 feet or 3 stories maximum

**907 Special Development Regulations**

1. Off-street parking should be located to the rear of properties. Where this is not possible, parking should be located to the side.
2. Parking should be located mid-block; parking should not be located at corners.
3. Consolidation of parking lots to serve multiple properties is recommended to maximize the efficiency of commercial district parking.
4. Parking lots should be screened from the street and sidewalk with landscaping, architectural walls, or fencing in accordance with Article 14.
5. All off-street parking and unloading shall be subject to the regulations of Article 14.

**Article 10**

**MEDICAL CAMPUS DISTRICT**

**1000 Purpose**

The Medical Campus district is intended to provide for hospital and specialized medical services in a central location for residents of the Borough and surrounding communities. Hospitals, health care, medical offices, and related uses for convenience to hospital activities are appropriate in the Medical Campus district. It is particularly intended to preserve certain land and/or facilities already in place and now so used by the community.

**1001 Uses Permitted by Right**

Land, buildings, or premises shall be used by right for only one or more of the following uses:

1. Hospital.
2. Medical or dental clinic or center and related offices.
3. Medical office building.
4. Any use of the same general character as any of the above permitted uses, when such determination is made by the Zoning Hearing Board. In deciding whether a proposed unlisted use is of the same general character, the Board shall apply the compatibility standards in Section 1615.

**1002 Conditional Uses**

The following use is permitted by conditional use only, subject to the applicable provisions of Article 18:

1. Parking structure, subject to Section 1806.

**1003 Special Exceptions**

The following uses are permitted by special exception only, subject to the applicable provisions of Articles 17 and 23:

1. Group day care home or day care center, subject to Section 1707.
2. Uses of the same general character as those permitted in Sections 1001 and 1003. Such uses shall be permitted as a special exception by the Zoning Hearing Board after consideration of the recommendation of the Planning

Commission, provided that these uses are consistent with the purposes and provisions of the district, comply with the performance standards in Article 20, and are not detrimental to the surrounding neighborhood.

#### **1004 Accessory Uses and Structures**

The following uses are permitted as accessory uses incidental to the uses permitted by right:

1. Storage within a completely enclosed structure in conjunction with a permitted main use.
2. Restaurant, cafeteria, or coffee shop serving the users of the principal permitted use.
3. Off-street parking and private garages.
4. Signs, when erected and maintained in accordance with Article 15 of this Ordinance.
5. Any use that is customarily incidental to any of the above permitted uses.

#### **1005 Area and Bulk Regulations**

<b>Standard</b>	<b>Size</b>
1. Lot area	20,000 square feet minimum
2. Lot width	100 feet minimum
3. Building coverage	40 percent maximum
4. Impervious surface	60 percent maximum
5. Front yard	25 feet minimum
6. Side yards	25 feet minimum on each side
7. Rear yard	30 feet minimum
8. Height	60 feet or 5 stories maximum

#### **1006 Special Development Regulations**

1. For lots adjoining a residential district, a landscaped buffer zone of not less than twenty (20) feet shall be established and maintained, consisting of evergreens, shrubs, or other screening vegetation.
2. Screening and landscaping shall be provided in accordance with Sections 1612 and 1613, respectively.

**Article 11**  
**PARKS AND**  
**OPEN SPACE DISTRICT**

**1100 Purposes**

The purposes of this district are to preserve the public open space in the Borough and to provide for specific opportunities for active and passive recreational use. The district is also designed to permit the use of the property for municipal use by the Borough of Ridley Park.

**1101 Uses Permitted by Right**

Land, buildings, or premises shall be used by right for only one or more of the following uses:

1. Passive recreational uses.
2. Playgrounds.
3. Outdoor educational facilities (no structures), such as nature trails and natural amphitheaters.
4. Picnic areas.

**1102 Conditional Uses**

The following uses are permitted by conditional use only, subject to the applicable provisions of Article 18:

1. Municipal property, buildings, or uses.
2. Playfields.
3. Tennis courts.

**1103 Accessory Uses and Structures**

The following uses are permitted as accessory uses incidental to the uses permitted by right:

1. Off-street parking in accordance with Article 14 of this Ordinance.
2. Signs in accordance with Article 15 of this Ordinance.

## 1104 Area and Bulk Regulations

Standard	Size
1. Lot area	1 acre minimum
2. Building coverage	25 percent maximum
3. Impervious surface	30 percent maximum
4. Setbacks	50 feet minimum* (perimeter)
5. Front yard	50 feet minimum*
6. Height	35 feet or 3 stories maximum

\* For conditional uses that abut a residential district.

**Article 12**  
**INTERSTATE FRONTING**  
**CIVIC USE DISTRICT**

**1200 Purpose**

The purpose of this district is to permit the use of property for municipal, recreational, and community use in the Borough of Ridley Park. It is particularly intended to preserve certain land or facilities already in place and so used by the community.

**1201 Uses Permitted by Right**

Land, buildings, or premises shall be used by right for only one or more of the following uses:

1. Playfields.
2. Passive recreational uses.
3. Playgrounds.
4. Outdoor educational facilities (no structures), such as nature trails and natural amphitheaters.
5. Picnic areas.
6. Municipal or governmental buildings or uses.
7. Wireless communications facilities, subject to Article 19 of this Ordinance.

**1202 Conditional Uses**

The following uses are permitted by conditional use only, subject to the applicable provisions of Article 18:

1. Buildings or other structures which house recreational activities which may occur indoors such as swimming or court sports, provided that such uses are noncommercial in nature.
2. Buildings or other structures that contain a snack bar, cafeteria, or other food and beverage service serving the users of the principal permitted recreational use.

**1203 Accessory Uses and Structures**

The following uses are permitted as accessory uses incidental to the uses permitted by right:

1. Off-street parking in accordance with Article 14 of this Ordinance.
2. Signs in accordance with Article 15 of this Ordinance.

**1204 Area and Bulk Regulations**

Standard	Size
1. Lot area	1 acre minimum
2. Building coverage	25 percent maximum
3. Impervious surface	30 percent maximum
4. Setbacks	50 feet minimum (perimeter)
5. Front yard	50 feet minimum
6. Height	35 feet or 3 stories maximum

**Article 13**  
**INDUSTRIAL DISTRICT**

**1300 Purpose**

The purpose of this district is to allow the growth and continued use of industrial properties while minimizing the negative environmental impacts of such uses and the potential decline in value of uses in the adjacent districts.

**1301 Uses Permitted by Right**

Land, buildings, or premises shall be used by right for only one or more of the following uses:

1. Laboratories and scientific or industrial research and development centers.
2. Printing, publishing, photofinishing, or similar establishments.
3. Laundry, laundry service, cleaning, and dyeing plants, provided that the minimum lot area is not less than seven thousand five hundred (7,500) square feet.
4. Commercial greenhouses, nurseries, and wholesale florists.
5. Mail-order merchandise businesses.
6. Indoor storage buildings, warehouses, or distribution centers.
7. Building materials storage and sales.
8. General service or contractor's shops, provided that the minimum lot area is not less than seven thousand five hundred (7,500) square feet.
9. Cold storage plants, frozen food plants and lockers, and catering establishments.
10. Automobile repair shops, including auto bodywork and painting, provided that the minimum lot area is not less than seven thousand five hundred (7,500) square feet.
11. Mortuary.
12. Wireless communications facilities, subject to Article 19.
13. Remote parking, subject to Section 1408.

### **1302 Special Exceptions**

The following uses are permitted by special exception only, subject to the applicable provisions of Articles 17 and 23:

1. The manufacture, compounding, processing, packaging, or treatment of products from previously prepared materials, subject to Article 20.
2. Adult uses, subject to Section 1709.
3. Tattoo parlors, subject to Section 1711.
4. Wireless communication facilities, subject to Section 1902.
5. Uses of the same general character as those permitted in Sections 1301 and 1302. Such uses shall be permitted as a special exception by the Zoning Hearing Board after consideration of the recommendation of the Planning Commission, provided that these uses are consistent with the purposes and provisions of the district, comply with the performance standards in Article 20, and are not detrimental to the surrounding neighborhood.

### **1303 Accessory Uses and Structures**

The following uses are permitted as accessory uses incidental to the uses permitted by right:

1. Accessory uses on the same lot with and customarily incidental to any of the permitted uses.
2. Accessory uses incidental to the principal use which do not include any activity conducted as a business.
3. Signs in accordance with Article 15.

### **1304 Area and Bulk Regulations**

Unless stated otherwise, the following shall be minimum requirements provided. However, nothing herein shall prohibit the continuation of any lawful nonconforming conditions existing at the time of adoption of these regulations, subject to the provisions of Article 21.

Standard	Size
1. Lot area	15,000 square feet
2. Lot width	100 feet
3. Building coverage	40 percent maximum
4. Impervious surface	60 percent maximum
5. Front yard	50 feet
6. Side yards	20 feet (each side)
7. Rear yard	25 feet
8. Height	35 feet or 3 stories maximum

### 1305 Special Development Regulations

1. All uses shall be in full compliance with Article 20.
2. All uses established in this district after adoption of these regulations shall be demonstrated by the applicant not to be materially injurious to adjacent uses or to the Borough as a whole by the emission or creation of noise, vibration, smoke, dust, or other toxic or noxious materials, particulates, odors, fires, explosive hazards, heat, or glare in excess of the standards provided in Article 20.
3. Screening and landscaping shall be provided in accordance with Sections 1612 and 1613, respectively.
4. All uses, processes, and activities shall also comply with any applicable standards of federal, state, and county regulatory agencies.

**Article 14**  
**PARKING**

**1400 Purposes**

The purposes of this Article are to adequately provide for the parking needs of all uses in the Borough, to reduce traffic congestion on public streets by getting parking off streets, and to allow faster emergency access. The secondary purposes include providing for special parking needs of handicapped drivers and providing flexibility in meeting the Borough's parking needs by methods such as common parking arrangements.

**1401 Off-street Parking**

1. Off-street parking and loading provisions as set forth in this Article shall be required in all instances, except for the remodeling of existing buildings as follows:
  - a. In the event of a change of an existing use in an existing building, no additional off-street parking shall be required if the total floor space does not increase **or** if the new use does not require any more spaces under this Article than the use it replaces.
  - b. On-street parking spaces immediately adjacent to the property line of existing buildings may be used to count toward the requirements of this Article.
2. All off-street parking and loading areas, whether required by this Article or not, shall be developed, maintained, and used in accordance with the provisions set forth in this Article.

**1402 Off-street Parking Space Requirements**

1. An off-street parking space shall have a dimension of nine by twenty (9 x 20) feet.
2. Parking lots with five (5) or more spaces may designate up to twenty (20) percent of the spaces as compact spaces with dimensions of eight by fifteen (8 x 15) feet.
3. Parking lots shall comply with the latest adopted Ridley Park Borough Subdivision and Land Development Ordinance.
4. Interior aisles or maneuvering lanes shall have a minimum width as follows:

Angle of Parking Space	Parking Aisle Width in Feet
Parallel	12
Less than 45 degrees	17
60 degrees to 45 degrees	19
90 degrees to 61degrees	22

5. The minimum number of off-street parking spaces required is as follows:

Type of Use	Off-street Parking Spaces Required	Bicycle Parking Standard
Single-family dwelling (detached and twins)	3 spaces	
Multi-family dwellings and townhouses: <ul style="list-style-type: none"> <li>➤ Efficiency</li> <li>➤ 1 bedroom</li> <li>➤ 2 bedrooms</li> <li>➤ 3 or more bedrooms</li> </ul>	<ul style="list-style-type: none"> <li>1 space per dwelling unit</li> <li>1 space per dwelling unit</li> <li>2 spaces per dwelling unit</li> <li>3 spaces per dwelling unit</li> </ul>	1 space per 4 dwelling units
Educational facilities: <ul style="list-style-type: none"> <li>➤ Nursery</li> <li>➤ Elementary</li> <li>➤ High</li> <li>➤ Business/trade school</li> </ul>	<ul style="list-style-type: none"> <li>1 space per employee</li> <li>1 space per teacher, 1 space for each 2 employees and administrative personnel, and 1 space for each classroom, plus safe and convenient loading and unloading of students</li> <li>1 space for each teacher, employee, and administrative personnel, plus 5 spaces for each classroom, plus safe and convenient loading and unloading of students</li> <li>1 space per 250 square feet of gross floor area</li> </ul>	<ul style="list-style-type: none"> <li>1 space per classroom</li> <li>2 spaces per 10 students</li> <li>1 space per 20 students</li> <li>1 space per 20 students</li> </ul>
Professional offices or home occupations in a residential building	1 space per 250 square feet of gross floor area (in addition to spaces required for the principal residential use of the building)	
Retail sales and service (not otherwise specified below)	1 space per 250 square feet of gross floor area	1 space per 500 square feet of gross floor area
Supermarkets	1 space per 125 square feet of gross floor area	1 space per 20 vehicle spaces
Furniture stores	1 space per 500 square feet of gross floor area	
Automobile servicing and repair	3 spaces per service bay	
Offices and banks	1 space per 250 square feet of gross floor area	1 space per 20 vehicle spaces

Industrial (not otherwise specified below)	1 space per 1,000 square feet of gross floor area, plus 1 for every employee on the shift of greatest employment	1 space per 30 vehicle spaces
Warehouses, freight and trucking terminals, and wholesale businesses; building contractors and building material suppliers	Same as for Industrial uses above	1 space per 30 vehicle spaces
Research institutes or laboratories	1 space for 750 square feet of gross floor area, plus 1 for every employee on the shift of greatest employment	1 space per 20 vehicle spaces
Hotels and motels	1 space per rentable room, plus 1 per 2 employees	1 space per 20 employees
Restaurants: <ul style="list-style-type: none"> <li>➤ Sit-down</li> <li>➤ Fast food or carry-out</li> </ul>	1 space per 250 square feet of gross floor area  1 space per 75 square feet of gross floor area	1 space per 500 square feet of gross floor area  1 space per 30 vehicle spaces
Auditoriums, theaters, and similar places of public assembly	1 space per 5 seats	1 space per 30 vehicle spaces
Churches and other places of worship	1 space per 5 seats	1 space per 30 vehicle spaces
Libraries, museums, post offices, civic centers, and similar establishments	1 space per 400 square feet of gross floor area	1 space per 20 vehicle spaces
Hospitals and convalescence or nursing homes	1 space per 3 beds, plus 1 per 2 staff persons or employees from the largest shift	1 space per 30 vehicle spaces
Medical and dental offices and clinics	1 space per 100 square feet of waiting room space, plus 2 for each practitioner	1 space per 30 vehicle spaces
Private clubs	1 space per 6 persons of total capacity	1 space per 30 vehicle spaces
Funeral homes	1 space per 100 square feet of floor area in viewing rooms, plus 1 for every 2 employees, exclusive of the requirement for the resident family	

6. The off-street parking requirements listed above in Section 1402.5 shall not apply to the C-1 district.
7. Every required parking space shall have direct access from or to a public street or alley.
8. The layout of any parking area shall be designed to allow vehicles to move forward when exiting onto a public street, except for the following:

- a. Parking areas for no more than two (2) vehicles having exits onto streets of thirty (30) feet width or less may be designed for reverse exiting.
  - b. Parking areas having exits onto streets or alleys of twenty-four (24) feet width or less may be designed for reverse exiting.
9. In addition to the off-street parking spaces required in Section 1402.5 above, apartment and townhouse developments containing twelve (12) or more units shall provide one (1) off-street space for every four (4) units for guests.

### **1403 Handicapped Parking Space Requirements**

In accordance with the *Americans with Disabilities Act* of 1990, the following provisions shall apply:

1. Parking areas having spaces for ten (10) or more vehicles shall include paved handicapped accessible parking spaces.
2. Accessible handicapped parking spaces shall be at least fifteen (15) feet wide including three (3) feet of cross hatch.
3. Handicap accessible parking spaces and access aisles shall not exceed two (2) percent slope in all directions.
4. Handicap accessible parking spaces shall be provided in the following amounts relative to the total number of spaces provided in the parking area:

Total Parking Spaces in Lot	Required Accessible Spaces
10-25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-300	7
301-400	8
401-500	9
501-1,000	2%
1,001 and over	20 plus 1 for each 100 over 1,000

**1404 Off-street Parking Surfaces**

1. All off-street parking areas shall be properly graded and drained to dispose of all surface water accumulations within the area.
2. No surface water from any parking or loading area shall be permitted to drain onto any adjoining property.
3. Any parking area with egress directly onto a street twenty-four (24) feet or wider in the C-1 and C-2 districts, in the Medical Campus district, or serving multi-family dwellings with twelve (12) units or more shall be surfaced with an asphalt, bituminous, cement, brick, or other properly bound pavement so as to provide a durable and dustless surface. Other parking lots may be surfaced with gravel or other dust-free surface.
4. Curbs, bumper guards, bollards, or wheel stops shall be installed in parking and loading areas where there is a protective fence, wall, or hedge to ensure that vehicles will not strike them or obstruct public rights-of-way.

**1405 Overflow Parking Surfaces**

Off-street areas used for special event parking or to accommodate occasional overflow volume may be constructed of any dust-free, compacted, pervious ground cover. The owner of the property shall be responsible for the maintenance of such parking in a clean and dust-free condition. Grass and mulch are examples of acceptable pervious ground cover.

**1406 Lighting of Parking Areas**

1. All parking areas for more than ten (10) vehicles serving business uses and collective residential parking shall be adequately illuminated during the hours between sunset and sunrise when the use is in operation. Any lighting used to illuminate any off-street parking area shall be so arranged or shielded to protect any adjacent residential premises from the glare of the illumination.
2. Fixtures shall be equipped with or be capable of being backfitted with light directing devices such as shields, visors, or hoods when necessary to redirect offending light distribution. Lights shall be installed or aimed so that they do not project their output into the window of a neighboring residence, an adjacent use, directly skyward, or onto a roadway.

### **1407 Access Driveways**

1. Each separate use or group of buildings constructed and maintained on a lot as a unified development shall have no more than two (2) accessways connecting a tract to any one (1) street or highway for each three hundred (300) feet of frontage.
2. The accessway shall be from ten (10) to twenty (20) feet wide in the C-1 and C-2 districts.
3. In the C-1 and C-2 districts, the accessway shall be onto a side street at the rear of the property, not less than thirty (30) feet from the corner, unless this is physically not possible.

### **1408 Remote Parking Lots**

Parking lots may be located on a lot or parcel separate from the nonresidential use they serve. Such remote lots shall be permitted in the C-2 and the Industrial districts only, provided that they are located not more than three hundred (300) feet from the primary use, structure, or parcel that they serve.

### **1409 Shared Parking Lots**

1. Multiple buildings or uses may share parking lots to meet the required parking spaces of this Article, provided that the lot is owned by one (1) or more of the users.
2. Before a parking lot may serve multiple users, a formal written agreement containing a site plan and the number of spaces to be allocated to each user shall be signed by all of the parties. A copy of this agreement shall be kept on file by the Zoning Officer, who may revoke the zoning permits of the users if the agreement is not maintained.
3. In order to encourage the maximum use of Ridley Park's parking lots, the following rules will govern:
  - a. If the applicants combine residential uses with nonresidential uses having normal business hours between 8 a.m. and 6 p.m., each space may be counted for both uses.
  - b. If the applicants can demonstrate to the satisfaction of the Borough that the peak business hours for each use are substantially different, such as an office having daytime hours combined with a restaurant or bar having peak use in the evening. Each space may be counted for both uses.

- c. If the applicants’ business hours are substantially the same, or if the applicants are all residential uses, the total spaces required shall be the total of all proposed uses.

**1410 Off-street Loading Areas**

All uses requiring regular shipments and deliveries shall provide sufficient off-street areas for the standing, turning, loading, and unloading of trucks so that the parking and maneuvering of trucks on public streets will be avoided.

- 1. Every building or use of land consisting of over five thousand (5,000) square feet of gross area designed or used for commercial or industrial uses shall be provided with a loading space as follows:

Total Gross Floor Area	Number of Loading Spaces Required
Between 5,001 and 15,000 square feet	1 space
15,000 to 50,000 square feet	2 spaces
50,000 to 100,000 square feet	3 spaces
Each additional 100,000 square feet	1 additional space

- 2. The size of the loading spaces shall be a minimum of:
  - a. Twelve by thirty-five (12 x 35) feet for retail business and service establishments of twelve thousand five hundred (12,500) square feet or less.
  - b. Fourteen by sixty-five (14 x 65) feet for all other uses located on lots greater than twelve thousand five hundred (12,500) square feet.

**1411 Parking Structures**

See Standards for Parking Structures as Conditional Uses in Section 1806.

**1412 Parking Lot Design**

Ridley Park’s downtown and many of its traditional neighborhoods were constructed in the era before automobiles became widely used. Ridley Park’s development pattern of closely spaced buildings, often placed up against the street, give it the distinct neighborhood feel and identity it enjoys today. To retain that special feel in the automobile era, Ridley Park needs to accommodate cars without demolishing buildings or otherwise destroying the character of its areas when accommodating parking lots for commercial, office, and apartment uses.

1. Where it is physically possible, parking lots shall be located behind buildings, so that buildings separate parking areas from the street. In cases where this is not possible, parking may be located to the side of the building. Parking shall be permitted in front of principal buildings only where no other arrangement is feasible. However, the owner/applicant must obtain a special exception to authorize parking in front of the main building.
2. Whenever a parking lot abuts a street, attempts should be made to screen it through landscaping and screening. A four (4) foot tall fence or wall may be permitted as a special exception, provided that it is constructed of wood, brick, stone, vinyl designed to look like wood, stucco over concrete block (capped with brick, slate, or stone), ornamental iron or ornamental aluminum, steel, or vinyl designed to look like iron.

### **1413 Landscaping and Screening Requirements**

1. All parking areas containing ten (10) or more parking spaces and all loading areas shall be landscaped in accordance with the following requirements:
  - a. At least five (5) percent of the interior area of the parking facility (excluding parking structures) shall be landscaped. This does not include the perimeter planting provided for beautification or to satisfy screening requirements.
  - b. Each planting area shall be at least twenty-five (25) square feet in area and have no dimension less than five (5) feet.
  - c. Each planting area shall contain at least one (1) tree, and the facility as a whole shall contain at least one (1) tree for every ten (10) parking spaces.
  - d. Trees used to satisfy parking lot landscaping requirements shall be a minimum of three (3) inches in caliper at planting and shall be suitable for location in parking lots, as defined by the Ridley Park Borough Shade Tree Commission.
  - e. Existing trees shall be preserved wherever possible.
  - f. Existing and new trees shall be protected by bollards, high curbs, or other barriers sufficient to minimize damage.
  - g. Extensive unbroken pavement areas in large at-grade open parking facilities shall not be permitted. In parking lots containing twenty-five (25) or more spaces, a row shall contain no more than fifteen (15) contiguous parking spaces without a densely planted landscaped planting area of at least the dimensions of one (1) parking space.

**Article 15**  
**S I G N S**

**1500 Purposes**

The Borough recognizes that signs perform an important function in identifying properties, businesses, services, residences, events, and other matters of public interest. It is the intent of this Article to:

1. Set standards and provide controls that permit reasonable use of signs and enhance the character of the Borough.
2. Encourage sign design that builds on the traditional town image and visual environment that the Borough seeks to promote.
3. Avoid excessive competition for large or multiple signs, so that permitted signs provide identification and direction while minimizing clutter, unsightliness, confusion, and hazardous distractions to motorists.
4. Protect against hazards to traffic and pedestrian safety.

**1501 Scope and Applicability**

Any sign hereafter erected shall conform to the provisions of this Article and any other ordinance or regulations of the Borough relating thereto. Any sign not specifically authorized by the provisions of this Article shall not be erected in the Borough.

1. It shall be unlawful for any person, firm, or corporation to erect, alter, rebuild, enlarge, extend, or relocate signs listed in Section 1508 (signs for which a permit is required) without first obtaining a permit from the Borough, except for those signs listed in Section 1504 (exempt signs).
2. Application for such permits shall be made in writing to the Borough in accordance with Section 1506.
3. The Zoning Officer is hereby authorized to revoke any permit issued by the Borough upon failure of the holder thereof to comply with any provision of this Article.

**1502 General Regulations**

The following restrictions and regulations shall be applicable to all signs unless otherwise specified:

1. All signs, excluding awning and window signs, shall be constructed only from wood, metal, stone, or other material as determined by the Borough which has the general appearance of structures composed primarily of wood, metal, or stone with painted, engraved, or raised messages. Sign materials should complement the original construction materials and architectural style of the building façade on which they are to be displayed. If plywood is used, medium density overlay shall be used as a minimum grade. Bare plywood is prohibited.
2. In selecting the principal colors for a sign, colors that complement the color of the building should be used.
3. Where permitted, signs shall be illuminated only in accordance with the following regulations as authorized in an appropriate sign permit:
  - a. Light sources shall be shielded from all adjacent properties and streets and shall not be of such intensity as to cause glare hazardous to pedestrians or motorists.
  - b. Signs using internal illumination shall be designed so that when illuminated at night, only the letters and logos of the sign are visible. Individual, solid letters with internal lighting tubes which backlight a wall in a halo effect are permitted.
  - c. Permits for illuminated signs will not be issued without an approved electrical permit. All work shall be completed in full compliance with the Electrical Code as set forth in the most recently published Pennsylvania Uniform Construction Code.
  - d. No illuminated sign shall be lighted on days when the business or permitted use is not open for business.
  - e. Internally illuminated signs are not permitted in Historic Districts.
4. The electrical supply to all exterior signs, whether to the sign itself or to lighting fixtures positioned to illuminate the sign, shall be provided by means of concealed electrical cables. Electrical supply to freestanding signs shall be provided by means of underground cables. Applications for electrical permits shall be filed at the same time as the sign permit application.
5. No sign shall create a public nuisance by emitting smoke, sound, vapor, beams or rays, particle emission, or odors.
6. Any business that has closed shall remove any signs associated with the business within sixty (60) days after it closes. The owner of the premises shall have the responsibility to ensure that such signs are removed within the sixty (60)-day period.
7. No sign or sign structure shall be erected unless it complies with all applicable requirements of the Pennsylvania Uniform Construction Code.

8. All signs and sign structures shall be kept in good repair and in presentable condition so that all sign information is clearly legible. Any sign found by the Zoning Officer to show deterioration, rust, faded colors, discoloration, holes, and missing parts or informational items shall constitute a violation of this Article.
9. Except for official/traffic, directional, and incidental signs, no sign shall be erected within the right-of-way lines of any public street, and no sign shall be closer than six (6) feet to the right-of-way line of a public street, unless specifically authorized by other ordinances and regulations of the Borough of Ridley Park or other governmental bodies or agencies having jurisdiction or regulatory authority in the matter.
10. All permanent signs over four (4) square feet in size shall be constructed by a professional sign company.
11. Except for official signs, incidental signs, directional signs, wayfinding signs, or billboards, all permanent signs shall be located on the property to which the text or message applies.
12. Freestanding Pole Signs
  - a. The bottom or lowest edge of any freestanding pole sign shall be no closer to the ground than seven (7) feet. Not more than two (2) feet above the ground level can be devoted to and maintained for plantings. If such plantings are installed, they shall be maintained at the maximum height of two (2) feet and shall be free of weeds, debris, and other undesirable material.
  - b. The maximum height of such signs shall be twenty (20) feet in residential and the C-1 districts and thirty-five (35) feet in all other districts measured from grade level, unless specifically stated otherwise in regulations for a particular district.
  - c. All single-post pole signs shall be made of metal, except for those used in residential districts which may be made of pressure-treated timbers. All such posts shall be embedded in the ground at least three (3) feet six (6) inches unless otherwise directed by the Zoning Officer.
  - d. Freestanding pole signs will be permitted in residential areas only when set back a minimum distance of six (6) feet behind the front property line, and no portion of such sign shall be less than six (6) feet behind the front property line.
  - e. There shall be a distance of not less than one hundred (100) feet between freestanding pole signs along the same road frontage.

13. Freestanding Ground Signs

- a. The top edge of a ground sign shall be a maximum of six (6) feet above ground level.
- b. Ground signs shall be supported and permanently placed by embedding, anchoring, or connecting the sign in such a manner as to incorporate it into the landscape or architectural design scheme.
- c. The setback shall be as required for freestanding pole signs in Section 1502.12 above.
- d. Illumination shall be by concealed or indirect lighting.

14. Window Signs

A maximum of twenty (20) percent of the total window area may be used for permanent signs that are etched, painted, or permanently affixed to the window. Neon signs in a window shall have a maximum of ten (10) percent coverage or eight (8) square feet, whichever is less.

15. Temporary Signs

- a. The use of any temporary sign, except for signs exempt by Section 1504, shall require a permit that shall be effective for not more than thirty (30) days.
- b. Such signs shall not obstruct access to or from any door, window, fire escape, or ventilating equipment nor be attached to any standpipe or fire escape.
- c. Temporary signs shall be removed immediately upon expiration of the permit.
- d. The size of these signs shall not exceed one-third (1/3) square foot of sign area for each linear foot of building width.
- e. Temporary commercial advertising signs shall not be attached to fences.
- f. After expiration of a thirty (30) day period for the temporary sign permit, the applicant may apply for another such permit. However, not more than four (4) such permits for a temporary sign shall be issued to the same applicant within any twelve (12) month period.

16. Awning Signs and Canopy Signs

- a. A permit shall be obtained from the Zoning Officer for the erection, repair, or replacement of any awning sign or canopy sign, following a review by the Planning Commission.

- b. Awning signs and canopy signs shall be designed and constructed to withstand wind or other lateral loads, and live loads as required by the Uniform Construction Code, with due allowance for shape, open construction, and similar features that receive the pressure and loads.
- c. All awning signs shall have a minimum clearance of seven (7) feet from the sidewalk to the lowest part of the metal framework of any awning, except that the bottom of the valance of canvas awnings shall have a minimum clearance of six (6) feet nine (9) inches above the sidewalk.
- d. Retractable or fixed awnings are permitted to project up to four (4) feet into a public right-of-way, provided that they meet clearance requirements and are no closer than one (1) foot to a curb line.
- e. No post of any canopy sign is permitted within a public right-of-way.
- f. All awnings and canopies shall have totally opaque covering material.
- g. Lettering delineating the name of the establishment only and logos shall be permitted only on the face of the awning or canopy that is parallel to the building façade.

#### 17. Real Estate “For Sale” or Development Signs

Signs that advertise real estate for sale shall not exceed sixteen (16) square feet in residential districts and thirty (30) square feet in nonresidential districts. Such signs shall be removed from the property in question not less than seven (7) days after the date of settlement.

### **1503 Prohibited Signs**

Unlawful signs include, but are not limited to:

1. Any sign which by color, shape, or location conflicts with or resembles a traffic signal device.
2. Signs attached to rocks, utility poles, parking meters, traffic signposts, traffic signals or control devices, street signs, or historical markers.
3. Signs attached to trees, shrubs, or any living vegetative matter.
4. Signs erected without the permission of the property owner or authorized agent.
5. Signs that create a hazard by obstructing the clear view of vehicles and pedestrian traffic.

6. Animated signs.
7. Any sign that obstructs free ingress to or egress from a required door, window, fire escape, or other required exit.
8. Vehicular signs.
9. Abandoned signs.
10. Flashing signs.
11. Revolving signs.
12. Tethered balloons, filled either by gas or heated air.
13. Roof signs.
14. Wall signs that cover windows or architectural detail.
15. Banners longer than one hundred fifty (150) percent of the street frontage of the premises.
16. Signs with reflective backgrounds.

#### **1504 Exempt Signs**

The following signs to the extent indicated are exempt from the requirements of this Article, from the need to secure permits, and from the allowable sign area requirements, except as specified below in this section:

1. Official signs posted in the strict performance of lawful governmental functions, such as roadway signs indicating route number, street name, traffic, and parking.
2. Small signs not exceeding two (2) square feet that are necessary for traffic movement on private property.
3. Memorial or historic markers where approved by the Historical and Architectural Review Board or the Planning Commission.
4. Small temporary signs, provided that:
  - a. The size of any such sign shall not exceed four (4) square feet.
  - b. Up to three (3) temporary signs shall be allowed on any parcel without a permit so long as their aggregate square footage does not exceed ten (10) square feet.

5. Nameplate signs on private residences, provided that they do not exceed one (1) square foot.

### **1505 Nonconforming Signs**

1. Nothing in this Article shall relieve the owners or users of legally nonconforming signs, or the owners of the property on which legally nonconforming signs are located, from any provisions of this Article regarding the safety, maintenance, and repair of signs.
2. Should fifty (50) percent or more of any legally nonconforming sign be damaged by any means, it shall be removed and not reconstructed except in conformity with the provisions of this Article.
3. The existence of a legally nonconforming sign on a single or multiple occupancy premises shall not prevent the erection or placement of another sign on the premises, if the new sign meets the requirements of this Article. However, the total number of signs and the area of the signs shall not exceed the requirements of this Article.
4. A legally nonconforming sign shall immediately lose its legally nonconforming designation if the sign is altered in any way. At that point, the sign shall be immediately brought into compliance with this Article and a new permit secured or the sign shall be removed.
5. Signs on the premises of legally nonconforming uses, such as an office in a residential area, may remain until the existing use of the premises is discontinued. If a sign wears out or is damaged or is changed for any other reason, the number, size, and area of all signs relating to the premises shall not be increased beyond the size they were at the time this Article was adopted.
6. If a legally nonconforming sign lists more than one (1) business, new businesses may be added without affecting the nonconforming status of the sign. However, the sign may not be altered in any way that extends the sign's nonconformity in any manner.

### **1506 Permits**

Unless otherwise provided by this Article, all signs shall require permits and payment of fees as described in this section. No permit is required for the maintenance of a sign or for a change of copy on a legally conforming painted, printed, or changeable copy sign. For the purposes of this section, "maintenance" shall include any repainting of a sign that does not otherwise change its message or appearance.

1. It shall be unlawful for any person, firm, or corporation to erect, alter, repair, or relocate any sign within the Borough of Ridley Park 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:
3. A permit fee, to be established from time to time by resolution of Borough Council, shall be paid.
4. The Borough shall process all sign permit applications within thirty (30) days of the Borough's receipt of an application and upon remittance of the appropriate sign permit fee. The Zoning Officer shall give notice to the applicant of his/her decision by hand delivery or by mailing such notice by certified mail, return receipt requested, to the address on the permit application on or before the thirtieth (30<sup>th</sup>) day. If the decision of the Zoning Officer is to deny the application, the decision shall state the grounds upon which the denial is based. Failure of the Borough to act within the thirty (30) day period shall be deemed an approval of the permit.

### **1507 Special Regulations for Signs in Historic Districts**

In addition to all other requirements of this Article, the following regulations shall be applicable to any sign placed in an Historic District:

1. No sign shall be erected or altered until an application for a Certificate of Appropriateness has been reviewed and approved by the Ridley Park Historical and Architectural Review Board (HARB) and after Borough Council has issued a Certificate of Appropriateness. The HARB shall ensure that the proposed sign is appropriate:
  - a. Regarding the style, period, type, size, and scale of the building for which it is proposed.
  - b. Regarding consistency with other signs in the district.
  - c. All applications for a Certificate of Appropriateness must contain the following information:
    - (1) A current color photograph of the property.
    - (2) An illustration of the building façade showing the proposed sign.
    - (3) A scaled drawing showing the sign itself and including the size, materials, colors, lighting, lettering, and method of attachment. Material samples may be required.
    - (4) For ground signs, a site plan indicating the location of the sign.
    - (5) The type of illumination.

## 1508 Signs for Which a Permit Is Required

The following signs and no other are permitted in the respective districts, provided that they meet all applicable requirements of this Article.

### 1. Signs in Residential Districts

- a. Identification signs for apartment buildings, townhouse developments, churches/religious uses, and similar permitted uses other than individual dwellings, provided that:
  - (1) The type of sign permitted shall be wall and freestanding ground signs only.
  - (2) The size of any such sign shall not exceed sixteen (16) square feet; however, in the R-3 district twenty-four (24) square feet is permitted.
  - (3) Ground signs shall have a maximum height of six (6) feet.
  - (4) Not more than one (1) sign shall be permitted for each permitted use or structure unless such premises fronts on two (2) streets, then no more than two (2) signs, one (1) on each street, shall be permitted.
  - (5) No such sign shall be illuminated except by concealed or indirect lighting attached to the sign itself.
- b. Permanent signs for public or private schools, religious uses, and other nonresidential uses, provided that:
  - (1) These signs shall be wall signs and freestanding signs; however, changeable copy shall be permitted for schools and churches, temples, etc.
  - (2) The size of any such sign shall not exceed twenty-four (24) square feet.
  - (3) Not more than one (1) sign shall be permitted for each permitted use or residential structure unless such premises fronts on two (2) streets, then no more than two (2) signs, one (1) on each street, shall be permitted.
  - (4) No such sign shall be illuminated except by concealed or indirect lighting attached to the sign itself.
- c. Signs identifying nonresidential nonconforming uses, provided that they meet the same requirements as subsection 1.a above.
- d. Signs identifying residential professional offices, provided that such sign shall not exceed twelve (12) square feet.

- e. Nameplate signs which do not exceed two (2) square feet. Also see Exempt Signs, Section 1504 above.
- 2. Signs in the C-1 Commercial District
    - a. Any sign permitted in Residential districts.
    - b. Wall signs, projecting signs, freestanding ground signs, freestanding pole signs, awning signs, and canopy signs.
    - c. Maximum sign dimensions:
      - (1) Wall signs and awning signs – one (1) square foot of sign area for each foot of building width with a maximum of thirty (30) square feet.
      - (2) Freestanding signs (ground signs and pole signs) – sixteen (16) square feet.
      - (3) Projecting signs and canopy signs – ten (10) square feet.
    - d. Not more than three (3) types of permitted signs shall be permitted on any one premises, provided that the combined area of these signs shall not exceed fifty (50) square feet.
  - 3. Signs in the C-2 Commercial District
    - a. Any sign permitted in Residential districts or the C-1 district.
    - b. Wall signs, projecting signs, freestanding ground signs, freestanding pole signs, awning signs, and canopy signs.
    - c. Maximum sign dimensions:
      - (1) Wall signs and awning signs – one (1) square foot of sign area for each foot of building width with a maximum of fifty (50) square feet.
      - (2) Freestanding signs (ground signs and pole signs) – twenty-four (24) square feet.
      - (3) Projecting signs and canopy signs – sixteen (16) square feet.
    - d. Not more than three (3) types of signs shall be permitted on any one premises, provided that the combined area of these signs shall not exceed seventy (70) square feet.
  - 4. Signs in the Medical Campus District

- a. Any sign permitted in Residential districts or the C-1 district.
  - b. Wall signs, projecting signs, freestanding ground signs, freestanding pole, awning signs, and canopy signs
  - c. Maximum sign dimensions:
    - (1) Wall signs and awning signs – sixty (60) square feet.
    - (2) Freestanding signs (ground signs and pole signs) – fifty (50) square feet.
    - (3) Projecting signs and canopy signs – twenty (20) square feet.
    - (4) For buildings that have a front width of one hundred (100) feet or more, two (2) wall signs shall be permitted on that frontage. In this case, a special exception shall be required. In this case, the maximum sign area of such wall signs combined shall not exceed one hundred (100) square feet.
    - (5) Not more than three (3) types of the above noted signs shall be permitted on any one premises, provided that the combined area of these signs shall not exceed one hundred twenty (120) square feet.
5. Signs in the Interstate Fronting Civic Use District
- Same as in the Medical Campus district, provided that billboards are permitted, subject to Section 1509.
6. Signs in the Parks and Open Space District
- Same as in the C-1 Commercial district, provided that no sign shall be illuminated except by concealed or indirect lighting attached to the sign itself or on the ground directed upwards at the sign. The intent is to protect adjacent residential areas from impacts of light or glare.
7. Signs in the Industrial District
- a. Wall signs, freestanding ground signs, and freestanding pole signs.
  - b. Maximum sign dimensions:
    - (1) Wall signs – one (1) square foot of sign area for each foot of building width with a maximum of seventy-five (75) square feet.
    - (2) Freestanding signs (ground signs and pole signs) – fifty (50) square feet.

- c. For buildings that have a front width of one hundred (100) feet or more, two (2) wall signs shall be permitted on that frontage. In this case, a special exception shall be required. In this case the maximum sign area shall not exceed one hundred twenty-five (125) square feet.
- d. Not more than two (2) types of signs shall be permitted on any one premises, provided that the combined area of these signs shall not exceed one hundred fifty (150) square feet.

## **1509 Billboards**

- 1. The Borough has considered the need for the promotion of local and county businesses, organizations, and events to the motoring public on Interstate 95, which abuts a small portion of the Borough. In light of this need, the Borough will allow the installation of one (1) Borough- or County-owned billboard to be located in the Interstate Fronting Civic Use zoning district. Such billboard may be operated by a third party for general commercial purposes but must also have availability for community announcements. The following requirements shall apply to the billboard:
  - a. The billboard will be allowed to have a gross surface area no greater than one thousand two hundred (1,200) square feet.
  - b. The billboard shall be set back not less than five hundred (500) feet (measured by radial spacing) from any other zoning district. Distance measurement shall be made horizontally in all directions from the nearest edge of the sign face.
  - c. The billboard structure shall have a maximum height above the grade at the sign base of one hundred twenty (120) feet.
  - d. It shall be located within two hundred (200) feet of the right-of-way of Interstate 95.
  - e. The design and configuration shall include changeable message technology and shall comply with the requirements of the Pennsylvania Department of Transportation for a general outdoor advertising sign or billboard.
  - f. It shall not display any obscene material.
  - g. It shall not emit noise.
  - h. The billboard shall not be mounted on a roof, wall, or face or other part of a building or any other structure, including trees.
  - i. External illumination of any and all sign faces on the billboard shall be shielded to prevent the light source from being seen from adjacent or nearby residential properties, streets, or sidewalks.

2. All billboard standards herein shall exist in full force and effect in conjunction with all sign standards existing in the most recent edition of the International Construction Code (ICC), as amended. Whenever any conflict exists between this chapter and the ICC Code, the more restrictive provisions shall have precedence.

**1510 Other Off-premises Signs**

1. Off-premises signs shall be permitted to be affixed or attached to the walls of bus shelters.

**Article 16**  
**GENERAL REGULATIONS**

**1600 Purpose**

The purpose of this Article is to identify certain regulations and standards that are either common to all zoning districts or applicable to more than one district.

**1601 Overall Requirements**

1. No building or structure, or part thereof, shall hereafter be erected, constructed, or altered, and no new use or change shall be made or maintained of any building, structure, land, or part thereof, except in accordance with this Ordinance.
2. Every principal building shall hereafter be built on a lot with frontage on a public or private street.
3. No lot or premises shall hereafter be subdivided or reduced in area or size in any manner so as to violate the provisions of this Ordinance.

**1602 Projections into Required Yards**

No principal building, or part thereof, shall be erected within, or shall project into, any required yard in any district, except for unenclosed porches, decks, wheelchair ramps, one (1)-story bay windows, eaves, chimneys, balconies, fire escapes, buttresses, cornices, or steps, and none of these, except wheelchair ramps and unenclosed decks or similar projects, shall encroach more than three (3) feet into any required yard.

**1603 Visibility at Corner Lots**

1. On any corner lot, no wall, fence, or other structure shall be erected or maintained, and no hedge, tree, shrub, or other growth shall be planted, grown, or maintained which may cause danger to vehicular traffic by obscuring the view or in any other way be a source of danger.
2. Clear sight triangles shall be provided at all intersections. Within such clear sight triangle, no object greater than two and one-half (2 1/2) feet in height shall be erected, placed, planted, or allowed to grow except for utility poles, light standards, street signs, and fire hydrants, and no other object that would obscure the vision of a motorist shall be permitted. Such triangles shall be established in accordance with current PennDOT guidelines including but not limited to Design Manual Part 2 and the Smart Transportation Guidebook. In

utilizing the Smart Transportation Guidebook, the Borough shall be consulted in defining the land use context and roadway type. Wherever a portion of the clear sight triangle extends behind the building setback line, such portion of the clear sight triangle shall be the building setback line. In no case shall the clear sight triangle be less than twenty-five (25) feet measured along the curb line from the point of intersection of the extended curb lines.

3. The Borough shall have the right to declare any obstruction to vision within the line of the sight triangle a safety hazard and shall direct the owner of the property to have it removed. If the owner fails to do so within thirty (30) days after written notice, the Borough shall remove the obstruction and bill the owner and lien the property for the expense involved.

#### **1604 Accessory Uses and Structures**

1. Except in the Industrial district, no accessory structures may be placed in front of the principal building.
2. On corner lots, accessory structures shall be placed no closer to the side street than the principal building.
3. Except for fences, decks, and sheds, there shall be a distance of not less than three (3) feet between an accessory structure and a side or rear lot line. Also see Section 1606.
4. Except in the Industrial district, accessory structures shall not exceed fifteen (15) feet in height.
5. Accessory structures shall not be used for permanent or temporary human habitation.
6. No storage shall be allowed in front yards in nonindustrial zoning districts.
7. In residential districts, not more than one (1) storage shed shall be placed on a lot. Sheds shall be placed near the rear of the lot not less than five (5) feet from the rear lot line.
8. The maximum size of storage sheds shall not exceed two (2) percent of the total lot area, with the following exceptions:

C-1 Commercial district	--	sixty (60) square feet maximum
C-2 Commercial district	--	one hundred (100) square feet maximum
9. The area of a garage shall not exceed four hundred fifty (450) square feet in the R-1 Residential district and two hundred fifty (250) square feet in the R-2 and R-3 districts.

**1605 No-impact Home-based Businesses**

1. No-impact home-based businesses shall be permitted as an accessory use in all residential districts.
2. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
3. The business shall employ no employees other than family members residing in the dwelling.
4. There shall be no display or sale of retail goods and no stockpiling of inventory of a substantial nature.
5. There shall be no outside appearance of a business use including, but not limited to, parking, signs, or lights.
6. No on-site parking of commercially identified vehicles shall be permitted.
7. The business activity may not use any process or equipment which creates noise, vibration, glare, fumes, odors, or electrical or electronic interference with radio or television reception which is detectable in the neighborhood.
8. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
9. The business activity shall be conducted only within the dwelling and may not occupy more than twenty-five (25) percent of the habitable floor area.
10. The business may not involve any illegal activity.

**1606 Decks**

1. Decks located at the rear or side of a dwelling may encroach into required yards, provided that they are a minimum of fifteen (15) feet from any lot line.
2. The deck shall be placed not less than one (1) foot from the party wall of a twin or row dwelling. This setback is needed for access and maintenance.
3. Decks more than thirty (30) inches above ground level shall adhere to the following requirements:
  - (a) Must have a hand railing not less than thirty-six (36) inches high around the entire deck with spindles not more than four (4) inches apart.

- (b) Must have a hand railing on any stairway.
- 4. In an area where motor vehicles may park or drive, decks shall have support designed by a licensed, professional engineer.
- 5. All materials used in the construction of a deck shall comply with the most recently adopted Uniform Construction Code.

**1607 Satellite Antennas**

- 1. Satellite antennas shall be considered as a permissible accessory use in all zoning districts.
- 2. The diameter of a satellite antenna shall not exceed two (2) feet.
- 3. The satellite antenna shall be located only in the rear yard and not closer than eight (8) feet to the property line.
- 4. When roof-mounted, the satellite antenna shall be located on a portion of the roof sloping away from the front of the lot, and no part thereof shall project above the ridge line.
- 5. All wiring for ground-based antennas shall be underground.
- 6. The satellite antenna shall be of a color that blends with the surrounding landscape.
- 7. All satellite antennas shall be adequately grounded for protection against a direct strike of lightning.
- 8. No more than one (1) satellite antenna shall be permitted on any lot.
- 9. Before the erection of any such satellite antenna, a building permit must be applied for and issued by the Ridley Park Borough Building Inspector.

**1608 Swimming Pools, Private**

- 1. The discharge of water from any private swimming pool into any sanitary sewer or storm sewer shall be permitted only after a plumbing permit for the same has been issued in accordance with the Borough Plumbing Code and such other applicable Borough ordinances.
- 2. Although discharge into sanitary sewers is the preferred environmental alternative, in cases where water is not discharged into a sanitary sewer, it should be pumped over a grassy area to allow absorption, filtration, and aeration.

3. Where approval is obtained to discharge water from a private swimming pool into the sanitary sewer system, the owner or occupant of said pool may discharge the water only at a time or times designated by the Building Inspector and endorsed on the permit.
4. No private swimming pool shall be located closer than ten (10) feet to a property line or eight (8) feet to a cellar or basement, nor shall it be constructed in the front yard of any property. Accessory buildings, such as locker rooms, bathhouses, cabanas, shower rooms, and toilets, and other physical facilities or equipment incident to the operation of any private swimming pool shall conform to the requirements of the Borough Building, Zoning, and Plumbing Codes.
5. Every private swimming pool shall be completely surrounded by a fence. Every person maintaining a private swimming pool shall keep the gate closed and securely locked at all times when said pool is not in use by the person maintaining the same, his family, or his guests. Said fence must be a minimum distance of six (6) feet from the edge of the pool and must be erected around the entire perimeter of the pool.
6. The fence surrounding the pool shall be not less than six (6) feet high.
7. No artificial lighting shall be maintained or operated in connection with private swimming pools in such location or manner as to be a nuisance or an unreasonable annoyance to the neighboring properties, and it shall be arranged and shaded to reflect light away from adjoining premises.
8. Health requirements:
  - a. Every private swimming pool constructed, installed, established, or maintained in the Borough of Ridley Park shall at all times comply with the requirements of the local Board of Health. Any nuisance or hazard to health which may exist or develop in or in consequence of or in connection with any such private swimming pool shall be abated and removed by the owner, lessee, or occupant of the premises on which said pool is located within ten (10) days of receipt of notice from the Building Inspector or Health Officer of the Borough of Ridley Park. It shall be the duty of the Building Inspector and the Health Officer, respectively, or their authorized assistants to enforce the provisions of this subsection.
  - b. The Building Inspector and/or Health Officer or any of their assistants or deputies shall have the right to enter any premises or any building or other structure for the performance of their duties to ascertain compliance with this section.

**1609 Fences and Walls**

1. Fences and walls are prohibited in the front yards of properties.
2. Fences and walls constructed in side yards shall in no case be permitted to extend beyond the front building line into the front yards of properties.
3. Fences and walls in the residential districts will be subject to the following provisions:

Location	Maximum Height	Materials
Side yard adjacent to a street  Rear yard adjacent to a street	4 feet	Brick Ornamental iron Ornamental aluminum or steel designed to look like iron Stone Wood in the form of a picket fence Vinyl designed to look like wood in the form of a picket fence Vinyl designed to look like iron
Interior side or rear yard	6 feet	Any common fence material

4. In the nonresidential and mixed use districts, no fence, wall, hedge, or similar growth shall exceed six (6) feet in height.
5. All fences or walls shall be erected one-half (1/2) foot inside the property line, provided that said fences or walls may be erected on a joint property line with the consent of both owners.
6. The fence shall be installed so that the finished side faces toward the outside of the property.
7. Hedges and other plantings, whether or not they constitute a fence, shall be trimmed so as not to grow out over sidewalks, streets, or adjoining properties.
8. Barbed wire fences are prohibited.
9. Before erecting a fence, a permit must be obtained from the Zoning Officer, as required in Article 22.

**1610 Refuse**

1. Unless specifically stated otherwise for a particular district, all refuse shall be placed in closed, vermin-proof containers.
2. In the case of multi-family buildings, all refuse receptacles shall be effectively screened from the view of residents and from public streets and sidewalks by means of a fence, wall, or plantings. All such receptacles shall be placed on the property responsible for the refuse.

**1611 Lighting**

Multi-family dwellings and nonresidential buildings shall be properly lighted to assure safe driving conditions at night as well as security and safety of residents and patrons. All lighting shall be designed to protect neighboring properties from glare.

**1612 Planted Visual Screen**

1. A planted visual screen, as defined in Article 2, shall be provided and maintained under the following circumstances. In case of conflict between a regulation in this Article and that in any individual district, the regulation in the individual district shall prevail.
  - a. When a commercial or industrial structure is constructed or extended adjacent to an existing residential use or district.
  - b. When a multi-family or townhouse structure or addition thereto is proposed to abut an existing single-family detached dwelling.
  - c. Where any proposed institutional use or an expansion of an existing industrial use abuts an existing residential use or residential district.
  - d. Any other instance where screening is required by this Ordinance, by the Borough, or by the Zoning Hearing Board.
2. A privacy fence, subject to Section 1609, may be substituted for a planted visual barrier only when there is insufficient area to provide a planted visual screen.
3. Screening shall comply with the following requirements:
  - a. The planted visual screen shall consist of species indigenous to the area so as to provide a year-round visual barrier.
  - b. Such screens shall incorporate earthen mounds or berms, where possible, to improve sound as well as visual buffering.

- c. Plants shall be at least six (6) feet high when planted, and no plantings shall be placed closer than five (5) feet to the property line.
  - d. Placement of screening material shall not obscure sight lines at intersections.
  - e. All mechanical equipment not enclosed in a structure shall be fully and completely screened and landscaped in a manner compatible with the style of the buildings on the site.
4. Upon a recommendation of the Planning Commission, an opaque privacy fence or wall may be substituted for the planted screen required above. Such alternate screening must be constructed and placed so as to clearly provide an effective visual barrier.

## **1613 Landscaping**

### **1. General Regulations**

- a. Any part or portion of a site which is not used for buildings or other structures, loading and parking spaces, aisles, sidewalks, and designated storage areas shall be planted and maintained with landscaping. Maximum advantage shall be taken of existing trees and shrubs in landscaping.
- b. All landscaped planting areas shall be planted with grass seed, sod, or other ground cover and shall be maintained and kept clean of all debris, rubbish, weeds, and tall grass, provided, however, that if such land is naturally wooded, it may continue in its natural state.
- c. Unless otherwise specified, landscaped planting areas may be part of the required front, side, and rear yards.
- d. Except for single-family and two-family dwellings, any part or portion of a site which is not used for loading and parking spaces, aisles, sidewalks, and designated storage areas shall be landscaped according to an overall plan prepared and approved as part of the development plan or shall be left in its natural state. A replacement program for nonsurviving plant material should be included.

### **2. Landscaping Plans**

- a. Landscaping shall be installed and maintained in accordance with a landscape plan approved by Borough Council. The landscape plan shall depict all proposed plantings which relate to, complement, screen, or accentuate buildings, roads, parking areas, sidewalks, walkways, sitting areas, service or maintenance structures, courtyards, and other site features.

- b. The landscaping plan shall be coordinated with the development plan and shall show the location, type, size, height, and other characteristics of the proposed landscaping.
  - c. The plan shall be accompanied or shall include information regarding the continued maintenance of plantings indicating that all plantings will be replaced, if damaged, diseased, or dead, in locations shown on the approved plan.
3. Specific Requirements

For every new building, alteration, or expansion erected after the effective date of this Ordinance, landscaping shall be provided as noted below.

Zoning District or Use	Minimum Landscaping Requirements
C-1 Commercial District	Two (2) shrubs which may be placed in planters in front of the principal building.
C-2 Commercial District	Three (3) feet wide along the principal road frontage or three (3) feet wide adjacent to the front of a principal building.
Medical Campus District	Six (6) feet wide along the principal road frontage and adjacent to at least two (2) sides of a principal building.
Industrial District and Interstate Fronting Civic Use District	Three (3) feet wide in front of a principal building.

**1614 Condominiums**

In the event that multi-family dwellings are converted or developed as condominiums, such condominiums shall be owned and operated in accordance with the Pennsylvania *Uniform Condominium Act* of 1980, as amended.

**1615 Compatibility Standards for Uses of the Same General Character**

In determining if a proposed use is of the same general character as the listed uses, Borough Council and the Planning Commission shall consider the compatibility standards listed below:

- 1. Type and volume of sales, retail or wholesale activity, size and type of items sold, and nature of inventory on the premises.

2. Extent of processing, assembly, warehousing, shipping, and distribution done on the premises of any dangerous, hazardous, toxic, or explosive materials.
3. The nature and location of storage and outdoor display of merchandise and the predominant items stored.
4. The type, size, and nature of buildings and structures supporting the use.
5. The number of employees and customers in relation to business hours and employment shifts.
6. The business hours the use is open for business, ranging from seven (7) days a week, twenty-four (24) hours a day to several times a year.
7. The transportation requirements for people and freight, by volume, type, and characteristics of traffic generation to and from the site, trip purposes, and whether trip purposes can be shared with other uses on the site.
8. Parking characteristics, turnover and generation, ratio of the number of spaces required per unit area or activity, and potential for shared parking with other uses.
9. The tendency for attracting or repelling criminal activities to and from or on the premises.
10. The amount and nature of nuisances generated on the premises, such as noise, smoke, odor, glare, vibration, radiation, and fumes.
11. Any special public utility requirements for serving the use, such as water supply, wastewater output, pre-treatment of wastes and emissions recommended or required, and significant power structures and communication towers or facilities.

## **1616 Trailers**

1. Construction/office trailers, as defined in Article 2, shall be temporarily placed at or near a work or construction site, only after acquiring a permit from the Borough that shall be effective for not more than ninety (90) days. The applicant may then apply for another permit.
2. Trailers shall be prohibited in residential and commercial districts except for those used at new construction sites.
3. Trailers shall be removed from the site within five (5) days after completion of the construction or other work activity that was the basis for permitting the placement of the temporary trailer.

4. In the Industrial district, office/storage trailers shall require a permit from the Borough only if they are placed or intended to be placed within two hundred (200) feet of the right-of-way line of a public street. Such permits shall be effective for one (1) year.
5. Nothing in this section shall be construed to prohibit the parking of recreational trailers or similar vehicles in private garages or driveways.

### **1617 Steep Slopes**

#### **1. Intent**

The provisions of this Ordinance are designed to encourage the sensitive treatment of hillsides and their related soil and vegetation resources in an effort to minimize adverse environmental impacts. Further, the following objectives serve to complement this specific purpose and the overall purpose of this Ordinance:

- a. To conserve and protect steep and very steep slopes from inappropriate development and disturbance such as excessive grading, land form alteration, and extensive vegetation removal.
- b. To avoid potential hazards to property and the disruption of ecological balance, which may be caused by increased runoff, flooding, soil erosion and sedimentation, blasting and ripping rock, landslide, and soil failure.
- c. To encourage the use of steep and very steep slopes for open space and other uses which are compatible with the preservation of natural areas and protection of areas of environmental concern.

#### **2. Applicability**

This section shall apply to all land, buildings, and uses and all grading of land in preparation for building in all zoning districts.

#### **3. Submission**

- a. Any application for subdivision and land development or any application for a zoning or building permit for a principal building or principal use or any proposal to extensively alter the preexisting contour of land shall include the submission of a detailed topographic map if the existing lot involved includes any areas of fifteen (15) percent or greater slope that total greater than one thousand (1,000) square feet.

- b. The topographic map shall be at a scale of one (1) inch equals fifty (50) feet and shall show the preexisting contours of all lands proposed for any subdivision, land development, building, or use. Such contours shall be at intervals of five (5) feet of vertical change. Contours shall be based on an actual field survey supervised and certified by a registered land surveyor.
- c. The topographic map shall clearly identify areas that have preexisting areas of steep slope of between fifteen (15) percent and twenty-five (25) percent slope and areas of very steep slope of greater than twenty-five (25) percent slope.
- d. The applicant shall clearly designate the proposed building site, including an area twenty-five (25) feet around the proposed building location, for each lot that includes or is proposed to include any areas of fifteen (15) percent or greater slopes. Such building location shall become binding once approved, unless a subsequent submission and approval occurs under this section.

#### 4. Permitted Uses

The following uses and no others shall be permitted in areas of steep slope (fifteen (15) to twenty-five (25) percent) and very steep slope (twenty-five (25) percent or greater):

- a. Agricultural uses not requiring cultivation or structures.
- b. Conservation and recreational uses not requiring any structures.
- c. Front, side, or rear yards of any lot or tract.
- d. Public recreational uses owned by a governmental agency.
- e. Uses that are clearly customarily and incidentally accessory to a use permitted by this section.
- f. Nature preserves not involving any structures or commercial use.
- g. Structures existing prior to the effective date of this Ordinance.

#### 5. Conditional Uses

The following uses are permitted only as conditional uses, subject to Article 18:

- a. Conservation and recreational uses requiring structures.

b. Proposed utilities, easements, and rights-of-way.

6. Standards for Approval of Conditional Uses

a. In addition to the standards described in Article 18, Borough Council shall consider the following:

(1) The degree of modification to the topographic, soil, and vegetation resources and the techniques proposed to mitigate potential environmental impacts.

(2) The effect the development would have on adjacent properties.

(3) The relationship of the proposed uses to the objectives described in Section 1617.1.

b. Any use(s) or structure(s) approved as a conditional use shall provide evidence that:

(1) The steep slope area is being proposed for development since no other alternative location is feasible or practical.

(2) Earthmoving activities and vegetation removal will be conducted only to the extent necessary to accommodate proposed uses and structures and in a manner that will not cause excessive surface water runoff, erosion, sedimentation, and unstable soil conditions. Further, it shall be demonstrated that any and all reasonable mitigation techniques and procedures will be utilized or have been considered in the preparation of the subdivision and/or land development plan.

(3) Proposed buildings and structures are of sound engineering design and footings are designed in response to the site's slope, soil, and bedrock characteristics and, where applicable, shall extend to stable soil and/or bedrock.

7. Prohibited Uses

The following uses and activities are specifically prohibited:

a. Cut and fill, other than in association with any uses related to subsection 4 above.

b. Soil, rock, and mineral extraction and/or removal, other than in association with any uses related to subsection 4 above.

- c. Removal of topsoil, other than in association with any uses related to subsection 4 above.
  - d. Stormwater management facilities, other than in association with any uses related to subsection 4 above.
8. Slopes of Roads and Driveways
- a. No portion of any street proposed to be dedicated to the Borough shall have a finished slope in excess of ten (10) percent.
  - b. No portion of any private street, accessway, or driveway shall have a finished slope in excess of twelve (12) percent.
  - c. If road or driveway slope standards that are more restrictive are required under another applicable ordinance, those more restrictive standards shall apply.

9. Grading

The requirements of this section shall apply to the contours of land that existed at the time of the adoption of this Ordinance. The contours of land regulated by this section shall not be changed prior to submission and regulation under this section.

**Article 17**  
**CONDITIONS AND STANDARDS**  
**FOR SPECIAL EXCEPTIONS**

**1700 Purpose**

The purpose of this Article is to provide conditions and standards for uses permitted by special exception. In these cases, the Zoning Hearing Board may attach reasonable conditions and safeguards, in addition to those expressed in this Article, as it may deem necessary to implement the purposes of this Ordinance and those of the *Pennsylvania Municipalities Planning Code*, Act 247, as amended.

**1701 General Requirements**

In any instance where the Zoning Hearing Board is required to consider a request for a special exception, the Board shall consider the following factors where appropriate:

1. That the proposed use is consistent with the statement of goals and objectives as stated in the latest adopted Ridley Park Borough Comprehensive Plan and the statement of purpose for the district in which the use is proposed.
2. That the proposed use is appropriate for the site in question in terms of size, topography, natural features, drainage, sewage and solid waste disposal, water supply, stormwater management, accessibility and availability of public services, and that adequate provisions will be made to protect sensitive environmental features such as streams, wetlands, slopes, and mature trees.
3. That the proposed use is compatible with the character of the surrounding neighborhood, will not interfere with or detract from adjacent properties, and that adequate measures will be provided through building design, site layout, landscaping, planting, and operational controls to minimize any adverse impacts caused by noise, lights, glare, odors, smoke, fumes, traffic, parking, loading, and signage.
4. That the proposed use will serve the best interest of the Borough, convenience of the community, and the public health, safety, and welfare.
5. That the proposed use is suitable in terms of its effect on highway safety and traffic circulation and that access, on-site circulation, and parking are adequate.
6. That the proposed use will provide for adequate off-street parking, as required in Article 14.

7. That the proposed use will reflect effective site planning and design in terms of energy efficiency, environmental protection, and aesthetic composition.
8. Financial hardship shall not be construed as a basis for granting a special exception.

**1702 Requirements for Review Where Specific Standards Are Not Provided**

In cases where this Article does not provide specific standards for uses permitted by special exception, the following dimensional requirements will be applied by the Zoning Hearing Board:

1. In residential districts, the area, bulk, and any other applicable requirements shall be no less stringent than those for single-family dwellings in the district where the use is proposed.
2. In nonresidential districts, the area, bulk, and any other applicable requirements shall be no less stringent than those for the use which requires the greatest dimensions in the applicable nonresidential district.
3. The Zoning Hearing Board may require additional, reasonable but more stringent requirements than those required in subsections 1 or 2 above, provided that the Board makes one or more of the following determinations:

That the requirements of subsections 1 and 2 above are clearly:

- a. Insufficient to accommodate the proposed building, facility, or use and that greater dimensional requirements would substantially alleviate that condition.
  - b. Insufficient to provide adequate area for parking and loading, as required by Article 14, and that greater requirements would substantially alleviate that condition.
  - c. Insufficient to provide for lot areas and dimensions necessary to protect the adjacent area from the potential adverse impacts of the proposed use, such as noise, vibration, air pollution, and similar impacts, and that greater dimensional requirements would substantially alleviate that condition.
4. All parking requirements of Article 14 must be followed.

**1703 Public or Private Utility Facilities or Buildings**

Standards that apply to public or private utility facilities or buildings are as follows:

1. If located within a residential, open space, or agricultural zone, the applicant must demonstrate that the selected location is necessary for public service and convenience and that the use cannot be supplied with equal effectiveness if located elsewhere.
2. If located within a residential zone, all buildings and structures shall be designed, to the extent possible, to have the exterior appearance of a residence.
3. In any residential zone, the outdoor storage of vehicles or equipment used in the maintenance of a utility shall not be permitted; in nonresidential zones, all outdoor storage shall be screened from adjoining roads and properties.
4. There shall be no specified minimum lot size; however, each lot shall provide front, side, and rear yard setbacks and comply with the maximum lot coverage requirements as prescribed in the underlying zone.
5. All structures shall be set back a distance at least equal to the height of the structure from all adjoining property lines.
6. The use shall emit no obnoxious noise, glare, dust, odor, vibration, electrical disturbance, or any other objectionable impact beyond the subject property.
7. All site improvements shall be screened from all adjoining residentially zoned properties.

**1704 Private Clubs or Lodges**

Private clubs or lodges shall be permitted by special exception in the R-3 Residential district in accordance with the following requirements:

1. Private clubs shall be operated for civic, cultural, educational, social, or recreational purposes.
2. The activity shall be noncommercial, nonprofit, and clearly one not customarily carried on as a business.
3. Each building or facility shall be for members and their guests only.
4. No club shall provide for eating or dining except on an incidental basis.

**1705 Religious Uses**

In the R-1, R-2, and R-3 Residential districts, religious uses such as churches and similar buildings shall be permitted only as a special exception use, subject to the dimensional requirements listed below:

Standard	Size
1. Lot area	20,000 square feet minimum
2. Lot width	100 feet minimum
3. Building coverage	40 percent maximum
4. Impervious surface	60 percent maximum
5. Front yard	25 feet minimum
6. Side yards	25 feet minimum (each side)
7. Rear yard	30 feet minimum
8. Height	50 feet maximum

**1706 Public or Private Schools**

In the R-1, R-2, and R-3 Residential districts, public or private schools shall be permitted only as a special exception, subject to the dimensional requirements listed below:

Standard	Size
1. Lot area	20,000 square feet minimum
2. Lot width	100 feet minimum
3. Building coverage	40 percent maximum
4. Impervious surface	60 percent maximum
5. Front yard	25 feet minimum
6. Side yards	25 feet minimum (each side)
7. Rear yard	30 feet minimum
8. Height	35 feet or three (3) stories maximum

**1707 Child Care Facilities**

1. General Provisions

The following general provisions apply to each of the three defined types of child day care facilities. In addition, each type of child day care facility shall comply with the specific individual regulations for each type of facility:

- a. The provisions of this section pertain to day care service for children by caregivers in:

- (1) Family day care homes (permitted by special exception in R-1, R-2, and R-3 districts)
- (2) Group day care homes (permitted by special exception in C-1, C-2, and Medical Campus districts)
- (3) Day care centers (permitted by special exception in C-1, C-2, and Medical Campus districts)

Subject to Article II, Sections 8A, 8B, and 8C of the Department of Public Welfare (DPW) Social Services Manual Regulations, day care service for children shall include out-of-home child day care service for part of a twenty-four (24) hour day for children under sixteen (16) years of age by caregivers, excluding care provided by relatives. Day care service for children shall not include babysitting or day care furnished in places of worship during religious services.

- b. Family day care homes, as defined in Article 2, must hold an approved and currently valid DPW registration certificate. Group day care homes and day care centers, as defined in Article 2, must hold an approved and currently valid DPW license. In addition, all child day care facilities shall comply with all current DPW regulations, including those standards governing adequate indoor space, accessible outdoor play space, and any applicable state or local building and fire safety codes.
- c. Each operator of a newly established child day care facility shall notify the Borough in writing at least fifteen (15) days prior to the initiation of such use, for the purpose of allowing the Borough to establish a record of new land use. Already existing licensed or registered facilities shall be required to notify the Borough of its operation in writing at least sixty (60) days after enactment of this section. In addition, the operator of any facility must certify compliance with all aspects of this section and all other applicable municipal requirements.
  - (1) Family day care homes must provide proof of an approved DPW registration certificate at the time of initial notification to the Borough and must show proof of the registration renewal every two (2) years. At such time that a family day care home wishes to expand its operation to the level of a group day care home, the operator of the facility shall notify the Borough in writing at least fifteen (15) days prior to the expansion of the use and provide proof that all requirements for licensure by DPW have been met. The operator must also satisfactorily demonstrate that the facility meets the standards for group day care homes established in subsection 3 below.
  - (2) Group day care homes and day care centers must provide proof of an approved and currently valid DPW license at the time of initial

notification to the Borough and must provide proof of annual license renewal.

- d. The operator of a family day care home, group day care home, or day care center will allow appropriate representatives of the Borough to enter the property at reasonable times to inspect such use for compliance with the requirements of this section and all other applicable municipal and state ordinances.
- e. No portion of a child care facility shall be located within three hundred (300) feet of any potentially hazardous land use or activity which could pose a threat to the safety and welfare of the children, staff, and other occupants at the facility. Hazardous land uses or activities include, but shall not be limited to, gasoline service stations, heavy industrial operations, storage of flammable or high pressure underground pipelines, truck or rail loading areas, etc.
- f. Outside play shall be limited to the hours between 8:00 a.m. and 8:00 p.m.
- g. An outdoor play area, as required by DPW regulations, shall be provided for any proposed child day care facility.
  - (1) An on-site outdoor structured play area or areas of high outdoor activity shall be located in yard areas which provide adequate separation, safety, and protection from adjoining uses, properties, and roadways. Whenever possible, the on-site outdoor play area shall not be located in the front yard. The outdoor play area should be located immediately adjacent to the child care facility.
  - (2) In accordance with DPW standards, a child day care facility may utilize off-site play areas in lieu of or as a supplement to an on-site play area. These standards permit the use of off-site play areas which are located within a one-half (1/2) mile distance of the facility, measured from the property line of the facility. When the use of an off-site play area is proposed, the applicant shall inform the municipality about the means of transportation that will be used to access the off-site play area. For reasons of safety, when children will be walked to an off-site play area, the route to the off-site play area shall not involve the crossing of avenues or state roads. Pedestrian access on sidewalks or improved walkways shall be required.
- h. Any addition or improvement to an existing residential structure or property for purposes of child 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. Any improvements to the structure shall be in compliance with all other

applicable municipal regulations relating to building and/or zoning permits.

- i. Any proposed child day care facility which will generate one hundred (100) or more new trips during the morning or evening peak hour shall be required to conduct a traffic impact study.
  - (1) The purpose of the traffic impact study is to provide the local Planning Commission and governing body with adequate information and data to properly assess the impact of the proposed facility on the surrounding road and street network, as well as on streets and roads providing immediate access to the proposed development.
  - (2) The need for capital improvements to the existing transportation network which will be needed to accommodate the additional traffic generated by the proposed facility.
  - (3) Traffic and/or pedestrian safety issues which may arise from the proposed facility.
- j. Day care facilities shall not be permitted in multi-family dwellings and apartments.

## 2. Family Day Care Homes

Any proposed family day care home shall comply with the following standards in addition to the general provisions for all types of child day care facilities in subsection 1 above.

- a. One (1) on-site drop-off space for clients shall be provided. An existing driveway or common parking lot space may be used as the drop-off area if it can be demonstrated that there is sufficient space available in the driveway that is not otherwise occupied or committed to safely accommodate a parked vehicle. If a driveway is used for the drop-off area and the proposed use fronts on an arterial or major collector street, an on-site turnaround area shall be provided so that vehicles can exit the site driving forward. In cases where the existing driveway cannot function as a drop-off area, an on-site drop-off space shall be provided. The drop-off area shall conform to the municipal dimensional standards for residential parking spaces.
  - (1) In cases where the drop-off area cannot be accommodated on the site, the applicant shall demonstrate that there is on-street parking or some other available parking area located within two hundred fifty (250) feet of the property line of the proposed facility.

- (2) The required drop-off area may be waived by the municipality if the applicant can demonstrate that the clients of the family day care home will walk to the facility, thereby eliminating the need for the additional parking space.
  - b. If there are unsafe areas, such as open drainage ditches, wells, holes, heavy street traffic, etc. in or near an outdoor play area, there shall be fencing to restrict children from these areas. Natural or physical barriers, such as hedgerows, walls, or dense vegetation may be used in place of fencing so long as such barriers functionally restrict children from unsafe areas.
  - c. The applicant shall demonstrate that the children in the family day care home can safely, quickly, and easily vacate the premises in case of emergency.
  - d. The hours of operation shall be limited to between 6:30 a.m. and 8:00 p.m.
  - e. The applicant shall provide the name and address of adjacent apartment dwellers to allow the municipality to notify such individuals of the proposed use. Adjacent apartments shall be considered all apartments located within ten (10) feet from any wall, floor, or ceiling of the proposed use.
3. Group Day Care Homes

Any proposed group day care home shall comply with the following standards in addition to the general provisions for all types of child day care facilities in subsection 1 above:

a. Minimum Distance Between Facilities

- (1) In order to avoid a concentration of individual group day care homes in residential neighborhoods, group day care homes shall be located a minimum of three hundred (300) feet from each other as measured from the respective property lines. This dispersion requirement shall not apply in cases where a proposed group day care home is located within three hundred (300) feet of a school facility or church which provides child care services.
- (2) The above requirement may be waived if the applicant provides a petition signed by two thirds (2/3) of the residents within three hundred (300) feet of the proposed facility stating that the residents do not object to the proposed use.

b. Drop-off Area

(1) A drop-off area shall be provided with sufficient area to allow the temporary parking of two (2) vehicles. An existing driveway or common parking lot spaces may be used as the drop-off area if it can be demonstrated that there is sufficient space available in the driveway that is not otherwise occupied or committed to safely accommodate two (2) parked vehicles. If a driveway is used for the drop-off area and the proposed use fronts on an avenue or state road, an on-site turnaround area shall be provided so that vehicles can exit the site driving forward. In cases where the existing driveway cannot function as a drop-off area, two (2) new on-site drop-off spaces shall be provided. The drop-off area shall conform to the municipal dimensional standards for residential parking spaces.

(2) In cases where the on-site drop-off area cannot be accommodated, the applicant shall demonstrate that there is on-street parking or some other available parking area located within two hundred fifty (250) feet of the property line of the proposed facility.

c. In order to physically contain the activity of children in the outdoor play area, a minimum four (4) foot high fence shall be erected along the perimeter of the outdoor play area. When applicable, the fence shall be located along property lines. Natural or physical barriers such as hedgerows, walls, dense vegetation, etc. may be substituted for fencing if it can be demonstrated that such barriers can effectively contain the activity of the children.

4. Day Care Centers

Any proposed day care center shall comply with the following standards in addition to the general provisions for all types of child day care facilities in subsection 1 above:

a. A minimum of one (1) safe drop-off space shall be provided for each twenty (20) children that the facility is licensed to accommodate.

(1) Whenever possible, the drop-off area shall be located immediately adjacent to the facility. The drop-off area should be designed in such a way that pedestrians do not cross vehicular traffic lanes in any parking area or driveway. The drop-off area may be designed either as a part of the on-site parking area or the required drop-off spaces may be designed as part of a driveway providing direct access to the facility.

- (2) When the drop-off area is incorporated into the on-site parking area, the parking spaces nearest to the facility shall be designated as drop-off spaces. When the drop-off area is incorporated into a driveway, the drop-off spaces shall be located within a vehicle turnaround area twelve (12) feet in width exclusive of the driveway through traffic lane(s).
- b. In order to physically contain the activity of children in the outside play area, a minimum four (4) foot high fence shall be erected along the perimeter of the outside play area. When applicable, the fence may be located along property lines. Natural or physical barriers such as hedgerows, walls, dense vegetation, etc. may be substituted for fencing if it can be demonstrated that such barriers can effectively contain the activity of the children.
- c. Play equipment in designated on-site play areas shall be located at least ten (10) feet from an abutting property line.
- d. The proposed day care center shall not be detrimental to the use, development, peaceful enjoyment, and economic value of the surrounding properties or the neighborhood.
- e. The proposed day care center shall be compatible with the existing character of the neighborhood.

### **1708 Professional Home Offices or Studios**

Professional home offices or studios shall be permitted only by special exception in the R-1, R-2 and R-3 Residential districts.

1. These professional home offices shall be permitted only within an existing single-family detached structure which has a lot size of not less than fifteen thousand (15,000) square feet.
2. No external alterations inconsistent with the residential character of the dwelling shall be permitted.
3. The activity must be performed indoors without any outdoor storage.
4. No display of products shall be permitted.
5. The residential appearance of the structure shall not be altered.
6. There shall be only one (1) practitioner, and not more than two (2) employees shall be permitted at any given time.

7. The practice or professional office shall not occupy more than forty (40) percent of the floor area of the structure.
8. Signs shall be in accordance with Article 15 of this Ordinance.
9. Parking shall be in accordance with Article 14 of this Ordinance.

**1709 Adult Uses**

Adult uses shall be permitted only as a special exception in the Industrial district.

1. No establishment housing or intended for an adult use shall be placed on a lot area of less than seven thousand five hundred (7,500) square feet.
2. No adult use establishment shall be located within five hundred (500) feet of a school, church, day care center, public library, public park or playground, or residential district.
3. No such establishment shall be located within five hundred (500) feet of any existing adult use.
4. There shall be a planted visual screen as defined in Article 2 and provided in accordance with Section 1612.
5. No obscene material, representation, or sign shall be placed or displayed so as to be visible from outside the adult establishment. Signs shall be limited to a verbal description of materials or services available on the premises and shall not include any graphic or pictorial depiction of such services or materials.
6. No persons under the age of eighteen (18) shall be permitted in an establishment containing adult materials.

**1710 Residential Conversions**

Conversions of single-family detached dwellings and single-family semi-detached dwellings shall be permitted only as a special exception in the R-2 and R-3 Residential districts and in the C-1 and C-2 Commercial districts, subject to the following requirements:

1. In order to be eligible for conversion, a dwelling shall have a minimum floor area of one thousand five hundred (1,500) square feet, excluding basement space.
2. The maximum number of units created by the conversion shall be two (2).

3. Two (2) off-street parking spaces shall be required for each unit created by the conversion. Such spaces shall be paved and have direct access to a street or alley. The stacking of motor vehicles (an arrangement where it is necessary to move a given vehicle to allow another vehicle to exit) is prohibited.
4. No external alterations inconsistent with the residential use of the structure and the architectural character of the neighborhood shall be permitted.
5. Each unit shall be a complete, separate housekeeping unit that is independent of any other unit.
6. Where there is no sidewalk along the frontage of the property, such sidewalk shall be constructed before the conversion is permitted.
7. Prior to conversion, the applicant shall obtain a permit from the Zoning Officer.
8. All utility connections shall meet the standards of the utility company.
9. Applications for conversion shall contain the following items:
  - a. Floor plan showing the layout, including all dimensions of each unit.
  - b. Site development plan showing the location of the dwelling.
  - c. Other existing buildings, all property lines, proposed additions, and building setback line; location, size, and extent of all rights-of-way and easements; required parking spaces; and 100-year floodplain.
10. All plans shall be drawn to a scale of not less than one (1) inch equals four (4) feet for the floor plans and one (1) inch equals twenty (20) feet for the site development plan.

### **1711 Tattoo Parlors**

Tattoo parlors shall be permitted by special exception in the Industrial district only, subject to the requirements listed below:

1. The lot on which a tattoo parlor is placed or maintained shall have an area of not less than seven thousand five hundred (7,500) square feet.
2. No person, organization, or corporation may operate a tattoo parlor unless it has obtained a Certificate of Registration from the Pennsylvania Department of Health.
3. Such Certificate shall be obtained annually and shall not be transferable.

4. The current Certificate shall be posted in a prominent and conspicuous area where patrons may readily see it.
5. It shall be unlawful for any person to engage in the business of operating a tattoo parlor without first obtaining a permit to engage in such business in accordance with the provisions in this Article.
6. The room in which tattoo procedures are conducted shall have an area of not less than one hundred (100) square feet.
7. The establishment shall take all measures necessary to ensure against the presence or breeding of insects, vermin, and rodents within the establishment. Pest control records are to be available during normal business hours.
8. The establishment shall have proper facilities for the disposal of waste materials.
9. The establishment shall have a cleaning area which shall have an area for the placement of an autoclave or other sterilization unit located or positioned a minimum of thirty-six (36) inches from the required ultrasonic cleaning unit.
10. Before working on each patron, each tattoo artist shall clean his or her fingernails with his or her individual fingernail file and shall thoroughly wash and scrub his or her hands with hot running water, soap, and his or her individual hand brush. Hands shall be dried with individual single use towels. The operator shall wear a clean, new pair of latex gloves, designed for use in surgery, for each customer.
11. No tattooing shall be done on any skin that has a rash, pimples, boils, and infections or manifests any evidence of unhealthy conditions.
12. All facilities and procedures shall comply with the requirements of the Pennsylvania Department of Health.

**1712 Conversions of a Second Floor**

The second floor of commercial uses in the C-1 and C-2 Commercial districts may be converted to apartments when authorized as a special exception, in compliance with the requirements below:

1. The apartment created by way of conversion shall have a gross floor area of not less than six hundred twenty-five (625) square feet.
2. The lot area shall be not less than twelve thousand (12,000) square feet.

3. Only one (1) apartment shall be created on a second floor by way of conversion.
4. Applicants for conversions on lots where there is no existing sidewalk shall install a sidewalk along the frontage of the property prior to completing the conversion.
5. All utility connections shall meet utility company standards.
6. Prior to conversion, the applicant shall obtain a permit from the Zoning Officer.
7. The Zoning Officer may inspect any proposed conversion for compliance with the Building, Maintenance, Zoning, and any other applicable Borough codes.

### **1713 Funeral Homes**

Funeral homes shall be permitted as a special exception in the C-2 Commercial district, in accordance with the requirements below:

1. The minimum lot areas shall be not less than fifteen thousand (15,000) square feet.
2. At least one (1) property line shall have frontage on an arterial road.
3. No building in which funeral-related activities are performed shall be located within thirty (30) feet of a residential district or use.
4. Where a lot on which the funeral home is located abuts a residential district, a planted visual screen, as defined in Article 2 and in accordance with Section 1612, shall be provided.

**Article 18**  
**CONDITIONS AND STANDARDS**  
**FOR CONDITIONAL USES**

**1800 Purpose**

The purpose of this Article is to provide conditions and standards for conditional uses. In these cases, Borough Council may attach reasonable conditions and safeguards, in addition to those expressed in this Article, as it may deem necessary to implement the purposes of this Ordinance and those of the *Pennsylvania Municipalities Planning Code*, Act 247, as amended.

**1801 General Requirements**

In any instance where Borough Council is required to consider a request for a conditional use permit, Council shall follow the provisions of this Article.

**1802 Standards for Review of Conditional Uses**

1. In any instance where Council is required to consider a request for a conditional use, Council shall consider the following factors where appropriate:
  - a. That the proposed use is appropriate for the site in question in terms of size, topography, natural features, drainage, sewage disposal, water supply, accessibility, and availability of public services and that adequate provisions will be made to protect sensitive environmental features such as streams, wetlands, slopes, and mature trees.
  - b. That the proposed use is compatible with the character of the surrounding neighborhood and will not interfere with or detract from legitimate uses and adjacent properties, and that adequate measures will be provided through building design, site layout, landscaping, planting, and operational controls to minimize any adverse impacts caused by noise, lights, glare, odors, smoke, fumes, traffic, parking, loading, and signage.
  - c. That the proposed conditional use will serve the best interest of the Borough, convenience of the community, and the public health, safety, and welfare.
  - d. That the proposed use is consistent with the most recently adopted Ridley Park Borough Comprehensive Plan.
  - e. That the proposed use promotes orderly development, proper population density, and the provision of adequate community facilities and services, including police and fire protection.

- f. That the proposed use is suitable in terms of its effect on highway safety and traffic circulation, and that access, on-site circulation, and parking are adequate in view of anticipated traffic.
  - g. That the proposed use will provide for adequate off-street parking, as required in Article 14.
2. In cases where conditional uses are not accompanied by specific standards listed below in this Article, the regulations in Section 1803 below shall apply.
  3. Financial hardship shall not be construed as a basis for granting conditional uses.
  4. In granting any request for a conditional use, Council may attach reasonable conditions and safeguards in addition to those expressed in this Article as it may deem necessary to implement the purposes of the MPC and the Ordinance, which conditions and safeguards may relate to, but not be limited to, screening, lighting, noise, safety, aesthetics, and the minimization of noxious, offensive, or hazardous elements. Such conditional use shall be clearly authorized by a provision in this Ordinance and shall, where applicable, comply with the more specific standards relating to such use contained in appropriate sections of this Article.

**1803 Requirements for Review Where Standards Are Not Provided**

In cases where this Article does not provide specific standards for conditional uses, the following dimensional requirements will be applied by Borough Council:

1. In residential districts, the area, bulk, and any other applicable requirements shall be no less stringent than those for single-family dwellings in the district where the use is proposed.
2. In nonresidential districts, the area, bulk, and any other applicable requirements shall be no less stringent than those for the use which requires the greatest dimensions in the applicable nonresidential district.
3. Borough Council may require additional, reasonable but more stringent requirements than those required in subsections 1 or 2 above, provided that Council makes one or more of the following determinations:

That the requirements of subsections 1 and 2 above are clearly:

- a. Insufficient to accommodate the proposed building, facility, or use and that greater dimensional requirements would substantially alleviate that condition.

- b. Insufficient to provide adequate area for parking and loading, as required by Article 14, and that greater requirements would substantially alleviate that condition.
- c. Insufficient to provide for lot areas and dimensions necessary to protect the adjacent area from the potential adverse impacts of the proposed use, such as noise, vibration, air pollution, and similar impacts, and that greater dimensional requirements would substantially alleviate that condition.

**1804 Standards of Proof**

- 1. An applicant for a conditional use permit shall have the burden of establishing both:
  - a. That his application falls within the provisions of this Ordinance which affords to the applicant the right to seek a conditional use permit; and
  - b. That the allowance of a conditional use permit will not be contrary to the public interest.

**1805 Impact on the Public Interest**

- 1. In determining whether the allowance of a conditional use permit is contrary to the public interest, Council shall consider whether the application, if granted, will:
  - a. Adversely affect the public health, safety, and welfare due to changes in traffic conditions, drainage, air quality, noise levels, neighborhood property values, natural features, and neighborhood aesthetic characteristics.
  - b. Be in accordance with the most recently adopted Ridley Park Borough Comprehensive Plan.
  - c. Provide required parking in accordance with Article 14.
  - d. Adversely affect the logical, efficient, and economical extension or provision of public services and facilities such as public water, sewers, refuse collection, police, fire protection, and public schools.
  - e. Otherwise adversely affect the public health, safety, or welfare.

## **1806 Standards for Parking Structures**

Off-street parking may be provided in parking structures as a conditional use only in the Medical Campus district pursuant to Article 14, subject to the following conditions:

1. All applicants seeking approval of a parking structure shall submit two (2) alternate site plans. The first site plan shall show the site design for which the applicant seeks approval utilizing the proposed parking structure. The second site plan shall demonstrate the maximum building area which can be supported by surface parking, consistent with coverage, setback, and other applicable provisions of this chapter. An applicant shall not be permitted to construct a use with more floor area than that which would be permitted by the second (surface parking) site plan, except that the amount of floor area which could otherwise be accommodated with surface parking lots may be increased by three (3) percent if the proposed parking structure is located entirely below grade except for the entrance and exit ramps and the architecture of the building is designed so as to minimize the external appearance of the parking structure.
2. When parking structures are utilized to provide all or some of the parking required to serve a principal structure(s), no surface parking shall be permitted within the required setbacks.
3. The principal building(s) shall have at least one (1) side with unobstructed visual access (excluding landscaping) to a public or private street or driveway.
4. The height of all exposed portions of a parking structure which are visible from any side shall not exceed sixty (60) percent of the height of the tallest principal structure building for which the parking structure serves as an accessory use. Parapet walls or other architecturally compatible elements shall be used to totally block the view of any vehicles parking on the rooftop. Height shall be measured to the top of said parapet walls but shall not include the height of any landscaping.
5. Ramps for the movement of vehicles between parking levels shall be constructed within the structure except in instances when the topography of a site allows them to extend outside the structure on the existing grade. Ramps shall be designed so as to provide an optimal movement of vehicular traffic within the parking structure. Ramps shall also be designed so as to avoid vehicular conflicts to the maximum extent practicable and conflicts between vehicles using them and vehicles maneuvering into and out of parking spaces.
6. Parking structures shall be designed so as to minimize blank façades through the use of innovative architectural detail and landscaping. The design of the exterior of the parking structure shall be compatible with the exterior design

of the principal structure to the extent that the parking facility is clearly identified with the principal structure. Building materials used for the parking structure shall be the same as those used on the principal structure. The façade treatment of the principal structure shall be extended onto the parking structures.

- 7. Any parking structure or group of parking structures containing two hundred (200) parking spaces or more in total shall provide a grade separated pedestrian walkway connecting the parking facility with the principal structure or structures.
- 8. Open, rooftop parking decks shall be landscaped in accordance with and to the same extent as the overall landscape plan for the principal use and structure the parking structure shall serve.
- 9. Within an enclosed parking structure or deck, the following aisle widths and parking space angles shall apply:

Angle of Parking Space (degrees)	Minimum Aisle Width (feet)
Less than 60°	18
Between 60° and 75°	22
90°	24 <sup>1</sup>
Notes: <sup>1</sup> May be reduced to 22 feet if the support columns for the deck are arranged opposite each other. Parking layouts for 90 or more parking spaces shall be designed for two-way travel. Parking layouts for fewer than 90 parking spaces shall be for one-way travel only, clearly marked and signed as such.	

- 10. Parking space sizes shall be as prescribed in Article 14.
- 11. Parking spaces shall be delineated by a double-striped line, closed at the aisle end.
- 12. In instances where there is both a parking structure(s) and a surface parking area(s), the layouts of both shall be such that there are no abrupt changes in parking angle and aisle width or overall layout, so as to avoid a safety hazard or confusion for the motorist.
- 13. For purposes of calculating building coverage, floor area ratios, and impervious coverage, the following rules shall apply. Parking structures shall not be counted towards building coverage and floor area standards but shall be included in all calculations of impervious (building and parking area) coverage. Subsurface parking structures not otherwise covered by buildings shall also be included in calculation of impervious coverage.

14. Parking structures and associated walkways shall be illuminated at all times that they are available to the public to an average minimum light intensity of ten (10) footcandles. Exit lights shall be illuminated twenty-four (24) hours per day.

### **1807 Community Centers**

Community centers shall be permitted in the R-1, R-2, and R-3 Residential districts only, when authorized by Council as a conditional use, subject to the requirements below:

1. Lot area shall be not less than twenty thousand (20,000) square feet with a lot width of not less than seventy-five (75) feet.
2. Not more than sixty (60) percent of the lot shall be covered with impervious surface.
3. Building height shall not exceed thirty-five (35) feet or three (3) stories.
4. More than one (1) building shall be permitted on the lot, provided that the setback requirements of the district are met.
5. Where practicable, all utilities shall be placed underground.
6. Pedestrian walkways shall be provided between buildings, where applicable.
7. Where feasible, parking areas shall be placed behind the principal building.
8. Parking shall be subject to Article 14, and landscaping and screening shall comply with Sections 1613 and 1612, respectively.

### **1808 Expiration of Conditional Use Permits**

Unless otherwise specified by Council, a conditional use permit shall expire if the applicant fails to obtain a building permit within six (6) months from the date of authorization thereof, unless the applicant can show that there were permitting delays beyond his control.

**Article 19**  
**WIRELESS COMMUNICATIONS**  
**FACILITIES**

**1900 Purposes**

The purpose of this section and the standards established herein is to govern the use, construction, and siting of wireless communications so as:

1. To accommodate the need for wireless communications facilities while regulating their location and number in the Borough and to ensure compliance with all applicable governmental regulations.
2. To minimize any adverse visual effects of wireless communications facilities, antenna(s), and antenna support structures through proper design, siting, and screening.
3. To ensure the structural integrity of the antenna support structure through compliance with applicable industry standards and regulations.
4. To encourage the joint use of any new antenna support structures to reduce the number of such structures needed in the future.
5. To promote the health, safety, and welfare of the residents of the Borough.

**1901 Use Regulations**

1. Attachment of facilities to existing antenna support structures.
  - a. Use by right in the Interstate Fronting Civic Use district, the Industrial district, and on any local Borough-owned sites.
  - b. Use by special exception on any state, county, and school district-owned sites for their own internal communication needs only.
  - c. Use by right for emergency use by either or a combination thereof of local, county, state, or federal communications antennas. The application procedure, engineering review, and building permit procedures as provided in this Article and the Borough Code shall still be complied with in order to install the antenna/structure.
  - d. Use by special exception in any district, when completely enclosed within an existing steeple, dome, bell tower, or similar building feature, subject to Sections 1902 and 1903.

2. Placement of new antenna support structures and wireless communications facilities.
  - a. Use by right in the Interstate Fronting Civic Use district and on any local Borough-owned sites.
  - b. Use by special exception in the Industrial district and on any state, county, and school district-owned sites for their own internal communication needs only.
  - c. Use by right for emergency use by either or a combination thereof of local, county, state, or federal communications antennas. The application procedure, engineering review, and building permit procedures as provided in this Article and the Borough Code shall still be complied with in order to install the antenna/structure.

## **1902 Standards for Wireless Communications Facilities**

All applicants seeking to construct, erect, relocate, or alter a wireless communications facility shall comply with this Article and shall demonstrate to Borough Council the following:

1. The applicant shall demonstrate, using accepted technological and documentary evidence, that the antenna and/or antenna support structure must be located where proposed in order to satisfy its function within the applicant's regional plan or grid system. An accurate description of each relevant "area of service" shall be included in such evidence.
2. Antenna Height.
  - a. The applicant shall demonstrate that the antenna(s) and antenna support structure must be at the height proposed in order to satisfy their function in the applicant's regional plan or grid system. The applicant shall also demonstrate that the antenna height requested is not in excess of the minimum required to function satisfactorily.
  - b. An antenna that is attached to a support structure such as a telephone, electric, or utility pole, existing wireless communications, cellular communications or personal communications services tower, smokestack, water tower, or other similar tall structure, together with any antenna support structure, shall not exceed the height of the existing structure by more than ten (10) feet.
  - c. The maximum height of any communications tower shall be one hundred (100) feet.

3. Setbacks from the Base of the Antenna Support Structure.
  - a. The minimum distance between the base of any antenna support structure and any property line or right-of-way line shall be the largest of the following:
    - (1) The minimum yard setback in the underlying zoning district; or
    - (2) One hundred (100) percent of the proposed antenna support structure height from occupied buildings.
  - b. The minimum distance between the base of any guy wire anchors and any property line or right-of-way line shall equal forty (40) percent of the proposed antenna support structure height.
4. Antenna Support Structure Safety.
  - a. The applicant shall demonstrate that the proposed antenna(s) and antenna support structure are designed and constructed in accordance with all applicable national building standards for such facilities and structures including, but not limited to, the standards developed by the Electronics Industry Association, Institute of Electrical and Electronics Engineers, Telecommunications Industry Association, American National Standards Institute, and Electrical Industry Association. The applicant shall demonstrate that the proposed wireless communications facility is designed in such a manner so that no part of the facility will attract/deflect lightning onto adjacent properties.
  - b. When an antenna(s) is to be located on an existing structure and the general public has access to that structure, the applicant shall provide engineering details showing what steps have been taken to prevent microwave binding to wiring, pipes, or other metals.
5. The applicant shall demonstrate that the proposed antenna(s) and antenna support structure and the entire wireless communication facility are safe and are in accordance with applicable Borough codes, and the surrounding properties will not be negatively affected by antenna support structure failure, falling ice, or other debris. All antenna support structures shall be fitted with anti-climbing devices to comply with industry standards.
6. A security fence shall be required around the antenna support structure and other equipment, unless the antenna(s) is mounted on an existing structure. The security fence shall be a maximum of eight (8) feet in height and maintained in proper condition. No barbed wire or razor wire fencing will be permitted.

7. If the applicant is a commercial wireless communications company, it must demonstrate that it is licensed by the Federal Communications Commission (FCC) and provide the Borough Manager with copies of all FCC applications, permits, approvals, licenses, and site inspection records. All such information shall be accompanied by a certification signed by two (2) officers of the applicant, providing that, after due inquiry, the information being supplied is true and correct to the best of their knowledge, information, and belief. The applicant shall also provide the Borough Manager with copies of all applicable federal regulations with which it is required to comply and a schedule of estimated FCC inspections.
8. The owner of an antenna support structure shall submit to the Borough Engineer proof of the annual inspection of the antenna support structure and antenna(s) by an independent professional engineer as required by the ANSI/EIA/TIA-222-E Code. Based upon the results of such an inspection, Borough Council may require removal or repair of the structure.
9. A structural engineer registered in Pennsylvania shall attest to the proposed antenna support structure's ability to meet the structural standards of subsection (4) preceding herein, or those offered by either the Electronic Industries Association or the Telecommunication Industry Association and certify the proper attachment of antenna(s) and proper construction of the foundation and the erection of the antenna support structure.
10. The wireless communications facility shall be fully automated and not require any maintenance workers to be present on a full-time basis. Adequate parking shall be required for all maintenance workers, with a minimum of two (2) spaces provided. All parking spaces shall be constructed to conform to applicable stormwater management regulations.
11. A full site plan shall be required for all wireless communications facilities showing all existing and proposed structures and improvements including, but not limited to, the antenna(s), antenna support structure, building, fencing, landscape, buffering, and ingress and egress and all necessary elevations and photo-overlays demonstrating the illustrated appearance of all facilities against actual photographic backgrounds in each of the four (4) directions. The plan shall comply with the latest adopted Ridley Park Subdivision and Land Development Ordinance.
12. No sign or other structure shall be mounted on the wireless communications facility, except as may be required by the FCC, FAA, or other governmental agencies.
13. Antenna support structures shall meet all FAA regulations. No antenna support structure may be artificially lighted except when required by the FAA

or other governmental authority. When lighting is required by the FAA or other governmental authority, it shall be oriented inward so as not to project onto surrounding properties. The applicant shall immediately report any outage or malfunction of FAA mandated lighting to the appropriate governmental authorities.

14. In the case of a newly constructed antenna support structure, a soil report complying with the standards of Geotechnical Investigations, ANSI/EIA-222E, as amended, shall be submitted to the Borough Engineer to document and verify the design specifications of the foundation for the antenna support structure and anchors for the guy wires, if used.

15. All wireless communications equipment buildings and other accessory facilities shall be aesthetically and architecturally compatible with the surrounding environment and shall maximize the use of like façades to blend with the existing surroundings and neighboring buildings to the greatest extent possible.

#### 16. Additional Development Regulations

a. A wireless communications facility is permitted as a sole use on a lot, subject to the minimum lot area and yards complying with the requirements for the applicable zoning district, except as modified herein.

b. A wireless communications facility may be permitted on a property with an existing use or on a vacant parcel in combination with another industrial, municipal, or other use, subject to the following conditions:

(1) The existing use on the property must be a permitted use in the applicable district or any lawful nonconforming use and need not be affiliated with the wireless communications facility.

(2) The minimum lot area for a land site shall be three thousand six hundred (3,600) square feet.

(3) Where the wireless communications facility is located on a property with another principal use, vehicular access to the wireless communications facility shall, whenever feasible, be provided along the circulation driveways of the existing use. The applicant shall present documentation that the owner of the property has granted an easement for the proposed facility.

c. An antenna(s) may be attached to an existing structure or building, subject to the conditions that vehicular access to the wireless communications facility shall not interfere with the parking or vehicular circulation on the site for the principal use.

17. The wireless communications facility shall be maintained and kept in good repair as required by Federal Law H.R. 6180/S. 2882, the *Telecommunications Authorization Act* of 1992, including amendments to Sections 303(q) and 503(b)(5) of the *Communications Act* of 1934 and all Borough ordinances not inconsistent therewith. Every year the facility owner shall certify to the Borough the structural integrity of the wireless communications facility.
18. The following landscaping shall be required to screen as much of a newly constructed antenna support structure, the fence surrounding the newly constructed antenna support structure, and any other newly constructed ground-level features (such as a building) as possible and, in general, soften the appearance of the wireless communications facility.
  - a. The disturbance of the existing topography shall be minimized, unless such disturbance would result in less visual impact of the facility on the surrounding area.
  - b. Existing vegetation on and around the land site shall be preserved to the greatest extent possible. Any tree or vegetative element which dies must be replaced within one (1) month, ground permitting.
  - c. An evergreen screen shall be required to surround the antenna support structure. The screen can be either a hedge (planted three (3) feet on center maximum) or a row of evergreen trees (planted ten (10) feet on center maximum). The evergreen screen shall be a minimum height of six (6) feet at planting and shall grow to a minimum of fifteen (15) feet at maturity.
  - d. Where the wireless communications facility abuts residentially developed land, a residential zoning district, public land, or streets, the land site perimeter shall be landscaped with at least one (1) row of deciduous trees not less than three and a half (3½) inches in caliper, spaced not more than thirty (30) feet apart on center, and within twenty-five (25) feet of the land site boundary, as well as at least one (1) row of evergreen trees or shrubs, at least fourteen (14) feet high when planted and spaced not more than fifteen (15) feet apart and within forty (40) feet of the land site boundary.
19. All applicants seeking to construct, erect, relocate, or alter a wireless communications facility shall demonstrate that all property owners within a two hundred (200) foot radius of the proposed structure have been provided written notice of the applicant's intent to construct, erect, relocate, or alter a wireless communications facility. Such notice shall also contain the date and time of the hearing before the Ridley Park Borough Planning Commission where the applicant will appear and demonstrate compliance with the provisions of this Article.

20. In the event that the wireless communications facility causes interference with the radio or television reception of any Borough resident for a period of three (3) continuous days, the resident shall notify the operator of the facility of such interference and the applicant, at the operator's sole expense, shall thereafter ensure that any interference problems are promptly corrected.
21. It being the legislative finding of Borough Council of the Borough of Ridley Park that wireless communications facilities which have been abandoned present a danger to the health, safety, and welfare of the general public, all abandoned structures shall be removed no more than ninety (90) days after abandonment. The owner shall be responsible for any demolition costs related to the facilities. If in the future, technology is developed that the state of the art for such facilities permits antennas of a lesser height, the facility's owner shall be required to reduce the height of its antenna to the lower height that new technology permits within one (1) year of written notification from the Borough.
22. In January of each year, the owner of any wireless communications facility shall pay the registration fee established from time to time by resolution of Borough Council and shall provide the Borough Manager with the following information:
  - a. The name and address of the owner of the wireless communications facility and telephone number of the appropriate contact person in case of emergency.
  - b. The name and address of the property owner on which the wireless communications facility is located.
  - c. The location of the wireless communications facility by geographic coordinates, indicating the latitude and longitude.
  - d. Output frequency of the transmitter.
  - e. The type of modulation, digital format, and class of service.
  - f. Antenna(s) gain.
  - g. The certified and effective radiated power of the antenna(s).
  - h. The number of transmitters, channels, and antenna(s).
  - i. A copy of the owner's or operator's FCC authorization.
  - j. Antenna(s) height.

- k. Power input to the antenna(s).
  - l. Distance to the nearest base station.
  - m. A certification signed by two (2) officers of the applicant that the wireless communications facility is continuing to comply with this Article and all applicable governmental regulations.
23. The applicant shall submit a copy of its current Federal Communications Commission license; the name, address, and emergency telephone number for the operator of the wireless communications facility; and a certificate of insurance evidencing general liability coverage in the minimum amount of one million dollars (\$1,000,000) per occurrence covering the communications tower and communications antenna.

### **1903 Standards for Special Exceptions**

- 1. The applicant shall have the duty of presenting evidence and all studies and materials required herein, as well as the additional burden of persuading the Zoning Hearing Board that:
  - a. All standards as contained in this Article have been complied with; and
  - b. That the proposed facilities will not be injurious to the health, safety, and welfare of the community.
- 2. In order to reduce the number of antenna support structures needed in the Borough in the future, the proposed antenna support structure shall also be required to accommodate, where possible, other users, including other wireless communications, cellular communications, and personal communications service provider companies and local police, fire, and ambulance companies. Applicants shall provide documentary evidence that all other authorized users have been contacted by the applicant with an offer of colocation on the applicant's proposed antenna support structure.
- 3. If the applicant proposes to build an antenna support structure (as opposed to mounting the antenna(s) on an existing structure), the applicant shall demonstrate with documentary evidence that it has contacted the owners of structures of suitable location and height (such as smokestacks, water towers, and buildings housing existing antenna support structures) within a one (1) mile radius of the site proposed, requested permission to install the antenna(s) on those structures, and has been denied. An application to construct a new antenna support structure will be denied if the applicant has not made a good faith effort to mount the antenna(s) on an existing structure as set forth in this subsection.

**1904 Submission of Plans**

All plans for the erection of wireless communications facilities shall be submitted to and reviewed by the Ridley Park Borough Planning Commission for compliance with the Ridley Park Subdivision and Land Development Ordinance, with the exception of new antenna(s) attached to existing structures in the Interstate Fronting Civic Use district, the Industrial district, or municipal use sites. The Borough Engineer and Solicitor shall review the plans for compliance with this Article and any other applicable local regulations and evidence of review and approval of other agencies with jurisdiction over such facilities. The cost of review fees shall be reimbursed to the Borough by the owner. These fees shall be in addition to any applicable Borough building permit fees.

**Article 20**  
**PERFORMANCE STANDARDS**

**2000 Purpose**

The purpose of this Article is to ensure adequate protection for the residents of the Borough against the possible negative effects of certain uses, processes, or activities applicable to all districts but particularly commercial and industrial districts.

**2001 Administration**

1. Interpretation and Application of Standards

- a. The performance standards contained herein shall be the minimum standards to be met and maintained by all uses established after the effective date of this Ordinance. Standards established by the Pennsylvania Department of Environmental Protection, the United States Environmental Protection Agency, or other applicable state or federal agencies shall apply where those standards are more restrictive than the standards set forth below.
- b. If any existing use or building or other structure is extended, enlarged, or reconstructed, the performance standards herein shall only apply to such extended, enlarged, or reconstructed portion or portions of such use, building, or other structure.

2. Application Submittal

- a. Applications for industrial uses shall be accompanied by a certification from a professional engineer registered in the Commonwealth of Pennsylvania that the proposed use can meet the performance standards set forth in this Ordinance. All applications shall include, but shall not be limited to, the following informational items:
  - (1) Plans of existing and proposed construction and development;
  - (2) A description of existing or proposed machinery, processes, and products;
  - (3) Specifications for the mechanisms and techniques used or proposed to be used in restricting possible dangerous or objectionable conditions as set forth in this Article; and
  - (4) Measurement or estimate of the amount or rate of emission of any dangerous or objectionable elements as set forth in this Article.

3. Application Review

All applications for industrial uses shall be reviewed by the Borough Engineer for compliance with the performance standards listed in Section 2002. No application for an industrial use shall be approved until it is certified in writing by the Borough Engineer that the proposed use can meet these performance standards.

4. Enforcement and Costs

- a. The Zoning Officer shall investigate any purported violation of the performance standards noted below. Enforcement procedures shall be in accordance with Article 22, Administration and Enforcement.
- b. If violations as alleged are found, costs of such determinations shall be charged against those responsible for the violations, in addition to such other penalties as may be appropriate. If, however, it is determined that no violation exists, the Borough shall pay for the costs of the determination.

**2002 Performance Standards**

1. Air Quality

There shall be no emission of smoke, ash, dust, fumes, vapors, gases, or other matter, toxic or noxious, to air which violates the Pennsylvania Air Pollution Control Laws, including the standards set forth in Chapter 123 (Standards for Contaminants) and Chapter 131 (Ambient Air Quality Standards), Article 111, Title 25, Pennsylvania Department of Environmental Protection (DEP), Rules and Regulations.

2. Fire and Explosive Hazards

All activities and all storage of flammable and explosive material at any point shall be provided with adequate safety devices against the hazard of fire and explosion, adequate fire fighting and fire suppression equipment, and devices as detailed and specified by the laws of the Commonwealth of Pennsylvania. All buildings and structures and activities within such buildings and structures shall conform to the latest adopted Pennsylvania Uniform Construction Code, the National Fire Code, and any applicable Borough ordinances. Any explosive material shall conform to the requirements of Chapter 211, Title 25, Rules and Regulations, Pennsylvania DEP, for storing, handling, and use of explosives.

3. Glare and Heat

No direct or sky-reflected glare, whether from floodlights or high temperature processes such as combustion, welding, or otherwise, visible at the lot line shall

be permitted, except for customary or emergency industrial operations and safety purposes. These regulations shall not apply to signs or floodlighting of parking areas. There shall be no emission or transmission of heat or heated air discernible at the lot line.

4. Liquid and Solid Waste

There shall be no discharge at any point into any public or private sewage system or watercourses or into the ground of any materials in such a way or such a nature as will contaminate or otherwise cause the emission of hazardous materials in violation of the ordinances of Ridley Park Borough and the laws of the Commonwealth of Pennsylvania, specifically of Chapters 73, 75, 95, and 97, Title 25, Pennsylvania DEP, Rules and Regulations.

5. Noise

No person shall operate or cause to be operated on private or public property any source of continuous sound (any sound which is static, fluctuating, or intermittent with a recurrence greater than one (1) time in any fifteen (15) second interval) in such a manner as to create a sound level which exceeds the limits set forth in the following table when measured at or within the property boundary of the receiving land use.

Receiving Land Use Category	Time	Maximum Sound Level Limit
Residential, public space, or open space	(1) 7:00 a.m. – 10:00 p.m.	60 dBA
	(2) 10:00 p.m. – 7:00 a.m. (Including Sundays and legal holidays)	50 dBA
Commercial or business	(1) 7:00 a.m. – 10:00 p.m.	65 dBA
	(2) 10:00 p.m. – 7:00 a.m. (Including Sundays and legal holidays)	60 dBA
Industrial	At all times	70 dBA

- a. For any source of sound that emits a pure tone, the maximum sound level limits set forth in the above table shall be reduced by five (5) dBA. For any source of sound which emits an impulsive sound (a sound of short duration, with an abrupt onset and rapid decay and an occurrence of not more than one (1) time in any fifteen (15) second interval), the sound pressure level shall not exceed twenty (20) dBA over the ambient sound level, regardless of time of day or night of receiving land use, using the “fast” meter characteristics of a Type II Meter, meeting the ANSI specifications S1.4.-1971.
- b. The maximum permissible sound levels as listed in the above table shall not apply to any of the following noise sources:
  - (1) The emission of sound for the purpose of alerting persons to the existence of an emergency or associated practice drills.
  - (2) Emergency work to provide electricity, water, or other public utilities when public health or safety is involved.
  - (3) Public celebrations specifically authorized by the Borough.
- c. Motor vehicle operations shall not exceed the noise levels established in Chapter 157 of Title 67 of the Pennsylvania Code of Regulations, Subchapter B, Established Sound Levels.

6. Odors

No uses shall emit odorous gases or other odorous matter in such quantities so as to be offensive at any point on or beyond its lot lines. The guide for determining such quantities of offensive odors shall be the fifty (50) percent response level of Table 1 (Odor Thresholds in Air), “Research of Chemical Odors: Part I - Odor Thresholds for 53 Commercial Chemicals,” October 1986, Manufacturing Chemists Association, Inc., Washington, D.C.

7. Vibration

No vibration shall be produced which is transmitted through the ground and is discernible without the aid of instruments at or at any point beyond the lot line.

8. Radioactivity or Electrical Disturbances

There shall be no activities that emit dangerous radioactivity at any point. There shall be no radio or electrical disturbances adversely affecting the operation of equipment belonging to someone other than the creator of the disturbance. If any use is proposed which incorporates the use of any radioactive material, equipment, or supplies, such use shall be in strict conformity with Chapters 221,

223, 225, 227, and 229, Title 25, Article V, Pennsylvania DEP, Rules and Regulations.

9. Public Health and Safety

No use shall create any other objectionable condition in an adjoining area that will endanger public health and safety or be detrimental to the public use of the surrounding area.

**Article 21**  
**NONCONFORMING USES,**  
**STRUCTURES, AND LOTS**

**2100 Purpose**

Within the districts established by this Ordinance or amendments thereto, there exist certain uses, structures, and lots which were lawful before this Ordinance was enacted or amended but which do not conform to the provisions of this Ordinance or amendment thereto. These uses, structures, or lots are referred to as nonconformities. The regulations governing existing nonconforming uses, structures, and lots are set forth in this Article and are intended to provide a gradual remedy for the undesirable conditions resulting from such nonconformities. While such nonconformities are generally permitted to continue, these regulations are intended to restrict further investment in such nonconformities and to bring about their gradual reduction.

**2101 Continuation**

All structures, lots, uses of structures, and uses of land that do not conform to the regulations of the district in which they are located after the effective date of this Ordinance or amendment thereto shall be regarded as nonconforming and may be continued so long as they remain otherwise lawful, including subsequent sales of property. Such uses must comply with all safety related and other applicable regulations.

**2102 Enlargement**

1. A nonconforming use or structure may be extended, enlarged, or altered when so authorized as a conditional use, provided that the following conditions are met and a permit is obtained as per Article 22:
  - a. It is clear that such enlargement or extension is not materially detrimental to the health, safety, and welfare of the surrounding area.
  - b. The proposed enlargement or extension only occurs on the tract where the nonconformity is currently located.
  - c. The area devoted to the nonconforming use shall not be increased by more than twenty-five (25) percent. The nonconforming structure shall not be increased by more than twenty-five (25) percent of its cubic content.
  - d. Any extension or enlargement of a building shall conform to the area, height, and setback regulations of the district in which it is located. In determining

cubic content, that portion of a stack or projection above the highest point of the principal building shall be excluded from the calculation.

- e. Not more than one (1) extension or enlargement to a nonconforming use or structure shall be granted.

### **2103 Change of Use**

Once changed to a conforming use, no structure or land shall be permitted to revert to a nonconforming use. A nonconforming use may be changed to another equally restrictive or more restrictive nonconforming use, when so determined by Borough Council, subject to the following conditions:

1. The applicant shall show that the nonconforming use cannot be reasonably changed to a conforming use.
2. The applicant shall show that the proposed change will be no more objectionable in external effects than the existing nonconforming use or will be more appropriate than the existing nonconforming use with regard to:
  - a. Traffic generation and congestion.
  - b. Parking.
  - c. Noise, smoke, dust, fumes, vapors, gases, heat, odor, glare, or vibration.
  - d. Outdoor storage.
  - e. Sanitary sewage disposal.
3. A permit is obtained from the Borough.

### **2104 Enclosure**

Where a nonconforming use is conducted entirely on unenclosed premises, no structure to house or enclose such use, whether or not such structure would otherwise conform to zoning regulations, shall be permitted to be erected on the premises.

### **2105 Abandonment**

If a nonconforming use of a building or land is abandoned for six (6) consecutive months or more whereby the owner discontinues the use, the subsequent use of such a building or land shall conform with the regulations of the district in which it is located, unless another nonconforming use is approved by Borough Council. Such approved use shall be initiated within one hundred twenty (120) days after the approval of Council.

**2106 Reconstruction**

1. A nonconforming structure, a conforming structure devoted to a nonconforming use, or a structure that has been legally condemned or destroyed by fire or other cause to less than seventy-five (75) percent of the current value of the structure may be reconstructed and used for the same nonconforming use, provided that:
  - a. The reconstructed structure shall not exceed the height, area, and volume of the building destroyed or condemned.
  - b. Reconstruction of the structure shall commence within twelve (12) months from the date the structure was destroyed or condemned, unless Borough Council shall authorize a conditional use for an extension of this time limit. However, an extension may be granted if delays related to permitting delay construction.

**2107 Repairs and Maintenance**

1. On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done in any period of six (6) consecutive months on ordinary repairs or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, provided that the cubic content existing when it became nonconforming shall not be increased.
2. If a nonconforming structure becomes physically unsafe due to lack of repairs and maintenance and is declared by the Zoning Officer to be unsafe by reason of physical condition, it shall not thereafter be restored or repaired except to conform to the regulations of the district in which it is located.
3. Nothing in this Ordinance shall be construed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by the Zoning Officer.

**2108 Displacement**

No nonconforming use shall displace a conforming use.

**2109 Nonconforming Lots**

A lot held in single and separate ownership on the effective date of this Ordinance which does not contain the required minimum area or width may be used for the construction, alteration, or reconstruction of a building or may be otherwise used if the construction, alteration, reconstruction, or other use is in compliance with the use, yard, and setback provisions of this Ordinance.

**2110 Reduction of Lot Area**

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

**2111 Nonconforming Signs**

Regulations for nonconforming signs are in Section 1505.

**2112 Registration of Nonconforming Uses**

Every five (5) years, the Zoning Officer may prepare, or cause to be prepared, a complete list of all nonconforming uses, structures, lots, and signs in the Borough.

**2113 Ownership**

Whenever a lot is sold to a new owner, a previously lawful nonconforming use may be continued by the new owner.

**2114 Violations**

A nonconforming structure altered or a nonconforming use created in violation of any previous provisions in this Article shall be regarded as continuing in such violation and shall not enjoy the privilege of legal continuance conferred by Section 2101 upon other nonconforming structures and uses.

**Article 22**  
**ADMINISTRATION AND**  
**ENFORCEMENT**

**2200 Purpose**

The purpose of this Article is to set forth procedures for the administration and enforcement of this Ordinance, in accordance with the *Pennsylvania Municipalities Planning Code*, Act 247, as amended.

**2201 Administration**

1. The administration, enforcement, and amendment of this Ordinance shall be in accordance with the provisions of Article VI and any other applicable sections of the *Pennsylvania Municipalities Planning Code*, Act 247, as amended, hereinafter referred to in this Article as the MPC.
2. There shall be a Zoning Officer who shall be appointed by Borough Council. The powers and duties of the Zoning Officer listed in this Article may be exercised by the Borough Manager. All employees engaged in the administration and enforcement of this Ordinance shall report to the Borough Manager.
3. The Zoning Officer and Borough Manager shall not hold any elective office in the Borough.
4. The Zoning Officer shall administer this Ordinance in accordance with its literal terms and shall not have the power to permit any construction, use, or change of use that does not conform to this Ordinance.
5. The Zoning Officer may be authorized to institute civil enforcement proceedings as a means of enforcing this Ordinance.
6. The following duties shall be performed by the Zoning Officer:
  - a. Enforce all provisions of this Ordinance and all amendments thereto.
  - b. Receive, examine, record, and file all applications and fees for zoning permits and issue zoning permits only for any structure or use which conforms to this Ordinance.
  - c. Issue permits for uses and construction by conditional use, special exception, or variance only after such uses or buildings are approved by Borough Council or the Zoning Hearing Board, in accordance with the provisions of this Ordinance. Permits requiring approval by Borough Council shall be issued only after receipt of an authorization from Council.

- d. Receive all required fees.
  - e. Regularly inspect all areas of the Borough to determine if there are any violations of this Ordinance and review the validity of any reported zoning violations.
  - f. Issue all necessary stop orders and order in writing correction of all conditions found to be in violation of this Ordinance. It shall be unlawful for any person to violate any such order lawfully issued by the Zoning Officer, and any person violating such order shall be guilty of a violation of this Ordinance.
  - g. Maintain, or cause to be maintained, a map or maps showing the current zoning classification of all land in the Borough.
  - h. Upon request of Council, the Planning Commission, or the Zoning Hearing Board, present facts, records, and any similar information to such body on specific requests to assist these bodies in reaching their decisions.
7. An appeal from a decision or action of the Zoning Officer shall be made directly by a party in interest to the Zoning Hearing Board, and such appeal shall be made within thirty (30) days after notice of the decision is made, or if no decision is made, thirty (30) days after the date when a decision is deemed to have been made, in accordance with the MPC, as amended.
  8. Whenever a violation of this Ordinance is alleged to have occurred, any person may file a written and signed complaint. Such complaint, stating fully the causes and basis thereof, shall be filed with the Zoning Officer who shall record such complaint promptly and immediately investigate and take action thereon as provided in this Ordinance.

## **2202 Enforcement**

1. If it appears to the Borough that a violation of this Ordinance has occurred, the Borough shall initiate enforcement proceedings by sending an enforcement notice to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive an enforcement notice regarding that parcel, and to any other person requested in writing by the owner of record. An enforcement notice shall include the minimum components required in Section 616.1(c) of the MPC.
2. Causes of action and enforcement remedies shall be as set forth in Section 617 of the MPC.

3. District justices shall have initial jurisdiction over proceedings brought under Section 617.2 of the MPC.

### **2203 Permits**

1. A zoning permit shall be required prior to the erection or alteration of any building, structure, or portion thereof, including signs and fences; prior to the use or change in use of a building or land; and prior to the change or extension of a nonconforming use or structure.
2. Application for zoning permits shall be made to the Zoning Officer, or in the case of occupancy permits to the Code Enforcement Officer, on such forms as may be furnished by the Borough. Each application shall contain all information necessary to ascertain whether the proposed erection, alteration, use, or change in use complies with the provisions of this Ordinance.
3. Issuance of Permits
  - a. No building or use permit shall be issued until the Zoning Officer has certified that the proposed building or alteration and the proposed use of the property comply with the provisions of this Ordinance.
  - b. Permits shall be granted or refused within forty-five (45) days after the date of application. In case of refusal, the applicant shall be informed of his right to appeal to the Zoning Hearing Board.
4. Prior to the placement or location of a trailer or other temporary structure on a site, a permit shall be obtained from the Zoning Officer as noted above in this section except as modified by Section 1616. Such temporary permit shall be effective for not more than ninety (90) days and may be renewed. However, the total continuous time for which temporary permits may be issued shall not exceed one (1) year.
5. Permits for the erection, razing, change, alteration, or removal of a building shall be valid or effective for a period of not more than six (6) months from the date of issuance thereof and shall thereafter be void, unless the work authorized by such permit shall have been substantially commenced within that period and continues with due diligence from that time forward. In no event shall a zoning permit be construed to authorize the development activities for more than a one (1)-year period of time, after which time a new permit must be sought. If, however, the applicant has been delayed in proceeding with the work for which the permit was granted for reasons beyond his or her control and demonstrably not due to his or her own negligence, at the discretion of the Zoning Officer, the permit may be renewed without additional costs to the applicant.

6. Occupancy Permits

a. Applicability

An occupancy permit shall be deemed to authorize and is required for both initial and continued occupancy and use of the building or land to which it applies. Such a permit shall certify that the premises have been inspected and comply with all previously approved plans and all conditions or safeguards attached to the issuance of a zoning permit. It shall also certify that the premises comply with all other applicable requirements of the Borough of Ridley Park. The following shall be unlawful until an occupancy permit shall have been applied for and issued by the Code Enforcement Officer:

- (1) Occupancy and use of a building erected, reconstructed, restored, altered, moved, or any change in use of an existing building;
- (2) Any change in ownership in residential structures.

b. Applications

Application for an occupancy permit shall be made on forms furnished by the Borough after the building or part thereof has been erected, the change in use has been completed, or the land placed in use. In the case of a change in ownership of an existing residential building, an occupancy permit shall be applied for by the owner of such a building upon the sale.

Application for an occupancy permit shall be accompanied by a payment of the required fee.

c. Action by the Code Enforcement Officer (CEO).

The CEO shall, within fifteen (15) days of application filing, inspect the premises and either certify their compliance with the previously approved plans and all conditions and safeguards stated upon issuance of an occupancy permit or deny such certification. In the case of a change in occupancy use of an existing building or vacant land (when no zoning permit is required), the CEO shall verify compliance with the applicable zoning regulations.

If the certification of the occupancy permit form is denied, the CEO shall state in writing the reasons for such denial.

7. Fees

- a. Borough Council shall establish, by resolution, a schedule of fees, charges, expenses, and collection procedures for zoning permits, occupancy permits,

- conditional uses, variances, appeals, amendments, and other matters pertaining to this Ordinance.
- b. A schedule of fees shall be posted in the office of the Zoning Officer and may be altered or amended by Borough Council only.
  - c. The cost of permits shall be based on a fee schedule as established from time to time by Borough Council.
  - d. No action shall be taken on any application for any special exception, conditional use, variance, appeal, or other similar matter pertaining to this Ordinance until all application fees, charges, and expenses have been paid in full.
8. Persons found to be in violation of this Ordinance shall pay a judgment of no more than is allowed by statute or Act 247 plus all court costs, including reasonable attorney fees incurred by the Borough. See Section 617.2 of the MPC.

#### **2204 Amendments**

1. The regulations, restrictions, boundaries, and requirements set forth in this Ordinance may be amended, supplemented, changed, or repealed by Borough Council by amending this Ordinance in accordance with Sections 609, 609.1, and 609.2 of the MPC.
2. Procedure for Amendment
  - a. An ordinance amending, supplementing, or changing the district boundaries (Zoning Map) or the regulations established herein may be initiated:
    - (1) By Borough Council upon its own initiative or upon recommendation of the Planning Commission.
    - (2) Upon a petition to Borough Council signed by the owners of fifty (50) percent or more of the frontage of any area which shall be between two (2) streets wherein a change of zoning regulations is being sought.
    - (3) By a landowner requesting an amendment or repeal. In the case of a curative amendment, the special requirements of Section 609.1 of the MPC shall apply.
  - b. Before voting on the enactment of an amendment, Borough Council shall hold a public hearing thereon, pursuant to public notice. If the proposed amendment involves a map change, notice of said public hearing shall be

conspicuously posted along the perimeter of the tract at least one (1) week prior to the hearing.

- c. Borough Council shall submit each proposed zoning amendment, other than one prepared by the Planning Commission, to the Planning Commission at least thirty (30) days prior to any hearing which is to be held on the proposed amendment to provide the Planning Commission with an opportunity to submit its recommendations prior to final action.
- d. If, after any public hearing held upon an amendment, the proposed amendment is revised or further revised to include land previously not affected by it, Borough Council shall hold another public hearing as required by law pursuant to public notice before proceeding to vote on the amendment.
- e. As required by the MPC, a copy of any proposed zoning amendment shall also be sent to the County Planning Commission at least thirty (30) days prior to any hearing on the proposed amendment in order to provide the County Planning Commission an opportunity to submit its recommendations prior to final action on the amendment.
- f. The Borough may offer a mediation option as an aid in completing proceedings authorized in this section. In exercising such an option, the Borough and mediating parties shall meet the stipulations of Section 908.1 of the MPC.
- g. Within thirty (30) days after enactment, a copy of the amendment to this Ordinance shall be forwarded to the Delaware County Planning Department.

**ARTICLE 23**  
**ZONING HEARING BOARD**

**2300 Purpose**

The purpose of this Article is to list and describe the powers, procedures, composition, and standards for the Zoning Hearing Board, as required by the *Pennsylvania Municipalities Planning Code*, Act 247, as amended.

**2301 Administration and Procedure**

1. A Zoning Hearing Board for the Borough of Ridley Park shall be appointed by Borough Council and shall be authorized to administer all procedures charged to such Boards in accordance with the provisions of Article IX of the *Pennsylvania Municipalities Planning Code*, as amended. Hereinafter, as used in this Article, the term “Board” shall refer to the Zoning Hearing Board, and the term “MPC” shall refer to the *Pennsylvania Municipalities Planning Code*, Act 247, as amended.
2. The Board shall consist of five (5) residents of the Borough. Their terms of office shall be five (5) years and shall be so fixed that the term of office of one (1) member shall expire each year. The Board shall promptly notify the Borough of any vacancies. Appointment to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other office in the Borough and shall not be employees of the Borough.
3. Any member may be removed for malfeasance, misfeasance, or nonfeasance in office or for other just cause by a majority rule of Borough Council taken after the member has received fifteen (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 requests it in writing.
4. Organization of the Board
  - a. 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 the majority of all members of the Board, but where a majority of members are disqualified to act in a particular matter, the remaining members may act for the Board. As provided for in the MPC, 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 908 of the MPC.

- b. The Board shall adopt rules and forms for its procedure in accordance with the provisions of this Ordinance. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. Such Chairman or, in his absence, the Acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public.
  - c. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicate such fact, and shall keep records of its examination and other official actions, all of which shall be immediately filed in the Office of the Borough Manager and shall be a public record.
  - d. The Board shall submit a report of its activities to Borough Council as requested.
5. Within the limits of funds appropriated by Borough Council, the Board may employ or contract for secretaries, clerks, legal counsel, consultants, and other technical and clerical services. Members of the Board may receive compensation for the performance of their duties, as may be fixed by Borough Council, but in no case shall it exceed the rate of compensation authorized to be paid to members of Borough Council.

### **2302 Powers of the Zoning Hearing Board**

1. The Board shall hear and decide appeals where it is alleged that the Zoning Officer has failed to follow prescribed procedures or has misinterpreted or misapplied any provision of this Ordinance or the Zoning Map, or any valid rule or regulation governing the action of the Zoning Officer.
2. Applications for variances or special exceptions shall include at a minimum the following information:
  - a. A sketch plan, at scale, showing the layout of the property, the proposed improvements and alterations thereto, and the relationship of the tract to adjacent properties.
  - b. A reference to the section(s) of the Ordinance under which the variance or special exception is requested.
3. The Board shall hear requests for variances where it is alleged that the provisions of this Ordinance inflict unnecessary hardship on the applicant. In granting a variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the MPC and this Ordinance.
4. The Board shall hear and decide requests for special exceptions authorized by

this Ordinance in accordance with the standards and criteria set forth in Section 2306 below. The Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the MPC and this Ordinance.

5. The Board shall conduct hearings and make decisions and findings in connection with challenges to the validity of any provision of this Ordinance as authorized by Section 909.1 of the MPC.

**2303 Hearings and Decisions**

The Board shall conduct hearings and make decisions in accordance with the provisions of Section 908 of the MPC.

**2304 Notice of Requirements**

1. In any case where the Board shall hold a public hearing, the Board shall, at a minimum, give notice of such hearing as follows, which notice shall state the time and the place of the hearing and the particular nature of the matter to be considered at the hearing:
  - a. By publishing a notice thereof once each week for two (2) successive weeks in a newspaper of general circulation in the Borough, provided that the first publication shall be not more than thirty (30) days and the second publication shall be not less than seven (7) days from the date of the hearing.
  - b. By mailing or delivering due notice thereof to the applicant and other parties in interest, who shall be at least those persons whose properties adjoin the property in question or are within a two hundred (200) foot radius of the property in question.
  - c. By mailing or delivering notice thereof to Borough Council and the Zoning Officer.
  - d. By conspicuously posting notice of said hearing on the affected tract of land at least one (1) week prior to the hearing.

**2305 Elements of Decisions of the Board**

Decision of the Board shall include the following elements:

1. Findings of fact, including a brief summary of relevant testimony and information entered during the proceedings of the Board.
2. Citation by quotation or by reference to the specific sections of the local

ordinances and/or the MPC which are relevant to the case in question.

3. Conclusions of the Board, enumerating the reasons why such conclusions are deemed appropriate in light of the facts found.
4. Ruling of the Board, indicating in writing any stipulations or conditions attached to the ruling.

## **2306 Standards for Zoning Hearing Board Action**

In any instance where the Zoning Hearing Board is required to consider a variance or special exception, the Board shall, among other things, consider the following standards:

1. MPC Criteria for Variances
  - a. The Board shall hear requests for variances where it is alleged that the provisions of this Ordinance inflict unnecessary hardship on the applicant.
  - b. A variance from the terms of this Ordinance shall not be granted by the Board unless and until a written application for a variance is submitted by the applicant who shall have the burden of establishing the presence of **all** of the following conditions where relevant in a given case:
    - (1) That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions and not to the circumstances or conditions generally created by the provisions of the Zoning Ordinance in the neighborhood or district in which the property is located.
    - (2) That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and that the authorization of the variance is, therefore, necessary to enable the reasonable use of the property.
    - (3) That such unnecessary hardship has not been created by the applicant.
    - (4) That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
    - (5) That the variance, if authorized, will represent the minimum variance that

will afford relief and will represent the least modification possible of the regulation in issue.

- c. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the MPC and this Ordinance.

2. Standards for Review of Special Exceptions

- a. In any instance where the Board is required to consider a request for a special exception, the Board shall consider the following factors where appropriate:

- (1) That the proposed use is appropriate for the site in question in terms of size, topography, natural features, drainage, sewage disposal, water supply, and accessibility and availability of public services, and that adequate provisions will be made to protect sensitive environmental features such as streams, lakes, wetlands, slopes, and mature trees.
- (2) That the proposed use is compatible with the character of the surrounding neighborhood and will not interfere with or detract from legitimate uses and adjacent properties, and that adequate measures will be provided through building design, site layout, landscaping, planting, and operational controls to minimize any adverse impacts caused by noise, lights, glare, odors, smoke, fumes, traffic, parking, loading, and signage.
- (3) That the proposed special exception will serve the best interest of the Borough, convenience of the community, and the public health, safety, and welfare.
- (4) That the proposed use is consistent with the most recently adopted Ridley Park Borough Comprehensive Plan.
- (5) That the proposed use promotes orderly development, proper population density, and the provision of adequate community facilities and services, including police and fire protection.
- (6) That the proposed use is suitable in terms of its effect on highway safety and traffic circulation, and that access, on-site circulation, and parking are adequate in view of anticipated traffic.
- (7) That the proposed use will provide for adequate off-street parking, as required in Article 14.

- b. In cases where uses permitted by special exception are not accompanied by specific standards for such uses, the regulations in Section 1702 shall apply.

- c. Financial hardship shall not be construed as a basis for granting special exceptions.
- d. In granting any special exception, the Board may attach reasonable conditions and safeguards in addition to those expressed in this Ordinance as it may deem necessary to implement the purposes of the MPC and the Ordinance, which conditions and safeguards may relate to, but not be limited to, screening, lighting, noise, safety, aesthetics, and the minimization of noxious, offensive, or hazardous elements. Such special exceptions shall be clearly authorized by a provision in this Ordinance and shall, where applicable, comply with the more specific standards relating to such special exceptions contained in appropriate sections of Article 17.

### **2307 Standards of Proof**

- 1. An applicant for a variance shall have the burden of establishing both:
  - a. That a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship, as that term is defined by law, including court decisions; and
  - b. That the allowance of the variance will not be contrary to the public interest.
- 2. An applicant for a special exception shall have the burden of establishing both:
  - a. That his application falls within the provisions of this Ordinance which affords to the applicant the right to seek a special exception; and
  - b. That the allowance of a special exception will not be contrary to the public interest.
- 3. In determining whether the allowance of a variance or special exception is contrary to the public interest, the Board shall consider whether the application, if granted, will:
  - a. Adversely affect the public health, safety, and welfare due to changes in traffic conditions, drainage, air quality, noise levels, neighborhood property values, natural features, and neighborhood aesthetic characteristics.
  - b. Be in accordance with the most recently adopted Ridley Park Borough Comprehensive Plan.
  - c. Provide required parking in accordance with Article 14 of this Ordinance.
  - d. Adversely affect the logical, efficient, and economical extension or provision of public services and facilities such as public water, sewers, refuse

collection, police, fire protection, and public schools.

- e. Otherwise adversely affect the public health, safety, or welfare.

**2308 Expiration of Variances and Special Exceptions**

Unless otherwise specified by the Board, a variance or special exception shall expire if the applicant fails to obtain a building permit within six (6) months from the date of authorization thereof.

**2309 Time Limitations and Stay of Proceedings**

See Sections 914.1 and 915.1 of the MPC.

**2310 Appeals to Court**

See Article X-A of the MPC.

## Appendix A

### Type and Size of Permanent Signs

The chart below summarizes the main sign regulations in Article 15, Signs, of this Ordinance. For each zoning district, the chart shows the principal uses, the types of permanent sign permitted, and main sign regulations. The chart is intended to give Ordinance users basic sign information as a convenience. However, Article 15 is the controlling authority that regulates signs in the Borough.

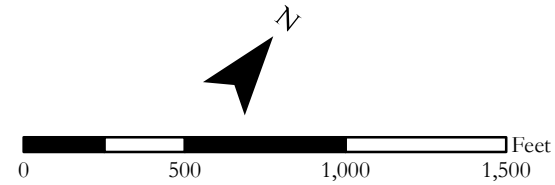
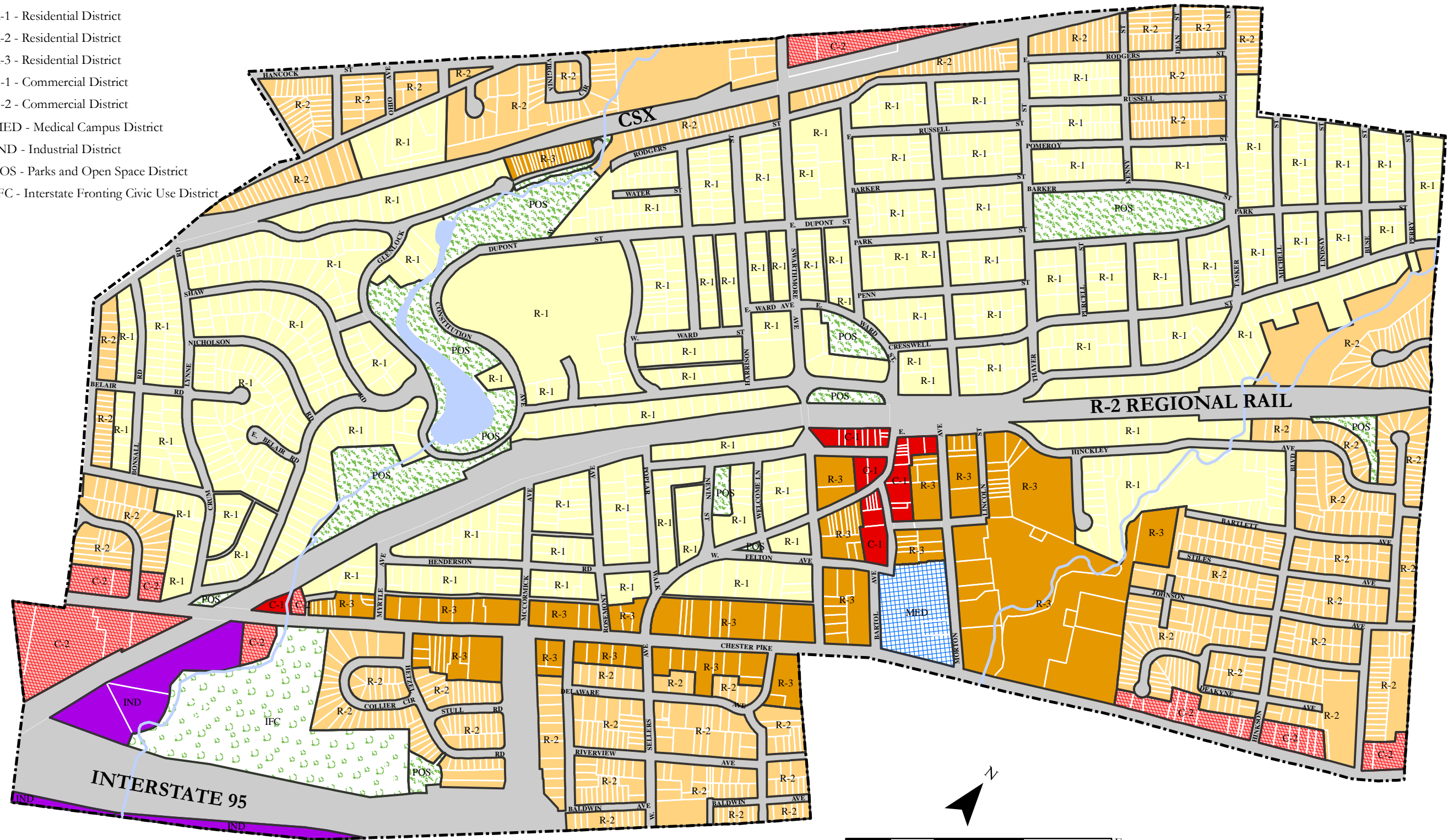
Zone	Permitted Uses	Permitted Signs	Regulations
R-1 R-2 R-3	Single-family Residential Home Occupations Family Day Care	Nameplate (Wall)	2 square feet
	Professional Home Office	Wall Freestanding (Ground)	12 square feet
	Churches Apartment Buildings (R-3) Townhouse Development (R-3) Nonresidential Nonconforming	Wall Changeable Copy Freestanding (Ground)	16 square feet See Chapter 15 24 square feet in R-3
	Schools	Wall Freestanding	24 square feet
		Changeable Copy	16 square feet
	C-1	C-1	Signs in Residential Districts
Retail, Personal Service, Restaurant, Pedestrian-oriented Commercial		Wall, Awning	30 square feet*
		Freestanding	16 square feet
		Projecting & Canopy	10 square feet
C-2	C-2	Signs in R-3 and C-1 Districts	See Chapter 15
	Retail, Service, Auto-oriented Commercial	Wall, Awning	50 square feet*
		Freestanding	24 square feet
		Projecting & Canopy	16 square feet
Medical Campus	Medical Campus	Signs in Residential Districts and C-1	See Chapter 15
	Hospital, Medical Office	Wall, Awning	60 square feet
		Freestanding	50 square feet
		Projecting & Canopy	20 square feet
Interstate Fronting Civic Use	Same as Medical Campus but allows billboard per Section 1509		
Parks and Recreation	Passive Open Space, Playground, Trails, Play Fields, and Courts, Municipal Properties	Same Signs as in C-1	See Chapter 15
Industrial	Variety Industrial Uses	Wall	75 square feet*
		Freestanding	50 square feet

\* One (1) square foot of sign area for each foot of building width. Number of square feet shown is maximum. See Article 15.

# Ridley Park Borough

## - Zoning -

- R-1 - Residential District
- R-2 - Residential District
- R-3 - Residential District
- C-1 - Commercial District
- C-2 - Commercial District
- MED - Medical Campus District
- IND - Industrial District
- POS - Parks and Open Space District
- IFC - Interstate Fronting Civic Use District



Prepared by  
 Delaware County  
 Planning Department  
 Adopted October 2009

- NOTES:
1. Delaware County Planning Department - Zoning
  2. Delaware County Board of Assessments - Parcels