

LANSDALE BOROUGH
MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE NO. _____

AN ORDINANCE OF THE BOROUGH OF LANSDALE, MONTGOMERY COUNTY, AMENDING CHAPTER 405 OF THE ZONING CODE BY Eliminating the Professional Office and Specialty Restaurant Conservation (POSRC) District and its corresponding Sections 405-3300 through 405-3303; eliminating the Retirement Village Overlay District (RVOD) and its corresponding Sections 405-3400 through 405-3404; revising and replacing in its entirety the Downtown Business Overlay (DBOB) District and its corresponding Sections 405-3501 through 405-3506 and moving the revised DBOD regulations and standards to Sections 405-3300 through 405-3305; creating a new district called the Downtown Core Overlay District (DCOD) with regulations and standards in Section 405-3400 through 405-3406; amending Section 405-201 to add new definitions relating to restaurants; amending Section 405-300 eliminating references to the Professional Office and Specialty Restaurant Conservation District and the Retirement Village Overlay District and adding a reference to the Downtown Core Overlay District; amending Section 405-1100.G to eliminate reference to the POSRC District; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 1203 of the Pennsylvania Borough Code, 8 Pa. C.S.A. §1203, Section 609 of the Pennsylvania Municipalities Planning Code, 53 P.S. § 106909, and Sections 405-2306 *et seq.* of the Lansdale Borough Zoning Ordinance permit Borough Council to enact amendments to its existing Zoning Ordinance that are in the best interests and are necessary for the proper management, care and control of the Borough and the maintenance of peace, good government, safety and welfare of the Borough and its residents; and

WHEREAS, based on a review by and recommendations from the Lansdale Planning Commission and Lansdale Borough staff and professionals, Lansdale Borough Council desires to amend its Zoning Ordinance, to: (1) eliminate the Professional Office and Specialty Restaurant Conservation District under §§ 405-3300 through 405-3303 and any corresponding reference to the same in other zoning sections; and (2) eliminate the Retirement Village Overlay District under §§ 405-3400 through 405-3404; and (3) amend its existing Downtown Business Overlay with various changes and revisions to uses and standards including height bonuses and parking requirements and moving the district to §§ 405-3300 through 405-3305; and (4) create a new district called the Downtown Core Overlay District with regulations and standards within §§ 405-3400 through 405-3406; and (5) amend and add additional definitional language relating to restaurants in § 405-201; and

WHEREAS, amending the current ordinance to eliminate the POSRC District, to clarify the definitional language relating to restaurants, and to create a better transition between the

commercial and mixed-use core and the less dense, less intense surrounding areas of the Borough will further support the health, safety and public welfare of Lansdale Borough's residents, business owners and visitors.

NOW, THEREFORE, IT IS HEREBY ORDAINED AND ENACTED, by the Lansdale Borough Council that the following amendments to Chapter 405, titled "Zoning," are hereby approved and adopted:

I. REPEAL AND ELIMINATION OF PROFESSIONAL OFFICE AND SPECIALTY RESTAURANT CONSERVATION DISTRICT. Chapter 405, Article XXXIII, titled "Professional Office and Specialty Restaurant Conservation Overlay District, is hereby repealed in its entirety including §§ 405-3300, 405-3301, 405-3302, and 405-3303, and such article shall be re-titled to the "Downtown Business Overlay District".

II. REPEAL AND ELIMINATION OF RETIREMENT VILLAGE OVERLAY DISTRICT. Chapter 405, Article XXXIV, titled "Retirement Village Overlay District, is hereby repealed in its entirety including §§ 405-3400, 405-3401, 405-3402, 405-3403 and 405-3404, and such article shall be re-titled to the "Downtown Core Overlay District".

III. AMENDMENT TO § 405-1100.G. Chapter 405, Article XI, § 405-1100.G under the permitted use section of the Commercial District shall be amended in its entirety to state as follows:

G. Restaurants, tea rooms, places of business dispensing alcohol and malt beverages in accordance with the Pennsylvania Liquor Control Board licensing provisions, provided that none of the above shall be located within 100 feet of: 1) any residential zone; 2) any church or place of worship; and/or 3) any community center or youth organization center.

IV. AMENDMENT TO § 405-201. Chapter 405, Article XII, § 405-201 titled "Definitions" shall be amended to add the following terms in appropriate alphabetical order:

RESTAURANT: A building or an area within, or adjacent to, a building used primarily for the purpose of furnishing food and drink to the public. Food and drink may be consumed on or off premises and shall include the following categories either separately or in combination. This excludes food trucks, which are not considered restaurants.

RESTAURANT, Full Service: A restaurant providing table service to guests and serving staff is employed to take orders and deliver food. Examples include fine dining or casual dining.

RESTAURANT, TAKE OUT: A restaurant with fewer than four tables used primarily for the purpose of furnishing to the public food to be consumed off premises.

RESTAURANT, FAST FOOD: A restaurant with four tables or more than where food is delivered over the counter, or through a drive-thru window and customers seat themselves or eat off premise. Examples include traditional fast food or fast casual dining.

V. **AMENDMENT TO § 405-300.** Chapter 405, Article III, § 405-300 titled “Districts Established” shall be amended to read as follows:

For the purpose of this chapter, the Borough of Lansdale has been divided into districts which shall be designated as follows:

Class A Residential

Class B Residential

Class C Residential

Residential Apartment

Professional Office A

Professional Office B

Limited Professional Office (LPO)

Commercial

Business

Business (B-2)

Business Park Overlay

Industrial

Floodplain Conservation

Transit-Oriented Design Overlay

Downtown Business Overlay

Downtown Core Overlay

Mixed-Use Overlay

Business Center Revitalization Overlay

Historic Rehabilitation Overlay

VI. AMENDMENTS TO THE DOWNTOWN BUSINESS OVERLAY DISTRICT.

Chapter 405, Article XXXIII, re-titled “Downtown Business Overlay District”, is hereby revised and replaced in its entirety with the provisions as set forth in **Exhibit “A”** as attached hereto. Article XXXV shall be marked as “reserved” for possible future numbering or use.

VII. CREATE THE DOWNTOWN CORE OVERLAY DISTRICT.

Chapter 405, Article XXXIV, re-titled “Downtown Core Overlay District”, is hereby created in its entirety with the provisions as set forth in **Exhibit “B”** as attached hereto.

VIII. REPEALER. All ordinances or parts thereof inconsistent with this Ordinance are hereby repealed to the extent of the inconsistency.

IX. SEVERABILITY. The provisions of this Ordinance are declared to be severable. If any provision of this Ordinance is declared by a court of competent jurisdiction to be invalid or unconstitutional, such determination shall have no effect on the remaining provisions of this Ordinance or on the Code of Ordinances of Lansdale Borough.

X. EFFECTIVE DATE. This ordinance shall be effective immediately upon its legal enactment by the Borough Council of the Borough of Lansdale.

Ordained and enacted, by the Council Members of Lansdale Borough, Montgomery County, Pennsylvania, this _____ day of _____, 2023.

**ATTEST:
COUNCIL**

LANSDALE BOROUGH

By: John Ernst, Borough Manager

By: Denton Burnell, President

APPROVED:

By: Mayor Garry Herbert

EXHIBIT “A”
REVISIONS TO ARTICLE XXXIII,
SECTIONS 405-3300 THROUGH 405-3305

EXHIBIT “B”
REVISIONS TO ARTICLE XXXIV,
SECTIONS 405-3400 THROUGH 405-3406