

ARTICLE XXXIII
**Downtown Business Overlay
District**

§ 405-3300. Legislative intent.

- A. To promote the town center character of Lansdale Borough as set forth in the Comprehensive Plan by promoting ground-floor retail uses, maintaining the traditional downtown character, and strengthening cultural assets and amenities.
- B. To encourage development/redevelopment of existing buildings and properties for mixed uses, including residential, office, retail, cultural and service uses.
- C. To provide adequate residential density to support the downtown businesses and promote regional rail.
- D. To discourage development of strip-type highway-oriented commercial uses that require incongruous architectural styles, excessive paved areas, curb cuts, and large signs and are not pedestrian friendly.
- E. To de-emphasize single-family development within the town center.
- F. To encourage pedestrian connections between buildings, parking areas and sidewalks and to encourage consolidation of driveways, parking and curb cuts to provide more efficient, economical and safe access and parking.
- G. To encourage those types of development that support large volumes of pedestrian traffic and are not dependent on storefront parking.
- H. To promote transit-oriented development that provides safe and attractive pedestrian connections with transit facilities.
- I. To promote development of public spaces, such as plazas, squares and courtyards, that enhance the aesthetics of downtown and encourage community interaction.
- J. To promote a vibrant streetscape that supports the commercial and cultural activities in the Downtown Business District.

§ 405-3301. Overlay concept.

The Downtown Business Overlay District, which may also referred to herein as “DBOD,” as shown on the Lansdale Zoning Map. The Downtown Business Overlay provides alternative uses and standards from the underlying zoning district. The uses permitted and the standards applicable within the Downtown Business Overlay District are set forth in this Article. The uses and standards from the Downtown Business Overlay District and the underlying zoning district shall not be mixed. When an

applicant utilizes the Downtown Business Overlay District option then the requirements of this Article shall prevail over any conflict with any requirement or standard that may be set forth in the underlying zoning district.

§ 405-3302. Permitted uses.

The following is a list in Table 33-1 below are uses that are permitted by-right or by conditional use within any area or sub-district of the Downtown Business Overlay District. Those uses that are permitted by-right are indicated by the letter "P," and those uses that are permitted by conditional use are indicated by the letter "C:"

Table 33-1. Downtown Business Overlay District Use Table

Uses	Downtown Business District
Residential uses	
Multifamily dwelling units	C
Home occupations	C
Institutional uses	
Colleges and universities, public and private	C
Philanthropic and charitable institutions, civic nonprofit organizations, and social and fraternal organizations	C
Religious institutions, including churches, chapels, mosques, temples and synagogues	C
Schools, private, elementary, middle or high	C
Schools, vocational	C
Other government and government-related structures, facilities and uses	P
Recreation uses	
Athletic clubs, public and private	C
Public parks, plaza, square, courtyard and garden	P
Recreation and community centers, noncommercial	P
Commercial uses	
Amusement establishments, indoor	C
Antique stores	P
Appliance stores, including electrical and household appliances, and radio and television	P

sales and repair	
Arts and crafts stores	P
Arts and crafts studios	P
Arts or cultural centers	P
Auction rooms	C
Bakeries	P
Bakeshops	P
Banks and financial institutions	P
Bars and taverns	C
Bed-and-breakfast inn and home	C
Bicycle sales, rental and repair stores	P
Candy stores, including candymaking	P
Carpet and rug stores, retail sales only	P
Christmas tree and greens sales	P
Clubs, lodges and meeting halls, with no on- premises food or beverage preparation facilities	C
Coffee shops	P
Contractors', architects' and engineers' offices	P
Convenience stores (excluding sale of gas)	C
Day-care centers, group	C
Delicatessen	P
Department stores	P
Drive-in service, (also known as "Drive-through" service) for financial uses and retail sales only	C
Dry-cleaning and laundry service establishment, pickup only	P
Extended-stay hotels	C
Food stores, under 5,000 square feet	P
Food stores, 5,000 to 10,000 square feet	C
Forestry	P
Furniture stores	P
Garden supply, tool and seed stores	P
Home improvement stores	C
Hotels	C
Ice cream stores	P

Inns	C
Liquor store	C
Mailing service establishments	P
Markets, open-air, including farmers' markets and produce markets	C
Medical marijuana dispensary	P
Museums and art galleries, including historic buildings and shrines for patriotic, cultural and educational purposes	P
Office or studio of a professional person	P
Offices, business and professional, and nonprofit, educational, cultural or civic	P
Offices, medical	P
Outdoor dining	P
Parking garages	P
Parking lots, commercial	C
Personal care establishments	P
Photocopying and reproduction services, including blueprinting	P
Physical health facilities, including health clubs, fitness centers, and weight control centers	P
Printing and publishing establishments	C
Restaurant, fast-food	C
Restaurant, full-service	P
Restaurant, take-out only	P
Retail goods stores	P
Theaters, indoor	P
Theaters, outdoor	C
Tobacco shops	P
Wine shop	C
Retail and service uses of the same general character as those listed above	C

Transportation and utility uses

Antennas and amateur radio stations	C
Antenna towers	C

Cab stands, including dispatch offices and related parking facilities	C
Telecommunications facilities	C
Telephone transmission equipment buildings	C
Transit facilities	P

§ 405-3303. Conditional uses.

- A. For those uses permitted by conditional use in Table 33-1 above, an applicant shall follow the procedures and standards for conditional use approval in Article XXII, § 405-2206.
- B. In addition to the standard requirements set forth in Article XXII, § 405-2206, the following additional conditional use standards shall apply:
 - (1) A permitted non-residential use must occupy the portion of the first floor of any multifamily building located within the DBOD which fronts on Main Street, Broad Street, Walnut Street or Madison Street as a minimum condition of approval. The non-residential use shall occupy at least 70% of the street frontage and shall be no less than 30 feet in depth.
 - (2) Drive-in window services, (also known as “Drive-through” services) shall require conditional use approval and drive-in windows are permitted only for retail and financial service uses. Drive-in windows for any restaurant use including restaurant-fast food, restaurant-takeout only, and restaurant-full service are prohibited. Drive-in windows shall have at least 100 linear feet of continuous driveway, as measured from the service window, used exclusively for each drive-in window shall be provided, and a minimum total stacking space for all drive-in service lanes for at least 10 cars shall be provided, and shall be so arranged that such driveways do not interfere with the free and uninterrupted use of the remaining parking areas and driveways (e.g., a pass-by lane shall be provided to allow vehicles to freely pass by the drive-in lanes or to leave the drive-in lanes prior to being served). During the conditional use review of the drive-in lanes, Borough Council may require a greater amount of continuous driveway for drive-in services for the proposed use if, based upon a traffic study prepared and submitted by the applicant and reviewed by the Borough Traffic Engineer, 100 linear feet and/or stacking for 10 vehicles is/are demonstrated to be inadequate. Any change in use shall require conditional use approval by Borough Council for drive-in services, which standard shall be the revision of the traffic study to reflect the change in use and the review of the Borough Traffic Engineer of the adequacy of the drive-through lanes for the new use.

§ 405-3304 Development standards.

The required development standards for the Downtown Business Overlay District are specified in Table 33-2. In addition to the below standards, the traditional town design standards and design review process of Article XXXVI shall also apply.

Table 33-2. Downtown Business Overlay District Development Standards	
Minimum lot size	None
Minimum lot width	None
Density	Within the DBOB the maximum density shall be 20 units per gross acre.
Build-to line	<p>(1) The front façade(s) of each building shall maintain the established build-to line of the block(s) on which it is located. Where there is no established build-to line, the facade of each building shall be set back not less than 12 feet from the face of the curb on a primary street, eight feet from the face of the curb on a side street, and five feet from the edge of an existing alley.</p> <p>(2) For the purposes of providing a plaza, square, courtyard, recessed entrance or outdoor dining, the front facade of each building may be set back up to 15 feet from the building line.</p>
Side Yard Setback	The minimum side yard setback shall be 0 feet if there is an existing shared party wall, otherwise the minimum side yard setback shall be 6 feet. At the recommendation of the Planning Commission the side yard setback may be increased by up to 6 additional feet to provide an adequate landscaped buffer to an adjacent residential property outside of the DBOD,
Rear Yard Setback	The minimum rear yard setback shall be 6 feet. At the recommendation of the Planning Commission the rear yard setback may be increased by up to 6 additional feet to provide an adequate landscaped buffer to an adjacent residential property outside of the DBOD,
Building height	Within the DBOD the maximum building height shall be 40 feet.
Building step back	Any floor(s) above the third story shall be stepped back 8 feet from the lower-level facade in the front of the building. The façades of floors above the third floor shall have a change in color and/or materials.
Maximum impervious	Within the DBOD the maximum impervious cover shall be 75% of the lot area.

coverage	
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§ 405-3305. Parking.

A. Non-residential parking requirements.

(1) There shall be no minimum off-street parking requirement for non-residential uses in the Downtown Business Overlay District unless the size of the total floor area is greater than or equal to 10,000 square feet. For buildings greater than or equal to 10,000 square feet in size, the parking requirements in § 405-1701 through § 405-1709 of this Chapter 405 shall apply to the remainder of the non-residential building area, unless otherwise set forth below. In the case of a mixed-use building, the exemption from parking shall only apply to the non-residential portion(s) of the building and shall not apply to the residential portion(s).

(2) Common Parking facilities. Common parking facilities with adjacent parking properties are strongly encouraged. If common parking facilities are proposed, and formal arrangements between the proposed users are entered into to the satisfaction of the Borough Solicitor and Engineer, the Borough Code Enforcement officer shall reduce the aggregate amount of required parking by up to 15%, subject to formal arrangements between the proposed users and satisfactory to the Borough Solicitor and Engineer.

B. Residential Parking Requirements.

Off-street parking shall be provided based on the number of bedrooms in each unit as follows:

- (1) Three-bedroom unit: 2.0 spaces per unit
- (2) One and two-bedroom unit: 1.5 spaces per unit
- (3) Studio or efficiency unit: 1.25 spaces per unit

C. Multifamily dwelling units over any use permitted in the Downtown Business Overlay District. Off-street parking shall be provided as required by this Chapter 405 for apartment uses; provided, however, in the case of apartments already existing at the date of passage of this Article and not in the case of apartments constructed thereafter, that if or to the extent which there is not sufficient space on the same lot as the building and if a municipally owned parking lot borders within 500 feet of the nearest property line, the off-street parking requirements need not be met; provided, further, that the owner of the subject property shall procure and submit to the Borough of Lansdale, as a condition of receiving any apartment licenses required under the provisions of the Borough Code, evidence there have been procured for the whole term of the licenses stickers for tenant parking on municipal parking lots, as provided for in Chapter 268, Parking, Article II, Municipal Parking Lots, for such number of cars as parking spaces are required for under the provisions of § 405-1703. It is not intended by this provision to permit

the elimination of existing parking spaces or available area.

- D. Fee in lieu of parking spaces. When off-street parking is required, Borough Council may authorize the payment of a onetime fee in lieu of the actual creation of some or all of the required parking by the applicant. The amount of the fee shall be specified in the parking fee schedule adopted by resolution of the Borough Council. All fees collected and all interest earned thereon shall be placed in the Borough Parking Fund. The fund shall be used exclusively for planning, acquisition, design, development, construction, and financing of parking facilities.