

- b. Piers twelve (12) inches in diameter by thirty (30) inches deep, placed no greater than ten (10) feet on center under each side of the lateral frame.
2. Every mobile home shall have solid, all-weather skirting enclosing the area between the ground and the mobile home floor so that it shall prevent that area from forming a harborage for rodents, avoid the creation of a fire hazard and to prevent unsightly conditions.
- J. **Maintenance of Facilities.** The operator and owner of the Mobile Home Park shall be responsible for maintaining all common facilities, including but not limited to roads, parking areas, sidewalks or pathways, common open space, water supply and sewage disposal systems and service buildings, in a condition of proper repair, maintenance and cleanliness, in compliance with the applicable Borough Ordinance, code and regulations. If, upon inspection by the Zoning Officer or other representative, it is determined that the Mobile Home Park is not in compliance with this standard of maintenance, the owner and operator shall be considered to be in violation of this Ordinance and the Zoning Officer shall notify the operator or licensee of the particulars of any such violation.
- K. **Mobile Home Park Management.** Every Mobile Home Park shall include an office for the person in charge of such park. A copy of the operating permit, along with the register, shall at all times be open for inspection by any Borough officials. The register shall include, but not be limited to the following information:
1. A number assigned to each mobile home lot or site.
  2. Names and addresses of all residents of the park and their designated mobile home lot or size.
  3. The arrival date of each mobile home to the park.
  4. The departure date of each mobile home from the park.

#### Section 2416 MULTI-FAMILY DWELLING

A Multi-Family Dwelling is a building containing three (3) or more dwelling units, each with independent kitchen, bathroom and bedroom facilities, which may have independent outside access, including, but not limited to triplexes, quadraplexes, townhouses, and apartments. Multi-Family Dwellings shall be permitted in accordance with the following:

- A. The area and bulk regulations under the applicable zoning district shall apply.
- B. Multi-Family developments consisting of multiple buildings shall adhere to the following regulations:
  1. The maximum length of a Multi-Family building shall be onehundred and seventy-five (175) feet.
  2. Multi-Family buildings are encouraged to be located in clusters which create common open areas, rather than situated parallel to one (1) another. Where clustering is not feasible due to site conditions, there shall be no more than three (3) abutting buildings parallel to each other within the development.

3. Staggered setback of dwelling units and a variation in façade design shall be encouraged to offer visual variety, individualism, and some private yard area. It is recommended that no more than two (2) contiguous units shall have the same façade setback within a building. Changes in setbacks shall be a minimum of four (4) feet.
4. Buildings within the development shall be designed to provide individual dwelling units with views and direct access to required open areas.
5. Dwelling units shall be set back a minimum of fifteen (15) feet from common parking areas and shall be set back a minimum of twenty-five (25) feet from common refuse areas.
6. Dwelling units must be setback a minimum of twenty-five (25) feet from the tract boundary.
7. Sidewalks shall be provided to connect dwellings with parking areas, recreational/open areas, and refuse facilities. Sidewalks should adhere to Olde Towne Design Guidelines, as outlined in the Borough Subdivision and Land Development Ordinance.
8. The following building separation distances shall be met in order to provide individual units with some level of privacy:
  - a. Front or facing walls (long wall) 45 feet.
  - b. Facing end walls (short wall) 25 feet.
9. Outdoor Lighting shall be in accordance with Section 2307.
10. Buffering shall be in accordance with Section 2309, in addition to which all areas not covered by impervious surfaces shall be landscaped and, maintained with suitable ground cover and plants. Existing vegetation is encouraged to be maintained for landscaping purposes.
11. Required parking shall adhere to those standards set forth in Article XXV. Parking areas shall be adequately landscaped to provide shade, to screen vehicles from public streets, and to reduce glare and noise within the development. Parking lots shall be setback a minimum of twenty-five (25) feet from any right-of-way and shall be screened with landscaping. Landscaping shall be provided around the perimeter of all parking areas, except for access points and walkways.
12. All Multi-Family developments shall have a minimum of fifteen (15) percent of the land reserved for recreational areas. Recreation areas shall be free of obstructions, including watercourses, floodplains, steep slopes, and wetlands. Such an area shall be contiguous, and shall be setback a minimum of ten (10) feet from any residential uses or residential accessory uses, and shall be a minimum of fifty (50) feet in width. Maintenance of this area shall be the responsibility of the landowners', homeowners', or condominium owners' association. This area shall not be located within or be included in calculating the required buffer area or setback areas, but shall be included in calculating the maximum density permitted. This area shall be substantially free of structures, except those designed for recreational purposes or the preservation of historic structures, and shall be usable. This area shall be located and designed so as to be easily accessible by residents of the Multi-Family dwelling development. When an area is designed for active recreation and abuts an arterial street, it shall be fenced, provided with an earthen berm, or combination thereof, that physically separates it from the street. Failure to maintain any recreational areas shall constitute a violation of this Ordinance and shall be actionable by the Borough.

13. Circulation and access shall be as provided in this Ordinance and in the Borough Subdivision and Land Development Ordinance.

#### **Section 2417      MULTI-SHOP RETAIL**

A Multi-Shop Retail is a shopping center containing two (2) or more retail uses located in one (1) building or on a single lot and preplanned and designed as a complex of related structures and circulation patterns, and shall be in accordance with the following:

- A. The area and bulk regulations for Multi-Shop Retail under the applicable zoning districts shall apply.
- B. Primary access shall be from a collector or arterial street as defined in the Borough Comprehensive Plan.
- C. Parking shall be in accordance with Article XXV.
- D. Multi-Shop Retail Uses including parking and service areas shall be fully screened from all adjacent residential uses and districts in accordance with Section 2309.
- E. Outdoor Storage shall comply with standards set forth in Section 2310.
- F. Outdoor Lighting shall comply with standards set forth in Section 2307.
- G. Establishments furnishing shopping carts shall provide defined areas on the site for the storage of such carts which shall be clearly marked and designed for such use.
- H. Trash receptacles for patron use shall be provided outside of any establishment with take-out service or convenience shopping.
- I. Sidewalks shall be provided along all street frontage and pedestrian access to sidewalks on or adjacent to the property.

#### **Section 2418      OUTDOOR CAFÉ**

An Outdoor Café is an outdoor patio area of an associated restaurant or tavern, used for the express purpose of furnishing food and beverages to the public to be consumed on the premises, and directly abutting and on the same lot as the principal building in which the associated restaurant or premises licensed by the Pennsylvania Liquor Control Board pursuant to the regulations of the said Board to conduct business on the above-mentioned premises is located. Outdoor Cafes, and shall adhere to the following:

- A. Prior to constructing or maintaining an Outdoor Café, an applicant shall first apply for and secure a permit from the Borough in accordance with the following:
  - 1. An applicant shall submit in writing to the Zoning Officer, along with the required fee, an application including the following:

- a. Name of address of the applicant.
  - b. Plan specifying the location of the Outdoor Café, including a calculation of proposed occupant amount, seating capacity, and location.
  - c. Written consent of the property owner, if other than the applicant.
  - d. Indoor seating capacity.
  - e. Statement of indemnity as per Section 2418.A.3 below.
  - f. Other similar information as may be required.
  - g. Information sufficient to demonstrate compliance with Sections 2418.B. through 2418.G., below.
2. No action shall be taken on any application for a permit under this Section until the application has been completed fully and the application fee, as required by the schedule of fees established and amended by resolution of Borough Council, paid in full.
  3. The applicant shall indemnify and keep harmless the Borough, 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 an Outdoor Café, and all damages to persons or property resulting from or in a manner caused by the presence, location, use, operation, installation, maintenance, replacement, or removal of such use, or by the acts or omission of the employees of agents of the applicant for such use.
- B. The associated restaurant or tavern shall have a minimum indoor seating capacity of fifteen (15) persons.
  - C. Outdoor Café uses, abutting or adjacent to residential districts, shall stop serving customers on or before 9 p.m. prevailing time on Sunday through Thursday and clear all tables of food, beverages, and customers on or before 10 p.m. On Friday and Saturday, customer service shall stop at 10 p.m. prevailing time, and all tables shall be cleared of food, beverages, and customers on or before 11 p.m.
  - D. This use shall not be located on or extend onto a public sidewalk, street, or rights-of-way.
  - E. This use shall be associated with a principal use of a restaurant or tavern and shall be located abutting that building in which the principal use is located, and shall be located on the same lot as that principal use.
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- F. The Outdoor Café shall be separated from parking areas or traffic flow areas by fencing or buffering. However, in any location where the Outdoor Café is not separated from the flow of traffic or parking areas, no table shall be located within six (6) feet of the curb or the boundary of that area, whichever is closer.
  - G. The Outdoor Café shall provide table service.

- H. The applicant shall maintain the Outdoor Café in accordance with all Borough ordinances and state and federal laws, as well as rules and regulations promulgated and adopted by the Borough which pertain to this use.
- I. The applicant shall remove the Outdoor Café within thirty (30) days after written notice if the Borough or Zoning Officer determines that the use is detrimental to the health, safety, and general welfare of the Borough or its residents as follows:
1. The Outdoor Café is no longer being used as such.
  2. The use has been temporarily or permanently closed for violation of any Borough, state, or federal law and/or regulation.
  3. The use is operated in violation of any ordinance or regulations of Malvern Borough.
  4. In the event that the applicant fails to remove the Outdoor Café within seven (7) days after the thirty (30) day period after written notice, the Borough may proceed to remove and restore the area and charge the applicant for the cost thereof. In this instance, the applicant is entitled to the return of furnishings or equipment so removed, only after the payment for all costs for the removal due to the Borough, and requesting the return in writing. The responsibility for removal under the provisions of this Section shall be the sole responsibility of the applicant without any obligation or cost assessed against the Borough.
- J. The Borough may, from time to time, add regulations or rules that it deems necessary to facilitate the purposes, as defined, and functioning of this use, and these rules and regulations shall be approved by Borough Council.

**Section 2419 PLANNED CAMPUS DEVELOPMENT, INVOLVING EDUCATIONAL AND/OR RELIGIOUS USES**

Such use shall involve a grouping of two (2) or more buildings for education or religious purposes, which are developed according to a unified plan including the layout of lots, buildings, access streets, landscaping, and other improvements typically in a campus-like setting, and shall be in accordance with the following:

- A. The area and bulk regulations as defined in the applicable zoning districts shall apply.
- B. Uses shall include: educational uses, religious uses, or philanthropic uses.
- C. Parking requirements shall be in accordance with Article XXV.
- D. The tract of land to be developed shall be in one (1) ownership or in the case of multiple ownership, shall be developed according to a single overall unified plan with common authority and ownership.
- E. The tract and uses therein shall have access only to an arterial or collector street as defined by the Borough Comprehensive Plan with a common ingress and egress.