

**PERKASIE BOROUGH  
ORDINANCE NO. 1045**

**AN ORDINANCE OF THE BOROUGH OF PERKASIE, BUCKS COUNTY, PENNSYLVANIA, AMENDING THE PERKASIE BOROUGH ZONING ORDINANCE SO AS TO ADD A DEFINITION OF A MIXED USE BUILDING, ESTABLISH MIXED USE REGULATIONS IN CHAPTER IV OF THE ZONING ORDINANCE, USE REGULATIONS AND RESTRICTIONS, AND TO AMEND CHAPTER 186, ZONING, ARTICLE VIII OFF-STREET PARKING AND LOADING SUBSECTION 186-61. C(5)(i) RELATED TO MIXED USE PARKING AND ALSO AMENDING CHAPTER 186 BY AMENDING THE ATTACHMENT ENTITLED TABLE OF USES.**

**WHEREAS**, the Borough Code at 8 Pa.C.S.A. §101 *et seq.*, authorizes the Borough Council of the Borough of Perkasie (“Borough Council”) to make and adopt ordinances that are consistent with the constitution and laws of the Commonwealth when necessary for the proper management, care and control of the Borough and the maintenance of peace, good government and welfare of the Borough and its citizens;

**WHEREAS**, the Borough Council has determined that it will be in the best interest of the Borough to amend the Zoning Ordinance so as to add a definition of a mixed use building, establish mixed use regulations in Chapter 186, Article IV of the Zoning Ordinance, Use Regulations and Restrictions, and to Amend Chapter 186, Zoning, Article VIII Off-Street Parking and Loading Subsection 186-61.C(5)(i) related to mixed use parking and also amending Chapter 186 by amending the Attachment entitled Table of Uses; and

**WHEREAS**, the Borough Council has met and will meet the procedural requirements for the adoption of the proposed ordinance; and

**WHEREAS**, the Borough Council, after due consideration of the proposed ordinance at a duly advertised public hearing, has determined that the best interest and general welfare of

Perkasie Borough will be served by the amendment to the Zoning Ordinance of the Borough of Perkasie.

**NOW, THEREFORE, BE IT ENACTED AND ORDAINED** by the Borough Council of the Borough of Perkasie, Bucks County, Pennsylvania, and it is hereby enacted and ordained by the authority of same as follows:

**SECTION 1.** The provisions of the Perkasie Borough Consolidated Ordinances at Chapter 186 Zoning, Article II, Definitions, Section 186-5.C shall be revised so as to add the following:

Mixed Use Building. A building designed to contain a mixture of uses consisting of commercial, office, retail or service businesses, which are permitted, as specified, in combination with a residential use.

**SECTION 2.** The provisions of the Perkasie Borough Consolidated Ordinances at Chapter 186 Zoning, Article IV, Use Regulations and Restrictions, Section 186-18.E(9) shall be revised to read as follows:

- (9) Mixed use: The conversion, construction, or reconstruction of a building designed to contain a mixture of uses consisting of commercial, office, retail or service businesses, which are permitted, as specified, in combination with a residential use.
  - (a) Such use shall be permitted in the C-2 and TC Districts.
  - (b) In a mixed-use building, commercial, office, and/or residential uses shall be permitted in a building on one lot. Permitted commercial and office uses shall be limited to the following:
    - C(4) Community garage or parking area (for nonresidential use)
    - C(5) Day-care center
    - C(9) Library or museum, public
    - C(11) Private club or lodge
    - C(16) School, trade or commercial

- D(1) Office, business or professional
- D(2) Office or clinic, medical
- E(1) Bank or savings and loan association
- E(3) Eating place (without drive-through service)
- E(5) Entertainment and recreation facilities, indoor, nongovernmental
- E(16) Retail shop
- E(17) Service business
- E(18) Tavern
- E(19) Brewery (not in excess of 12,500 square feet)
- E(20) Microbrewery, microwinery, microdistillery (not in excess of 12,500 square feet)
- E(21) Brewpub (not in excess of 12,500 square feet)
- E(22) Taproom (not in excess of 12,500 square feet)
- (c) Residential uses shall be on the second and third floors of a mixed-use building. Nonresidential uses shall be on the first and second floors only.
- (d) Residential uses shall occupy at least 50% of the combined area of the upper floors of mixed-use buildings.
- (e) All entrances on the front or sides of the building which face the street shall be for the commercial, retail, office or service uses on the first floor or below. Residential entrances may share these entrances but shall not be in addition to them on the front or street-facing sides. Additional entrances may be placed on the side or the rear of the building, so long as such entrances do not face the street. Exterior stairways and/or fire escapes shall be located on the rear wall in preference to either side wall and in no case on a front wall or a side wall facing a street.
- (f) In the event of a conversion of an existing building, there shall be no major structural change in the exterior of the building, except as may be necessary for purposes of safety or ADA accessibility. After conversion, the building shall retain substantially the same structural appearance it had before such conversion.
- (g) All permitted uses associated with a mixed use shall be conducted within a completely enclosed building unless expressly authorized. This requirement does not apply to required parking or loading areas, automated teller machines or outdoor seating.
- (h) Off-street parking spaces shall be located to the side or rear of the structure.

**SECTION 3.** The provisions of the Perkasio Borough Consolidated Ordinances at Chapter 186, Zoning, Article VIII, Off-Street Parking and Loading, Section 186-61.C(5)(i) shall be revised to read as follows:

- (i) Mixed use: A minimum of 3 spaces per 1,000 square feet of gross floor area for nonresidential uses, plus residential parking as required for multifamily residential except in the TC District which shall comply with §186-20.J(5).

**SECTION 4.** The provisions of the Perkasio Borough Consolidated Ordinances at Chapter 186, Attachment 2, Table of Uses by District, E.9, Mixed Use shall be revised to read as follows:

Uses	R1A	R1B	R2	R3	A	C-1	C-2	I-1	I-2	TC
E. Retail and Consumer Service Uses										
9 Mixed Use	N	N	N	N	N	N	P	N	N	P

**SECTION 5.** All ordinances or parts of ordinances that are inconsistent herewith, are hereby repealed, it being understood and intended that all ordinances and the Perkasio Borough Code, such as are not otherwise specifically in conflict or inconsistent with this Ordinance, shall remain in full force and effect, the same being reaffirmed hereby.

**SECTION 6.** The Council of the Borough of Perkasio does hereby reserve the right, from time to time, to adopt modifications of, supplements to, or amendments to the Perkasio Borough Code, including this Ordinance.

**SECTION 7.** If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional, by any court of competent jurisdiction, such provision shall be separate, distinct and independent, and such holding shall not affect the validity of the remaining portions of this Ordinance.

**SECTION 8.** The failure of the Borough of Perkasio to enforce any provisions of this Ordinance shall not constitute a waiver by the Borough of its rights of future enforcement hereunder.

**SECTION 9.** This Ordinance shall be effective five (5) days after enactment.

**SECTION 10.** Under the authority conferred by the Borough Code, 8 Pa.C.S.A. § 101, *et seq.*, the Municipalities Planning Code and other relevant statutory law, the Council of the Borough of Perkasio in the County of Bucks, Commonwealth of Pennsylvania does hereby enact and ordain this Ordinance for the Borough of Perkasio.

Approved by the Borough Council of the Borough of Perkasio, this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

**ATTEST:**

**BOROUGH OF PERKASIE**

\_\_\_\_\_  
**Andrea L. Coaxum, Secretary**

\_\_\_\_\_  
**James Ryder, Council President**

Examined and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
**Jeff Hollenbach, Mayor**

**THIS ORDINANCE SHALL BECOME EFFECTIVE  
FIVE (5) DAYS AFTER ENACTMENT AND SIGNATURE**