

307. **DIMENSIONAL REQUIREMENTS IN EACH DISTRICT.**

307.A. The following area, yard and building requirements shall apply for the specified zoning district, unless a more restrictive requirement for a specific use is required by Sections 402 or 403 or another section of this Ordinance. All measurements shall be in feet unless otherwise stated. See definitions of terms (such as lot width) in Section 202. For the ED and GC Districts, see Section 306.B.2 and 306.B.3.

Zoning District: Type of Use	Min. Lot Area (sq.ft.)	Min. Lot Width Measured at Min. Building Setback Line (ft.)	Min. Front Yard Setback (ft.)	Min. Rear Yard Setback (ft.) **	Min. Side Yard Setback ** (each) (ft.)	Maximum Percent Building Coverage	Maximum Percent Impervious Coverage
<p>CD Conservation:</p> <p><i>See also Open Space Development Option in Section 311, which may allow smaller lot sizes, smaller lot widths and density bonuses.</i></p>	130,680 (3 acres), unless a larger lot area is required by Section 310.	250	50	50	25	10%	15%
<p>R-1 Low Density Residential District:</p> <p>a) Age Restricted Housing - The provisions for such use in Section 402 shall apply, instead of the provisions of this table.</p> <p>b) Other Allowed Uses</p> <p><i>See also Open Space Development Option in Section 311, which may each allow smaller lot sizes, smaller lot widths and density bonuses.</i></p> <p>See also Section 801.C. for minimum length and width of dwellings.</p>	b) 65,000	b) 150	b) 30	b) 30	b) 15	b) 15%	b) 25%

Zoning District: Type of Use	Min. Lot Area (sq.ft.)	Min. Lot Width Measured at Min. Building Setback Line (ft.)	Min. Front Yard Setback (ft.)	Min. Rear Yard Setback (ft.) **	Min. Side Yard Setback ** (each) (ft.)	Maximum Percent Building Coverage	Maximum Percent Imperious Coverage
<p>R-2 Medium Density Residential District:</p> <p>a) Single family detached dwelling:</p> <p>a1) Without either Township-approved: central water service or central sewage service</p> <p>a2) With Township-approved: central water or central sewage service</p> <p>a3) With both Township-approved: central water <i>and</i> central sewage services:</p> <p>b) For Twin dwelling units (2 dwelling units):</p> <p>b1) Without either Township-approved: central water service or central sewage service</p> <p>b2) With Township-approved: central water or central sewage service</p> <p>b3) With both Township-approved: central water <i>and</i> central sewage services:</p> <p>c) Age Restricted Housing - The provisions for such use in Section 402 shall apply, instead of the provisions in this table.</p> <p>d) Other allowed principal use <i>See Open Space Development Option in Section 311, which may allow smaller minimum lot sizes, smaller lot widths, greater varieties in housing types and density bonuses.</i></p>	<p>a1) 43,560 (1 acre)</p> <p>a2) 39,000</p> <p>a3) 30,000</p> <p>b1) 2 acres</p> <p>b2) 78,000</p> <p>b3) 40,000</p> <p>d) 43,460 (1 acre)</p>	<p>a1) 150</p> <p>a2) 150</p> <p>a3) 120</p> <p>b1) 300</p> <p>b2) 300</p> <p>b3) 200</p> <p>d) 150</p>	<p>a), b) and d): 30</p>	<p>a), b) and d): 25</p>	<p>a), b) and d): 15</p>	<p>a), b) and d): 30</p>	<p>a), b) and d): 50</p>

Zoning District: Type of Use	Min. Lot Area (sq.ft.)	Min. Lot Width Measured at Min. Building Setback Line (ft.)	Min. Front Yard Setback (ft.)	Min. Rear Yard Setback (ft.) **	Min. Side Yard Setback ** (each) (ft.)	Maximum Percent Building Coverage	Maximum Percent Imperious Coverage
<p>C-1 Neighborhood Commercial and C-2 General Commercial Districts:</p> <p>a) For single family detached dwellings (which are allowed in C-1 not C-2) and twin dwellings (in C-1 and C-2), the provisions in this Section 307 for the R-2 district shall apply, instead of the regulations of the C-1 or C-2 district.</p> <p>b) The following housing types, each of which shall require Township-approved central water <i>and</i> Township-approved central sewage services if they have a density of more than dwelling unit per acre: b1) Townhouse b2) Apartments, which shall be detached from commercial and industrial buildings. b3) Manufactured home parks shall meet the requirements for such use as stated in Section 402, instead of the requirements of this Section, and provided such use is not allowed in C-1.</p> <p>c) Age Restricted Housing - The provisions for such use in Section 402 shall apply, instead of the provisions of this table.</p> <p>d) Allowed Industrial use</p> <p>e) Other allowed use</p>	<p>b1) and b2) minimum average of 15,000 per dwelling unit (Note B). See density bonuses in Section 307.D.</p> <p>d) 87,120 (2 acres) e) 43,560 (1 acre)</p>	<p>b1) 24 feet per interior dwelling unit and 40 per each end unit b2) 150</p> <p>d) 150</p> <p>e) 150</p>	<p>b1) and b2) 30, except 25 from a new interior street. d) and e): 30, except 50 feet where off-street parking will exist between the principal building and an arterial street.</p>	<p>b1) and b2) 30</p> <p>d and e): 25 (Note A)</p>	<p>b1) and b2) 20, except 0 at the shared lot line of lawfully attached dwellings</p> <p>d) 15 (Note A) e) 20 (Note A)</p>	<p>a) through e) 40%</p>	<p>a) through e) 70%</p>

Zoning District: Type of Use	Min. Lot Area (sq.ft.)	Min. Lot Width Measured at Min. Building Setback Line (ft.)	Min. Front Yard Setback (ft.)	Min. Rear Yard Setback (ft.) **	Min. Side Yard Setback ** (each) (ft.)	Maximum Percent Building Coverage	Maximum Percent ImperVIOUS Coverage
<p>C-3 Commercial/Industrial District:</p> <p>a) For single family detached and twin dwellings, the provisions in this Section 307 for the R-2 district shall apply, instead of the regulations of the C-3 district.</p> <p>b) Manufactured/mobile home park, which shall require Township-approved central water <i>and</i> Township-approved central sewage services if it has a density of more than 1 acre per dwelling unit. Manufactured/mobile home park shall meet the requirements for such use as stated in Section 402, instead of the requirements of this Section.</p> <p>c) Industrial use</p> <p>d) Other allowed use</p>	<p>c) 87,120 (2 acres) d) 43,560 (1 acre)</p>	<p>c) 150 d) 150</p>	<p>c and d): 30, except 50 feet where off-street parking will exist between the principal building and an arterial street.</p>	<p>c and d): 25 (Note A)</p>	<p>c) 15 (Note A) d) 20 (Note A)</p>	<p>c) 40% d) 40%</p>	<p>c) 40% d) 70%</p>

Notes for the Above Table:

Corner lot setbacks - see Section 803.B.

** = The following exceptions shall apply:

- For accessory structures and uses, see Section 307.C. below.
- Structures shall not obstruct minimum sight clearance at intersections. See Article 8.
- See Section 803.B. pertaining to Corner Lots.
- See Section 807 which may require additional setbacks along existing streets.

(Note A) = The following additional setbacks shall apply in the following situations:

1. Within the C-1, C-2 and C-3 districts, if a non-residential principal use is on a lot that included more than 5 acres at the time of adoption of this Section, then: a) any minimum side and rear yards abutting a CD, R-1 or R-2 district shall be increased to 50 feet, and b) the buffer yard shall be designed to result in evergreen trees that will be at least 2 deep.
2. In addition, if a non-residential principal use in the C-1, C-2 or C-3 district abuts a lot in the C-1, C-2 or C-3 district that includes 10 or more dwelling units, then the minimum side and rear yards abutting such dwelling units shall be a minimum of 50 feet, and the buffer yard shall be designed to result in evergreen trees that will be at least 2 deep. Such additional setback from dwellings shall only apply for dwellings that existed at the time of adoption of this amendment.
3. Within the C-1 and C-2 districts, if any principal business use will have a loading dock that will be serviced by tractor-trailer trucks or refrigerated trucks, then the minimum yard between such loading dock and a Residential District shall be increased to 100 feet.
4. Within the C-3 district, if any principal business use will include areas used for manufacturing or will have a loading dock that will be serviced by tractor-trailer trucks or refrigerated trucks, then the minimum yard between such manufacturing area and/or loading dock and a Residential District shall be increased to 100 feet.

(Note B) = These provisions are intended to allow flexibility in the placement of individual dwelling units, regardless of whether the homes are condominium or fee-simple, and regardless of whether public streets, private streets or parking courts are used.

1. The minimum average lot area per dwelling unit establishes the maximum number of units permitted on a tract of land.
2. The minimum average lot area per dwelling unit shall be calculated after deleting existing street right-of-way of existing streets and alleys, but shall include: right-of-way of proposed streets and alleys and areas of parking courts, common open space and stormwater detention basins.
3. A golf course (not including areas covered by buildings and paving) may count towards the common open space provided that it includes more than 50 acres of lot area and is preserved by a permanent conservation easement at the time of development approval.
4. See also the applicable standards in Section 402, which may require common open space.

Abbreviations: sq. ft. = square feet; min. = minimum; max. = maximum; ft. = feet

307.B. Height. See the provisions of Section 802.

307.C. Accessory Structures and Use Setbacks.

1. Accessory structures and uses shall meet the minimum yard setbacks provided for in Section 307.A., unless otherwise provided for in this Ordinance, including this Section 307.C.
2. The minimum side and rear yard setback for a permitted detached structure that is accessory to a dwelling shall be 10 feet in the CD and 5 feet in other districts.

307.D. Limits on Hours of Operation. See Section 808.

308. **WETLANDS AND LAKES**.

308.A. Lot Area. Wetlands (as officially defined under Federal and/or State regulations), ponds and lakes shall not be counted toward the minimum lot area of any lot or tract of land, and shall not count towards determining the maximum residential density of a development. This Section 308.A. shall only apply to a lot submitted for subdivision or land development approval after January 1, 1991.

308.B. Wetland Studies. It shall be the responsibility of each applicant to determine whether land areas proposed for alteration meet the Federal or State definition of a wetland prior to submittal of development plans to the Township. If the Zoning Officer has reason to believe that wetlands may be present on a site proposed for development or subdivision, the Zoning Officer may require that the applicant provide a suitable wetland delineation study prepared by a qualified professional.

308.C. Wetland Setbacks. A minimum setback of 75 feet shall be required between any wetland and any of the following: a) a new principal building, or b) a parking areas for 4 or more motor vehicles.

309. **SEWAGE AND WATER SERVICES**.

309.A. Central Water Service. A use shall not be considered to be served by “Township-approved central water service” unless:

1. all applicable requirements of State regulations and the Subdivision and Land Development Ordinance are met,
2. the applicant proves to the satisfaction of the Township that there will be an appropriate system in place to guarantee and properly fund the long-term operation and maintenance of the system by a qualified professional operator, and
3. the applicant proves to the satisfaction of the Township, based upon review of the Township Engineer, that the system will include adequate supply, transmission capacity and pressure to serve the development.

309.B. Central Sewage Service. A use shall not be considered to be served by “Township-approved central sewage service” unless:

1. all applicable requirements of State regulations and the Subdivision and Land Development Ordinance are met,
2. the applicant proves to the satisfaction of the Township that there will be an appropriate system in place to guarantee and properly fund the long-term operation and maintenance of the system by a qualified professional operator, and

3. the applicant proves to the satisfaction of the Township, based upon review of the Township Engineer, that the system will include adequate treatment capacity and conveyance capacity to serve the development.

309.C. Connection to a Larger System. Any non-public central water or central sewage system developed after the adoption of this Ordinance shall be engineered and constructed in such a manner as to allow its efficient interconnection in the future into a larger regional system.

1. Such a system shall include appropriate utility easements and/or rights-of-way within property controlled by the developer extending to the borders of the development to allow future interconnections at logical points.
2. At the time of subdivision or land development approval, the Board of Supervisors may request that agreements be established so that a central water or sewage system is dedicated to a Township Authority after completion of the development, or at such other time as is mutually agreed upon. A developer who dedicates a central water or sewage system to a Township Authority shall retain the right to use or sell the capacity of the system that was funded by the developer. The Township may require a developer to post a bond to guarantee proper operation of a system for at least 2 years after dedication.

310. STEEP SLOPES.

310.A. Regrading. Non-man-made slopes of over 15 percent shall not be re-graded after the adoption of this Ordinance in such a manner that circumvents the submission, approval and dimensional requirements of this Section. Such slopes shall only be re-graded after plans have been submitted showing that there will be compliance with this Section 310. This Section shall not regulate slopes that were clearly man-made prior to the adoption of this Ordinance.

310.B. The following provisions shall only apply to any lot that is submitted for preliminary subdivision approval after the effective date of this Section, or which is submitted for final subdivision approval if a preliminary plan submittal was not required:

1. Any lot proposed to be used for a single family detached dwelling shall include a proposed "building area" with a minimum of 3,000 square feet of land area. Such building area shall contain the proposed location of the dwelling. The dwelling shall be built within the proposed building area shown on the plan, except as may be approved under subsection c. below.
 - a. If such building area for each lot includes more than 500 square feet of areas with slopes greater than 25 percent, then the minimum lot area shall be 5 acres in the CD District and 3 acres in other districts, unless a larger lot area is required by another section of this Ordinance. A 2 foot contour interval shall be used in areas of proposed construction. If an area on a tract with over 25 percent slopes includes less than 8 feet of total change in elevation, it shall not be considered an over 25 percent slope for the purposes of requiring a larger lot area.
 - b. Through designations on the Township-approved site plan, an applicant may limit the area upon which new principal buildings are permitted. By committing to not place a principal building on slopes over 25 percent, the applicant can avoid the larger lot area requirement of this Section.
 - c. Changes to Building Area. The "building area" may show the outer extent of areas being considered for a proposed building, without showing an exact location, provided all of those potential areas still meet the requirements of this Section. An applicant may change the proposed building area after subdivision approval is granted, provided that the applicant proves to the Zoning Officer that the new building area will still comply with this Section. The Zoning Officer shall not have authority to approve any other change to the approved plan."

- 310.C. Lot Area Deletion. Land areas with a slope of greater than 30 percent shall be deleted from the lot area for the purposes of determining compliance with the minimum lot area and maximum density.
- 310.D. Submittal of Plan. If a new principal building is proposed to be constructed on an area that includes any land with a slope of 25 percent or greater, then a site and grading plan shall be prepared by a professional engineer, registered landscape architect, licensed surveyor or registered architect, prior to the issuance of any building permit. This detailed site and grading plan is not required to be submitted at the Subdivision submission stage, unless the information is required by the Subdivision and Land Development Ordinance. The site and grading plan shall then be binding upon the lot, unless a revised plan is approved by the Zoning Officer.
1. This site and grading plan shall show the following:
 - a. Existing and proposed topography, shown at 2 foot contours for areas proposed for disturbance or construction.
 - b. Areas of trees and other natural vegetation proposed to be preserved or removed.
 - c. The outer extent of areas that are proposed to be used for a principal building.
 - d. Proposed parking and driveways, and evidence that the driveway will meet maximum slope requirements.
 - e. Proposed erosion control measures.
 - f. Any retaining walls or architectural measures proposed to be used to overcome the slope difficulties.
 - g. Proper stormwater management.

311. **OPEN SPACE DEVELOPMENT (Allows Clustering as Option)**.

- 311.A. Purposes. To allow flexible development of areas with sensitive natural features in such a way as to: a) avoid severe soil erosion and sedimentation, b) avoid severely increased storm water flows and speeds, c) steer development to those areas that are more physically suited for it, d) avoid construction of steep roads that are difficult, time-consuming, and expensive to maintain and snow plow, e) avoid increased use of steep roads and driveways that are dangerous to drive upon in snow and ice, f) to conserve forested areas that are an important part of the ecological cycle, providing for groundwater recharge, air pollution reduction and wildlife habitats and g) reduce construction costs while h) allowing each property owner a reasonable use of their land, related directly to the natural features and location and accessibility of the land. In most cases, this option will encourage the preservation of significant areas of preserved open space. These provisions also recognize the groundwater supplies and the ability of the ground to treat sewage wastes are limited, and may become overtaxed if the entire Township is developed in one acre minimum lots from end to end.
- 311.B. Applicability. This article allows an applicant the option to reduce the minimum lot areas on tracts of land if the applicant proves to the satisfaction of the Township that all of the requirements of this Section 311 will be complied with.
1. The term "Open Space Development" shall mean a residential development meeting the requirements of this Section 311 and which is allowed and approved in a zoning district as provided in Section 306.B.
 - a. Uses. An Open Space Development shall only include single family detached dwellings, nature preserves, Township-owned recreation, a golf course and their customary permitted accessory uses. In certain districts and cases, this Section 311 also allows twin dwellings and townhouses

within an Open Space Development. A mobile/ manufactured home park shall not qualify as an Open Space Development.

2. A tract may be eligible for approval for an Open Space Development if it includes a minimum of 4 acres of land area in common ownership, except that a minimum of 10 acres shall be required in the CD district. Such land area shall be contiguous, except that portions of the tract may be separated only by existing or proposed streets or creeks.
 - a. These provisions are intended to allow flexibility in the placement of individual dwelling units, in order to locate homes away from important natural areas and other community assets.
 - b. The amount of common open space shall be based upon the total lot area of all lots within the development, prior to subdivision, and prior to deletion of rights-of-way of future streets and before deleting the area of any environmental features.
 - (1) Areas that were preserved by a conservation or agricultural preservation easement *prior* to the submittal of the subdivision shall not be counted towards the area of the tract in calculating common open space or allowed density.
 - c. Areas used for a principal non-residential use (other than uses approved by the Township to be part of the common open space, such as a barn) shall not be included within the land area used to calculate residential density.
 - d. Conservation easements shall be established on lots as necessary to make sure that the maximum density requirement is met over time. Such conservation easements shall prevent the re-subdivision of lots in a manner that would violate this Section.
3. An Open Space Development shall be designed as a unified, coordinated residential development, and shall be approved within a development plan controlled by a single development entity. After final subdivision approval and within an approved development agreement(s), a developer may sell individual lots to different builders or home buyers, provided that the developer or his/her successor remains responsible for ensuring the compliance with the approved development plan.

311.C. Density, Open Space and Lot Standards.

1. A Yield Plan shall be presented by the applicant. The Yield Plan shall accurately show the maximum number of dwelling units that would be possible under current Township ordinances if the Open Space Development provisions would not be used. This Yield Plan shall be completed to an accurate scale, including accurately showing tract boundaries, steep slopes, 100 year floodplains and wetlands. The Yield Plan shall show potential lots and streets. However, the Yield Plan is not required to meet the detailed engineering requirements of a preliminary subdivision plan. The Board of Supervisors or its designee shall require sufficient septic probes to prove that on-lot septic systems would be possible in marginal areas. If the probes are not intended to be used for actual construction of septic systems, such probes may be conducted by any State-certified sewage enforcement officer.
2. Such Yield Plan shall be reviewed by the Zoning Officer, with advice by the Township Engineer, to determine whether each represents a reasonably accurate estimate of the number of dwelling units possible on each site, both physically and legally. If such estimates are determined to not be accurate, the applicant shall be required by the Zoning Officer to revise such Yield Plan.
3. The maximum number of dwelling units allowed on the tract through Open Space Development shall not be greater than the number of dwelling units that is determined by the Board of Supervisors to be possible under the approved Yield Plan.

4. Within an Open Space Development, the only allowed dwelling units shall be single family detached dwellings, unless provided otherwise below. The following minimum lot areas shall apply, provided that the total maximum density for the tract is not exceeded:
 - a. CD District - The minimum lot area shall be reduced to 1 acre and the minimum lot width shall be reduced to 150 feet. A minimum of 65 percent of the total lot area of the tract (prior to subdivision and prior to any deletions of natural features) shall be preserved as Common Open Space.
 - b. R-1 District -
 - (1) For single family detached dwellings without both Township-approved central water and sewage services, the minimum lot area shall be reduced to 1 acre and the minimum lot width shall be reduced to 150 feet. A minimum of 35 percent of the total lot area of the tract (prior to subdivision) shall be preserved as Common Open Space.
 - (2) For development with both Township-approved central water and central sewage services:
 - (i) For single family detached dwellings, the minimum lot area shall be reduced to 10,000 square feet and the minimum lot width shall be reduced to 80 feet per dwelling unit. A minimum of 65 percent of the total lot area of the tract (prior to subdivision and prior to any deletions of natural features) shall be preserved as Common Open Space.
 - c. R-2 District - See subsection "5." below. For development with both Township-approved central water and central sewage services:
 - (1) For single family detached dwellings and twin dwellings, the minimum lot area shall be reduced to 10,000 square feet and the minimum lot width shall be reduced to 80 feet per dwelling unit. A minimum of 45 percent of the total lot area of the tract (prior to subdivision and prior to any deletions of natural features) shall be preserved as Common Open Space.
 - (2) Townhouses shall meet the dimensional requirements for townhouses provided in Section 307 for the C-2 district, except that the average minimum lot area per dwelling unit shall be 10,000 square feet. A minimum of 65 percent of the total lot area of the tract (prior to subdivision) shall be preserved as Common Open Space.
5. Utilities. Any lot of that involves less than one acre per dwelling unit shall be served by Township-approved central sanitary sewerage service and central water service.
6. Subdivision of Part of a Tract. This subsection "6" addresses a situation in which only part of a lot is proposed to be subdivided, and the applicant at the present time does not intend to subdivide for the maximum number of dwellings allowed by this Section. In such case, the applicant shall establish a permanent conservation easement covering common open space to comply with this Section. Because only part of the tract is being subdivided, it may not be necessary to meet the common open space requirement based upon the area of the entire tract.
 - a. The land under the conservation easement shall be a regular shape and shall be located in such a manner as to allow it to adjoin land that could be added under a conservation easement in the future.
 - b. The following hypothetical example assumes a lot includes 50 acres, and the Yield Plan determines that the applicant for a Conservation Development is allowed a total of 30 new dwellings. In this example, the applicant only wishes to subdivide lots for 10 new dwellings at the present time, which is one-third of the total number of allowed dwellings. If the entire lot would be subdivided to the maximum allowed, a conservation easement would need to be

placed on 30 percent of 50 acres, or 15 acres. Because only one-third of the allowed dwelling units are being subdivided, then the conservation easement at this time would only need to apply to 5 acres. The 5 acres under the conservation easement would need to be placed on the tract at a location where it could be joined by the remaining 10 acres of land under a conservation easement if the applicant in the future decided to subdivide lots for the remaining 20 dwelling units that are allowed.

311.D. Conditions for Approval. In addition to the specific requirements of this Section, an Open Space Development shall only be approved if the applicant proves to the satisfaction of the Board of Supervisors, based upon review by the Planning Commission, that the following conditions will be met:

1. The applicant shall prove that the Open Space Development would clearly serve a valid public purpose that would result in a development that would be superior to what would result if the land would be development as a conventional development. Such valid public purposes include but are not limited to the following:
 - a. The open space will permanent preserve dense forests, steep slopes, wetlands, creek valleys, highly scenic areas or other sensitive natural features.
 - b. The open space will result in the permanent preservation of a substantial area of agricultural land, in a tract of proper size and configuration that allows for efficient agricultural use and that properly considers the issue of compatibility between the agricultural uses and homes.
 - c. The dedication of public parkland will be at a site deemed appropriate by the Board of Supervisors and that involves land that is clearly suitable for active and/or passive recreation.
 - d. The open space will be placed in a location that will provide a substantially buffer between homes and land uses or highways that generate substantial nuisances to homes..
2. The applicant shall prove that the proposed Open Space Development has been designed in full consideration of important natural features, including mature woodlands, creek valleys, steep slopes and wetlands.
 - a. At a minimum, the applicant shall prove that areas along perennial creeks shall be preserved in their natural state, except for landscaping, erosion control improvements, public recreation improvements and needed utility, street and driveway crossings.
 - b. The natural features of the site shall be a major factor in determining the siting of dwelling units.

311.E. Common Open Space.

1. Open Space. Land within an Open Space Development may be permanently preserved as public, semi-public or private "Common Open Space." See definition in Section 202 of "Open Space, Common or Preserved."
2. Open Space Standards. Required common open spaces shall meet all of the following requirements:
 - a. Common open space shall be permanently deed-restricted or protected by an appropriate conservation easement to prevent the construction of buildings or the use for any non-agricultural commercial purposes or the use of the land for clearcut forestry. Land approved as required open space shall only be used for non-commercial active or passive recreation, a Christmas Tree Farm, a golf course, a nature preserve, a wholesale plant nursery and/or Township-approved agricultural uses.

- b. An Open Space Development shall not be required to meet recreation land/common open space dedication or recreation fee requirements that may apply under the Subdivision and Land Development Ordinance.
 - c. The Township may require the use of conservation easements within an Open Space development to limit the disturbance of natural slopes over 15 percent, wetlands, mature forests, creek valleys and other important natural features.
 - d. Improvements to Common Open Space. Where open space is proposed to be used for recreation and/or dedicated to the Township, the application shall include a detailed and legally binding (if approved) description of what improvements the applicant will make to any land intended to be publicly dedicated open space to make it suitable for its intended purpose.
 - (1) Examples of such improvements for areas intended for passive recreation include preservation and planting of trees, development of nature, bicycle or jogging trails, the stabilization of creek banks and the removal of undesirable vegetation.
 - (2) Examples of such improvements for areas intended for active recreation include rough grading of land to create land suitable for free-play fields for youth.
 - (3) Type of Maintenance. Where the open space would not be dedicated to a government entity, the subdivision plan shall state the intended type of maintenance of the open space. The following classes of use and maintenance may be used, or other classes that are clearly described within and approved as part of the plan submittal:
 - (a) Lawn: A grass area with or without trees which may be used by the residents for a variety of purposes and which is intended to be mowed regularly.
 - (b) Natural Area: An area of attractive desirable natural vegetation that is primarily intended for passive recreation, with minimal maintenance. Noxious and poisonous weeds should be controlled. Additional trees as appropriate and wildflowers are recommended to be planted.
 - (c) Recreation Area: An area designated for a specific recreation use, including, but not limited to, tennis, swimming, shuffleboard, playfields and/or children's play equipment. Such areas shall be maintained so as to be safe and appropriate for the intended use.
 - e. All proposed Common Open Space shall be cleared of construction debris, materials from illegal dumping and any rocks that were not naturally on the land, unless those rocks are incorporated into landscaping improvements.
 - f. The applicant shall prove that all required Common Open Space would be suitable for its intended and Township-approved purposes. The Township may require the provision of a trail easement and/or the construction of a trail through common open space. If a developer is required to install a trail, it shall be completed prior to the final sale of any adjacent residential lots.
 - g. Lots and open spaces shall be located to promote pedestrian and visual access to common open spaces whenever possible. A non-motorized recreation trail shall be shown on the plans through common open space and shall be built by the developer prior to the sale or construction of any adjacent homes, unless the Board of Supervisors determine that a trail is not appropriate in the particular situation.
 - h. A minimum of 50 percent of the required Common Open Space shall be in one contiguous tract, except that it may be separated by street crossings.
3. Open Space Ownership. The method(s) to be used to own, preserve and maintain any Common Open Space shall be acceptable to the Township. The Township shall only approve an Open Space Development if the applicant proves there will be an acceptable method to ensure permanent ownership, preservation and maintenance of land that will not be included in individual home lots.

- a. The method of ownership and use of any required common open space shall be determined prior to preliminary subdivision or land development approval. The Township should be given right of first refusal at the time of such review to accept proposed Common Open Space as public open space. Required open space shall be permanently preserved by one or a combination of the following methods:
 - (1) Dedication to the Township as public open space, if the Board of Supervisors agree in writing to such dedication.
 - (2) Dedication to the County as public open space, if the County Commissioners agree in writing to such dedication.
 - (3) Dedication to the School District if such Board of Education agrees in writing to accept such dedication and to use and maintain the land for public school buildings and/or related open space.
 - (4) Dedication to a homeowners association as preserved open space, with the homeowners legally bound to pay fees for the maintenance and other expenses of owning such land, and with such homeowners association being incorporated with covenants and bylaws providing for the filing of assessments and/or municipal liens for the non-payment of maintenance costs for preserved open space that is not publicly-owned.
 - (i) Such responsibilities shall be specified as part of each deed prior to sale of each lot or dwelling unit. The Township may delay a dedication of maintenance responsibilities by a developer to a homeowners association until such association is incorporated and able to maintain such land.
 - (5) Dedication of the land to an established nature conservation organization acceptable to the Board of Supervisors.
 - (6) Dedication of a permanent agricultural preservation easement to the County Agricultural Land Preservation Board, with the land utilized for allowed agricultural uses.
 - (7) Dedication to the State Game Commission, State Forest Bureau, State Fish and Boat Commission or similar public agency, if such agency agrees in writing in advance to accept the dedication and to maintain the land for public recreation.
 - (8) Operation as a bonafide golf course, with a minimum lot area of 50 acres. Areas including buildings or vehicle parking shall not count towards the minimum average lot area.
 - (9) Retention as part of one or more private lots, with an appropriate Township-approved conservation easement. This option (9) shall only be available in locations where the applicant proves to the Board of Supervisors that none of the above options are feasible or appropriate. This option (9) is primarily intended for situations where less than 2 acres of common open space would result (which may include a situation where only part of a tract is being subdivided).
- b. Legal documents providing for ownership and/or maintenance of required common open space shall be reviewed by the Township Solicitor and be subject to approval by the Board of Supervisors prior to recording of the final plan.
- c. A legally binding system shall be established to oversee and maintain land that will not be publicly-owned. Any homeowner association should generally follow the provisions of Section 705.f. parts (1) and (2) of the Pennsylvania Municipalities Planning Code, as amended. Proper notations shall be required on the Recorded Plan. For example, if the common open space is intended to be owned by a homeowner association as recreation land, a statement should be included that the designated open space "shall not be further subdivided and shall not be used for the construction of any non-recreation buildings."

- 311.F. Steep Slopes. Within an Open Space Development, no principal building shall be placed on slopes of over 25 percent.
- 311.G. Phasing. The development shall include a phasing system that shall be approved by the Board of Supervisors. Such phases shall ensure that the requirements of this Article would be met after the completion of any one phase, and that the development could properly function without the construction of additional phases.
- 311.H. Landscaping Plan. An application for an Open Space Development involving over 30 acres shall include a landscape planting and preservation plan prepared by a registered landscape architect.
 - 1. Such plan shall show the locations, general species and initial sizes of landscaping to be planted within the common open space and throughout the tract.
 - 2. Such plan shall also show that existing substantial healthy trees will be preserved to the maximum extent reasonable. The methods to ensure preservation during construction shall be described.
 - 3. Landscaping shall also be used as appropriate to filter views of denser housing from any adjacent housing that is less dense.

312. SETBACK FROM WATERWAYS; DELAWARE RIVER CORRIDOR.

312.A. Setbacks.

- 1. Except as provided in Subsection 312.A.2, no new or expanded building, off-street parking area or commercial or industrial storage area shall be located within:
 - a. 75 feet from the edge of the normal high water mark of the Delaware River, except where a stricter requirement is established in a following subsection, and
 - b. 60 feet from the top of the primary bank of any other perennial waterway.
- 2. If a building or off-street parking area existed prior to the adoption of this Section 312, such building or parking area may be expanded within the setbacks established by Section 312.A.1 provided that no part of the expansion is any closer to the waterway than the setback from the waterway that previously existed. For example, if a building was located 40 feet from the primary bank of a waterway, an expansion of that building may be located 40 feet from the primary bank of the waterway.

Note: Applicants are strongly encouraged to maintain a buffer of trees and other thick natural vegetation in place along the Delaware River and all creeks. For forestry, see Section 402.

312.B. Any street or driveway crossing of a perennial natural watercourse shall be approximately perpendicular to the watercourse, to the maximum extent reasonable.

312.C. Reserved.

312.D. Upper Delaware River Corridor Provisions. In addition to other requirements of this Ordinance, any use located within the modified landward boundary of the official Federally-designated Upper Delaware Scenic and Recreational River Corridor shall be subject to the following additional regulations:

1. No building and no part of a septic system shall be located closer than 150 feet from the normal high water mark of the Delaware River. The normal high water mark shall be the top of that area characterized by weathered stone or sand and having limited vegetation.
2. No lot shall be created which shall contain less than 200 feet of frontage along the Delaware River where such lot fronts upon the River.
3. Buildings shall not be located along the ridgeline above the Delaware River in any position that would:
 - a. create a cantilever or silhouette effect when viewed from the river's edge, without appropriate vegetative screening to limit the visibility of the structure, and/or
 - b. be so close to the ridgeline as to cause erosion, sedimentation or landslide conditions.
4. Any building proposed within 100 horizontal feet from the ridgeline above the Delaware River shall require conditional use approval.
5. River Liveries - See Sections 306 and 402.
6. Any development within the Upper Delaware Scenic and Recreational River Corridor shall:
 - a. have a maximum impervious coverage of 20 percent, except the maximum impervious coverage shall be reduced to 10 percent for a lot of greater than 2 acres,
 - b. not involve more than 2 acres of mineral extraction activities. Mineral extraction shall only be allowed if all other mineral extraction requirements of this Ordinance are met.

313. MINIMUM RESIDENTIAL LOT IMPROVEMENTS.

- 313.A. This Section 313 shall apply to any lot proposed for residential use, whether it be for permanent, seasonal, part-time, temporary or recreational residency. This Section 313 shall apply whether a lot is used for occupancy by a permanent or movable residential structure, except this Section shall not apply to a recreational vehicle that remains within a camp or campground for less than 5 months in any calendar year.
- 313.B. The following minimum requirements shall each be provided prior to occupancy of the lot:
1. A safe potable water supply and delivery system.
 2. A sewage disposal system which meets all state and township requirements.
 3. Required off-street parking spaces.
 4. Power supply facilities approved by the local utility company.