

## ARTICLE 8 GENERAL REGULATIONS

### 801. FRONTAGE ONTO IMPROVED STREETS; NUMBER OF USES OR BUILDINGS; MINIMUM SIZE OF DWELLINGS.

801.A. Frontage Required onto Improved Street. Each proposed new lot, each land development and each proposed principal building shall be on a lot which directly abuts a public street, a street proposed to be dedicated to the Township by the subdivision plan which created or creates such lot, or a private street which meets all of the requirements of the Township Subdivision and Land Development Ordinance. In the case of townhouses, manufactured/mobile home park, or apartments, each unit may have access onto a parking court which then has access onto a public or private street meeting Township standards.

### 801.B. Number of Principal Uses and Principal Buildings Per Lot.

1. A lot in a commercial or industrial district may include more than one permitted principal use per lot and/or more than one permitted principal building per lot, provided that all of the requirements are met for each use and each building.
  - a. The applicant shall submit a site plan that demonstrates that each structure would meet all requirements of this Ordinance.
  - b. The lot shall have one owner but portions may be leased to different operators. In addition, a condominium form of ownership of individual buildings, with a legally binding property-owners association, may be established if the applicant proves to the satisfaction of the Zoning Officer, based upon review by the Township Solicitor, that there will be appropriate legal mechanisms in place.
2. A lot within a residential district shall not include more than one principal use and shall not include more than one principal building unless specifically permitted by this Ordinance.
  - a. A manufactured/mobile home park, condominium residential development or apartment development may include more than one principal building per lot, provided all other requirements of this Ordinance are met. A condominium form of ownership of individual dwelling units, with a legally binding homeowners association, may be established if the applicant proves to the satisfaction of the Zoning Officer, based upon review by the Township Solicitor, that there will be appropriate legal mechanisms in place and compliance with applicable State law.

### 801.C. Minimum Size of Dwellings.

1. Each dwelling unit of 2 or fewer bedrooms shall include a minimum of 850 square feet of enclosed habitable, indoor, heated floor area, which shall be primarily above the ground level. Such square footage shall be increased to a minimum of 1,100 square feet for a dwelling unit of 3 or more bedrooms.
2. In the R-1 District, all dwellings shall have a minimum principal building width and length of 20 feet, not including unenclosed structures.

801.D. Maximum Occupancy. No recreational vehicle shall be occupied on a lot for more than 30 days in a calendar year, except as may be approved within a campground with suitable central water and

sewage service. No mobile/manufactured home shall be occupied on a lot as a dwelling unless it meets all of the requirements for a dwelling.

802. **HEIGHT.**

802.A. Except as provided in 802.B., or as specified otherwise in this Ordinance for a particular use, the following maximum structure height shall apply in all zoning districts:

1. any structure that is accessory to a dwelling on a lot of less than 5 acres shall have a maximum height of 2 stories (with the second story limited to non-habitable storage areas) or 25 feet, whichever is more restrictive, except that the maximum height shall be increased to 35 feet if the accessory building would meet minimum setbacks for a principal building, and
2. the maximum height for any other structure shall be 35 feet.

802.B. Exceptions. The maximum structure height provided in Section 802.A. shall not apply to: antenna that meet the requirements of this Ordinance, water towers, clock or bell towers, steeples of places of worship, electrical transmission lines, elevator shafts, windmills, skylights, chimneys or other appurtenances usually required to be and customarily placed above the roof level and not intended for human occupancy. See also definition of "Height" in Section 202.

803. **SPECIAL LOT AND YARD REQUIREMENTS, SIGHT DISTANCE AND BUFFER YARDS.**

803.A. In General.

1. No lot, structure or use shall be created or developed in such a way that it would result in another lot, building or use not being able to meet the requirements of this Ordinance. This includes, but is not limited to: setback areas, non-impervious areas and off-street parking areas.
2. Emergency Access. All uses and structures shall have adequate provisions for access by emergency vehicles and fire ladders.

803.B. Exceptions to Minimum Lot Areas, Lot Widths and Yards.

1. Corner Lots. For a corner lot, each yard that abuts a public street shall be considered a front yard and meet the requirements for minimum depth of a front yard.
2. Projections Into Required Yards.
  - a. Cornices, eaves, sills or other similar architectural features, exterior stairways, fire escapes or other required means of egress, rain leads, chimneys, "Bilko"-type doors for basement access, window awnings, chaise for heating pipes or other similar structures that do not include space usable by persons may extend or project into a required yard not more than 3 feet, except as may be required within a drainage or utility easement.
  - b. Steps, stoops, fire escapes, handicapped ramps, and landings necessary to provide entrance to a building may be located within a required setback area.
  - c. For decks and porches, see the notes of Section 307.
3. Lot Widths Around Curves. Around the bulb of a cul-de-sac street or on the outside of the curve with a radius of less than 150 feet of a street, the minimum lot width at the minimum building setback line may be reduced to 60 percent of the width that would otherwise be required.

803.C. Sight Clearance at Intersections. The following shall only apply where a lot is not regulated by the clear sight triangle requirements of the Subdivision and Land Development Ordinance:

1. Intent. To make sure that traffic passing through an intersection or turning onto a street can safely see oncoming traffic.
2. A triangular area as described in this Section shall be graded and shall be kept free of new or expanded sight obstructions between a height of 2 and 10 feet, including structures, nontransparent fences, vegetation and signs (but not including sign posts of less than 1 foot in width or the trunks of trees or mailboxes).
3. This clear sight triangle shall be shown on development plans submitted to the Township and be shown on any plan required to be recorded. Such triangle shall serve as a permanent setback line for all such visual obstructions and shall be binding upon present and future owners of the land. Such triangle shall apply on all lots that are under the ownership of or the control of the applicant.
4. The minimum sight clearance triangle shall be measured along the centerline of a street.
  - a. The two shorter legs of the triangle shall be measured from the intersecting point of the street centerlines. Along the centerline of a local or minor street, the leg of the triangle shall be a minimum length of 75 feet. Along the edge of a collector or connector street, the leg of the triangle shall be a minimum length of 100 feet. Along the edge of an arterial street, the leg of the triangle shall be a minimum length of 150 feet. The two shorter legs shall then be connected by a third leg to form the triangle.
  - b. Where appropriate at an intersection of a minor/local street with an arterial, collector or connector street, the Township may allow or require a leg along a minor/local street to be measured 15 feet back from the cartway of the arterial/collector/connector street, provided the leg along the arterial, collector or connector street is increased to a minimum of 250 feet.
5. Driveway/Street Intersections. At each point where a private driveway intersects a public street, a clear sight triangle shall be provided in each direction meeting this Section. One leg of the triangle shall be measured along the centerline of the driveway for a distance 15 feet back from the street cartway. The second leg of the triangle shall be measured 75 feet along the centerline of the street, measured in both directions from the centerline of the driveway. The two legs of each triangle shall be connected by a third leg.

803.D. Buffer Yards. Buffer yards and screening complying with the following standards shall be required under the following situations.

1. A minimum 30 feet wide buffer yard with plant screening shall be required along the rear and side lot lines of any lot used principally for non-residential purposes that is contiguous to a Residential District. The plant screening shall primarily use evergreen plants. If existing healthy trees with a trunk diameter of 6 inches or greater (measured 3.5 feet above the ground level) exist within the buffer yard, they shall be preserved. The Zoning Officer may certify that preserving existing mature trees and shrubs within the buffer yard will meet the same purposes as the new plant screening. In such case, part or all of the new plant screening may be waived in writing by the Zoning Officer.
  - a. If a 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 buffer yard between such manufacturing area and/or loading dock and a lot line of a residential district shall be increased to 60 feet.

- b. If a dwelling will be on the same lot as a principal business use, then a buffer yard between such business use and such dwelling shall not be required by this Section.
2. A required yard may overlap a required buffer yard, provided the requirement for each is met. The buffer yard shall be measured from the district boundary line, street right-of-way line or lot line, whichever is applicable. Required plantings shall not be placed within the right-of-way, except that the Township may allow deciduous canopy trees.
3. The buffer yard shall be a landscaped area free of structures, dumpsters, commercial or industrial storage or display, signs, manufacturing or processing activity, materials, loading and unloading areas or vehicle parking or display.
4. Fence. Any fence in a buffer yard shall be placed on the inside of any required plant screening. If a fence in a buffer yard has one side that is more finished or smoother than the other side, the more finished or smoother side shall face the outside of the buffer yard.
5. A well or septic system may be placed within a buffer yard, provided the landscaping and tree preservation provisions are still met.
6. Each planting screen shall meet the following requirements:
  - a. Plant materials needed to form the visual screen shall have a minimum height when planted of 6 feet. In addition, an average of 1 deciduous shade tree, with a minimum trunk diameter of 2 inches measured 3.5 feet above the ground level, shall be placed for each 40 feet of length of the buffer yard. The shade trees may be clustered or spaced unevenly.
  - b. Plants needed to form the visual screen shall be of such species, spacing and size as can reasonably be expected to produce within 3 years a mostly solid year-round visual screen.
  - c. The plant screen shall be placed so that at maturity the plants will not obstruct a street or sidewalk.
  - d. The plant visual screen shall extend the full length of the lot line, except for: a) Township-approved points of approximately perpendicular vehicle or pedestrian ingress and egress to the lot, b) locations necessary to comply with safe sight distance requirements where the plantings cannot feasibly be moved further back, and c) locations needed to meet other specific State, Township and utility requirements, such as stormwater swales.
  - e. American Arborvitae and similar weak-stem plants shall not be used to meet the buffer yard requirements.
  - f. Evergreen trees should be planted at diagonal off-sets so that there is room for future growth of the trees.
7. Buffer Yard Plans.
  - a. Prior to the issuance of a permit under this Ordinance where a buffer yard would be required, and on any required subdivision or land development plan, the applicant shall submit plans showing:
    - (1) the location and arrangement of each buffer yard,

- (2) the placement, general selection of species and initial size of all plant materials, and
  - (3) the placement, size, materials and type of all fences to be placed in such buffer yard.
- b. If more than 20 evergreen plants are proposed, no more than 50 percent shall be of one species.

#### 804. LANDSCAPING.

804.A. Any part of a commercial, industrial, institutional or apartment lot which is not used for structures, loading areas, parking spaces and aisles, sidewalks and designated storage areas shall be provided with an all-season, well-maintained vegetative groundcover, and shall be landscaped with trees and shrubs. Landscaped areas shall be kept free of debris, rubbish and noxious weeds.

804.B. See also the buffer yard provisions in Section 803.

804.C. Street Trees. As part of the creation of a new lot or the construction of a new principal non-residential building, or development of parking area for 6 or more parking spaces, deciduous shade street trees shall be planted between such lot lines, building and/or parking area and any adjacent public street(s). This requirement shall not apply along street segments where existing healthy trees will be preserved and protected during construction that will serve the same purpose.

1. Number. A minimum average of one such tree shall be planted for each 50 feet of length of street right-of-way around the lot.
2. Location. Such trees shall be placed immediately outside of the street right-of-way, or an alternative location acceptable to the Board of Supervisors.
3. Conflicts. Such street trees shall be planted in a manner approved by the Township Engineer to avoid conflicts with sidewalks and utilities.
4. Buffer. Where shade trees may be required under the buffer yard provisions, the same tree may be used to count towards both requirements.
5. Species. Required trees shall meet the standards of Section 804.D.

804.D. Parking Lot Landscaping.

1. A minimum of one deciduous shade tree shall be required for every 10 new parking spaces. These trees shall be within and around the parking area.
2. If existing healthy trees will be preserved and protected, and those trees will serve essentially the same purpose as required trees, then the Zoning Officer may certify that the requirement for new trees will be met by the existing trees.
3. New deciduous shade trees shall have a minimum trunk width when planted of 2.5 inches, measured 3.5 feet above the ground level. A minimum vegetative area of 5 feet by 5 feet square shall surround every required shade tree.
4. Species. Trees required by this section shall meet the following standards:
  - a. Type of Trees Permitted. Required trees in areas near streets and parking areas shall be chosen from the following list of approved trees, unless the applicant proves to the satisfaction of the Township that another type of tree would shade paved areas, be resistant to disease, road salt and air pollution and be attractive.

TYPES OF DECIDUOUS TREES PERMITTED  
TO MEET ORDINANCE REQUIREMENTS

<p>Acer rubrum - Red Maple  Acer saccharum - Sugar Maple  Celtis occidentalis - Common Hackberry  Fagus sylvatica - European Beech  Fraxinus americana - White Ash  Fraxinus pennsylvanica - Green Ash  Ginkgo biloba fastigiata - Maiden Hair Tree  (male only; female has noxious odor)  Gleditsia triacanthos - Thornless Locust  Liquidambar styraciflua - Sweet Gum  Liriodendron tulipifera - Tulip Poplar</p>	<p>Quercus - All species of oaks  Sophora japonica - Scholar Tree/Pagoda Tree  Tilia americana - American Linden  Tilia cordata - Little Leaf Linden  Tilia euchlora - Crimean Linden  Tilia petiolaris - Silver Linden  Ulmus hybrids - Homestead or Sapporo Autumn  Gold  Ulmus parviflora - Chinese or Lacebark Elm, not  including Siberian Elm  Zelkova serrata - Zelkova</p>
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Note- This ordinance only regulates the species of trees that are used to meet requirements of the Township. The species of trees that are not required by Township ordinances are not regulated.

- b. Quality of Trees. Required trees shall be of symmetrical growth and free of insect pests and disease.
  - c. Planting and Maintenance. Required trees shall be:
    - (i) planted in conformance with good landscaping practices, with adequate unpaved surface around each for water and air, and
    - (ii) properly protected by curbs, curbstops, distance or other devices from damage from vehicles."
5. If a required tree or shrub dies, is removed or is severely damaged, the current owner of the property shall be required to replace it with a tree or shrub meeting this Ordinance within a maximum of 150 days, unless otherwise another entity is given responsibility for replacement in a maintenance agreement with the Township.

804.E. Review and Approval. Where landscaping is required by this Ordinance, the applicant shall submit a landscaping plan, in addition to a site plan, showing proposed initial sizes, locations and species of plantings.

**805. NONCONFORMITIES.**

805.A. Proof and Registration of Nonconformities. It shall be the responsibility of, with the burden of proof upon, a party asserting a nonconformity to provide the evidence that it is lawful. A property owner may request a written statement of nonconformity from the Zoning Officer after providing sufficient evidence.

805.B. Continuation of Nonconformities.

- 1. A lawful nonconforming use, structure or lot as defined by this Ordinance may be continued and may be sold and continued by new owners.
- 2. Any expansion of, construction upon or change in use of a nonconformity shall only occur in conformance with this section.
- 3. If an existing use was not lawfully established, it shall not have any right to continue as a nonconforming use.

805.C. Expansion of or Construction Upon Nonconformities. The following shall apply, unless the structure is approved under Section 805.D.

1. Nonconforming Structure.

- a. The Zoning Officer shall permit a nonconforming structure to be reconstructed or expanded provided:
  - (1) that such action will not increase the severity or amount of the nonconformity (such as the area of the building extending into the required yard) or create any new nonconformity, and
  - (2) that any expanded area will not create any new setback nonconformities and will comply with other requirements in this ordinance.
- b. In the case of a nonconforming structure which is used by a nonconforming use, any expansion shall also meet the requirements of this Section regarding nonconforming uses.

2. Nonconforming Lots.

- a. Permitted Construction on a Nonconforming Lot. A single permitted by right principal use and its customary accessory uses may be constructed, reconstructed or expanded on a nonconforming lot provided all of the following additional requirements are met:
  - (1) The lot must be a lawful nonconforming lot of record;
  - (2) Minimum setback requirements shall be met except that the side and rear yard setbacks may be reduced by not more than 50% of the required distance or to the extent necessary, whichever is lesser;
  - (3) State and Federal wetland regulations shall be met; and
  - (4) The septic and well requirements of Section 309 shall be met.
- b. Lot Width. The fact that an existing lawful lot of record does not meet the minimum lot width requirements of this Ordinance shall not by itself cause such lot to be considered to be a nonconforming lot.
- c. Merger. If two abutting lots each have a nonconforming lot area of less than 30,000 square feet, and a lot area of one acre or more is required by the applicable district regulations, and the lots are held in common ownership at the time of adoption of this Ordinance, and the lots are not currently served by Township-approved central sewage service, then the lots shall hereby be merged into a single lot.
  - (1) For the purposes of this Ordinance, at the effective date of this Ordinance, such nonconforming lots shall hereby be considered to be a single lot and shall not be individually sold, conveyed or developed.
  - (2) Before any permit is issued for any building construction, expansion, placement or replacement on a lot regulated by this subsection 2.c., the applicant shall be required to provide evidence that the deeds have been recorded in a manner that states that the nonconforming lots have been merged into a single lot.
  - (3) This subsection shall only apply if one or both of the lots do not include a principal building at the time of adoption of this Ordinance.

3. Expansion of a Nonconforming Non-Residential Use. A non-conforming use or a building used by a nonconforming use shall not be expanded, except in accordance with the following provisions:

- a. An expansion of more than 5 percent in total building floor area shall require special exception approval from the Zoning Hearing Board under Article 1.
- b. Such reconstruction or expansion shall be only upon the same lot that the nonconforming use was located upon at the time the use became nonconforming.

- c. The 1) total building floor area used by a nonconforming use or the 2) total land area covered by the nonconforming use, whichever is more restrictive, shall not be increased by greater than 50 percent beyond what existed in the nonconforming use at the time the use first became nonconforming. (Note - If a use became nonconforming as a result of the Zoning Ordinance of 1985, then such date shall be July 16, 1985).
    - (1) The above maximum increase shall be measured in aggregate over the entire life of the nonconformity. All expansions of the nonconforming use and/or building(s) that occurred since the use originally became nonconforming shall count towards the above maximum increase.
  - d. Any expansion of a nonconforming use shall meet the required setbacks and other requirements of this Ordinance, unless the Zoning Hearing Board grants a variance.
4. Expansion of a Nonconforming Residential Use. An existing non-conforming residential use may be expanded as a permitted by right use provided that: a) the number of dwelling units or rooming house units are not increased, b) the expansion meets all applicable setbacks, c) no new types of nonconformities are created and d) a nonconformity is not made more severe.
5. Nonconforming Sign. The provisions of this Ordinance shall not be interpreted to provide a right to expand or extend a nonconforming sign. Instead, any expansions or extensions of a nonconforming sign shall comply with this Ordinance.
- 805.D. Damaged or Destroyed Nonconformities. A nonconforming structure or nonconforming use that has been destroyed or damaged may be rebuilt in a nonconforming fashion only if: a) the application for a building permit is submitted within 18 months after the date of damage or destruction, b) work begins in earnest within 12 months afterwards and continues, and c) no nonconformity may be created or increased by any reconstruction. The property shall be properly secured during such time in such a way to keep out trespassers and to avoid harm to neighboring properties.
- 805.E. Abandonment of a Nonconformity.
- 1. If a nonconforming use of a building or land is discontinued, razed, removed or abandoned for 12 or more months, subsequent use of such building or land shall conform with the regulations of the district in which it is located, except:
    - a. as provided for in the "Damaged or Destroyed Nonconformities" provisions of this section.
  - 2. The applicant shall be responsible to provide clear and convincing evidence that the nonconformity was not abandoned.
  - 3. An existing lawful separate dwelling unit may be unrented for any period of time without being considered "abandoned" under this Ordinance.
- 805.F. Changes from One Nonconforming Use to Another.
- 1. Once changed to a conforming use, a structure or land shall not revert to a nonconforming use.
  - 2. A nonconforming use may be changed to a different nonconforming use only if approved as a Special Exception by the Zoning Hearing Board. However, Special Exception approval is not needed for a simple change within an existing building from one lawful nonconforming retail store use to another retail store use or from one lawful nonconforming personal service use to another personal service use provided that the new use complies with any Zoning Hearing



Board conditions that applied to the previous use and is not more objectionable in external effects than the previous use.

3. Where special exception approval is required for a change of a nonconforming use, the Board shall determine whether the applicant has provided sufficient proof to show that the proposed new use will be equal or less objectionable in external effects than the pre-existing nonconforming use with regard to:
  - a. Traffic safety and generation (especially truck traffic),
  - b. Noise, dust, fumes, vapors, gases, odor, glare, vibration, fire, hazardous substances, and explosive hazards,
  - c. Amount and character of outdoor storage,
  - d. Hours of operation if the use would be close to dwellings and
  - e. Compatibility with the character of the surrounding area.
4. A nonconforming use shall not be changed to a nonconforming Adult Use.

805.G. District Changes. Any uses, structures or lots that become nonconforming because of a zoning district change shall be regulated under this Section on nonconformities.

#### 806. **DUMPSTER SCREENING AND LOCATION.**

- 806.A. Any newly placed solid waste dumpster shall be screened on at least 3 of 4 sides as necessary to screen views from public streets and dwellings.
- 806.B. Such screening shall consist of decorative masonry walls, mostly solid weather-resistant wood fencing, fencing of a similar appearance, or primarily evergreen plantings.
- 806.C. Setback from Dwellings. To the maximum extent feasible, as determined by the Zoning Officer, an outdoor solid waste container with a capacity of over 15 cubic feet shall be kept a minimum of 20 feet from the walls of a dwelling on an abutting lot.
- 806.D. If a solid waste dumpster is moved from one part of a lot to another part of a lot, then it shall come into compliance with this Section 806.
- 806.E. This section shall not apply to dumpsters temporarily placed during actual construction or demolition on the premises.
- 806.F. If a building includes four or more dwelling units, then the owner shall provide at least one solid waste dumpster with a lid and have it regularly emptied.

#### 807. **MINIMUM SETBACKS FROM EXISTING STREETS.**

- 807.A. Where a front, side or rear yard would abut an existing public street and the lot line is at the centerline of the road, then such yard shall be measured from the following minimum distances from the centerline of the public street right-of-way:
  1. 40 feet from the centerline of an arterial street,
  2. 25 feet from the centerline of any other street, and
  3. 10 feet from the centerline of an alley.

- 807.B. Applicants are strongly encouraged to dedicate additional right-of-way as appropriate to PennDOT or the Township for future street widenings and utility and stormwater improvements. If such area is not accepted for current dedication, then the approved plan should state that it is reserved for future dedication at such time as PennDOT or the Township may determine that the area is needed.
- 807.C. No building, fence or other structure (except for mailboxes, utility poles and similar structures typically found within a right-of-way) shall be placed within the setback required by Section 807.A.

808. **HOURS OF OPERATION.**

- 808.A. The following limits on Hours of Operation shall apply within the C-1, C-2 and C-3 Districts.
1. This Section 808 shall apply if part or all of principal business use is within 250 feet of a Residential District. If such is the case, the use may only be open to the public for business and may only receive truck deliveries between the hours of 12 midnight and 6 a.m. if a special exception approval is granted by the Zoning Hearing Board to allow such activities. The Zoning Hearing Board shall base its special exception decision upon a single standard: whether the proposed hours of operation would cause a nuisance to residents of dwellings in the vicinity, based upon hours of operation, the intensity of the operation during such hours, noise, odors, proximity to dwellings, and the ability to avoid nuisances through conditions that will be placed upon any approval.
  2. Special exception approval shall not be required for an automatic transaction machine or for an office.

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