

ARTICLE 3 DISTRICTS

301. DESIGNATION OF DISTRICTS AND PURPOSES.

- A. For the purpose of this Ordinance, Westfall Township shall be divided into the following zoning districts, with the following abbreviations:
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| CD | Conservation District |
| R-1 | Low Density Residential District |
| R-2 | General Residential District |
| C-1 | Neighborhood Commercial District |
| C-2 | General Commercial District |
| C-3 | Mixed Commercial and Industrial District |
| ED | Enterprise Zone District |
| GC | General Commercial 1 District |
- B. For the purposes of this Ordinance, the zoning districts named in Section 301.A. shall be of the number, size, shape and location shown on the "Official Zoning Map."
- C. Overlay Districts. The Floodplain Area, as defined by Federal Floodplain Mapping, shall serve as an overlay district to the applicable underlying districts.
- D. Purposes of Each District. In addition to serving the overall purposes and objectives of this Ordinance and the Comprehensive Plan, each zoning district is intended to serve the following purposes:
1. CD Conservation District - To provide for very low-intensity development in areas with significant important natural features, such as wetlands, flood-prone lands and very steeply sloped areas. To recognize that many of these areas have limited road access. To protect the water quality and habitats along the Delaware River, lakes and creeks, and promote groundwater recharge. To provide incentives and a certain amount of flexibility in lot layout through open space development so that development can be clustered on the most suitable portions of a tract of land, while still avoiding overly intense development. To recognize that most of these areas are not near existing public water and sewage systems.
 2. R-1 Low Density Residential District - To provide for low density residential neighborhoods that are primarily composed of single family detached dwellings. To protect these areas from incompatible uses. To provide incentives and a certain amount of flexibility in lot layout through open space development so that development can be clustered on the most suitable portions of a tract of land, while still avoiding overly intense development.
 3. R-2 General Residential District - To provide for medium density residential neighborhoods with a mix of housing types. To protect these areas from incompatible uses. To meet requirements of State law to provide opportunities for various housing types.
 4. C-1 Neighborhood Commercial District - To provide business opportunities while preserving the scenic rural character of the Township. To promote an appropriate mix of retail, service, office, public, institutional and residential uses. To avoid the most intensive commercial uses that are most likely to conflict with the scenic rural character, and most likely to cause conflicts with homes. To primarily provide for smaller-scale uses that will

not be obtrusive in the landscape and that will not overload the road system. To carefully locate commercial areas and commercial driveways to minimize traffic safety and congestion problems along roads.

5. C-2 General Commercial District - To provide for a variety of commercial uses along major highways where a variety of commercial uses are already present. To provide for a wider range of commercial uses than the C-1 district, including uses that are more auto-related (such as car washes and gas stations). To carefully locate commercial areas and commercial driveways to minimize traffic safety and congestion problems along roads.
6. C-3 Mixed Commercial and Industrial District - To provide for industrial and commercial development in a manner that is compatible with any nearby homes and the surrounding environment. To carefully control the types of industrial operations to avoid nuisances and environmental hazards. To encourage coordinated development, particularly in regard to traffic access. To recognize that the road system in parts of Westfall Township is only suitable for types of industries that do not generate large numbers of heavy truck traffic.
7. ED Enterprise Zone District - To comply with the Equitable Court Settlement in the matter of Katz v. Westfall Township.
8. GC General Commercial 1 District - To comply with the Equitable Court Settlement in the matter of Katz v. Westfall Township.

302. APPLICATION OF DISTRICT REGULATIONS.

- A. The regulations set by this Ordinance shall apply uniformly to each class or kind of structure or land, except as provided for in this Ordinance.
- B. No structure shall hereafter be erected, used, constructed, reconstructed, placed or occupied and no land shall hereafter be used, developed or occupied unless it is in conformity with the regulations herein specified for the use and district in which it is located.
- C. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.
- D. Boundary Change. Any territory which may hereafter become part of the Township through annexation or a boundary adjustment shall be classified as the CD zoning district of Westfall Township until or unless such territory is otherwise classified by Board of Supervisors.

303. ZONING MAP.

- A. A map entitled "Westfall Township Zoning Map" accompanies this Ordinance and is declared a part of this Ordinance. The Official Zoning Map, which should bear the adoption date of this Ordinance and the words "Official Zoning Map," shall be retained in the Township Building.
- B. Map Changes. Changes to the boundaries and districts of the Official Zoning Map shall only be made in conformity with the amendment procedures specified in the State Municipalities Planning Code. All changes should be noted by date with a brief description of the nature of the change, either on the map or within an appendix to this Ordinance.

- C. Replacement Map. If the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of changes and additions, or needs to have drafting errors or omissions corrected, Township Supervisors may, by resolution, adopt a new copy of the Official Zoning Map which shall supersede the prior Official Zoning Map. Unless the prior Official Zoning Map has been lost or has been totally destroyed, the prior map or any remaining parts shall be preserved together with all available records pertaining to its previous adoption or amendment.

304. **DISTRICT BOUNDARIES.** The following rules shall apply where uncertainty exists as to boundaries of any district as shown on the Zoning Map.

- A. District boundary lines are intended to follow or be parallel to the center line of street rights-of-way, streams and railroads, and lot lines as they existed on a recorded deed or plan of record in the County Recorder of Deeds' office at the time of the adoption of this ordinance, unless such district boundary lines are fixed by dimensions as shown on the Official Zoning Map.
- B. Where a district boundary is not fixed by dimensions and where it approximately follows lot lines, such boundary shall be construed to follow such lot lines unless specifically shown otherwise.
- C. The location of a district boundary on un-subdivided land or where a district boundary divides a lot shall be determined by the use of the scale appearing on the Zoning Map unless indicated otherwise by dimensions.
- D. Where a municipal boundary divides a lot, the minimum lot area shall be regulated by the municipality in which the principal use(s) are located, unless otherwise provided by applicable case law. The land area within each municipality shall be regulated by the use regulations and other applicable regulations of each municipality.

305. **SETBACKS ACROSS MUNICIPAL BOUNDARIES.**

- A. Intent - To continue the objective of compatible land uses across municipal boundaries.
- B. This Ordinance requires additional setbacks and the provision of buffer yards when certain uses would abut a residential zoning district. These same additional setback and buffer yard provisions shall be provided by uses proposed within Westfall Township regardless of whether such abutting principally residential zoning district is located in an abutting municipality and/or in Westfall Township. See buffer yard provisions in Section 803.D.

306. **TABLE OF ALLOWED USES IN EACH ZONING DISTRICT.**

- A. For the purposes of this Section 306, the following abbreviations shall have the following meanings:
- | | |
|------------|---|
| P = | Permitted by right use (zoning decision by Zoning Officer) |
| SE = | Special exception use (zoning decision by Zoning Hearing Board) |
| C = | Conditional use (zoning decision by Board of Supervisors) |
| N = | Not Permitted |
| (S. 402) = | See Additional Requirements in Section 402 |
| (S. 403) = | See Additional Requirements in Section 403 |

306.B. Unless otherwise provided by State or Federal law or specifically stated in this Ordinance (including Section 105.B.), any land or structure shall only be used or occupied for a use specifically listed in this Ordinance as permitted in the zoning district where the land or structure is located. Such uses shall only be permitted if the use complies with all other requirements of this Ordinance.

See Section 105.B. which generally provides a process for approval of a use that is not listed - based upon similarity to permitted uses and other criteria. Except as provided in such Section 105.B., any other principal use that is not specifically listed as P, C or SE in the applicable district in this table is prohibited in that district.

For temporary uses, see Section 103.

For the ED and GC Districts, see Section 306.B.2 and 306.B.3.

306.B.1 Allowed Uses in Each Zoning District

| TYPES OF USES (See definitions in Article 2) | ZONING DISTRICTS | | | | | |
|---|------------------|-----|-----|-----|-----|-----|
| | CD | R-1 | R-2 | C-1 | C-2 | C-3 |
| a. RESIDENTIAL USES | | | | | | |
| Single Family Detached Dwelling (Note - Manufactured/mobile homes shall meet the additional requirements for such use in Section 402) | P | P | P | P | N | P |
| Open Space Development Option in compliance with Section 311 (Note - This option typically allows a higher density and smaller lot sizes. | P** | P | P | N | N | N |
| Twin Dwelling (side-by-side) (Note - Other forms of two unit buildings are defined as apartments) | N | N | P | P | P | P |
| Townhouse (includes Rowhouse) (S. 402) | N | N | N | P | P | N |
| Apartments (S. 402) | N | N | N | P | P | N |
| Manufactured/Mobile Home Park (S. 402) | N | N | N | N | C | C |
| Boarding House (includes Rooming House) (S. 402) | N | N | N | N | N | SE |
| Group Home within a lawful existing dwelling unit (S.402), not including a Treatment Center | P | P | P | P | P | P |
| Conversion of an Existing Building (including an Existing Dwelling) into Dwelling Units (S. 402) (See also "Unit for Care of Relative" under Accessory Uses) | N | N | N | P | P | N |
| Age Restricted Housing (S. 402) | N | C | C | C | C | N |
| Independent Living Retirement Center (S. 402) | N | N | N | C | C | N |
| b. COMMERCIAL USES | | | | | | |
| See also "Resort" which may allow a mix of certain commercial and residential uses. | | | | | | |
| Adult Use (S. 402) | N | N | N | N | C | N |
| After Hours Club (Note - This use is effectively prohibited by State Act 219 of 1990) | N | N | N | N | N | N |
| Airport (see also "Heliport") | N | N | N | N | C | N |
| Amusement Arcade (see also "Resorts" in Section 402) | N | N | N | P | P | P |
| Amusement Park or Water Park | N | N | N | N | P | N |
| Animal Cemetery (S. 402) | N | N | N | P | P | P |
| Auditorium (Commercial), Arena, Performing Arts Center or Exhibition-Trade Show Center | N | N | N | P | P | P |
| Auto Repair Garage or Auto Service Station (S. 402) | N | N | N | N | C | C |
| Auto, Boat or Mobile/Manufactured Home Sales (S. 402) | N | N | N | N | P | P |
| Bakery, Retail | N | N | N | P | P | P |

* = Except as may be allowed by the Open Space Development provisions in Section 311.

** = With a 10 acre minimum tract size.

Note: A higher density can be achieved in certain cases by using the Transfer of Development Rights provisions of Section 313.)

P = Permitted by use right (zoning decision by Zoning Officer)

SE = Special exception use (zoning decision by Zoning Hearing Board)

C = Conditional use (zoning decision by Board of Supervisors)

N = Not permitted

(S. 402) = See Additional Requirements in Section 402

(S. 403) = See Additional Requirements in Section 403

| TYPES OF USES (See definitions in Article 2) | ZONING DISTRICTS | | | | | |
|--|------------------|-----|-----|-----|-----|-----|
| | CD | R-1 | R-2 | C-1 | C-2 | C-3 |
| b. COMMERCIAL USES (Cont.) | | | | | | |
| Bed and Breakfast Inn (S. 402), which in a residential district shall be limited to a building constructed prior to 1940 | C | C | C | P | P | P |
| Betting Use | N | N | N | N | P | P |
| Beverage Distributor, which may include retail and/or wholesale sales | N | N | N | P | P | P |
| Bus Terminal | N | N | N | P | P | P |
| Camp (S. 402) | C | N | N | P | P | P |
| Campground and Recreational Vehicle Campground (S. 402) | N | N | N | P | P | P |
| Car Wash (S. 402) | N | N | N | P | P | P |
| Catering, Custom, for Off-Site Consumption | N | N | N | P | P | P |
| Communications Tower/Antennae, Commercial (S. 402) | | | | | | |
| - Meeting Section 402.A.17.a. pertaining to antenna placed on certain existing structures | P | P | P | P | P | P |
| - Antennae/tower that does not meet Section 402.A.17.a. (such as freestanding towers) | C | N | N | N | SE | SE |
| - Note - Section 402.A.17 also allows towers serving emergency services stations | | | | | | |
| Conference Center | N | N | N | P | P | P |
| Construction Company or Tradesperson's Headquarters (including but not limited to landscaping, building trades or janitorial contractor). See also as Home Occupation. Accessory outdoor storage shall be permitted provided it meets the plant screening requirements of Sections 803 and 804. | N | N | N | SE | P | P |
| Convenience Store - Fuel sales shall only be allowed if the requirements and special exception approval are also met for an Auto Service Station (S. 402) | N | N | N | P | P | P |
| Crafts or Artisan's Studio (see also as Home Occupation) | N | N | N | P | P | P |
| Custom Printing, Photocopying, Faxing, Mailing or Courier Service | N | N | N | P | P | P |
| Exercise Club | N | N | N | P | P | P |
| Fairgrounds | N | N | N | N | P | P |
| Financial Institution (includes banks), with any "Drive-through" facilities meeting Section 403 | N | N | N | P | P | P |
| Flea Market/ Auction House (S. 402) | N | N | N | P | P | P |
| Funeral Home | N | N | N | P | P | P |
| Garden Center, Retail (see also "Wholesale Greenhouses") | N | N | N | P | P | P |
| Gas Station - See Auto Service Station | | | | | | |
| Golf Course (S. 402), with a minimum lot area of 50 acres in a residential district | P | P | P | P | P | P |
| Heliport | N | N | N | N | SE | N |

- P = Permitted by use right (zoning decision by Zoning Officer)
 SE = Special exception use (zoning decision by Zoning Hearing Board)
 C = Conditional use (zoning decision by Board of Supervisors)
 N = Not permitted
 (S. 402) = See Additional Requirements in Section 402
 (S. 403) = See Additional Requirements in Section 403

| TYPES OF USES (See definitions in Article 2) | ZONING DISTRICTS | | | | | |
|---|------------------|-----|-----|-----|-----|-----|
| | CD | R-1 | R-2 | C-1 | C-2 | C-3 |
| b. COMMERCIAL USES (Cont.) | | | | | | |
| Hotel or Motel (S. 402) | N | N | N | P | P | P |
| Kennel (S. 402) | N | N | N | N | SE | SE |
| Laundromat | N | N | N | P | P | P |
| Laundry, Commercial or Industrial | N | N | N | N | P | P |
| Lumber Yard | N | N | N | N | P | P |
| Massage Parlor (S. 402) | N | N | N | N | N | N |
| Motor Vehicle Racetrack (S. 402) | N | N | N | N | C | N |
| Office (See also as Home Occupation) | N | N | N | P | P | P |
| Pawn Shop | N | N | N | N | P | P |
| Personal Services (includes tailoring, custom dressmaking, haircutting/styling, drycleaning, shoe repair, "massage therapy, certified" and closely similar uses) (See also Home Occupation) | N | N | N | P | P | P |
| Picnic Grove, Private (S. 402) | N | N | N | SE | P | P |
| Plant Nursery (other than a Retail Garden Center), provided that within a residential district: a) any on-site retail sales shall be limited to plants primarily grown upon the premises, and b) a 5% maximum building coverage shall apply. | P | P | P | P | P | P |
| Recreation, Commercial Indoor (includes bowling alley, roller or ice skating rink, batting practice and closely similar uses); other than uses listed separately in this Section 306 | N | N | N | SE | P | P |
| Recreation, Commercial Outdoor (S. 402; including miniature golf course, golf driving range, amusement park and closely similar uses); other than uses listed separately in this Section 306 (see also uses allowed as a "Resort") | N | N | N | N | P | P |
| Repair Service, Household Appliance | N | N | N | P | P | P |
| Resort (S. 402) - less than 30 rental units | C | N | N | P | P | P |
| - 30 or more rental units | N | N | N | C | P | P |
| (Note - That term allows certain additional uses under Section 402) | | | | | | |
| Restaurant or Banquet Hall (S. 402) | | | | | | |
| - with drive-through service (S. 403) | N | N | N | N | P | P |
| - without drive-through service | N | N | N | P | P | P |
| Retail Store (this term does not include auto sales or an adult use) or Shopping Center | N | N | N | P | P | P |
| River Livery (S. 402) | C | N | N | C | C | C |
| Self-Storage Development | N | N | N | N | P | P |
| Target Range, Firearms (other than target shooting by residents or owners of a lot) | | | | | | |
| - Completely indoor and enclosed | C | N | N | N | P | P |
| - Other than above (S. 402) | C | N | N | N | C | N |
| Tattoo or Body Piercing Establishment (other than temporary tattoos or ear piercing, which are personal service uses) | N | N | N | N | N | P |

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SE = Special exception use (zoning decision by Zoning Hearing Board)

C = Conditional use (zoning decision by Board of Supervisors)

N = Not permitted

(S. 402) = See Requirements in Section 402

(S.403) = See Requirements in Section 403

| TYPES OF USES (See definitions in Article 2) | ZONING DISTRICTS | | | | | |
|---|------------------|-----|-----|-----|-----|-----|
| | CD | R-1 | R-2 | C-1 | C-2 | C-3 |
| b. COMMERCIAL USES (Cont.) | | | | | | |
| Tavern which may include a State-licensed micro-brewery or Nightclub (not including an After Hours Club) | N | N | N | N | C | C |
| Theater, Indoor Movie, other than an Adult Use | N | N | N | N | P | P |
| Trade/ Hobby School | N | N | N | P | P | P |
| Truck Stop | N | N | N | N | C | C |
| Veterinarian Office or Animal Hospital (S. 402) | N | N | N | P | P | P |
| Wholesale Sales - see under Industrial Uses | | | | | | |
| c. INSTITUTIONAL/ SEMI-PUBLIC USES | | | | | | |
| Cemetery (S. 402; any Crematorium must be approved separately) | P | P | P | P | P | P |
| College or University - Educational and Support Buildings (S. 402) | N | N | N | P | P | P |
| Community Recreation Center or Library | N | P | P | P | P | P |
| Crematorium (S. 402) | N | N | N | N | C | C |
| Cultural Center or Museum | SE | SE | SE | P | P | P |
| Day Care Center, Adult (S. 402) | N | N | SE | P | P | P |
| Day Care Center, Child (S. 402) | N | N | N | P | P | P |
| (See also as an accessory use) | | | | | | |
| Dormitory as accessory to a college, university or primary or secondary school | N | N | N | C | C | C |
| Emergency Services Station | SE | SE | SE | P | P | P |
| Hospital | N | N | N | N | P | P |
| Hunting and Fishing Club - Within the CD district, a 5% maximum building coverage shall apply. This term shall not include uses listed separately in this Section 306 unless that use is also listed as allowed and the requirements for that use are also met. | P | N | N | P | P | P |
| Maintenance Facilities for Residential Community Associations | P | P | P | P | P | P |
| Membership Club meeting and non-commercial recreational facilities, provided that an "After Hours Club", "Tavern" or uses listed separately in this Section 306 shall only be allowed if so listed in this table and if the requirements for that use are also met. | SE | SE | SE | P | P | P |
| Nursing Home or Personal Care Home/Assisted Living (S. 402) | N | N | P | P | P | P |
| Place of Worship (S. 402) (includes Church) | C | C | C | P | P | P |
| School, Public or Private, Primary or Secondary (S.402) | N | SE | SE | P | P | P |
| Treatment Center (S. 402) | N | N | N | N | C | N |
| d. PUBLIC/SEMI-PUBLIC | | | | | | |
| Township Government Uses, other than uses listed separately in this Section 306 | P | P | P | P | P | P |
| Government Facility, other than uses listed separately in this Section 306 | SE | SE | SE | SE | SE | SE |

P = Permitted by right (zoning decision by Zoning Officer)

SE = Special exception use (zoning decision by Zoning Hearing Board)

N = Not Permitted

(S. 402) = See Additional Requirements in Section 402

(S. 403) = See Additional Requirements in Section 403

| TYPES OF USES (See definitions in Article 2) | ZONING DISTRICTS | | | | | |
|--|------------------|-----|-----|-----|-----|-----|
| | CD | R-1 | R-2 | C-1 | C-2 | C-3 |
| d. PUBLIC/SEMI-PUBLIC USES | | | | | | |
| Prison or Similar Correctional Institution | N | N | N | N | N | C |
| Publicly Owned or Operated Recreation Park | P | P | P | P | P | P |
| Public Utility Facility (See also Section 114) other than uses listed separately in this Section 306 | SE | SE | SE | SE | SE | SE |
| Swimming Pool, Non-household (S. 402) | P | P | P | P | P | P |
| U.S. Postal Service Facility, which may include a leased facility | N | SE | SE | P | P | P |
| e. INDUSTRIAL USES | | | | | | |
| Asphalt Plant | N | N | N | N | N | C |
| Assembly or Finishing of Products Using Materials Produced Elsewhere (such as products from plastics manufactured off-site) | N | N | N | N | SE | P |
| Building Supplies and Building Materials, Wholesale Sales of | N | N | N | N | P | P |
| Distribution as a principal use (other than Trucking Company Terminal) | N | N | N | N | N | C |
| Industrial Equipment Sales, Rental and Service, other than vehicles primarily intended to be operated on public streets | N | N | N | N | P | P |
| Junk - outdoor storage, display or processing of, other than within an approved junkyard or solid waste disposal area | N | N | N | N | N | N |
| Junk Yard (S. 402) | N | N | N | N | N | C |
| Liquid Fuel Storage, Bulk, for off-site distribution, other than: auto service station, retail propane distributor, pre-packaged sales or fuel tanks for company vehicles | N | N | N | N | N | C |
| Manufacture and/or bulk processing of the following, provided manufacturing occurs only indoors: | | | | | | |
| - Agricultural Chemicals, Fertilizers or Pesticides | N | N | N | N | N | C |
| - Apparel, Textiles, Shoes and Apparel Accessories (see also Crafts Studio) | N | N | N | N | P | P |
| - Cement Manufacture | N | N | N | N | N | C |
| - Ceramics Products (other than Crafts Studio) | N | N | N | N | C | P |
| - Chemicals, Manufacture or Bulk Processing, other than Pharmaceuticals | N | N | N | N | N | SE |
| - Clay, Brick, Tile and Refractory Products | N | N | N | N | N | P |
| - Computers and Electronic and Microelectronic Products | N | N | N | N | P | P |

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|---|------------------|-----|-----|-----|-----|-----|
| | CD | R-1 | R-2 | C-1 | C-2 | C-3 |
| <u>e. INDUSTRIAL USES (Cont.)</u> | | | | | | |
| Manufacture and/or bulk processing of the following, provided manufacturing occurs only indoors: | | | | | | |
| - Concrete, Cement, Lime and Gypsum Products, other than actual manufacture of cement | N | N | N | N | N | SE |
| - Electrical Equipment, Appliances and Components | N | N | N | N | P | P |
| - Explosives, Fireworks or Ammunition | N | N | N | N | N | SE |
| - Fabricated Metal Products (except Explosives, Fireworks or Ammunition) and/or Machine Shops | N | N | N | N | SE | SE |
| - Food (Human) and Beverage Products, at an industrial scale as opposed to a clearly retail scale, including but not limited to processing, bottling and related trucking of water removed from a site (not including uses listed individually in this Section 306) | N | N | N | N | P | P |
| - Food Products for animals | N | N | N | N | N | P |
| - Gaskets | N | N | N | N | P | P |
| - Glass and Glass Products (other than Crafts Studio) | N | N | N | N | P | P |
| - Incineration, Reduction, Distillation, Storage or Dumping of Slaughterhouse Refuse, Rancid Fats, Garbage, Dead Animals or Offal (other than within an approved solid waste facility) | N | N | N | N | N | N |
| - Jewelry and Silverware | N | N | N | N | SE | P |
| - Leather and Allied Products (other than Crafts Studio or Tannery) | N | N | N | N | SE | P |
| - Machinery | N | N | N | N | SE | P |
| - Manufactured or Modular Housing Manufacture | N | N | N | N | N | P |
| - Medical Equipment and Supplies | N | N | N | N | P | P |
| - Metal Products, Primary | N | N | N | N | N | SE |
| - Mineral Products, Non-metallic (other than Mineral Extraction) | N | N | N | N | N | SE |
| - Paper and Paper Products (including recycling, but not including manufacture of raw paper pulp) | N | N | N | N | P | P |
| - Paper - Raw Pulp | N | N | N | N | N | SE |
| - Paving Materials, other than bulk manufacture of asphalt | N | N | N | N | N | SE |
| - Pharmaceuticals and Medicines | N | N | N | N | N | P |
| - Plastics, Polymers, Resins, Vinyl, Coatings, Cleaning Compounds, Soaps, Adhesives, Sealants, Printing Ink or Photographic Film | N | N | N | N | N | SE |

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|--|------------------|-----|-----|-----|-----|-----|
| | CD | R-1 | R-2 | C-1 | C-2 | C-3 |
| <u>e. INDUSTRIAL USES (Cont.)</u> | | | | | | |
| Manufacture and/or bulk processing of the following, provided manufacturing occurs only indoors: | | | | | | |
| - Products from Previously Manufactured Materials, such as glass, leather, plastics, cellophane, textiles, rubber or synthetic rubber | N | N | N | N | P | P |
| - Roofing Materials and Asphalt Saturated Materials or Natural or Synthetic Rubber | N | N | N | N | N | SE |
| - Scientific, Electronic and Other Precision Instruments | N | N | N | N | P | P |
| - Sporting Goods, Toys, Games, Musical Instruments or Signs | N | N | N | N | P | P |
| - Transportation Equipment | N | N | N | N | N | P |
| - Wood Products and Furniture (not including raw paper pulp) | N | N | N | N | P | P |
| - See Section 105 for uses that are not listed | | | | | | |
| Mineral Extraction (S. 402) and related processing, stockpiling and storage of materials removed from the site, but not including groundwater or spring water withdrawals | C* | N | N | N | C | C |
| * Such use shall only be allowed in the CD District if the requirements in Section 402 for setbacks and for road access are fully met. | | | | | | |
| Packaging | N | N | N | P | P | P |
| Package Delivery Services Distribution Center | N | N | N | N | P | P |
| Petroleum Refining | N | N | N | N | N | SE |
| Photo Processing, Bulk | N | N | N | P | P | P |
| Printing or Bookbinding | N | N | N | P | P | P |
| Recycling Center, Bulk Processing, provided all operations of an industrial scale occur within an enclosed building (this use does not include a solid waste disposal or transfer facility) | N | N | N | SE | SE | P |
| Research and Development, Engineering or Testing Facility or Laboratory | N | N | N | N | P | P |
| Sawmill/ Planing Mill | C | N | N | N | P | P |
| Slaughterhouse, Stockyard or Tannery, with a 400 feet minimum setback from all lot lines | N | N | N | N | N | C |
| Solid Waste Landfill (S. 402) | N | N | N | N | N | N |
| Solid Waste Transfer Facility or Waste to Energy Facility (S. 402) | N | N | N | N | N | C |

P = Permitted by right use (zoning decision by Zoning Officer)

SE = Special exception use (zoning decision by Zoning Hearing Board)

C = Conditional use (zoning decision by Board of Supervisors)

N = Not permitted

(S. 402) = See Additional Requirements in Section 402

(S. 403) = See Additional Requirements in Section 403

| TYPES OF USES (See definitions in Article 2) | ZONING DISTRICTS | | | | | |
|---|------------------|-----|-----|-----|-----|-----|
| | CD | R-1 | R-2 | C-1 | C-2 | C-3 |

e. INDUSTRIAL USES (Cont.)

| | | | | | | |
|--|---|---|---|---|---|---|
| Trucking Company Terminal (s. 402) | N | N | N | N | N | C |
| Warehousing or Storage as a principal use | N | N | N | N | N | P |
| Warehousing or Storage as an on-site accessory use | N | N | N | P | P | P |
| Welding | N | N | N | N | P | P |
| Wholesale Sales (other than Motor Vehicles) | N | N | N | P | P | P |

f. ACCESSORY USES

See list of additional permitted uses in Section 306.C., such as "Residential Accessory Structure or Use"
See Additional Requirements in Section 403 for Specific Accessory Uses.

| | | | | | | |
|--|----|----|----|---|---|---|
| Day Care Center accessory to and on the same lot as an existing lawful Place of Worship, with a minimum lot area of 2 acres (See Place of Worship in S. 402) | P | P | P | P | P | P |
| Day Care (S. 403) as accessory to a dwelling: | | | | | | |
| - Day care of a maximum of 3 adults or youth, in addition to "Relatives" of the caregiver | P | P | P | P | P | P |
| - Group Day Care Home | N | N | N | P | P | P |
| - Family Day Care Home | N | N | N | P | P | P |
| Home Occupation, General (S. 403) | SE | SE | SE | P | P | P |
| Home Occupation, Light (S. 403) | P | P | P | P | P | P |
| Outdoor Storage and Display as accessory to a business use and which shall also comply with Sections 403, 803 and 804 | N | N | N | P | P | P |
| Temporary Retail Sales that meets Section 103.G.1. | P | P | P | P | P | P |
| Unit for Care of Relative (S. 403) | P | P | P | P | P | P |
| Warehousing as accessory to an on-site principal business use | N | N | N | P | P | P |

g. MISCELLANEOUS USES

| | | | | | | |
|--|----|----|----|----|----|----|
| Boat Rental and Launch (other than a "River Livery") | P | P | N | P | P | P |
| Crop Farming and Wholesale Greenhouses | P | P | P | P | P | P |
| Forestry (S. 402) | P | P | P | P | P | P |
| Groundwater or Spring Water Withdrawal, averaging more than 10,000 gallons per day removed from a tract for off-site consumption (S. 402) (See also requirements for food and beverage bottling and processing under Industrial Uses) | SE | SE | SE | SE | SE | SE |
| Nature Preserve or Environmental Education Center, with a 10 acre minimum lot area for any use involving a principal building | P | P | P | P | P | P |

P = Permitted by right use (zoning decision by Zoning Officer)
SE = Special exception use (zoning decision by Zoning Hearing Board)
C = Conditional use (zoning decision by Board of Supervisors)
N = Not permitted
(S. 402) = See Additional Requirements in Section 402
(S. 403) = See Additional Requirements in Section 403

| TYPES OF USES (See definitions in Article 2) | ZONING DISTRICTS | | | | | |
|---|------------------|-----|-----|-----|-----|-----|
| | CD | R-1 | R-2 | C-1 | C-2 | C-3 |
| <u>g. MISCELLANEOUS USES (Cont.)</u> | | | | | | |
| Parking Lot for Carpooling, Not Served by Inter-City Bus Service | P | P | P | P | P | P |
| Parking Lot as the Principal Use of a Lot, other than above | N | N | N | P | P | P |
| Raising of Livestock and Poultry (S. 402) | P | P | P | N | P | P |
| Sewage Sludge, Land Application of | C | C | C | C | C | C |
| Sewage Treatment Plant | C | C | C | P | P | P |
| Stable, Non-Household (S. 402) | P | SE | SE | P | P | P |
| All Uses that will be unable to comply with the performance standards of this ordinance. See the "Environmental Protection" requirements of Article 5 | N | N | N | N | N | N |

P = Permitted by right use (zoning decision by Zoning Officer)

SE = Special exception use (zoning decision by Zoning Hearing Board)

C = Conditional use (zoning decision by Board of Supervisors)

N = Not permitted

(S. 402) = See Additional Requirements in Section 402

(S. 403) = See Additional Requirements in Section 403

306.B.Continued

2. Provisions for the ED Enterprise Zone District.

- a. The ED District shall only consist of the real property identified as Pike County Tax Parcel Numbers 082.00-01-51 and 082.00-01-63, encompassing such land as were identified by such Tax Parcel Numbers as of April 27, 2005.
- b. The real property within the ED district shall as well as any land development, subdivision and zoning issues pertaining thereto shall be exclusively governed by the terms and conditions of the Equitable Settlement Agreement and the Settlement Agreement/Release as established to comply with the decision in the matter of Katz v. Westfall Township, et.al., U.S. District Court for the Middle District of Pennsylvania.
- c. All applications for zoning, land development and/or subdivision approval pertaining to the ED district shall be considered and determined exclusively by the Court-appointed master and any successors as approved by the United States District Court for the Middle District of Pennsylvania, in accordance with the terms and conditions of the Equitable Settlement Agreement and the Settlement Agreement/Release.
- d. Any part of the Westfall Township Zoning Ordinance or Subdivision and Land Development Ordinance which conflicts with Section 306.B.2 is hereby repealed in so far as the same is inconsistent with this Section 306.B.2.
- e. The terms and conditions of the Equitable Settlement Agreement and the Settlement Agreement/Release shall solely apply to the real property within the ED District, and any conflict or inconsistency between the terms of this Ordinance and the terms of the

Equitable Settlement Agreement and Settlement Agreement/Release shall be resolved in favor of the Equitable Settlement Agreement and the Settlement Agreement/Release.

3. Provisions for the GC General Commercial 1 District.

- a. The GC District shall only consist of the real property identified as Pike County Tax Parcel Number 083.17-01-01 , encompassing such land as were identified by such Tax Parcel Number as of April 27, 2005.
- b. The real property within the GC district shall as well as any land development, subdivision and zoning issues pertaining thereto shall be exclusively governed by the terms and conditions of the Equitable Settlement Agreement and the Settlement Agreement/Release as established to comply with the decision in the matter of Katz v. Westfall Township, et.al., U.S. District Court for the Middle District of Pennsylvania.
- c. All applications for zoning, land development and/or subdivision approval pertaining to the GC district shall be considered and determined exclusively by the Court-appointed master and any successors as approved by the United States District Court for the Middle District of Pennsylvania, in accordance with the terms and conditions of the Equitable Settlement Agreement and the Settlement Agreement/Release.
- d. Any part of the Westfall Township Zoning Ordinance or Subdivision and Land Development Ordinance which conflicts with Section 306.B.3 is hereby repealed in so far as the same is inconsistent with this Section 306.B.3.
- e. The terms and conditions of the Equitable Settlement Agreement and the Settlement Agreement/Release shall solely apply to the real property within the GC District, and any conflict or inconsistency between the terms of this Ordinance and the terms of the Equitable Settlement Agreement and Settlement Agreement/Release shall be resolved in favor of the Equitable Settlement Agreement and the Settlement Agreement/Release.

306.C. Permitted Accessory Uses in All Districts. An accessory use of a dwelling is only permitted if such use is customarily incidental to the residential use and is specifically permitted by this Ordinance. The following are permitted by right as accessory uses to a lawful principal use in all districts, within the requirements of Section 403 and all other requirements of this Ordinance:

1. Standard Antennae, including antennae used by contractors to communicate with their own vehicles*
2. Fence* or Wall*
3. Garage, Household
4. Garage Sale*
5. Swimming Pool, Household *
6. Such other accessory use or structure that the applicant proves to the satisfaction of the Zoning Officer is clearly customary and incidental to a permitted by right, special exception or conditional principal use.

* See standard for each in Section 403.

306.D. Permitted Accessory Uses to Business and Institutional Uses. The following are permitted by right accessory uses only to a permitted by right, special exception or conditional commercial, industrial or institutional use, provided that all requirements of this Ordinance are met:

1. Storage of fuels for on-site use or to fuel company vehicles
2. The following accessory uses, provided that the use is clearly limited to employees, patients, residents and families of employees of the use and their occasional invited guests:
 - a. Internal cafeteria without drive-through service,
 - b. Day care center or
 - c. Recreational facilities.
3. Bus Shelters meeting Section 403.
4. Automatic Transaction Machine
5. Storage sheds meeting the requirements of Section 307.A.

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 |
|--|---|---|-------------------------------|---------------------------------|--|-----------------------------------|-------------------------------------|
| CD Conservation: <i>See also Open Space Development Option in Section 311, which may allow smaller lot sizes, smaller lot widths and density bonuses.</i> | 130,680 (3 acres), unless a larger lot area is required by Section 310. | 250 | 50 | 50 | 25 | 10% | 15% |
| R-1 Low Density Residential District: a) Age Restricted Housing - The provisions for such use in Section 402 shall apply, instead of the provisions of this table. b) Other Allowed Uses <i>See also Open Space Development Option in Section 311, which may each allow smaller lot sizes, smaller lot widths and density bonuses.</i> See also Section 801.C. for minimum length and width of dwellings. | 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 ImperVIOUS Coverage |
|---|------------------------|---|-------------------------------|---------------------------------|--|-----------------------------------|-------------------------------------|
| R-2 Medium Density Residential District: | | | | | | | |
| a) Single family detached dwelling: | | | | | | | |
| a1) Without either Township-approved: central water service or central sewage service | a1) 43,560 (1 acre) | a1) 150 | a), b) and d): 30 | a), b) and d): 25 | a), b) and d): 15 | a), b) and d): 30 | a), b) and d): 50 |
| a2) With Township-approved: central water or central sewage service | a2) 39,000 | a2) 150 | | | | | |
| a3) With both Township-approved: central water and central sewage services: | a3) 30,000 | a3) 120 | | | | | |
| b) For Twin dwelling units (2 dwelling units): | | | | | | | |
| b1) Without either Township-approved: central water service or central sewage service | b1) 2 acres | b1) 300 | | | | | |
| b2) With Township-approved: central water or central sewage service | b2) 78,000 | b2) 300 | | | | | |
| b3) With both Township-approved: central water and central sewage services: | b3) 40,000 | b3) 200 | | | | | |
| c) Age Restricted Housing - The provisions for such use in Section 402 shall apply, instead of the provisions in this table. | | | | | | | |
| d) Other allowed principal use | | | | | | | |
| See <i>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> | d) 43,460 (1 acre) | d) 150 | | | | | |

| 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 |
|---|---|---|--|---------------------------------|--|-----------------------------------|-------------------------------------|
| C-3 Commercial/Industrial District: 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. 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. c) Industrial use d) Other allowed use | c) 87,120 (2 acres) d) 43,560 (1 acre) | | c and d): 30, except 50 feet where off-street parking will exist between the principal building and an arterial street. | c and d): 25 (Note A) | c) 15 (Note A) d) 20 (Note A) | c) 40% d) 40% | c) 40% d) 70% |

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.

ARTICLE 4

ADDITIONAL REQUIREMENTS FOR SPECIFIC USES

401. APPLICABILITY.

- 401.A. This Article establishes additional specific requirements for certain specific uses, in addition to the sign, parking, environmental and other general requirements of this Ordinance and the requirements of each District. Wherever two requirements conflict, the stricter requirement shall apply.
1. For uses allowed within a specific Zoning District as "Special Exception" Uses, see also the procedures and standards in Section 116.

402. ADDITIONAL REQUIREMENTS FOR SPECIFIC PRINCIPAL USES.

402.A. Each of the following uses shall meet all of the following requirements for that use:

1. Adult Use. (This is limited to the following: Adult Bookstore, Adult Movie Theater, or Adult Live Entertainment Facility)
 - a. Purposes. The regulations on Adult Uses are intended to serve the following purposes, in addition to the overall objectives of this Ordinance.
 - 1) To recognize the adverse secondary impacts of Adult Uses that affect health, safety and general welfare concerns of the municipality. These secondary impacts have been documented in research conducted across the nation. These secondary impacts typically include, but are not limited to: increases in criminal activity, increases in activities that increase the risk of transmission of sexually transmitted diseases, increases in activities that increase the risk of transmission of other communicable diseases, increases in blight, decreases in the stability of residential neighborhoods, and decreases in property values for surrounding homes, and decreases in the marketability of nearby commercial business space. The research conducted across the nation concludes that Adult Uses typically involve insufficient self-regulation to control these secondary effects.
 - 2) To limit Adult Uses to locations where these secondary impacts can be minimized, particularly as they affect residential neighborhoods and commercial revitalization.
 - 3) To not attempt to suppress any activities protected by the "free speech" protections of the U.S. Constitution, but instead to control secondary effects.
 - b. No Adult Use nor its parking area shall be located within the following distances, whichever is greater:
 - 1) 500 lineal feet of the lot line of any residential zoning district or existing dwelling;
 - 2) 1,000 lineal feet of the lot line of any primary or secondary school, place of worship, library, public park, day care center or child nursery.
 - c. A 50 feet buffer yard shall be provided, regardless of zoning district, along the side and rear lot lines in accordance with Section 803, but with plantings of an initial minimum height of 5 feet.
 - d. No pornographic material, displays or words shall be placed in view of persons who are not inside of the establishment. Definite precautions shall be made to prohibit minors from entering the premises.
 - e. No Adult Use shall be used for any purpose that violates any Federal, State or municipal law.
 - f. See Section 709, Prohibited Signs.
 - g. The Adult Use shall not include the sale or display of "obscene" materials, as defined by Pennsylvania criminal law, as may be amended by applicable Court decisions.
 - h. An Adult Use shall be prohibited in all Districts except where specifically permitted by Article 3.
 - i. A minimum lot area of 1 acre is required, unless a larger lot size is required in that district.

- j. For public health reasons, private or semi-private viewing booths of any kind are prohibited. This specifically includes, but is not limited to, booths for viewing adult movies or nude dancers.
 - k. No use may include live actual or simulated sex acts nor any physical or sexual contact between employees and entertainers nor or between employees or entertainers and customers. This shall include, but not be limited to, a prohibition on "lap dancing."
 - l. See also regulations in this Section for a "Massage Parlor."
 - m. All persons within any adult use shall wear non-transparent garments that cover their genitals and the female areola, except within a permitted lawful "adult live entertainment facility."
 - n. Any application for such use shall state the names and home addresses of: a) all individuals intended to have more than a 5 percent ownership in such use or in a corporation owning such use and b) an on-site manager responsible to ensure compliance with this Ordinance on a daily basis. Such information shall be updated at the beginning of each year in writing to the Zoning Officer.
 - o. The use shall not operate between the hours of 12 midnight and 7 a.m.
 - p. As specific conditions of approval under this Ordinance, the applicant shall prove compliance with the following State laws, as amended: the Pennsylvania Liquor Code, Act 219 of 1990 (which pertains to sale or consumption of alcohol between 2 a.m. and 8 a.m.), Act 207 of 1990 (which pertains to obscenity) and Act 120 of 1996 (which pertains to Adult-Oriented Establishments and which limits enclosed viewing booths among other matters).
2. Adult Day Care Center.
- a. The use shall be fully licensed by the State, if required by the State.
 - b. The use shall include constant supervision during all hours of operation.
 - c. The use shall not meet the definition of a "treatment center."
3. After Hours Club - This use is effectively prohibited by State Act 219 of 1990, as amended (Section 7327 of Title 18 of the Pennsylvania Statutes).
4. Age Restricted Housing.
- a. The minimum lot size for this use shall be 15 acres.
 - b. There shall be a maximum of 4.25 dwelling units per acre. This use shall be serviced by centralized water and sewage disposal systems.
 - c. Not less than 2 parking spaces shall be required for each dwelling unit, including parking spaces within garages. In addition, one additional parking space for each 4 dwelling units shall be provided and restricted to use by visitors.
 - d. Minimum lot width shall be 150 feet.
 - e. Minimum front and rear yard setback shall be 30 feet and minimum side yard setback shall be 25 feet.
 - f. Maximum building height shall be 35 feet.
 - g. Maximum percentage of total lot coverage shall be 50 percent.
 - h. Maximum percentage of building coverage on the lot shall be 30 percent.
5. Animal Cemetery.
- a. All the regulations for a "cemetery" in this Section shall apply.
 - b. The applicant shall prove to the satisfaction of the Zoning Officer that the use will be conducted in such a manner that the public health and groundwater quality will not be threatened.
6. Assisted Living Facility/ Personal Care Center. - The standards for nursing homes in this section shall apply.

7. Auto, Boat or Mobile/ Manufactured Home Sales.
 - a. No vehicle, boat or home on display shall occupy any part of the existing or future street right-of-way or required customer parking area. See buffer yard provisions in Section 803.
 - b. See light and glare standards in Section 507.
 - c. See parking requirements in Article 6.
 - d. Any mobile/manufactured homes on a sales site shall meet the required principal building setbacks from the perimeter lot lines.
8. Auto Repair Garage.
 - a. All paint work shall be performed within a building, with a fume collection and ventilation system that directs fumes away from any adjacent dwellings. Outdoor major repairs (such as body work and grinding) and outdoor welding shall not occur within 250 feet of a "residential lot line."
 - b. All reasonable efforts shall be made to prevent or minimize noise, odor, vibration, light or electrical interference to adjacent lots. See standards in Article 5. See buffer yard requirements in Section 803.
 - c. Outdoor storage of motor vehicles shall not be within any required buffer yard or street right-of-way.
 - d. Any motor vehicle parked or stored on-site shall be registered and/or repairable and shall not be stored for more than 20 days within view of a public street or a dwelling. A maximum of "6 junk vehicles" may be parked on a lot outside of an enclosed building at any one time. Any junk vehicle stored outside overnight shall be screened from view of adjacent dwellings.
 - e. Service bay doors shall not face directly towards an abutting dwelling (not including a dwelling separated from the garage by a street) if another reasonable alternative exits.
9. Auto Service Station.
 - a. See definition of this term and "Auto Repair Garage" in Article 2. The uses may be combined, if the requirements for each are met.
 - b. Fuel pumps shall be at least 25 feet from the existing street right-of-way and shall meet side yard principal building setback requirements.
 - c. Any motor vehicle parked or stored on-site shall be registered and/or repairable and shall not be stored for more than 20 days within view of a public street or a dwelling. A maximum of "6 junk vehicles" may be parked on a lot outside of an enclosed building at any one time. Any junk vehicle stored outside overnight shall be screened from view of adjacent dwellings.
 - d. The use may include a "convenience store" if the requirements for such use are also met.
 - e. A canopy shall be permitted over the gasoline pumps with a minimum front yard setback of 20 feet from each street right-of-way line.
 - (1) Such canopy may be attached to the principal building. The canopy shall not include any signs, except: a) a sign may be attached to the canopy in place of an allowed freestanding sign, b) a wall sign shall be allowed on a portion of the canopy that is behind the minimum front yard setback line, and c) warning signs.
 - (2) Within the minimum front yard building setback, the distance between the ground level and the bottom of the canopy shall not be greater than 18 feet. Parts of a sloped canopy may have a taller height if the purpose of the taller height is to deflect soot and glare away from neighboring properties.
10. Bed and Breakfast Inn.
 - a. In a residential district, on a lot of less than 3 acres, a maximum of 8 rental units shall be allowed.
 - b. One off-street parking space shall be provided for each rental unit. The off-street parking spaces for the bed and breakfast inn shall be located either to the rear of the principal building or screened from the street and abutting dwellings by landscaping.

- c. There shall not be any signs, show windows or any type of display or advertising visible from outside the premises, except for a single sign with a maximum sign area of 6 square feet on each of 2 sides and with a maximum height of 8 feet. No internal lighting of the sign shall be permitted.
 - d. Within a residential district, the use shall have a residential appearance and character.
 - e. The use shall be operated and/or managed by permanent residents of the lot.
 - f. There shall not be separate cooking facilities in any guest room. Food shall only be served to guests who are staying overnight, unless a restaurant is also permitted.
11. Boarding House (includes Rooming House).
- a. Minimum lot area- 2 acres.
 - b. Minimum side yard building setback - 30 feet side
 - c. Minimum lot width- 200 feet
 - d. Maximum density- 6 bedrooms per acre; shall serve a maximum total of 20 persons.
 - e. Each bedroom shall be limited to 2 adults each.
 - f. A buffer yard with screening meeting Section 803 shall be provided between any boarding house building and any abutting dwelling.
 - g. Note - There are separate standards for an "assisted living facility," which is not considered a boarding house.
 - h. Signs- shall be limited to 2 wall signs with a maximum of 2 square feet each.
12. Camp.
- a. Minimum lot area - 20 acres.
 - b. All buildings and campsites shall be setback a minimum of 150 feet from all residential lotlines and 75 feet from all other lotlines and street rights-of-way.
 - c. No person other than a bona fide resident manager/caretaker shall reside on the site for more than 6 months in any calendar year.
13. Campground or Recreational Vehicle Campground
- a. For each acre of total lot area, there shall be a maximum average of: a) 6 recreational vehicle sites and b) 8 tent sites. Such sites may be clustered in portions of the tract.
 - b. Any store shall be limited to sales of common household and camping items and shall be primarily intended to serve persons camping on the site.
 - c. A commercial campground shall include at least one stone or paved entrance road from a public street, with a minimum width of 20 feet. The first 100 feet of the campground road from a paved public street cartway shall be paved.
 - d. Minimum lot area - 15 acres.
 - e. All campsites, recreational vehicle sites, buildings and vehicle parking shall be setback a minimum of 150 feet from all residential lot lines and 75 feet from all other lot lines and street rights-of-way. Any existing healthy trees within such setback shall be preserved, except at needed perpendicular entrance road and utility crossings.
 - f. Buildings used for sleeping quarters shall not be within the 100-year floodplain. No campsites or buildings shall be located on slopes over 15 percent slope.
 - g. Maximum impervious coverage- 10 percent, which shall include the typical lot area covered by recreational vehicles at full capacity.
 - h. No person other than a bona fide resident manager/caretaker shall reside on the site for more than 6 months in any calendar year. No recreational vehicle shall be occupied on the site for more than 6 months in any calendar year by any one individual or one family, other than a resident manager/caretaker.
 - i. The requirements for Campgrounds in the Subdivision and Land Development Ordinance shall also apply.

14. Car Wash.

- a. Traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets. On-lot traffic circulation channels and parking areas shall be clearly marked.
- b. Adequate provisions shall be made for the proper and convenient disposal of refuse. The applicant shall provide evidence that adequate measures will be in place to prevent pollutants from being washed into the groundwater or waterways. Any chemicals or polluted runoff that may be hazardous to aquatic life shall be stored within an area that will completely contain any leaks, spills or polluted runoff.
- c. Water from the car wash operation shall not flow onto sidewalks or streets in such a manner as could cause ice hazards.
- d. No portion of a car wash shall be located within 100 feet from the centerline of a perennial waterway.
- e. Minimum lot area - 5 acres, which shall be reduced to 1 acre if the applicant proves that most of the water used in the operation will be recycled on-site.

15. Cemetery.

- a. Minimum lot area- 2 acres, which may on the same lot as an allowed place of worship.
- b. A crematorium, where allowed by Article 3, shall be setback a minimum of 250 feet from all lot lines of existing dwellings and all undeveloped residentially zoned lots.
- c. All structures and graves shall be setback a minimum of: 30 feet from the future right-of-way of any public street, 10 feet from the cartway of an internal driveway, and 20 feet from any other lot line. Any buildings with a height greater than 20 feet shall be setback a minimum of 50 feet from all lot lines.
- d. No grave sites and no structures shall be located within the 100-year floodplain.
- e. The applicant shall prove to the satisfaction of the Zoning Officer, based upon review by the Township Solicitor, that the use will include an appropriate financial system to guarantee perpetual maintenance.

16. College or University.

- a. Minimum building setback from any abutting residential lotline - 60 feet for buildings other than dormitories, 100 feet for dormitories.
- b. Dormitories shall only be allowed if specifically listed as allowed in the applicable zoning district.
- c. The use shall have central sewage and central water services.

17. Commercial Communications Antennae/Tower as principal or accessory use.

- a. An accessory commercial communications antenna shall be permitted by right in any district if it meets the following requirements:
 - 1) In a district other than a commercial or industrial district, the antenna shall extend a maximum of 20 feet beyond the existing structure to which it is attached. The antenna shall be attached to one of the following existing lawful structures:
 - a) a principal agricultural building or silo,
 - b) an electric high voltage transmission tower,
 - c) an existing lawful commercial communications tower,
 - d) a fire station or steeple or bell tower of a place of worship,
 - e) a water tower, or
 - f) existing signs.
 - 2) In a commercial or industrial district, the antennae shall extend a maximum of 40 feet beyond an existing building or structure (other than a dwelling), provided the antenna is setback a distance equal to its total height above the ground from any lot line of a dwelling on another lot.

- b. Any commercial communications antenna/tower that does not meet Section "a." above (such as a new freestanding tower) shall only be allowed where specifically authorized in Section 306, and in compliance with the following additional regulations:
 - 1) Such antenna/tower shall be set back from all lot lines and street rights-of-way a distance that is equal to at least 125 percent of the total height of the antenna/tower above the surrounding ground level.
 - 2) A new tower, other than a tower on a lot of an emergency services station, shall be setback the following minimum distance from any existing dwelling: 100 feet plus the total height of the tower above the surrounding ground level.
 - 3) A tower attached to the ground shall be surrounded by a security fence/gate with a minimum height of 8 feet and evergreen plantings or preserved vegetation with an initial minimum height of 4 feet.
 - 4) The applicant shall provide a written statement sealed by a professional engineer stating that the communications antenna/tower will meet the structural and wind resistance requirements of the applicable Building Code. If a Building Code does not regulate the matter, then the provisions of the latest published version of the International Building Code, or its successor code, shall be met.
 - 5) The applicant shall describe in writing the policies that will be used to offer space on a tower to other communications providers, which shall serve to minimize the total number of towers necessary in the region. This policy shall be designed to minimize the total number of towers necessary in the Township.
 - 6) An applicant for a new commercial communications tower shall provide evidence to the Board of Supervisors ("the Board") that they have investigated co-locating their facilities on an existing tower and other tall structures and have found such alternative to be unworkable. The reasons shall be provided.
 - 7) A maximum total height of 200 feet above the ground shall apply in a commercial and industrial district and 150 feet in any other district where it may be allowed, unless the applicant proves to the Board that a taller height is absolutely necessary and unavoidable.
 - 8) The Board may require lighting of an antenna even if it will not be required by the Federal Aviation Administration. Such lighting is intended to provide protection for emergency medical helicopters.
 - 9) A new tower shall be designed in a manner that minimizes its visual intrusiveness and environmental impacts to the maximum extent feasible. For example, monopole designs or designs worked into a flag pole are preferred over lattice designs. Self-supporting towers are preferred over towers with guy wires that would require removal of larger numbers of trees.
- c. Purposes - These provisions for commercial communications antenna/towers are primarily designed to serve the following purposes, in addition to the overall objectives of this Ordinance:
 - 1) To protect property values.
 - 2) To minimize the visual impact of antenna/towers, particularly considering the importance of the scenic beauty of the area in attracting visitors for outdoor recreation.
 - 3) To minimize the number and heights of towers in a manner that still provides for adequate telecommunications services and competition.
- d. A tower/antenna that is intended to primarily serve emergency communications by a Township-recognized police, fire or ambulance organization, and is on the same lot as an emergency services station, shall be permitted by right. Such tower/antenna may also serve commercial purposes.
- e. Any antenna and tower that is no longer in active use shall be completely removed within 6 months after the discontinuance of use. The operator shall notify the Zoning Officer in writing after the antenna or tower use is no longer in active use. Any lease shall require such removal by the owner

- of the antenna/tower. Any lease should provide that the lease shall expire once the antenna/tower is removed.
- f. All accessory utility buildings or cabinets shall: have a maximum total floor area of 400 square feet (which may be divided among adjacent buildings serving separate companies), have a maximum height of 10 feet and meet principal building setbacks.
 - g. The use of any portion of a communications tower for signs is prohibited, except for necessary warning or equipment signs.
18. Conversion of an Existing Building (including an Existing Dwelling) into Dwelling Units.
- a. See Article 3, which regulates where conversions are permitted. Applicable State fire safety requirements shall be met.
 - b. The following regulations shall apply to the conversion of an existing one family dwelling into a greater number of dwelling units:
 - 1) Additional entrances may be placed on the side or rear of the structure. The dwelling units may internally share the single front entrance.
 - 2) The conversion shall not be permitted if it would require the placement of an exterior stairway on the front of the building, or would require the placement of more than 3 off-street parking spaces in the required front yard.
 - c. A previously residential building shall maintain a clearly residential appearance, except as may be necessary for restoration of a historic building.
 - d. Dumpster Screening - See Section 806.
 - e. A maximum total of 4 dwelling units may be developed per lot unless a more restrictive provision is established by another section of this Ordinance.
 - f. Each unit shall meet the definition of a dwelling unit and shall meet the minimum floor area requirements of Section 801.C.
 - g. A minimum of 8,000 square feet of lot area shall be required per dwelling unit if central water and sewage services are provided, and 30,000 square feet per dwelling unit if such services are not provided.
18. Convenience Store.
- a. Fuel sales shall only be allowed if the requirements for an Auto Service Station are also met, including receiving any needed special exception approval.
 - b. The maximum total height of a canopy over fuel pumps shall be 25 feet.
 - c. Areas that are intended to fuel tractor-trailer trucks shall be setback a minimum of 150 feet from the lot line of any existing principal dwelling.
 - d. See lighting limitations in Article 5.
19. Day Care Center, Child.
- a. See also "Day care: Family Day Care Home or Group Day Care" as an accessory use in Section 403.
 - b. The use shall comply with any applicable state and federal regulations, including having an appropriate PA. Department of Public Welfare (or its successor agency) registration certificate or license.
 - c. Convenient parking spaces within the requirements of Article 6 shall be provided for persons delivering and waiting for children.
 - d. In residential districts, where permitted as a principal use, a day care use shall have a minimum lot area of 30,000 square feet and a minimum setback for buildings and outdoor play areas of 25 feet from an abutting "residential lot line."
 - e. The use shall include secure fencing around outdoor play areas.

- f. This use shall not be conducted in a dwelling that is physically attached to another dwelling that does not have a common owner.
- g. A day care use may occur in a building that also includes permitted or non-conforming dwelling units.
- h. See also the standards for a "Place of Worship" in this Section, which allows a day care center as an adjunct use.

20. Flea Market / Auction House.

- a. The applicant shall provide information on the maximum number of customers and employees on-site to determine adequate parking.
- b. No item, other than motor vehicles, shall be stored outdoors for more than 7 days.

21. Forestry

- a. Purposes. To promote management of forests for long-term benefits; promote good forest stewardship; protect adjoining property owners; minimize the potential for adverse environmental impacts; and avoid unreasonable restrictions on forestry.
- b. Applicability. Forestry shall be permitted by right in all zoning districts, provided it complies with the requirements of this Ordinance. These forestry provisions shall regulate all forestry when the total harvesting area is 1/2 acre or greater in a calendar year, which shall require a permit.
 - 1. These provisions shall not regulate the following:
 - a) cutting of up to 10 percent of trees with a trunk diameter of 6 inches or greater (measured 3.5 feet above the ground level) on a lot in any calendar year, provided such cutting does not involve clear cutting but instead involves routine thinning of woods;
 - b) cutting of trees with a trunk diameter of less than 6 inches (measured 3.5 feet above the ground level),
 - c) cutting of dead trees or unstable trees that clearly represent a danger to vehicles, buildings or pedestrians, and
 - d) cutting of trees that the applicant proves to the Zoning Officer is necessary to accommodate a Township-approved subdivision, land development, street, driveway, building, utility or use.
- c. Application Requirements. An application for forestry shall be made a minimum of 30 days prior to the start of work. No forestry shall occur until a permit has been issued by the Zoning Officer.
 - 1. The application shall include a written forestry plan, which shall be prepared by a qualified professional. The provisions of the plan shall be followed throughout the operation. The plan shall be available for inspection at the harvest site at all times during the operation.
 - 2. The landowner, the applicant and the timber operator shall be jointly and separately responsible for complying with the terms of the forestry plan and permit.
- d. Forestry Plan.
 - 1. The applicant shall specify, in writing, the land on which forestry will occur, the expected size of the harvest area, and the anticipated starting and completion date of the operation. The zoning permit shall be valid for up to two years from the date of issuance.
 - 2. The forestry plan shall include, at a minimum, the following information:
 - a) A narrative of proposed cutting practices and/or stand prescription(s) for each stand in the proposed harvest area and the construction, maintenance and retirement of the access system, including haul roads, skid roads, skid trails and landings;
 - b) An erosion and sedimentation control plan approved by the County Conservation District if over 1 acre will be disturbed;
 - c) All forestry activities shall use "Best Management Practices" which shall be shown on the plan;

- d) A narrative of all stream and road crossings, including required permits from the appropriate agency;
 - e) All Township and/or PennDOT Highway Occupancy permits, if applicable;
 - f) An application shall be submitted to the Township, with a map showing waterways, drainageways, approximate wetlands, lakes, roads, lot lines, and proposed harvest areas.
 - g) The application shall also include the name and address of the property owner and the person who will be responsible to oversee the forestry.
 - h) The application shall also show proposed erosion and sedimentation control measures, proposed crossings of waterways and proposed vehicle entrance and exit points onto streets.
- e. Forestry Practices.
- 1) Felling or skidding on or across any public thoroughfare is prohibited without the express written consent of the Township or PennDOT, whichever is responsible for maintenance of the street.
 - 2) No tops or slash shall be left within 25 feet of any public thoroughfare, property line or private roadway providing access to adjoining residential property.
 - 3) All tops and slash between 25 and 50 feet from a public street right-of-way or private road providing access to adjoining residential property or within 50 feet of adjoining residential property shall be lopped so that they do not extend more than 4 feet above the surface of the ground.
 - 4) Streams are an important natural resource that provide for water quality, flood control, bank stabilization and other ecological benefits. To insure their adequate protection, forestry is prohibited within 75 feet from the top of the bank on each side of all perennial waterways.
 - 5) No tops or slash shall be left within a stream channel or floodway. Unless fully delineated, a floodway shall be assumed to be all that area within 50 feet from the center of a waterway.
 - 6) The use of clear-cutting must be fully justified by a forestry plan prepared by a qualified professional. Detailed information concerning increased stormwater runoff, erosion control and a plan to assure regeneration shall be provided. Clearcutting shall not be allowed on contiguous areas greater than 1/2 acre. Clearcutting shall be prohibited on slopes greater than 25 percent.
 - 7) A 20 feet minimum setback shall be maintained for forestry from a public street right-of-way and from any lot line of property, except such lot line setback shall not apply if the adjoining property owner provides a written, notarized and signed waiver of the setback to the zoning officer.
 - 8) If forestry involves more than 2 acres, a minimum of 30 percent of the forest cover (canopy) shall be kept and the residual trees shall be well distributed to promote re-forestation.
- f. Public Road Responsibility - The landowner and the operator shall be responsible for repairing any damage to Township roads caused by traffic associated with the forestry operation to the extent the damage is in excess of that caused by normal traffic. The Township may require the landowner or operator to furnish a bond to guarantee the repair of such damages. Such bond shall remain in full force until the Zoning Officer issues a written notification that all provisions of this Ordinance and the permit have been complied with. In lieu of such bond, the operator or landowner may post a cash deposit or certified check with the Township. The application shall only be approved if the applicant proves to the satisfaction of the Township that the area street system is suitable in terms of structure, cartway width, geometry, safety and capacity to accommodate the additional truck traffic.

- (1) If the use will generate an average of more than 10 or more tractor-trailer trucks leaving the site per day, then a traffic study shall be required and shall be submitted to the Township.
- g. **Tree Removal as Part of an Approved Subdivision.** If a stormwater management plan for a subdivision or land development assumes that a certain percentage of the tract will remain wooded, then the Board of Supervisors may require conservation easements to be put into effect by the subdivider to permanently limit tree removal on each lot so that such overall percentage of woods will remain in place. The enforcement mechanism for such easement shall be approved by the Board of Supervisors. The Board of Supervisors may require that the easement be enforceable by the Township and/or by any adjoining property owner.
22. **Golf Course.** A golf course may include a restaurant or clubhouse provided that such building is located a minimum of 150 feet away from any lot line of an existing dwelling and provided that the impervious area covered by such uses does not exceed an amount equal to 5 percent of the lot area of the golf course.
 23. **Groundwater or Spring Water Withdrawal, involving removal of an averaging of more than 10,000 gallons per day from a lot for off-site consumption.**
 - a. The applicant shall provide a written report by a professional hydrologist describing in technical detail and in a narrative understandable by a layperson how the proposal would affect wells, agricultural activities and surface water levels in the surrounding region. The application shall only be approved if the applicant proves to the satisfaction of the Zoning Hearing Board that the proposed application will not adversely affect wells of neighboring properties, considering drought conditions, nor aquatic habitats of surface waters, nor agricultural yields.
 - b. The applicant shall provide a written report by a professional engineer with substantial experience in traffic engineering. Such study shall analyze the suitability of the area street system to accommodate the truck traffic that will be generated. The application shall only be approved if the applicant proves to the satisfaction of the Zoning Hearing Board that the area street system is suitable in terms of structure, cartway width, geometry, safety and capacity to accommodate the additional truck traffic.
 - (1) If the use will generate an average of 10 or more tractor-trailer trucks per day leaving the site, then the Zoning Hearing Board may establish conditions regarding responsibilities for public road repair. The applicant will pay all fees for engineering studies, which will include a road study before and after the use is in operation. This condition may require the landowner and the operator to be responsible for repairing any damage to Township roads caused by traffic associated with the operation to the extent the damage is in excess of that caused by normal traffic. The Township may require the landowner or operator to furnish a bond or other financial guarantee to ensure the repair of such damages.
 - c. Any area used for loading or unloading of tractor-trailer trucks shall be setback a minimum of 150 feet from any adjacent residential lot.
 - d. Minimum lot area - 100 acres.
 - e. Any bottling or processing operations shall be considered a distinct use and shall only be allowed if "Food or Beverage Manufacturing" is an allowed use under Section 306.
 24. **Group Homes.** Group homes are permitted within a lawful dwelling unit, provided the following additional requirements are met:
 - a. The use shall meet the definition in Section 202.
 - b. A Group Home shall not include any use meeting the definition of a "Treatment Center."
 - c. A Group Home shall include the housing of a maximum of 6 unrelated persons, except:
 - 1) if a more restrictive requirement is established by another Township Code;
 - 2) the number of bona fide paid professional staff shall not count towards such maximum; and

- 3) as may be approved by the Zoning Hearing Board under Section 111.D.
 - d. The facility shall have adequate trained staff supervision for the number and type of residents. If the facility involves 5 or more residents, then 24 hour on-site staffing shall be provided.
 - e. The applicant shall provide evidence of any applicable Federal, State or County licensing or certification to the Zoning Officer.
 - f. The Group Home shall register in writing its location, general type of treatment/care, maximum number of residents and sponsoring agency with the Zoning Officer.
 - g. Parking - See Section 601.
 - h. If a Group Home is in a residential district, an appearance shall be maintained that is closely similar to nearby dwellings, and no sign shall identify the use.
 - i. The persons living on-site shall function as a common household unit.
25. Hotel or Motel.
- a. See definitions in Article 2, which distinguish a hotel/motel from a boarding house.
 - b. Buildings and tractor-trailer truck parking shall be a minimum of 50 feet from any "residential lot line."
 - c. If the parking area will accommodate tractor-trailer trucks, the applicant shall demonstrate that adequate parking and maneuvering areas will be provided.
26. Independent Living Retirement Center.
- a. Minimum lot size - 2 acres or 6,000 square feet per dwelling unit, whichever is greater.
 - b. Any building with dwelling units on more than one story shall be equipped with an elevator.
 - c. Not less than 0.75 parking spaces shall be provided on average per dwelling unit. A higher number of parking spaces may be required as a condition of conditional use approval, if the Board of Supervisors determine it is necessary to serve residents and visitors. In addition, one parking space shall be provided for each employee on-site during peak times.
 - d. Minimum lot width - 200 feet.
 - e. Minimum yard widths - 50 feet front, 50 feet rear, and 30 feet each side.
 - f. Maximum building height - 35 feet.
 - g. Maximum impervious coverage - 50 percent. Maximum building coverage - 30 percent.
 - h. Sewage shall be disposed of through a central sewage system operated by a public utility, municipal authority or a municipality.
 - i. The applicant shall provide copies of all applicable state or federal licenses, certifications or permits to the Zoning Officer. Notices of any revocations or suspensions of such licenses, certifications or permits shall be provided in writing to the Zoning Officer within 15 days after receipt by the applicant.
27. Junkyard. (includes automobile salvage yard)
- a. Storage of garbage or biodegradable material is prohibited, other than what is customarily generated on-site and routinely awaiting pick-up.
 - b. Outdoor storage of junk shall be at least: a) 100 feet from any residential lot line and b) 50 feet from any other lot line and the existing right-of-way of any public street.
 - c. The site shall contain a minimum of 2 exterior points of access, each of which is not less than 20 feet in width. One of these accesses may be limited to emergency vehicles. Cleared driveways shall be provided throughout the entire use to allow access by emergency vehicles. Adequate off-street parking areas shall be provided for customers.
 - d. Outdoor storage shall be completely enclosed (except at approved driveway entrances) by a 40 foot wide buffer yard which complies with Section 803. Secure fencing with a minimum height of 8 feet shall be provided and well-maintained around all outdoor storage areas. Such fencing shall be provided inside of the evergreen screening.

- e. Burning or incineration is prohibited.
- f. See the noise or dust regulations of Article 5.
- g. All gasoline, antifreeze and oil shall be drained from all vehicles and properly disposed of. All batteries shall be removed from vehicles and properly stored in a suitable area on an impervious and properly drained surface.
- h. Lot area - 2 acres minimum; 20 acres maximum.
- i. Tires - see the "Outdoor Storage and Display" standards in Section 403.
- j. Any storage of junk shall be maintained a minimum distance of 100 feet from the centerline of any waterway, and shall be kept out of a drainage swale.

28. Kennel.

- a. All buildings in which animals are housed and all runs shall be located at least 200 feet from all "residential lot lines."
- b. Buildings shall be adequately soundproofed so that sounds generated within the buildings cannot routinely be heard within any adjacent principal building.
- c. No animal shall be permitted to use outdoor runs from 8 p.m. to 8 a.m. that are within 250 feet of an existing dwelling. Runs for dogs shall be separated from each other by visual barriers a minimum of 4 feet in height, to minimize dog barking.
- d. See State law regulating kennels.
- e. Minimum lot area - 5 acres.

29. Livestock and Poultry, Raising of.

- a. Minimum lot area - 5 acres. The provisions of this section shall apply to uses beyond animals allowed under the "Keeping of Pets" provision.
- b. Any structure or concentrated feeding areas for the keeping of livestock or poultry shall be located by a minimum of: 1) 200 feet from any lot line of an existing dwelling, and 2) 50 feet from all other exterior lot lines.
- c. The setbacks from property lines shall not apply from dwellings or residential lots owned by: (1) the operator or owner of the livestock use or (2) affected property-owners providing a written notarized letter waiving such setback.
- d. Fencing shall be used as necessary and practical to prevent livestock from entering streets or unauthorized property.
- e. For any new or expanded operation regulated under the State Nutrient Management Act, the applicant shall provide evidence to the Township that the Nutrient Management Plan and other requirements of the Act and accompanying regulations are being complied with.
- f. New or expanded manure storage facilities or structures or concentrated feeding areas used for the keeping of livestock or poultry shall:
 - (1) not be located within the 100 year floodplain;
 - (2) not be located within 100 feet of a perennial stream, river, spring, lake, pond or reservoir,
 - (3) not be located within 100 feet of a private water well or open sinkhole,
 - (4) not be located within 100 feet of an active public drinking well or an active intake for a public water supply,
- g. New or expanded manure storage facilities shall not be located within 200 feet of a property-line, unless a 100 feet setback is specifically established under State Nutrient Management regulations that preempt Township requirements.
- h. Solid and liquid wastes will be disposed of in a manner that minimizes insect, odor and rodent nuisances. A written odor control plan shall be submitted and shall be complied with if approved. Such plan shall describe methods that will be used to properly dispose of dead animals.
- i. Manure shall be regularly collected and disposed of in a sanitary manner. Manure shall be stored in a manner that prevents it from being carried off by runoff into a waterway.

30. Membership Club.

- a. See definition in Article 2.
- b. Any active outdoor play areas shall be setback at least 30 feet from any abutting "residential lot line."
- c. This use shall not include an "After Hours Club."

31. Mineral Extraction.

- a. A copy of all information submitted to State agencies shall also be submitted to the Zoning Officer at the same time.
- b. A detailed and appropriate land reclamation and reuse plan of the area to be excavated shall be submitted to the Zoning Officer. Compliance with such plan shall be a condition of Township permits.
- c. After areas are used for mineral extraction, those areas shall be reclaimed in phases to a non-hazardous and environmentally sound state permitting some productive or beneficial future use.
- d. A 50 feet wide yard covered by natural vegetative ground cover (except at approved driveway crossings) shall be required along all exterior lot lines that are within 200 feet of an area of excavation. The Board of Supervisors (or Zoning Hearing Board in the case of a special exception use) may require this yard to include an earth berm with a minimum average height of 6 feet and an average of 1 shade tree for each 40 feet of distance along the lot lines. Such shade trees shall be planted outside of any berm and any fence.
 - (1) New trees shall not be required where preserved trees will serve the same purpose.
- e. If a Mineral Extraction use involves mining activities over more than 2 acres of land in any calendar year, then the following additional requirements shall be met:
 - (1) The applicant shall prove that a continuous route over roads will be available and will be used by trucks leaving the use that entirely involves roads with a minimum paved cartway width of 18 feet from the exit driveway of the mineral extraction use to reach Route 209 or Interstate 84. This route shall consider any improvements that the applicant proposes to fund.
 - (2) The following minimum setbacks shall apply for the excavated area of a mineral extraction use from property that is not owned by the owner or operator of the mineral extraction use:
 - (a) 100 feet from the existing right-of-way of public streets and from all exterior lot lines of the property,
 - (b) 150 feet from a non-residential principal building, unless released by the owner thereof,
 - (c) 500 feet from the lot line of an existing dwelling within the CD, R-1 or R-2 Districts and 200 feet from the lot line of any other existing dwelling, and
 - (d) 150 feet from the lot line of a publicly-owned recreation area that existed at time of the application for the use or expansion.
 - (3) The excavated area of a mineral extraction use shall be setback 150 feet from the average waterline of a perennial stream or the edge of a natural wetland of more than 2 acres.
 - (4) Truck access to the use shall be located to reasonably minimize: hazards on public streets and dust and noise nuisances to residences.
 - (5) Fencing. The Board of Supervisors may require secure fencing in locations where needed to protect public safety. As an alternative, the Board of Supervisors may approve the use of thorny vegetation to discourage public access. Also, warning signs shall be placed around the outer edge of the use.
 - (6) Hours of Operation. The Board of Supervisors, as a condition of conditional use approval, may reasonably limit the hours of operation of the use and of related trucking and blasting operations to protect the character of adjacent residential areas.
 - (7) The activities and residual effects shall not create conditions that are significantly hazardous to the health and safety of neighboring residents.

- (8) The applicant shall provide a written report by a professional engineer with substantial experience in traffic engineering. The applicant will pay all fees for engineering studies, which will include a road study before and after operation. Such study shall analyze the suitability of the area street system to accommodate the truck traffic that will be generated. The application shall only be approved if the applicant proves to the satisfaction of the Zoning Hearing Board that the area street system is suitable in terms of structure, cartway width, geometry, safety and capacity to accommodate the additional truck traffic.
 - (a) If the use will generate an average of 10 or more tractor-trailer trucks or other trucks with a aggregate gross vehicle weight of over 30,000 pounds leaving the site per day, then the Zoning Hearing Board may establish conditions regarding responsibilities for public road repair. The applicant will pay all fees for engineering studies, which will include a road study before and after the use is in operation. This condition may require the landowner and the operator to be responsible for repairing any damage to Township roads caused by traffic associated with the operation to the extent the damage is in excess of that caused by normal traffic. The Township may require the landowner or operator to furnish a bond or other financial guarantee to ensure the repair of such damages.
 - (9) A plan shall be submitted showing sequential phases of mining activities on the land. Mining activities shall be conducted on a maximum of 50 acres at a time. Reclamation shall be initiated on one phase before the next phase is opened for mining.
32. Mobile/Manufactured Home - Installed on an individual lot or within a mobile/ manufactured home park approved after the adoption of this ordinance.
 - a. Construction. Any mobile/manufactured home placed on any lot after the adoption of this Ordinance shall be constructed in accordance with 1976 or later Safety and Construction Standards of the U.S. Department of Housing and Urban Development. (Note: These Federal standards supersede local construction codes for the actual construction of the home itself.)
 - b. Each site shall be graded to provide a stable and well-drained area.
 - c. Each home shall have hitch and tires removed.
 - d. Anchoring. A mobile/manufactured home on an individual lot or mobile/manufactured home park shall include a system that properly secures the home to the ground to prevent shifting, overturning or uneven settling of the home, with a secure base for the tie-downs. The anchoring devices shall extend below the frost line.
 - e. Foundation Treatment. Mobile homes placed on individual lots must be placed on a concrete pad or permanent foundation-type enclosure. The space between the bottom of the home and the ground and/or home pad shall be enclosed using a durable fire-resistant material that has the appearance of a foundation of a site-built home, such as material with a concrete-type or stucco facing. This subsection e. shall not apply within a Manufactured/Mobile Home Park. Metal skirting may only be permitted within a Manufactured/Mobile Home Park. Provisions shall be provided for access to utility connections under the home.
 - f. See also the regulations of Section 307 concerning dwelling width in certain districts.
33. Mobile/Manufactured Home Park.
 - a. Plans and Permits. Plans shall be submitted and reviewed by the Township for all mobile/manufactured home parks in compliance with the mobile/manufactured home park provisions of the Subdivision and Land Development Ordinance and all other provisions of such ordinance that apply to a land development, including the submission, approval and improvements provisions (other than specific provisions altered by this Section).
 - (1) Where this Ordinance and the Subdivision and Land Development Ordinance both regulate an engineering matter concerning a manufactured home park, and the sections conflict, then the provisions of the Subdivision and Land Development Ordinance shall apply concerning

that matter. Where this Ordinance and the Subdivision and Land Development Ordinance both regulate a density or setback matter, and the sections conflict, then the provisions of this Zoning Ordinance shall apply concerning that matter.

- b. The minimum tract area shall be 10 contiguous acres, which shall be under single ownership, but which may include land in an abutting existing mobile home park.
- c. Density - The maximum average overall density shall be 10,000 square feet of lot area per dwelling unit.
 - (1) To calculate this density: a) land in common open space or proposed streets within the park may be included, but b) land within the 100 year floodplain, wetlands and slopes over 25 percent shall not be included.
- d. Landscaped Perimeter - Each mobile/manufactured home park shall include a 25 foot wide landscaped area including substantial attractive evergreen and deciduous trees around the perimeter of the site, except where such landscaping would obstruct safe sight distances for traffic. A planting plan for such area shall be approved by the Zoning Hearing Board as part of any required special exception approval. Such landscaped area shall not be required between adjacent mobile home park developments. This landscaped area shall be 35 feet wide abutting existing single family detached dwellings. The same area of land may count towards both the landscaped area and the building setback requirements.
- e. A dwelling, including any attached accessory building, shall be setback a minimum of 25 feet from another dwelling within the mobile home park, except that unenclosed porches, awnings and decks may be 15 feet from the walls of another dwelling.
- f. The minimum separation between homes and edge of interior street cartway or parking court cartway shall be 25 feet.
- g. The minimum principal and accessory building setbacks from exterior/boundary lot lines shall be 40 feet.
- h. Each home shall comply with the above requirements for Mobile/Manufactured Homes in this Section 402.
- i. Accessory Structures. A detached accessory structure or garage shall be separated a minimum of 15 feet from any dwelling units which the accessory structure is not accessory to.
- j. "Common Open Space" for a Mobile Home Park. A minimum of 20 percent of the total lot area of the entire mobile home park shall be set aside as common open space for the residents. The applicant shall prove that these areas will be suitable for active or passive recreation. If a development will not be restricted to persons over age 55, then the common open space shall at a minimum include a rectangular grass field 100 feet by 200 feet suitable for free play by young persons. If a development will be restricted to persons over age 55, then the common open space shall at a minimum include landscaped paved trails. A recreation building or pool available to all residents of the development may count towards this requirement.
- k. Streets.
 - (1) Access to individual mobile home spaces shall be from interior parking courts, access drives or private streets and shall not be from public streets exterior to the development.
 - (2) Parking courts serving less than 10 homes shall have a minimum paved cartway of 20 feet.
 - (3) Curbs and sidewalks are not required on the private streets, but all private streets shall meet all other Township cartway construction standards.
- l. Utilities. All units within the mobile home park shall be connected to a central water and a public sewage system. The system shall meet appropriate minimum water pressure/fire flow and hydrant requirements.

34. Motor Vehicle Race Track.

- a. All areas used for the racing, testing and maintenance of motor vehicles shall be setback a minimum of 400 feet from the lot line of an existing dwelling.

- b. All buildings, parking, loading and unloading areas shall be setback a minimum of 150 feet from the lot line of an existing dwelling.
 - c. The applicant shall prove that the standards of Article 5 will be met, including noise, lighting and dust.
 - d. Minimum lot area - 50 acres.
35. Nursing Home.
- a. Licensing - See definition in Article 2.
 - b. A minimum of 20 percent of the lot shall be suitable and developed for passive recreation. This area shall include outdoor sitting areas and pedestrian walks.
36. Outdoor Storage and Display. - See this use under Section 403.
37. Picnic Grove, Private.
- a. All activity areas shall be a minimum of 250 feet of an existing dwelling on another lot. All parking areas shall be setback 100 feet from any residential lot line. The use shall not operate between the hours of 11 p.m. and 7 a.m.
 - b. See noise and glare standards in Article 5.
 - c. Minimum lot area - 5 acres.
38. Place of Worship.
- a. Minimum lot area- 2 acres in a residential district, unless a larger lot area is required by the applicable zoning district. In a commercial or industrial district, a place of worship shall meet the minimum lot area provided in Section 307 for that district.
 - b. Weekly religious education rooms and meeting rooms are permitted accessory uses provided that such uses are of such a character and intensity that they would be clearly customary and incidental to the place of worship. A primary or secondary school and/or a child or adult day care center may be approved on the same lot as a place of worship provided the requirements for such uses are also met. See requirements for day care as an accessory use in Section 403. Noncommercial buses used primarily to transport persons to and from religious services or a permitted school on the lot may be parked on the lot. Other uses shall only be allowed if all of the requirements for such uses are also met, including being permitted in the applicable district.
 - c. A maximum of one dwelling unit may be accessory to a place of worship on the same lot, to house employees of the place of worship and/or an employee and his/her family. Such dwelling shall meet the maximum number of unrelated persons in the definition of a "family." No other residential use shall be allowed.
 - d. If within a residential district, any new place of worship shall be adjacent to an existing collector or arterial street that is in public ownership.
 - e. Minimum building setback from a lot line of an existing dwelling in a residential district - 60 feet.
 - f. Minimum parking setback from a lot line of an existing dwelling in a residential district - 20 feet.
39. Recreation, Outdoor (other than "Publicly-Owned Recreation")
- a. Any outdoor activity area shall be located no closer to any lot line than the required front yard depth and shall be screened and, if necessary, sound insulation shall be provided to protect the neighborhood from any possible noise.
 - b. A 20 feet wide buffer yard in accordance with Section 803 shall be required.
 - c. Any swimming pool shall meet the requirements for such use, as stated in this Article.
 - d. Lighting, noise and glare control - See Article 5.
 - e. The minimum lot area shall be 5 acres, unless a more restrictive lot area is established by another section of this Ordinance.

- f. Maximum impervious coverage in any residential district - 5 percent.
- g. Maximum building coverage in any non-residential district - 15 percent.
- h. A site plan meeting the requirements of Article 1 shall be submitted to the Township.
- i. No portion of an Outdoor Recreation Use used for active recreation shall be located within 100 feet of a residential lot line.
- j. Wherever woods exist adjacent to an exterior lot line of the use, such woods shall be preserved within at least 50 feet of such lot line, except for approved driveway, utility and trail crossings.
- k. Hours of operation. The use shall be conducted only between the hours of 9:00 a.m. and 10:00 p.m., unless more restrictive hours are established as a condition of any needed approval.
- l. Any Restaurant, Tavern, Retail Store, Target Range, Campground or Picnic Ground use shall only be allowed if those uses are permitted in the applicable district and if all requirements for each such use(s) are also met.

40. Recycling Collection Center.

- a. This use shall not be bound by the requirements of a Solid Waste Disposal Facility.
- b. All materials shall be kept in appropriate containers, with appropriate sanitary measures and frequent enough emptying to prevent the attraction of insects or rodents and to avoid fire hazards.
- c. Adequate provision shall be made for movement of trucks if needed and for off-street parking.
- d. A 20 feet wide buffer yard with screening as described in Section 803 shall be provided between this use and any abutting "residential lot line."
- e. This use may be a principal or accessory use, including being an accessory use to a commercial use, an industrial use, a public or private primary or secondary school, a place of worship or a Township-owned use, subject to the limitations of this section.
- f. Materials to be collected shall be of the same character as the following materials: paper, fabric, cardboard, plastic, metal, aluminum and glass. No garbage shall be stored as part of the use, except for that generated on-site and that accidentally collected with the recyclables. Only materials clearly being actively collected for recycling may be stored on site.
- g. The use shall only include the following operations: collection, sorting, baling, loading, weighing, routine cleaning and closely similar work. No burning or landfilling shall occur. No mechanical operations shall routinely occur at the site other than operations such as baling of cardboard.
- h. The use shall not include the collection or processing of pieces of metal that have a weight greater than 50 pounds, except within an industrial district.
- i. The use shall include the storage of a maximum of 50 tons of materials on the site if the use is within a residential district and within 500 feet of an existing dwelling.

41. Residential Conversions. See "Conversions of an Existing Building" within this Section.

42. Resort.

- a. If a resort is projected to result in average daily traffic exceeding 1,000 trip-ends per day, the resort shall only be approved if the applicant proves that a continuous route over roads is available that entirely involves roads with a minimum paved cartway width of 18 feet between the exit driveway of the resort and Route 209 or Interstate 84.
- b. Minimum lot area - 10 acres in CD and 5 acres in other districts, unless a larger lot area is required by the applicable district. In addition, if a resort includes 30 or more overnight guest units, it shall have a minimum lot area of 10 acres in a residential district. The resort shall have a fully coordinated site layout, stormwater system, utility system, trail system, parking and traffic access system.
- c. All principal commercial buildings shall be setback a minimum of 200 feet from any existing dwelling that is not part of the resort.
- d. The applicant shall prove that the uses are being developed according to an overall unified plan, including fully coordinated traffic access and a logical and compatible arrangement of uses.

- e. A resort may, but is not required to, include combinations of the following: a hotel/motel, restaurant, museums, picnic grove, amusement arcades, living history exhibit areas, commercial indoor or outdoor recreation uses, recreational vehicle campgrounds, golf courses, golf driving ranges, miniature golf, horse riding stables, auditoriums, conference facilities, amphitheaters and taverns. A resort shall not include drive-through facilities for retail sales or restaurants, nor any "adult use." Any recreational vehicle campground shall also meet the requirements for such use, such as being allowed in that district.
 - f. Residential uses shall only be allowed if all of the applicable requirements of the Zoning District are met for residential uses, including but not limited to: allowed housing types, maximum density and minimum lot area requirements. The maximum density and lot area of any residential uses shall be determined after deleting the land areas occupied by non residential uses and related parking. See the provisions of Section 307, which may allow a density bonus for time-share dwellings.
 - g. A resort may also include personal services and accessory retail sales of gifts, apparel and household items that primarily serve overnight guests and persons visiting other attractions of the resort. In addition, specialty retail stores shall be allowed that are open to the general public, provided they are geared mainly towards outdoor recreation and/or apparel. No retail establishment shall exceed 15,000 square feet of building floor area in a residential district.
 - h. Maximum impervious coverage - 10 percent, except 15 percent in the CD District. Land on an adjacent lot may be used to meet the impervious and building coverage requirements provided the land is protected by a permanent conservation easement.
 - i. Maximum building coverage - 20 percent, except 10 percent in the CD District.
 - j. Within a minimum of 25 feet from the existing right-of-way of an arterial or collector street and from any lot line of an existing dwelling, a forested buffer shall be maintained or planted. This provision shall not prohibit routine thinning of woods, provided that a substantial forested buffer remains in place. Trees may also be removed where necessary for utility crossings, entrance roads or safe vehicle sight distance. This buffer requirement shall not apply along a lot line of an existing dwelling that is more than 200 feet from the lot line.
 - k. Where conditional use approval is required, the applicant may receive approval for an overall fully coordinated development plan with a list of anticipated uses and approximate building locations. Then, in subsequent applications, each individual use may be allowed by right, provided the use is fully consistent with the plan that was granted conditional use approval.
 - l. No principal building shall be placed on slopes greater than 15 percent.
43. Restaurant.
- a. Screening of Dumpster and Waste Containers - See Section 806.
 - b. See "Drive-Through" service in Section 403.
 - c. Drive-through service shall only be provided where specifically permitted in the applicable district regulations.
44. River Livery (This term includes but is not limited to a base camp or take-out site for boating, tubing or canoeing)
- a. The site shall have access to a street. The applicant shall show that the vehicle access to the site will not create a safety or congestion problem.
 - b. The site shall include landscaping in accordance with Section 804.
 - c. The site shall comply with applicable health regulations. A minimum of one restroom and 4 covered trash receptacles shall be provided for each 40 watercraft or portion thereof that the site could accommodate.

45. School, Public or Private, Primary or Secondary
- Minimum lot area - 2 acres in a residential district. In any other district, the use shall meet the standard minimum lot area requirement for that district.
 - No children's play equipment, basketball courts or illuminated recreation facilities shall be within 50 feet of a residential lot line.
 - The use shall not include a dormitory unless specifically permitted in the District.
46. Self-Storage Development.
- All storage units shall be of fire-resistant construction.
 - Outdoor storage shall be limited to recreational vehicles, boats and trailers. No "junk vehicles" shall be stored within view of a public street or a dwelling.
 - Trash, radioactive or highly toxic substances, garbage, refuse, explosives or flammable materials, hazardous substances, animal carcasses or skins, or similar items shall not be stored.
 - Nothing shall be stored in interior traffic aisles, required off-street parking areas, loading areas or accessways.
 - The use shall not include a commercial auto repair garage unless that use is permitted in the district and the use meets those requirements.
 - Adequate lighting shall be provided for security, but it shall be directed away or shielded from any adjacent residential uses.
 - See Section 803 concerning buffer yards. In addition, any outdoor storage or garage doors within 200 feet of a street right-of-way and visible from the street shall be screened from that street by a buffer yard meeting Section 803. Any fencing shall be placed on the inside of the plantings.
 - Minimum separation between buildings- 20 feet. Maximum length of any building - 300 feet.
47. Solid Waste Transfer Facility, Solid Waste Landfill or Solid Waste-to-Energy Facility.
- All solid waste storage, disposal, incineration or processing shall be at least 200 feet from the following: public street right-of-way, exterior lot line, 100 year floodplain, edge of a surface water body (including a water filled quarry) or wetland of more than 1/2 acre in area.
 - All solid waste storage, disposal, incineration or processing shall be a minimum of 500 feet from any residential district, perennial creek, publicly-owned park or any existing dwelling that the applicant does not have an agreement to purchase.
 - The use shall be served by a minimum of 2 paved access roads, each with a minimum cartway width of 24 feet. One of these roads may be restricted to use by emergency vehicles.
 - No burning or incineration shall occur, except within an approved Waste to Energy Facility.
 - The operation and day-to-day maintenance of the solid waste disposal area shall comply with all applicable State and Federal regulations as a condition of the continuance of any permit of the Township. Violations of this condition shall also be considered to be violations of this Ordinance.
 - Open dumps and open burning of refuse are prohibited.
 - The applicant shall prove to the satisfaction of the Zoning Hearing Board that the existing street network can handle the additional truck traffic, especially without bringing extraordinary numbers of trash hauling trucks through or alongside existing residential or residentially zoned areas and especially considering the width and slopes of streets in the Township.
 - The applicant shall prove to the satisfaction of the Zoning Hearing Board that the use would not routinely create noxious odors off of the tract.
 - A chainlink or other approved fence with a minimum height of 8 feet shall surround active solid waste disposal areas to prevent the scattering of litter and to keep out children, unless the applicant proves to the satisfaction of the Zoning Hearing Board that this is unnecessary. The Board shall require earth berms, evergreen screening and/or shade trees as needed shall be used to prevent landfill operations from being visible from an expressway or arterial streets or dwellings.

- j. A minimum lot area of 15 acres shall be required for the first 250 tons per day of capacity to treat or dispose of waste, plus 1 acre for each additional 100 tons per day of capacity. A solid waste facility shall have a maximum total capacity of 500 tons per day.
 - k. Health Hazards. Any facility shall be operated in such a manner to prevent the attraction, harborage or breeding of insects, rodents or vectors.
 - l. Attendant. An attendant shall be present during all periods of operation or dumping.
 - m. Gates. Secure gates, fences, earth mounds and/or dense vegetation shall prevent unauthorized access.
 - n. Emergency Access. The operator of the use shall cooperate fully with local emergency services. This should include allowing practice exercises on the site and the provision of all information needed by the emergency services to determine potential hazards. Adequate means of emergency access shall be provided.
 - o. Under authority granted to the Township under Act 101 of 1988, the hours of operation shall be limited to between 7 a.m. and 9 p.m.
 - p. Tires. See "Outdoor Storage and Display" in Section 403.
 - q. Litter. The operator shall regularly police the area of the facility and surrounding streets to collect litter that may escape from the facility or trucks.
 - r. Dangerous Materials. No radioactive, hazardous, chemotherapeutic or infectious materials may be stored, processed, disposed or incinerated. Infectious materials are defined as medical wastes used or created in the treatment of persons or animals with seriously contagious diseases.
 - s. The applicant shall provide sufficient information for the Township to determine that the requirements of this Ordinance will be met.
 - t. State Requirements. Nothing in this Ordinance is intended to supersede any State requirements. It is the intent of this Ordinance that when similar issues are regulated on both the Township and State levels, that the stricter requirement shall apply for each aspect, unless it is determined that an individual State regulation preempts Township regulation in a particular aspect. The applicant shall provide the Zoning Officer with a copy of all written materials and plans that are submitted to PA. DEP at the same time as they are submitted to DEP.
 - u. For a solid-waste-to-energy facility or solid waste transfer facility, all loading and unloading of solid waste shall only occur within an enclosed building, and over an impervious surface drains to a holding tank that is then adequately treated. All solid waste processing and storage shall occur within enclosed buildings or enclosed containers.
 - v. A solid waste landfill shall only be approved if the applicant proves that a continuous route over roads is available that entirely involves roads with a minimum paved cartway width of 18 feet between the exit driveway of the landfill and Route 209 or Interstate 84.
 - w. This Ordinance does not provide for solid waste landfills because of the unavailability of any sites of sufficient size that would have access to a suitable road for heavy truck traffic and that would not be immediately surrounded by dwellings or be in close proximity to a river or creek.
48. Stable, Nonhousehold. (Includes riding academies; See also "Keeping of Pets in Section 403)
- a. Minimum lot area - 2 acres for the first horse or similar animal, plus 1 acre for each additional horse or similar animal.
 - b. Any horse barn, feed areas, manure storage areas or stable shall be a minimum of 250 feet from any "residential lot line". Any corral or fenced-in area shall be setback a minimum of 50 feet from any "residential lot line."
 - c. Manure shall be regularly collected and disposed of in a sanitary manner that avoids nuisances to neighbors. Manure shall be stored in a manner that prevents it from being carried off by runoff into a creek. Manure shall not be stored within 100 feet of a perennial waterway.
 - d. New or expanded manure storage facilities shall not be located within 200 feet of a property line.

49. Swimming Pool, Non-Household.

- a. The water surface shall be setback at least 50 feet from any existing dwelling.
- b. Minimum lot area- 1 acre.
- c. Any water surface within 100 feet of an existing dwelling shall be separated from the dwelling by a buffer yard meeting Section 803.
- d. The water surface shall be surrounded by a secure, well- maintained fence at least 6 feet in height.
- e. Drainage. A proper method shall be provided for drainage of the water from the pool that will not flood other property.

50. Target Range.

- a. All target ranges shall have a barrier behind the target area which is of sufficient height and thickness to adequately protect the public safety.
- b. The design of the outdoor firearms target range shall be compared by the applicant with applicable published guidelines of the National Rifle Association. The Board of Supervisors may consider such guidelines to be the generally accepted standard for the safety of these facilities.
- c. An outdoor firearms target range and any firing stations shall be located a minimum of 500 feet from any "residential lot line", unless all firing would occur within a completely enclosed sound-resistant building. Clay pigeon shooting shall be directed away from homes and streets.
- d. An outdoor firearms target range shall be properly posted. The Board of Supervisors may require fencing as necessary.
- e. The applicant shall provide evidence that the noise limits of Article 5 will be met.
- f. An indoor firearms target range shall be adequately ventilated and/or air conditioned to allow the building to remain completely enclosed.
- g. An outdoor target range shall not be used during nighttime hours. Maximum hours and days of operation may be established as a condition of the zoning approval.
- h. Minimum lot area for an outdoor firearms target range - 10 acres, unless a more restrictive provision is established by another provision of this Ordinance.
- i. See Section 803. Wherever woods exist adjacent to an exterior lot line of an outdoor firearms target range, such woods shall be preserved within at least 100 feet of each such lot line, except for approved driveway, utility and trail crossings.

51. Townhouses(Rowhouses) and Apartments.

- a. Maximum number of townhouses that shall be attached in any manner - 6. Maximum number of apartments that shall be within a building - 8.
- b. Paved Area Setback - All off-street parking spaces, except spaces on driveways immediately in front of a carport or garage entrance, shall be set back a minimum of 10 feet from any dwelling.
- c. Access. Vehicular access points onto all arterial and collector streets shall be minimized to the lowest reasonable number. No townhouse dwelling within a tract of 5 or more dwelling units shall have its own driveway entering onto an arterial or collector street.
- d. Common Open Space. A minimum of 30 percent of the total lot area of the development involving townhouses and apartments and their accessory uses shall be set aside as common open space for the residents. The applicant shall prove that these areas will be suitable for active or passive recreation. If a development will not be restricted to persons over age 55, then the common open space shall at a minimum include a rectangular grass field 100 feet by 200 feet that is suitable for free play by young persons. If a development will be restricted to persons over age 55, then the common open space shall at a minimum include landscaped paved trails. A recreation building or pool available to all residents of the development may count towards this requirement. Areas with a width of less than 50 feet shall not count towards this requirement. This requirement shall be in place of any requirement for recreation land or fees under the Subdivision and Land Development Ordinance.

- e. Buffer. Within a minimum of 50 feet from the existing right-of-way of an arterial or collector street and from any lot line of an existing single family detached dwelling, a forested buffer shall be maintained or planted. This provision shall not prohibit routine thinning of woods, provided that a substantial forested buffer remains in place. Trees may also be removed where necessary for utility crossings, entrance roads or safe vehicle sight distance. This buffer requirement shall not apply along a lot line of an existing dwelling that is more than 200 feet from the lot line. This buffer may count towards the common open space requirement.

52. Treatment Centers.

- a. See definition in Section 202.
- b. The applicant shall provide a written description of all conditions (such as criminal records, alcohol addiction) that will cause persons to occupy the use during the life of the permit. Any future additions to this list shall require an additional special exception approval.
- c. The applicant shall prove to the satisfaction of the Board of Supervisors that the use will involve adequate on-site supervision and security measures to protect public safety.
- d. The Board of Supervisors may place conditions upon the use to protect public safety, such as conditions on the types of residents and security measures.
- e. If the use involves 5 or more residents, a suitable recreation area shall be provided that is supervised by the center's staff.

53. Trucking Company Terminal.

- a. Areas used for the movement of tractor-trailer trucks shall be setback a minimum of 150 feet from any lotline of an existing principal residential use. This distance may be reduced to 100 feet if a decorative masonry wall or earth berm with a minimum height of 6 feet is placed along such lotline.

54. Veterinarian Office. (includes Animal Hospital)

- a. Minimum lot area - 1 acre.
- b. Any structure in which animals are treated or housed shall be a minimum of 30 feet from any lot line of an existing dwelling. Buildings shall be adequately soundproofed so that sounds generated within the buildings cannot routinely be perceived within any adjacent dwellings.
- c. Animals undergoing treatment may be kept as an accessory use. However, a commercial kennel shall only be allowed if a kennel is permitted in that district and if the applicable requirements are met.

403. ADDITIONAL REQUIREMENTS FOR ACCESSORY USES.

- 403.A. General. Accessory buildings, structures or uses that are clearly customary and incidental to a permitted by right, special exception or conditional use are permitted by right, except as is provided for in this Ordinance. A business shall only be conducted as an accessory to a dwelling if specifically permitted by this Ordinance.
- 403.B. Accessory Setbacks. The accessory setback requirements of the applicable district shall apply to every accessory building, structure or use unless a standard that is clearly meant to be more restrictive or less restrictive is specifically stated in this Article for a particular accessory use. Accessory structure setback requirements shall not apply to permitted surface parking lots, fences or permitted accessory signs.
- 403.C. Front Yard Setback. No accessory structure, use or building shall be permitted in a required front yard in any district, unless specifically permitted by this Ordinance.

403.D. Special Standards. Each accessory use shall comply with all of the following standards listed for that use:

1. Antenna, Standard. (includes amateur radio antenna)
 - a. Height. No standard antenna, including its supporting structure, shall have a total height above the average surrounding ground level of greater than 75 feet.
 - b. Anchoring. An antenna shall be properly anchored to resist high winds.
2. Composting as a principal or accessory use. (other than raising of mushrooms)
 - a. All composting shall be conducted in such a manner that does not create a fire, rodent or disease-carrying insect hazard and does not cause noxious odors off of the subject property.
 - b. Composting shall be permitted as an accessory use, provided that the composting is limited to biodegradable vegetative material, including trees, shrubs, leaves and vegetable waste. Such composting shall be kept free of other garbage and animal fats.
 - c. Any composting of manure shall be restricted to lots of 5 acres or greater. Such composting shall comply with the published manure management standards of the Pennsylvania State University Cooperative Extension Service.
 - d. Setbacks. Composting areas of greater than 1 acres shall be setback 75 feet from lot lines of abutting residential lot lines.
3. Day Care, Child - as accessory to a Dwelling
 - a. See Section 306 and the definitions in Section 202 concerning the number of children who can be cared for in different zoning districts in a Family Day Care Home or a Group Day Care Home.
 - b. In any case, 7 or more children (other than children who are "related" to the primary caregiver) shall only be cared for at one time within a single family detached dwelling with a minimum lot area of 43,560 square feet and a 20 feet minimum setback from all existing dwellings on another lot(s). Four to 6 children, in addition to children who are "related" to the primary caregiver, shall only be cared for at one time within a dwelling that is not attached to another dwelling. The care of fewer numbers of children may occur within any lawful dwelling unit.
 - c. The dwelling shall retain a residential appearance with no change to the exterior of the dwelling to accommodate the use, other than cosmetic improvements.
 - d. The use shall be actively operated by a permanent resident of the dwelling.
 - e. If 4 or more children who are not related to a permanent resident of the dwelling are cared for, then a minimum of 200 square feet of fenced-in exterior play area shall be available.
 - f. See also "Day Care Center" as a principal use in Section 402, and Day Care as accessory to a Place of Worship in Section 306.B.
 - g. The use shall comply with any applicable state and federal regulations, including having an appropriate State Department of Public Welfare (or its successor agency) registration certificate or license if required by such agency.
 - h. The use shall include a secure fence around any outdoor areas abutting streets that are routinely used for outdoor play.
4. Drive-through facilities
 - a. The proposed traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets.
 - b. On-lot traffic circulation and parking areas shall be clearly marked.
 - c. A drive-through use shall be designed with space for an adequate number of waiting vehicles while avoiding conflicts with traffic onto, around and off of the site. Any drive-through facilities shall be designed to minimize conflicts with pedestrian traffic.

5. Fences and Walls.

- a. Fences and walls are permitted by right in all Districts. Any fence or wall shall be durably constructed and well-maintained. Fences that have deteriorated shall be replaced or removed.
- b. No fence, wall or hedge shall obstruct the sight requirements of Section 803.C.
- c. No fence shall be built within an existing street right-of-way.
- d. Walls - Engineered retaining walls necessary to hold back slopes are exempted from setback regulations, and are permitted by right as needed in all Districts.

6. Garage Sale.

- a. See definition in Article 2. A garage sale shall not include wholesale sales, nor sale of new merchandise of a type typically found in retail stores.
- b. If accessory to a dwelling, no garage sales as an accessory to a dwelling shall be held on a lot during more than 3 days total in any 3 consecutive months.
- c. The use shall be clearly accessory to the principal use.
- d. No outdoor storage shall be permitted when the sale is not in operation.

7. Home Occupations.

- a. All home occupations shall meet the following requirements:
 - 1) The use shall be conducted primarily by a permanent resident of the dwelling, and involve a maximum of one person working on-site at any one time who does not reside within the dwelling. A maximum of one non-resident employee shall visit the property on a daily basis or operate a vehicle based at the property.
 - 2) The use shall be conducted indoors. No outdoor storage or display related to the home occupation shall be permitted. No changes shall occur to the exterior of a building that would reduce its residential appearance as viewed from a street.
 - 3) The use shall occupy an area that is not greater than 25 percent of the total floor area of the principal dwelling unit. The use shall clearly be secondary to the residential use.
 - 4) One off-street parking space shall be required per non-resident employee. In addition, for a General Home Occupation, the Zoning Hearing Board shall require additional off-street parking if the Board determines it is necessary for customer parking.
 - 5) The use shall not require delivery by tractor-trailer trucks.
 - 6) The regulations of Section 403.D.10.d. regarding parking of trucks shall apply to a home occupation. No excavating equipment shall be parked overnight on a residential lot or an adjacent street as part of a home occupation.
 - 7) No equipment or machinery shall be permitted that produces noise, noxious odor, vibration, glare, electrical or electronic interference detectable on another property. The use shall not involve the storage or use of hazardous, flammable or explosive substances, other than types and amounts typically found on a residential property. The use shall not involve the storage or use of "toxic" or "highly hazardous" substances.
 - 8) A home occupation shall not be conducted in a manner that is perceptible to other residents between the hours of 9 p.m. and 7:30 a.m.
 - 9) Any tutoring or instruction shall be limited to a maximum of 3 students at a time.
 - 10) A barber or beauty shop shall not include any non-resident employees.
 - 11) The main office of a medical doctor, chiropractor or dentist shall not be permitted as a home occupation.
 - 12) A Home Occupation may include one 2 square foot non-illuminated sign, as permitted by Article 7.

- 13) The Zoning Hearing Board shall deny a General Home Occupation application, or limit its intensity through conditions, if the Board determines the use would be too intense for the proposed location. In making such determination, the Board shall review the likely amounts of traffic, the types of operations involved and related nuisances, the amount of off-street and on-street parking that is available, the density of the neighborhood, whether the use would be adjacent to another dwelling, and setbacks from other dwellings.
 - 14) The use shall not involve manufacturing, other than of custom crafts and sewing. The use shall not involve commercial repair of motor vehicles.
 - 15) The use may include sales using telephone, mail order or electronic methods. On-site retail sales shall only be permitted within a General Home Occupation, and if specifically approved as part of a special exception approval. Such retail sales shall be limited to sales that are clearly accessory to an approved barber shop or similar on-site service.
 - 16) If more than one home occupation is accessory to a dwelling, the total aggregate impact of the home occupations shall be considered in determining compliance with this Ordinance.
 - 17) A zoning permit shall be required for any home occupation.
- b. In addition to the requirements listed in "a" above, the following additional requirements shall apply to a "Light Home Occupation:"
- 1) The use shall not routinely involve routine visits to the home occupation by customers or more than one non-resident employee at a time.
 - 2) The use shall only involve the following activities:
 - (a) work routinely conducted within an office,
 - (b) custom sewing and fabric and basket crafts,
 - (c) cooking and baking for off-site sales and use,
 - (d) creation of visual arts (such as painting or wood carving),
 - (e) repairs to and assembly of computers and computer peripherals, and
 - (f) a construction tradesperson, provided that a maximum of one non-resident employee shall routinely operate from the lot.
 - 3) On-site retail sales shall be prohibited.
8. Keeping of Animals as an Accessory Use.
- a. This is a permitted by right accessory use in all districts. This use shall not include a "kennel."
 - b. No use shall involve the keeping of animals or fowl in such a manner or of such types of animals that it creates a serious nuisance (including noise or odor), a health hazard or a public safety hazard. The owner of the animals shall be responsible for collecting and properly disposing of all fecal matter from pets. No dangerous animals shall be kept outdoors in a residential district, except within a secure, completely enclosed cage or fenced area of sufficient height or on a leash under full control of the owner.
 - c. Pigeons, chickens, ducks, geese and/or similar fowl shall not be kept on a lot of less than 1 acre. Also, commercial keeping of such fowl shall meet the requirements for "Raising of Livestock or Poultry."
 - d. For one horse, a minimum lot area of 2 acres applies, plus 1 acre for each additional horse.
 - e. Only those pets that are domesticated and are compatible with a residential character shall be permitted as pets. Examples of permitted pets include dogs, cats, rabbits, gerbils and lizards, but do not include bears, goats, wolves, wolf-dog hybrids, cows, venomous snakes that could be toxic to humans, hogs or sheep.
 - f. It shall be unlawful on a residential lot to keep any "exotic wildlife" as defined by the Pennsylvania Game & Wildlife Code, whether or not an exotic wildlife possession permit has been issued.

9. Outdoor Storage and Display. Commercial or Industrial as a Principal or Accessory Use.
 - a. Location. Outdoor storage or display shall not occupy any part of any of the following: the existing or future street right-of-way, sidewalk or other area intended or designed for pedestrian use or required parking area.
 - b. No such storage or display shall occur on areas with a slope in excess of 25% or within the 100 year floodplain.
 - c. Screening. See Section 803.
 - d. Tire Storage.
 - 1) For tires not mounted on a motor vehicle, any outdoor storage of more than 5 tires on a lot in a residential district or more than 50 used tires in a non-residential district shall only be permitted as part of a Township-approved junkyard.
 - 2) The outdoor storage of more than 50 used tires shall be limited to the General Industrial District.
 - 3) Where allowed, any storage of used tires shall involve stacks with a maximum height of 15 feet, and that cover a maximum of 400 square feet. Each stack shall be separated from other stacks from all lot lines by a minimum of 75 feet. If the same set of tires is stored on a lot for more than 6 months, they shall be stored within a building or trailer.
 - 4) The operator of a lot involving tire storage shall prove that the tires are stored in a manner that minimizes public health hazards from the breeding of vectors in accumulated water and/or that the site is regularly sprayed to minimize vectors.
10. Residential Accessory Structure or Use.
 - a. Accessory structures and uses (other than fences) shall not be located within the required setback as stated in Section 307.A., unless specifically exempted (See Section 307.C.) by this Ordinance. Accessory structures shall not be located within a front yard, nor within any yard required to be equal in width to a front yard along a street on a corner lot. See accessory setback regulations in Section 307.
 - b. Accessory buildings in a residential district on a lot of less than 2 acres shall meet the following requirements:
 - 1) Maximum total floor area of all accessory buildings- 1,000 square feet.
 - 2) Maximum of 2 accessory buildings per lot, not including swimming pools.
 - c. Height. See Section 802.
 - d. Parking of Commercial Trucks. The overnight outdoor parking of commercial trucks on a principal residential lot in a residential district is prohibited, except that one of the following shall be permitted if such vehicle(s) is used by residents of the dwelling to travel to and from work:
 - 1) the parking of a maximum of 2 vehicles of up to 15,000 pounds aggregate gross vehicle weight per vehicle, or
 - 2) the parking of 1 vehicle with an aggregate gross vehicle weight of over 15,000 pounds aggregate gross vehicle weight, provided such vehicle is kept a minimum of 50 feet from any dwelling on another lot and provided a row of evergreen trees is planted to filter views of the vehicle from the street and dwellings on other lots.
 - 3) A maximum of one motorized construction vehicle (other than on-road trucks) shall be stored outdoors overnight in a residential district.
 - e. Repairs. Repairs of the following shall not occur on a principally residential lot:
 - 1) a truck with an aggregate gross vehicle weight of over 15,000 pounds aggregate gross vehicle weight, or
 - 2) a vehicle that is not owned or leased by a resident of the lot or his/her "relative."
 - f. See setback exceptions in Section 803.B.
 - g. Unregistered Vehicles. A maximum of 1 "unregistered vehicles" shall be kept outside of an enclosed building on a residential lot of less than 50 acres. In addition, such vehicle shall not be placed outside for more than 6 months. See also the definition of "Junkyard."

- h. Recreational Vehicles. A recreational vehicle with a length of 24 feet or greater shall not be parked in the front yard of a dwelling during more than 2 days in any 7 day period.
11. Retail Sales of Agricultural Products as an Accessory Use.
- a. The use shall be an accessory use incidental to a crop farming, greenhouse, plant nursery, orchard, winery or raising of livestock use.
 - b. The only retail sales shall be of agricultural products and horticultural products, in addition to any hand-made crafts produced by the operator of the market and/or his/her family. An average of not less than 50 percent of the products sold on-site shall have been produced by the operator or his/her family. This percentage may vary month to month, provided that the average is met.
 - c. Off-street parking shall be provided in compliance with the provisions of Article 6. No parking shall be permitted in such a way that it creates a safety hazard.
 - d. Any structure erected for this use that are not clearly permanent in nature shall be disassembled during seasons when products are not offered for sale.
 - e. Signs. See Section 709.
 - f. No stand shall be located closer than: 50 feet from a lot line of an existing dwelling, 25 feet from any other lot line or 100 feet from the closest intersecting point of street rights-of-ways at a street intersection, unless the sales occur within a dwelling or barn that existed prior to the adoption of this Ordinance.
 - g. A maximum total of 5,000 square feet of building floor area shall be used for such use.
 - h. The use may occur within an existing dwelling, a barn or a separate stand. Any stand shall be maintained in good condition.
 - i. The retail sales shall be located on land owned by the operator of the market or upon a tract of 5 acres or more which the operator of the market actively farms.
 - j. The applicant shall prove to the Zoning Officer that the driveway has adequate sight distance, based upon the PennDOT standards that would apply to a normal commercial establishment along a state road, regardless of whether a PennDOT permit would be needed.
12. Unit for Care of Relative.
- a. The use shall meet the definition in Section 202.
 - b. The accessory unit shall be occupied by a maximum of two persons, who shall be "relatives" of the permanent residents of the principal dwelling unit. At least one resident of the accessory unit shall need such accommodations because of an illness, old age or disability or financial support.
 - c. The applicant shall prove to the Zoning Officer that the accessory unit has been designed and constructed so that it can be easily reconverted into part of the principal dwelling unit after the relative no longer resides within the unit. Such accessory unit may be converted into an additional bedroom(s), permitted home occupation area or similar use. A lawful detached garage may be converted into a Unit for Care of Relative, and then be reconverted to a garage or permitted home occupation area.
 - d. The applicant shall establish a legally binding mechanism in a form acceptable to the Township that will prohibit the use of the accessory unit as a separate dwelling unit after the relative no longer resides within the unit. Unless another time period is established by the Zoning Hearing Board, a modular dwelling shall be removed from the lot within 2 months after it is no longer occupied by the relative. Such mechanism shall also be binding upon future owners.
 - e. The owner of the property shall be required to annually renew the permit for the use. Such renewal shall be conditioned upon the owner proving that a relative of the occupants of the principal dwelling unit continues to reside within the accessory unit. No permit fee will be required for renewal.
 - f. Such accessory unit shall not decrease the one family residential appearance of a one family dwelling, as viewed from exterior property lines. The accessory unit shall be attached to the principal dwelling unit.

- g. Additional parking for the accessory unit is not required if the applicant proves that the resident(s) of the accessory unit will not routinely operate a vehicle.

ARTICLE 5 ENVIRONMENTAL PROTECTION

501. **EROSION CONTROL.** The landowner, person and/or entity performing any earth disturbance shall utilize sufficient measures to prevent soil erosion and sedimentation of creeks.

501.A. The disturbed land area and the duration of exposure shall be kept to a practical minimum.

501.B. See State erosion control regulations (Note: as of 2004, in 25 PA. Code Chapter 102).

501.C. If any earth materials are removed from a site (such as a borrow pit), the site shall be regraded and revegetated in a manner that controls soil erosion and that allows a suitable reuse of the site.

502. **NUISANCES AND HAZARDS TO PUBLIC SAFETY.**

502.A. No land owner, tenant nor lessee shall use or allow to be used any land or structures in a way that results or threatens to result in any of the following conditions:

1. Transmission of communicable disease, including conditions that may encourage the breeding of insects or rodents.
2. A physical hazard to the public, or a physical hazard that could be an attractive nuisance that would be accessible by children.
3. Pollution to groundwaters or surface waters, other than as authorized by a State or Federal permit.
4. Risks to public health and safety, such as but not limited to explosion, fire or biological hazards.

502.B. Additional Information. If the Zoning Officer has reason to believe that the proposed use may have difficulty complying with the standards of this Article, then the Zoning Officer may require an applicant to provide written descriptions of proposed machinery, hazardous substances, operations and safeguards.

502.C. Right-to-Know. Uses storing or utilizing hazardous materials shall comply with the State Right-to-Know Law, including providing written notifications to local fire companies.

503. **WETLANDS.** See Section 308.

504. **FLOOD-PRONE AREAS ("Floodplains").**

504.A. The Township Floodplain Ordinance, as amended, shall apply. However, if specific provisions of this Ordinance and the Floodplain Ordinance conflict in regards the same matter, the most restrictive provision upon development shall apply.

504.B. **Unstudied Flood-prone Areas.** Where the Township Engineer has reason to believe that land along a waterway or drainage swale may be subject to a 100 year flood, and the applicable length of the waterway or drainage swale was not studied as part of the official 100 year floodplain study, then the Zoning Officer shall require an applicant for development that would alter such land to provide a floodplain study.

1. The floodplain study shall be prepared by a qualified licensed/registered professional and shall

be based upon generally accepted methodology to determine the extent of a 100 year floodplain.

2. Within any areas that the floodplain study determines to be subject to 100 year flooding, the regulations of the 100 year floodplain shall apply, as stated in the Township Floodplain Ordinance.

505. **NOISE.**

- 505.A. No principal or accessory use, or operations or activities on its lot, shall generate a sound level exceeding the limits established in the table below, when measured at the specified locations:

Sound Level Limits by Receiving Land Use/ District

| LAND USE OR ZONING DISTRICT <u>RECEIVING THE</u> NOISE | HOURS/ DAYS | MAXIMUM SOUND LEVEL |
|--|---|----------------------------|
| At a Lot Line of a Residential Use in a Residential District | 1) 7 a.m. to 9 p.m. other than Sundays, Christmas Day, Thanksgiving Day, New Years Day, Labor Day and Memorial Day 2) 9 p.m. to 7 a.m. plus all day Sundays, Christmas Day, Thanksgiving Day, New Years Day, Easter Sunday, Labor Day and Memorial Day | 1) 60 dBA 2) 52 dBA |
| At any Other Lot Line | All times and days | 70 dBA |

Note- dBA means "A" weighted decibel.

- 505.B. The maximum permissible sound level limits set forth in the above table shall not apply to any of the following noise sources:

1. Sound needed to alert people about an emergency.
2. Repair or installation of utilities or construction of structures, sidewalks or streets between the hours of 7 a.m. and 8 p.m., except for clearly emergency repairs which are not restricted by time.
3. Household power tools and lawnmowers between the hours of 8 a.m. and 9 p.m.
4. Agricultural activities, including permitted raising of livestock, but not exempting a commercial kennel.
5. Public celebrations specifically authorized by the Board of Supervisors or a County, State or Federal Government agency or body.
6. Unamplified human voices or the sound of a single animal.
7. Routine ringing of bells and chimes by a place of worship or municipal clock.
8. Vehicles operating on a public street, railroads and aircraft.

506. **ODORS AND DUST.** No use shall generate odors or dust that are offensive to persons of average sensitivities beyond the boundaries of the subject lot.

507. CONTROL OF LIGHT AND GLARE.

- 507.A. Street Lighting Exempted. This Section 507 shall not apply to street lighting that is owned, financed or maintained by the Township or the State.
- 507.B. Height of Lights. No luminaire, spotlight or other light source that is within 200 feet of a lot line of an existing dwelling or approved residential lot shall be placed at a height exceeding 20 feet above the average surrounding ground level. This limitation shall not apply to lights needed for air safety nor lights intended solely to illuminate an architectural feature of a building, nor lighting of outdoor public recreation facilities.
- 507.C. Diffused. All light sources, including signs, shall be properly diffused as needed with a translucent or similar cover to prevent exposed bulbs from being directly visible from streets, public sidewalks, dwellings or adjacent lots.
- 507.D. Shielding. All light sources, including signs, shall be shielded around the light source and carefully directed and placed to prevent the lighting from creating a nuisance to reasonable persons in adjacent dwellings or persons enjoying outdoor passive recreation areas, and to prevent the lighting from shining into the eyes of passing motorists.
- 507.E. Flashing Signs. See Article 7.
- 507.F. Spillover. Exterior lighting on an institutional, commercial or industrial property shall not cause a spillover of light onto a residential lot that exceeds 0.5 foot-candle inside a lot line of an existing principal residential use. Exterior lighting shall not cause a nighttime spillover of light that exceeds 6 horizontal foot-candles onto a street.
- 507.G. Canopies. Light fixtures under commercial canopies (such as over gasoline pumps) shall be placed so that the cover is recessed or flush with the bottom surface of the canopy and/or shielded by the edge of the canopy so that light source is not directly visible from beyond the property.

STEEP SLOPES. See Section 310.

SETBACKS FROM CREEKS. See Section 312.

ARTICLE 6 OFF-STREET PARKING AND LOADING

601. REQUIRED NUMBER OF PARKING SPACES.

601.A. Overall Requirements.

1. Number of Spaces. Each use that is newly developed, enlarged, significantly changed in type or increased in number of establishments shall provide and maintain off-street parking spaces in accordance with Table 6.1 and the regulations of this Article.
2. Uses Not Listed. Uses not specifically listed in Table 6.1 shall comply with the requirements for the most similar use listed in Table 6.1, unless the applicant proves to the satisfaction of the Zoning Officer that an alternative standard should be used for that use.
3. Parking Landscaping. See Sections 803 and 804 of this Ordinance.

TABLE 6.1 - OFF-STREET PARKING REQUIREMENTS

| USE | NUMBER OF OFF-STREET PARKING SPACES REQUIRED | PLUS 1 OFF-STREET PARKING SPACE FOR EACH: |
|--|--|---|
| <u>A. RESIDENTIAL USES:</u> 1. Dwelling Unit, other than types listed separately in this table. | 2 per dwelling unit. If a vehicle must be moved from one space in order to access the second space, then an additional parking space shall be available for each dwelling unit, such as an on-street space in front of the dwelling or an overflow parking lot. | |
| 2. Home Occupation | See Section 402 | |
| 3. Age Restricted Housing or Independent Living Retirement Center | The requirements for each use in Section 402 shall apply. | Non-Resident Employee |
| 4. Boarding House | 1 per rental unit or bed for adult, whichever is greater | Non-Resident Employee |
| 5. Group Home | 1 per 2 residents of a type reasonably expected to be able to drive a vehicle | Employee |
| <u>B. INSTITUTIONAL USES:</u> 1. Place of Worship or Church | 1 per 5 seats in room of largest capacity | Employee |
| 2. Hospital | 1 per 2 beds | 1.1 Employees |
| 3. Nursing Home | 1 per 6 beds | 1.1 Employees |
| 4. Assisted Living Facility and/or Retirement Community | 1 per 4 beds, plus 1.5 for each individual dwelling unit | 1.1 Employees |

| USE | NUMBER OF OFF-STREET PARKING SPACES REQUIRED | PLUS 1 OFF-STREET PARKING SPACE FOR EACH: |
|--|---|--|
| 5. Day Care Center | 1 per 10 children, with spaces designed for safe and convenient drop-off and pick-up | 1.1 Employees |
| 6. School, Primary or Secondary | 1 per 4 students aged 16 or older | 1.1 Employee |
| 7. Utility Facility | 1 per vehicle routinely needed to service facility | |
| 8. College or University | 1 per 1.5 students not living on campus who attend class at peak times (plus required spaces for on-campus housing) | 1.1 Employee |
| 9. Library, Community Center or Cultural Center or Museum | 1 per 5 seats (or 1 per 250 sq. ft. of floor area accessible to patrons and/or users if seats are not typically provided) | 1.1 Employee |
| 10. Treatment Center | 1 per 2 residents aged 16 years or older plus 1 per non-resident intended to be treated on-site at peak times | Non-Resident Employee |
| 11. Swimming Pool, Non-Household | 1 per 50 sq. ft. of water surface, other than wading pools | 1.1 Employee |
| C. <u>COMMERCIAL USES:</u> | All commercial uses, as applicable, shall provide additional parking or storage needed for maximum number of vehicles stored, displayed or based at the lot at any point in time. These additional spaces are not required to meet the stall size and parking aisle width requirements of this Ordinance. | |
| 1. Auto Service Station or Repair Garage | 5 per repair/ service bay and 1/4 per fuel nozzle with such spaces separated from accessways to pumps | Employee; plus any parking needed for a convenience store under "retail sales" |
| 2. Auto, Boat, Recreational Vehicle or Manufactured Home Sales | 1 per 15 vehicles, boats, Rvs or homes displayed | Employee |
| 3. Bed and Breakfast Use | 1 per rental unit plus the 2 per dwelling unit | Non-resident employee |
| 4. Bowling Alley | 2 per lane plus 2 per pool table | 1.1 Employees |
| 5. Car Wash | Adequate waiting and drying areas. | 1.1 Employees |
| 6. Financial Institution (includes bank) | 1 per 200 sq. ft. of floor area accessible to customers, plus "office" parking for any administrative offices | 1.1 Employees |
| 7. Flea Market | 3 spaces per vendor | 1 Employee |

| USE | NUMBER OF OFF-STREET PARKING SPACES REQUIRED | PLUS 1 OFF-STREET PARKING SPACE FOR EACH: |
|---|--|---|
| 8. Funeral Home | 1 per 5 seats in rooms intended to be in use at one time for visitors, counting both permanent and temporary seating | Employee |
| 9. Miniature Golf | 1 per 2 holes | 1.1 Employees |
| 10. Haircutting/ Hairstyling | 1 per customer seat used for haircutting, hair styling, hair washing, manicuring or similar work | 1.1 Employees |
| 11. Hotel or Motel | 1 per rental unit plus 1 per 4 seats in any meeting room (plus any required by any restaurant) | 1.1 Employees |
| 12. Laundromat | 1 per 3 washing machines | On-site Employee |
| 13. Livery (Rider) | 1 per 3 persons of maximum capacity, plus room for any buses | 1.1 Employees |
| 14. Offices or clinic, Medical/dental | 5 per physician and 4 per dentist | 1.1 Employees |
| 15. Offices, other than above | 1 per 300 sq. ft. of total floor area | |
| 16. Personal Service Use, other than haircutting/ hairstyling (min. of 2 per establishment) | 1 per 200 sq. ft. of floor area accessible to customers | 1.1 Employees |
| 17. Indoor Recreation (other than bowling alley), Membership Club or Exercise Club | 1 per 4 persons of maximum capacity of all facilities | 1.1 Employees |
| 18. Outdoor Recreation (other than uses specifically listed in this table) | 1 per 4 persons of capacity (50% may be on grass overflow areas with major driveways in gravel) | 1.1 Employees |
| 19. Restaurant | 1 per 4 seats, or 3 spaces for a use without customer seats | 1.1 Employees |
| 20. Retail Sales (other than Types separately listed) | 1 per 200 sq. ft. of floor area of rooms accessible to customers. | 1.1 Employees |
| 21. Retail Sales of Only Furniture, Lumber, Carpeting, Bedding or Floor Covering | 1 per 400 sq.ft. of floor area of rooms accessible to customers | 1.1 Employees |
| 22. Shopping Center | 1 space per 220 sq. ft. of leaseable floor area | |

| USE | NUMBER OF OFF-STREET PARKING SPACES REQUIRED | PLUS 1 OFF-STREET PARKING SPACE FOR EACH: |
|---|---|---|
| 22. Tavern | 1 per 30 sq. ft. of total floor area | 1.1 Employees |
| 23. Theater or Auditorium | 1 per 4 seats, one-half of which may be met by convenient parking shared with other business uses on the same lot that are typically not routinely open beyond 9:00 p.m. | 1.1 Employees |
| 24. Trade/Hobby School | 1 per 2 students on-site during peak use | 1.1 Employee |
| 25. Veterinarian Office | 4 per veterinarian | 1.1 Employee |
| <u>D. INDUSTRIAL USES:</u> All industrial uses (including warehousing, distribution and manufacturing) | In addition to parking or storage needed for maximum number of vehicles stored, displayed or based at the lot at any point in time, which spaces are not required to meet the stall size and aisle width requirements of this Ordinance 1 per 1.1 employee, based upon the maximum number of employees on-site at peak period of times | 1 visitor space for every 10 managers on the site |
| Self-Storage Development | 1 per 20 storage units | 1.1 Employee |

602. GENERAL REGULATIONS FOR OFF-STREET PARKING.

602.A. General. Parking spaces and accessways shall be laid out to result in safe and orderly use, and to fully take into account all of the following: vehicular access onto and off the site, vehicular movement within the site, loading areas, pedestrian patterns and any drive-thru facilities. No parking area shall cause a safety hazard or impediment to traffic off the lot.

602.B. Existing Parking.

1. Any parking spaces serving such pre-existing structures or uses at the time of adoption of this Ordinance shall not in the future be reduced in number below the number required by this Ordinance.
2. If a new principal non-residential building is constructed on a lot, then any existing parking on such lot that serves such building shall be reconfigured to comply with this Ordinance, including but not limited to, requirements for channelization of traffic from adjacent streets, channelization of traffic within the lot, minimum aisle widths, paving and landscaping.

602.C. Change in Use or Expansion. A structure or use in existence at the effective date of this Ordinance that expands or changes in use of an existing principal building shall be required to provide all of the required parking for the entire size and type of the resulting use, except as follows:

1. If a non-residential use expands by an aggregate total maximum of 5 percent in the applicable measurement (such as building floor area) beyond what existed at the time of adoption of this Ordinance, then no additional parking is required. For example, if an existing building included 3,000 square feet, and a single minor addition of 150 square feet was proposed, then additional parking would not be required. This addition without providing new parking shall only be allowed one time per lot.

602.D. Continuing Obligation of Parking and Loading Spaces. All required numbers of parking spaces and off-street loading spaces shall be available as long as the use or building which the spaces serve still exist, and such spaces shall not be reduced in number below the minimum required by this ordinance. No required parking area or off-street loading spaces shall be used for any other use (such as storage or display of materials) that interferes with the area's availability for parking.

602.E. Location of Parking.

1. Required off-street parking spaces shall be on the same lot or abutting lot with the principal use served, unless the applicant proves to the satisfaction of the Zoning Hearing Board that a method of providing the spaces is guaranteed to be available during all of the years the use is in operation within 300 feet walking distance from the entrance of the principal use being served. Such distance may be increased to 500 feet for employee parking of a non-residential use. A written and signed lease shall be provided, if applicable.
 - a. The Zoning Hearing Board may require that the use be approved for period of time consistent with the lease of the parking, and that a renewal of the permit shall only be approved if the parking lease is renewed.

602.F. Reduction of Parking Requirements as a Special Exception.

1. Purposes - To minimize the amount of land covered by paving, while making sure adequate parking is provided. To recognize that unique circumstances may justify a reduction in parking.
2. As a special exception, the Zoning Hearing Board may authorize a reduction in the number of off-street parking spaces required to be provided for a use if the applicant proves to the satisfaction of the Zoning Hearing Board that a lesser number of spaces would be sufficient.
 - a. The applicant shall provide evidence justifying the proposed reduced number of spaces, such as studies of similar developments during their peak hours. The applicant shall also provide relevant data, such as numbers of employers, peak expected number of customers/visitors and similar data.
 - b. Under this section, an applicant may prove that a reduced number of parking spaces is justified because more than one principal use will share the same parking. In such case, the applicant shall prove that the parking has been designed to encourage shared use, and that long-term agreements ensure that the parking will continue to be shared. The amount of the reduction in parking should be determined based upon whether the different uses have different hours of peak demand and/or overlapping customers.
 - c. Reserved Area for Additional Parking. Under this section, the Zoning Hearing Board may require that a portion of the required parking be met through a reservation of an

area for future parking. The Board may require the reservation for a certain number of years or an indefinite period corresponding to the years the buildings are in use.

- (1) Such reservation shall be in a form acceptable to the Zoning Hearing Board Solicitor that legally binds current and future owners of the land to keep the reserved parking area in open space and then to provide the additional parking if the Township determines it is necessary. A deed restriction is recommended.
- (2) If approved under this subsection "c.", the applicant shall present a site plan to the Zoning Officer that shows the layout that will be used for the additional parking if the parking is required to be provided in the future. The site plan shall show that the additional parking is integrated with the overall traffic access and pedestrian access for the site, and that the additional parking will be able to meet Township requirements.
- (3) The additional parking that is "reserved" under this subsection shall be required to be kept as landscaped open area, until such time as the Zoning Hearing Board decision may authorize the land's release from the restriction, or until the Township may require that the land be developed as parking.
- (4) The Zoning Officer shall periodically review the sufficiency of the parking that is provided. If the Zoning Officer in the future determines that the reserved parking is needed to meet actual demand, he/she shall provide written notice to the property-owner. The property-owner shall then have one year to develop the reserved area into off-street parking in compliance with this Ordinance.

603. DESIGN STANDARDS FOR OFF-STREET PARKING.

603.A. General Requirements.

1. Backing Onto a Street. No parking area shall be designed to require or encourage parked vehicles to back into a public street in order to leave a parking space, except for a single family or two-family dwelling with its access onto a local street or parking court. Parking spaces may back onto an alley.
2. Every required parking space shall be designed so that each motor vehicle may proceed to and from the parking space provided for it without requiring the moving of any other vehicle, except for spaces serving a single family, twin or townhouse dwelling.
3. Parking areas shall not be within a required buffer yard or street right-of-way.
4. Separation from Street. Except for parking spaces immediately in front of individual dwellings, all areas for off-street parking, off-street loading and unloading and the storage or movement of motor vehicles shall be physically separated from the street by a continuous grass or landscaped planting strip, except for necessary and approved vehicle entrances and exits to the lot.
5. Stacking and Obstructions. Each lot shall provide adequate area upon the lot to prevent back-up of vehicles on a public street while awaiting entry to the lot, or while waiting for service at a drive-thru facility.

603.B. Size and Marking of Parking Spaces.

1. Each parking space shall be a rectangle with a minimum width of 10 feet and a minimum length of 18 feet, except the minimum length shall be 22 feet for parallel parking.
2. For handicapped spaces, see Section 603.F. below.
3. All spaces shall be marked to indicate their location, except those of a one or two family dwelling.

603.C. Aisles.

1. Each aisle providing for one-way traffic to access parking stalls shall have the following minimum width:

| Angle of Parking | Minimum Aisle Width |
|------------------------|---------------------|
| Parallel or 30 degrees | 12 feet |
| 45 degrees | 14 feet |
| 60 degrees | 18 feet |
| 90 degrees | 20 feet |

2. Each aisle providing access to stalls for two-way traffic shall be a minimum of 24 feet in width, except a width of 20 feet may be allowed for parking areas with spaces that are parallel or involve an angle of parking of 45 degrees or less.

603.D. Accessways and Driveways.

1. Width of Driveway/Accessway at Entrance onto a Public Street, at the edge of the cartway*

| | 1-Way Use | 2-Way Use |
|---------|-----------|-----------|
| Minimum | 12 feet * | 25 feet * |
| Maximum | 20 feet * | 30 feet * |

* Unless a different standard is required by PennDOT for an entrance to a State road, or the applicant proves to the satisfaction of the Zoning Officer that a wider width is needed for tractor-trailer trucks.

2. Drainage. Adequate provisions shall be made to maintain uninterrupted parallel drainage along a public street at the point of driveway entry. The Township may require an applicant to install an appropriate type and size of pipe at a driveway crossing.

603.E. Paving, Grading and Drainage.

1. Parking and loading facilities and including driveways shall be graded and adequately drained to prevent erosion or excessive water flow across streets or adjoining properties.
2. Except for landscaped areas, all portions of required parking, loading facilities and driveways shall be surfaced with asphalt, concrete, paving block, or other low-dust materials pre-approved by the Township.
 - a. However, the Board of Supervisors may allow parking areas with low or seasonal usage to be maintained in stone, grass or other suitable surfaces. For example, the Board may allow parking spaces to be grass, while major aisles are covered by stone.
 - b. If the design and material are found acceptable by the Township Engineer, portions of parking areas may be covered with a low-dust porous parking surface that is designed to promote groundwater recharge. This might include porous asphalt or pervious concrete placed over open graded gravel and crushed stone. Porous parking surfaces shall not be allowed in areas routinely used by heavy trucks.
 - c. Curbing should not be required in parking areas except where absolutely necessary to control storm water runoff.

3. If a parking lot includes 20 or more spaces, an area shall be designed to accommodate the storage of snow that has been plowed from the parking spaces. This area shall be designed with suitable drainage.

603.F. Lighting of Parking Areas. See "Light and Glare Control" in Article 5.

603.G. Handicapped Parking.

1. Number of Spaces. Any lot including 4 or more off-street parking spaces shall include a minimum of one handicapped space. The following number of handicapped spaces shall be provided, unless a greater number of spaces is officially required under the Federal Americans With Disabilities Act:

| TOTAL NO. OF PARKING SPACES ON THE LOT | REQUIRED MINIMUM NO./ PERCENT OF HANDICAPPED PARKING SPACES |
|--|---|
| 4 to 25 | 1 |
| 26 to 50 | 2 |
| 51 to 75 | 3 |
| 76 to 100 | 4 |
| 101 to 150 | 5 |
| 151 to 200 | 6 |
| 201 to 300 | 7 |
| 301 to 400 | 8 |
| 401 to 500 | 9 |
| 501 to 1,000 | 2% of required number of spaces |
| 1,001 or more | 20 plus 1% of required number of spaces over 1,000 |

2. Location. Handicapped parking spaces shall be located where they would result in the shortest reasonable accessible distance to a handicapped accessible building entrance. Curb cuts shall be provided as needed to provide access from the handicapped spaces.
3. Minimum Size. Each required handicapped parking space shall be 8 by 18 feet. In addition, each space shall be adjacent to a 5 feet wide access aisle. Such access aisle may be shared by two handicapped spaces by being placed between them. However, 1 out of every 8 required handicapped parking spaces shall have an adjacent access aisle of 8 feet width instead of 5 feet.
4. Slope. Handicapped parking spaces shall be located in areas of less than 2 percent slope in any direction.
5. Marking. All required handicapped spaces shall be well-marked by clearly visible signs or pavement markings. Blue paint is recommended. The amount of the fine for violations shall be noted on signs that are visible to persons parking in the space.
6. Paving. Handicapped parking spaces and adjacent areas needed to access them with a wheelchair shall be covered with a smooth surface that is usable with a wheelchair.

603.H. Paved Area Setbacks (including Off-Street Parking Setbacks).

1. Intent. To ensure that parked or moving vehicles within a lot do not obstruct sight distance or interfere with pedestrian traffic, to aid in storm water management along streets and to prevent vehicles from entering or exiting a lot other than at approved driveways.
2. Any new or expanded paved area serving a principal non-residential use shall be separated from a public street by a planting strip. The planting strip shall have a minimum width of 15 feet and be maintained in grass or other attractive vegetative groundcover. The planting strip may extend into areas of the existing street right-of-way that are not planned for use for paving or shoulders.
 - a. The planting strip shall not include heights or locations of plants that would obstruct safe sight distances, but may include deciduous trees that motorists can view under the leaf canopy.
 - b. The planting strip may be placed inward from the shoulder of an uncurbed street or inward from the curb of a curbed street. The planting strip may overlap the street right-of-way, provided it does not conflict with PennDOT requirements, and provided that the Township and PennDOT as applicable maintain the right to replace planting areas within the right-of-way with future street improvements.
 - c. Township-approved sidewalks and approximately perpendicular driveway crossings may be placed within the planting strip. Mostly vegetative stormwater channels may be placed within the planting strip.
 - d. The following shall be prohibited within the planting strip:
 1. paving, except for approved sidewalks and driveway crossings,
 2. fences, and
 3. parking, storage or display of vehicles or items for sale or rent.
 - e. Where feasible, this setback should include an unobstructed generally level width running parallel to a road that is suitable for a person to walk.

603.I. Parking Setback from Buildings. Parking spaces serving principal non-residential buildings and apartment buildings shall be located a minimum of 10 feet from any building wall, unless a larger distance is required by another provision. This distance shall not apply at vehicle entrances into or under a building.

604. OFF-STREET LOADING.

- 604.A. Each use shall provide off-street loading facilities, which meet the requirements of this Section, sufficient to accommodate the maximum demand generated by the use and the maximum size vehicle, in a manner that will not routinely obstruct traffic on a public street. If a reasonable alternative does not exist, traffic may be obstructed for occasional loading and unloading along an alley.
- 604.B. At the time of review under this Ordinance, the applicant shall provide evidence to the Zoning Officer on whether the use will have sufficient numbers and sizes of loading facilities. The Planning Commission and/or Board of Supervisors may provide advice to the Zoning Officer on this matter as part of any plan review by such boards. For the purposes of this Section, the words "loading" and "unloading" are used interchangeably.
- 604.C. Each space and the needed maneuvering room shall not intrude into approved buffer areas and landscaped areas.

605. **FIRE LANES AND ACCESS.**

- 605.A. Fire lanes shall be provided where required by State or Federal regulations or other local ordinances.
- 605.B. Access shall be also provided so that fire equipment can reach all sides of principal non-residential buildings and apartment buildings. This access shall be able to support a loaded fire pumper truck, but shall not necessarily be paved.
- 605.C. The specific locations of fire lanes and fire equipment access are subject to review and approval by Township Fire Officials.

ARTICLE 7 SIGNS

701. APPLICABILITY.

- 701.A. Purposes. This Article is intended to: promote and maintain overall community aesthetic quality; establish reasonable time, place and manner of regulations for the exercise of free speech, without regulating content (excepting obscenity that is prohibited by State law or language that incites violence); promote traffic safety by avoiding distractions and sight distance obstructions; and protect property values and ensure compatibility with the character of neighboring uses.
- 701.B. Permit Required. A zoning permit shall be required for all signs except for: a) signs meeting the requirements of Section 703 and b) non-illuminated window signs constructed of paper, cardboard or similar materials and that are not of a permanent nature. Only types, sizes and heights of signs that are specifically permitted by this Ordinance within the applicable District shall be allowed.
- 701.C. Changes on Signs. Any lawfully existing sign (including nonconforming signs) may be painted or repaired or changed in logo or message without a new permit under this Ordinance provided that the changes do not increase the sign area or otherwise result in noncompliance or an increased non-conformity with this Ordinance.

702. NONCONFORMING SIGNS.

- 702.A. Signs legally existing at the time of enactment of this Ordinance and which do not conform to the requirements of the Ordinance shall be considered nonconforming signs.
- 702.B. An existing lawful non-conforming sign that was lawful when it was initially placed may be replaced with a new sign, provided the new sign is not more nonconforming in any manner than the previous sign. A non-conforming sign shall not be expanded in a manner that does not conform to this Ordinance.
- 702.C. Unlawful Signs. If a sign was placed without a required permit by the Township, and does not comply with this Ordinance, it shall not be considered lawful, and shall be required to be removed. See the enforcement notice requirements in Article 1.

703. MISCELLANEOUS SIGNS NOT REQUIRING PERMITS. The following signs shall be permitted by right within all zoning districts within the following regulations, and shall not be required to have a permit under this Article.

| TYPE AND DEFINITION OF SIGNS NOT REQUIRING PERMITS | MAX. NO. OF SIGNS PER LOT | MAX. SIGN AREA PER SIGN * ON RESI- DENTIAL LOTS **(sq. ft.) | MAX. SIGN AREA PER SIGN * ON NON- RESIDENTIAL LOTS (sq. ft.) | OTHER REQUIREMENTS |
|--|--|--|---|---|
| <u>Agricultural Sales or Christmas Tree Sign</u> - Advertises the seasonal sale of agricultural products or Christmas trees. | 2 | 8 | 30 | Shall only be posted during seasons when such products are actively offered for sale. |
| <u>Charitable Event Sign</u> - Advertises a special event held a maximum of 9 days in any calendar year that primarily is held to benefit a U.S. Internal Revenue Service certified tax-exempt nonprofit organization. | 2 | 4 | 40 | Shall be placed a max. of 30 days prior to event and removed a max. of 7 days after event. |
| <u>Contractor's Sign</u> - Advertises a building tradesperson, engineer or architect who is actively conducting significant work on a particular lot that is not such person's place of business. | 2 | 8 | 40 | Shall only be permitted while such work is actively and clearly underway and a max. of 10 days afterward. Such signs shall not be placed on the lot for more than 1 year, unless a 1 year extension is granted by the Zoning Officer. Shall not be illuminated. |
| <u>Directional Sign</u> - provides information indicating traffic direction, entry or exit, loading or service area, directions to apartment numbers or parking courts in a development, fire lanes, parking or closely similar information regarding the same lot as the sign is on, and that does not include advertising. | No max. | 3, in addition to signs painted on pavement | 3, in addition to signs painted on pavement | Directional signs within a residential development shall not be illuminated. |
| <u>Flag</u> - a pennant made of fabric or materials with a similar appearance that is hung in such a way to flow in the wind. See also "Special Sale Signs" below. | 1 | 20 | 20 | In addition, flags of governments and decorative flags that simply include colors or patterns without any commercial message are not regulated by this Ordinance, provided they do not exceed 10 in number per lot. |
| <u>Garage Sale Sign</u> - advertises an occasional garage sale/porch sale or auction. | 2 per event | 2 per sign | 2 per sign | Shall be placed a max. of 48 hrs. before permitted garage sale or auction begins, and be removed max. of 24 hrs. after event ends. |

| TYPE AND DEFINITION OF SIGNS NOT REQUIRING PERMITS | MAX. NO. OF SIGNS PER LOT | MAX. SIGN AREA PER SIGN * ON RESI- DENTIAL LOTS **(sq. ft.) | MAX. SIGN AREA PER SIGN * ON NON- RESIDENTIAL LOTS (sq. ft.) | OTHER REQUIREMENTS |
|---|--|--|---|---|
| <u>Home Occupation Sign</u> - advertises a permitted home occupation. | 1 | 2 | 2 | Shall not be illuminated, except for a sign of a medical doctor. Shall be setback a minimum of 10 feet from the street right-of-way, unless printed on a mailbox. May be freestanding, attached flat on a building wall or within a window. |
| <u>Identification Sign</u> - only identifies the name and/or occupation of the resident and/or the name, street address and/or use of a lot, but that does not include advertising. | 1 | 1, except 2 for a principal non-residential use. | 6 | Maximum height of 8 feet. |
| <u>Open House Sign</u> - advertises the temporary and periodic open house of a property for sale or rent. | 2 per event | 4 | 4 | Shall be placed max. of 5 days before open house begins, and be removed max. of 24 hrs. after open house ends. Such sign shall not be posted more than 5 consecutive days. |
| <u>Political Sign</u> - advertises a person or party seeking political office or a political cause or opinion on a referendum or matter of political concern and which relates to a scheduled election or matter of upcoming vote by a governmental body. | No maximum | Maximum total of 30 per lot | Maximum total of 60 per lot | Shall be placed a max. of 45 days prior to election, vote or referendum and removed a max. of 5 days after such election , vote or referendum. Persons posting political signs shall maintain a written list of locations of such signs, unless posting signs on their own property. Political signs shall not be placed on private property without the prior consent of the owner. If a political sign does not meet these requirements, then it shall be regulated as an "off-premises sign." |
| <u>Public Services Sign</u> - advertises the availability of restrooms, telephone or other similar public convenience. | No max. | 2 | 2 | |

| TYPE AND DEFINITION OF SIGNS NOT REQUIRING PERMITS | MAX. NO. OF SIGNS PER LOT | MAX. SIGN AREA PER SIGN * ON RESIDENTIAL LOTS ** (sq. ft.) | MAX. SIGN AREA PER SIGN * ON NON-RESIDENTIAL LOTS (sq. ft.) | OTHER REQUIREMENTS |
|--|----------------------------|--|--|--|
| <u>Real Estate Sign</u> - advertises the availability of property on which the sign is located for sale, rent or lease. | 1 per street the lot abuts | 6 | 30 | Shall only be placed on the property while it is actively for sale, lease or rent, and shall be removed a max. of 7 days after settlement or start of lease. |
| <u>Service Organization/ Place of Worship Sign</u> - an off-premises sign stating name of a recognized incorporated service organization or place of worship and that states the place and times of meetings or services and/or an arrow directing persons to such location. | 2 | 2 | 2 | Maximum of 2 such signs per such organization or place of worship. |
| <u>Special Sale Signs</u> - temporary banners, flags and other signs that advertise a special sales event at a lawful principal commercial business. Except as provided by this provision, banners shall be regulated under the same regulations as other signs. | 5 per lot | Not permitted | Total of 30 sq. ft. for all such banners, flags and other temporary signs. | Shall be displayed a maximum of 30 total days per calendar year. Such signs shall not flash, be internally illuminated, nor obstruct safe sight distances. |
| <u>Time and Temperature Sign</u> - with a sole purpose to announce the current time and temperature and any non-profit public service messages. | 1 | Not permitted | 30 | |
| <u>Trespassing Sign</u> - indicating that a road is private, that trespassing is prohibited on a lot, or controlling certain activities such as hunting and fishing on the lot. | No max. | 2 | 4 | |

* Maximum sign areas are for each of 2 sides of each permitted sign, measured in square feet.

** For the purposes of this Section, a "Residential Lot" shall mean a lot occupied by a principal residential use, or an undeveloped lot in a "residential district."

In addition, the following types of signs are not regulated by this Ordinance:

- Historic Sign- memorializes an important historic place, event or person and that is specifically authorized by the Township or a County, State or Federal agency.
- Holiday Decorations- commemorates a holiday recognized by the Township, County, State or Federal Government and that does not include advertising.
- Not Readable Sign- not readable from any public street or any exterior lot line.

- d. Official Sign- erected by the State, County, Township or other legally constituted governmental body, or specifically authorized by Township ordinance or resolution, and which exists for public purposes.
- e. Required Sign- only includes information required to be posted outdoors by a government agency or the Township.
- f. Right-of-Way Sign- posted within the existing right-of-way of a public street and officially authorized by the Township or PennDOT.

704. FREESTANDING, WALL AND WINDOW SIGNS.

704.A. The following are the signs permitted on a lot within the specified districts and within the following regulations, in addition to "Exempt Signs" and "Temporary Signs" permitted in all districts by other provisions of this Article. See definitions of the types of signs in Section 711.

| ZONING DISTRICT OR TYPE OF USE | TOTAL MAXIMUM HEIGHT OF FREE-STANDING SIGNS | TOTAL MAXIMUM AREA OF WALL SIGNS | TOTAL MAXIMUM AREA OF WINDOW SIGNS | TOTAL MAXIMUM AREA AND NUMBER OF FREE-STANDING SIGNS PER LOT |
|--|--|--|--|--|
| <p>CD or Residential Districts, with signs in this table limited to allowed principal non-residential uses.</p> <p>For home occupation signs, see Section 703. No new signs in these districts shall be internally illuminated.</p> <p>See also entrance signs for major residential developments in Section 713.</p> | 8 feet | 30 square feet on each side of a principal non-residential building. | May be used in place of a wall sign with the same restrictions | 1 sign on each street the lot abuts, each with a maximum sign area of 30 sq. ft. |
| C-1 Neighborhood Commercial District. | 18 feet | 15% of the area of the building side on which the signs are attached, but in no case exceeding an absolute maximum of 200 square feet per establishment. | Temporary non-illuminated window signs are not regulated. Other window signs shall be considered wall signs. | 1 sign per street that the lot abuts, each with a maximum area of 40 sq.ft * |

| ZONING DISTRICT OR TYPE OF USE | TOTAL MAXIMUM HEIGHT OF FREE-STANDING SIGNS | TOTAL MAXIMUM AREA OF WALL SIGNS | TOTAL MAXIMUM AREA OF WINDOW SIGNS | TOTAL MAXIMUM AREA AND NUMBER OF FREE-STANDING SIGNS PER LOT |
|--|---|--|--|---|
| C-2 or C-3 Districts and any other district not listed above | 18 feet. | 15% of the area of the building side on which the signs are attached, but in no case exceeding an absolute maximum of 200 square feet per establishment. | Temporary non-illuminated window signs are not regulated. Other window signs shall be considered wall signs. | 1 sign per street that the lot abuts, each with a maximum area of 50 sq.ft. * |

- * If a lot includes 5 to 10 distinct principal non-residential uses, along one street, the maximum freestanding sign area may be increased to a total of 100 square feet, with up to 2 freestanding signs. Therefore, for example, one sign may have 40 square feet and another sign 60 square feet. If a lot includes more than 10 distinct principal non-residential uses, then the maximum freestanding sign area may be increased to a total of 150 square feet, with up to 3 freestanding signs.

704.B. Maximum Height of Wall Signs. The maximum height of wall signs shall be equal to the top of the roof along the wall to which they are attached. However, sign may be attached to a "parapet roof" that vertically extends up to 10 feet above the structural roof, provided the parapet roof appears to be an architectural extension of the building.

704.C. Portable Signs (Including "Signs on Mobile Stands") and Other Temporary Signs.

1. Purpose. These standards recognize portable signs as a particular type of sign that has the characteristics of a temporary sign but that has been inappropriately used as a permanent sign. This Section is based on the policy that if a use desires to regularly display a sign for regularly changing messages, that it erect a permanent sign within all of the requirements of this Ordinance.
2. Definition of a "Portable Sign" - A freestanding sign that is attached to a chassis or legs that allows it to be towed or carried from one location to another and that is not permanently attached to the ground.
3. Portable signs are prohibited in all districts, except as a temporary Charitable Event sign permitted by Section 703.
4. Businesses are encouraged to provide an area on a permanent sign that displays changeable messages, as opposed to using a separate sign for such purpose.

- 704.D. Wiring of Signs. Signs shall be prohibited that involve electrical cords laying across parking lots, driveways or sidewalks, except on a residential property for seasonal lighting.
- 704.E. Signs on Freestanding Walls. A freestanding sign may be attached to a decorative masonry or stone wall with a maximum height of 6 feet and a maximum length of 12 feet, without being regulated by the wall setback regulations of this Ordinance and with the wall itself not counting towards the maximum sign area.
- 704.F. Banners. See "Special Sale" signs in the table in Section 703.
705. **ABANDONED OR OUTDATED SIGNS**. Signs advertising a use no longer in existence (other than a sign relating to a building that is clearly temporarily vacant and being offered to new tenants or for purchase) shall be removed within 180 days of the cessation of such use.
706. **LOCATION OF SIGNS**. The following shall regulate the location of signs:
- 706.A. Setbacks.
1. All signs shall be setback a minimum of 10 feet from the existing street right-of-way, and shall not be located within the existing street right-of-way. However, a "directional sign" showing entrances and exits may be located without a 10 feet setback.
 2. A freestanding illuminated sign for a commercial or industrial business shall not be located within 10 feet from an abutting lot line of principally residential lot.
 3. These setbacks shall not apply to Official Signs, Nameplate Signs, Public Service Signs and Directional Signs.
- 706.B. Sight Clearance. No sign shall be so located that it interferes with the sight clearance requirements of Section 803.
- 706.C. Off-Premises. No signs except permitted Off-Premise, Official, Political or Public Service Signs shall be erected on a property to which it does not relate. A Major Development Sign may be located on one lot in a subdivision to advertise uses throughout the subdivision.
- 706.D. Permission of Owner. No sign shall be posted on any property or sign pole or public utility pole, unless permission has been received by the owner.
- 706.E. Utility Poles. No sign shall be attached to a utility pole using metal fasteners, except by a utility or government agency.
707. **ILLUMINATION OF SIGNS**.
- 707.A. See "Light and Glare Control" in Article 5.
- 707.B. Illuminated signs are only allowed in the C-1, C-2 and C-3 districts. Signs may be illuminated by direct or indirect lighting, but such lighting shall be properly aimed and shielded so that no glare or direct light shines onto residential lots or in the normal line of vision of motorists or pedestrians.
1. Any moving, flashing, animated or flickering sign shall require special exception approval, with the applicant required to prove to the Zoning Hearing Board that such sign will not cause a distraction to motorists and will not be similar in appearance to any emergency

signal. A moving, flashing, animated or flickering sign shall only be allowed within the C-1, C-2 or C-3 districts.

708. **VEHICLES FUNCTIONING AS SIGNS.** Any vehicle, trailer or structure to which a sign is affixed in such a manner that the carrying of such sign(s) no longer is incidental to the primary purpose of the vehicle, trailer or structure but instead becomes a primary purpose in itself shall be considered a freestanding sign and shall be subject to all of the requirements for freestanding signs in the district in which such vehicle, trailer or structure is located.
709. **PROHIBITED AND SPECIAL EXCEPTION SIGNS.** The following provisions on signs shall apply in all zoning districts, unless otherwise noted:
- 709.A. Any moving sign (other than an allowed banner or flag) and any flashing, animated or flickering sign shall require special exception approval. Special exception approval shall only be granted if the applicant is able to prove to the satisfaction of the Zoning Hearing Board that such sign will not cause a distraction to motorists and will not be similar in appearance to any emergency signal. A moving, flashing, animated or flickering sign shall only be allowed within the C-1, C-2 or C-3 districts.
1. This restriction shall not prohibit routine Christmas lighting or displays, within Section 703.
- 709.B. Signs may change their message from time to time provided that each message is visible for at least 10 seconds, except time and temperature signs may change more frequently.
- 709.C. Signs which emit smoke, visible vapors or particles, sound or odor are prohibited.
- 709.D. Signs which contain information that states that a lot may be used for a purpose not permitted under this Ordinance are prohibited.
- 709.E. Signs that are of such form, shape or color that they resemble an official traffic sign, signal or device or that have any characteristics which are likely to confuse or distract the operator of a motor vehicle on a public street (such as prominent use of the words "Danger") are prohibited.
- 709.F. Signs or displays visible from a lot line that include words or images that are obscene or pornographic are prohibited.
- 709.G. Balloons of greater than 50 cubic feet that are tethered to the ground or a structure for periods of over a day and that are primarily intended for advertising purposes are prohibited.
- 709.H. Floodlights and outdoor lasers for advertising purposes shall be prohibited.
- 709.I. Neon lighting shall be prohibited as part of signs and if attached to the outside of a building. However, one allowed sign on a commercial lot may include neon, provided such sign has a maximum sign area of 10 square feet.
710. **CONSTRUCTION OF SIGNS.** Every permanent sign permitted in this section shall be constructed of durable materials and shall be kept in good condition and repair. The Zoning Officer shall by written notice require a property owner or lessee to repair or remove a dilapidated or unsafe sign within a specified period of time. If such order is not complied with, the Township may repair or remove such sign at the expense of such owner or lessee.

711. MEASUREMENT AND MAJOR TYPES OF SIGNS.

711.A. Sign Definitions. The following definitions shall be used in determining whether signs meet the measurement and type requirements of this Article:

1. Building Face. The vertical area of a particular side of a building, but not including the area of any slanted roof.
2. Freestanding Sign. A sign which is self-supporting upon the ground or which is primarily supported by poles attached to the ground and not primarily supported by a building.
3. Height of Sign. The vertical distance measured from the average ground level surrounding a sign to the highest point of the sign and its supporting structure. Religious symbols, when not accompanied by lettering, shall not be restricted by the sign heights of this Article when attached to a tower or spire of a place of worship.
4. Illuminated Sign, Internally. A sign illuminated by light from within the sign rather than a source adjacent to or outside of the sign. A sign within a display case with lights only shining onto the front of the sign shall be considered to be "externally" illuminated.
5. Off-Premise Sign. See Article 2.
6. Sign. See Article 2.
7. Wall Sign. A sign primarily supported by or painted on a wall of a building. A Wall Sign may also be displayed upon an awning or canopy, provided other requirements of this Ordinance are met.
8. Window Sign. A sign which is readily visible and can be at least partially read from an exterior lot line and which is attached to a window or transparent door or that can be read through a window or transparent door.

711.B. Measurement of Sign area.

1. Sign area shall include all lettering, wording and accompanying designs and symbols, together with related background areas on which they are displayed. One "freestanding sign" may include several signs that are all attached to one structure, with the total "sign area" being the area of a common geometric form that could encompass all signs.
2. The sign area shall not include any structural supports that do not include a message.
3. Where the sign consists of individual letters or symbols attached to or painted directly on a building or window, other than an illuminated background that is a part of the sign, the sign area shall be the smallest rectangle that includes all of the letters and symbols.
4. The maximum sign area of sign shall be for each of two sides of a sign, provided that only one side of a sign is readable from any location.
5. Unless otherwise specified, all square footages in regards to signs are maximum sizes.

712. OFF-PREMISE SIGNS (Including Billboards).

712.A. Purposes. Off-premise signs are controlled by this Ordinance for the following purposes, to: ensure that a physical environment is maintained that is attractive to desirable types of development; prevent visual pollution in the Township and protect property values, especially in consideration of the fact that most commercial areas of the Township are within close proximity to existing residences; prevent glare on adjacent property and streets; avoid the creation of additional visual distractions to motorists, especially along busy arterial streets that involve complex turning movements and numerous traffic hazards; recognize the numerous alternative forms of free speech available in the Township,

including existing nonconforming off-premise signs, on-premise signs and temporary signs and printed and electronic media.

712.B. PennDOT Sign. Signs erected and maintained by the State Department of Transportation are permitted by right in all Districts.

712.C. Permitted Off-Premise Signs. Except for other types of signs that are specifically allowed by this Ordinance to be off-premises, an off-premise sign is only permitted if it meet the following requirements:

1. District. An off-premise sign is only permitted in the C-2 District.
2. Location. An off-premise sign shall be setback a minimum of 25 feet from all lot lines and street rights-of-way.
3. Maximum Sign Area. 300 square feet.
4. Spacing. Any off-premise sign shall be separated by a minimum of 1,000 feet from any other off-premise sign with a sign area greater than 20 square feet, including signs on either side of a street and including existing signs in other municipalities. No lot shall include more than 1 off-premise sign, except as allowed in subsection f. below.
5. Maximum Height. 35 feet above the elevation of the adjacent street, measured at the street centerline.
6. Attached. No off-premise sign or sign face shall be attached in any way to any other off-premise sign, except that a sign may have two sign faces of 300 square feet each provided the angle between the signs does not exceed 45 degrees.
7. Control of Lighting and Glare. Lights shall be directed so they do not shine into the eyes of motorists nor residents of homes.
8. Residences. No off-premise sign greater than 20 square feet in sign area shall be located within 200 feet from an existing dwelling.
9. Condition. The sign shall be maintained in a good and safe condition, particularly to avoid hazards in high winds. The area around the sign shall be kept free of debris. If the message of a sign is no longer intact, it shall be replaced with a solid color or a "for lease" sign.

713. MAJOR RESIDENTIAL DEVELOPMENT SIGNS.

713.A. Residential Development Sign. If a subdivision or land development is approved to include over 20 dwelling units, then an additional sign shall be permitted at each entrance to the project from exterior public streets. Such sign may have two sign faces on one structure, or one sign face on each structure on each side of the entrance.

1. Each such sign shall have a maximum sign area of 30 square feet. Such signs shall have a maximum total height of 6 feet. The sign may be attached to a stone or decorative masonry wall or fence constructed of weather-resistant wood or materials with a similar appearance. In such case, the wall or fence shall have a maximum total height of 6 feet and a maximum length of 12 feet.

713.B. The applicant shall prove to the Zoning Officer that the signs will be of durable construction that requires little maintenance. Such sign shall not be illuminated. Attractive low-maintenance landscaping shall surround the sign.

714. **DIRECTIONAL SIGNS.**

714.A. An off-premises sign may be allowed to direct motorists to a non-residential principal use if the following requirements are met:

1. The signs shall be posted at the minimum number of intersections on the most direct route within the Township and only at intersections pre-approved by the Zoning Officer.
2. Such sign shall only be allowed for a non-residential principal use that: a) is not on a lot that is adjacent to an arterial street and b) does not have an on-premises sign that is visible from an arterial street.
3. The content of the sign shall be limited to the name of the use, the distance in miles and a directional arrow.
4. The sign shall not be placed more than 4 road miles from the use.
5. The maximum dimensions of the sign shall be 15 by 48 inches. The sign shall not be illuminated.
6. The sign shall not be located within a street right-of-way and shall not obstruct a clear sight triangle.
7. The owner of the property on which the sign is located shall have given consent to the sign.

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

| | |
|---|---|
| Acer rubrum - Red Maple | Quercus - All species of oaks |
| Acer saccharum - Sugar Maple | Sophora japonica - Scholar Tree/Pagoda Tree |
| Celtis occidentalis - Common Hackberry | Tilia americana - American Linden |
| Fagus sylvatica - European Beech | Tilia cordata - Little Leaf Linden |
| Fraxinus americana - White Ash | Tilia euchlora - Crimean Linden |
| Fraxinus pennsylvanica - Green Ash | Tilia petiolaris - Silver Linden |
| Ginkgo biloba fastigiata - Maiden Hair Tree (male only; female has noxious odor) | Ulmus hybrids - Homestead or Sapporo Autumn Gold |
| Gleditsia triacanthos - Thornless Locust | Ulmus parviflora - Chinese or Lacebark Elm, not including Siberian Elm |
| Liquidambar styraciflua - Sweet Gum | Zelkova serrata - Zelkova |
| Liriodendron tulipifera - Tulip Poplar | |

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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