

EAST HANOVER TOWNSHIP  
DAUPHIN COUNTY, PENNSYLVANIA

ORDINANCE NO. 2022-02

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF EAST HANOVER TOWNSHIP, DAUPHIN COUNTY, PENNSYLVANIA, AMENDING VARIOUS PROVISIONS OF ITS ZONING ORDINANCE TO IMPLEMENT TECHNICAL CHANGES RELATING TO PERMITTED USES, MESH LANDSCAPING REQUIREMENTS WITH ITS SUBDIVISION AND LAND DEVELOPMENT ORDINANCE, PROVIDE SPECIFIC REGULATIONS FOR SOLAR FARMS, AND CORRECT GENERALLY MISPLACED REFERENCES AND NUMBERING ERRORS

BE IT HEREBY ENACTED AND ORDAINED by the Board of Supervisors of East Hanover Township, Dauphin County, Pennsylvania, as follows:

Section 1. Adopted Ordinance. In accordance with Pennsylvania's Second Class Township Code, 53 P.S. § 65101, *et seq.*, as amended, and Pennsylvania's Municipalities Planning Code, 53 P.S. § 10101, *et seq.*, as amended, the Board of Supervisors for East Hanover Township hereby adopt the Zoning Ordinance attached hereto and incorporated herein as Exhibit "A."

Section 2. Repealer. All ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed.

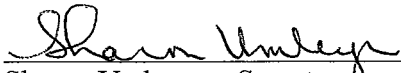
Section 3. Severability. The provisions of this Ordinance are declared to be severable. If any provision of this Ordinance is declared by a court of competent jurisdiction to be invalid or unconstitutional, such determination shall have no effect on the remaining provisions of this Ordinance.

Section 4. Effective Date. This Ordinance shall be effective immediately following its legal enactment.

DULY ENACTED AND ORDAINED this 20th day of December, 2022 by the Board of Supervisors of East Hanover Township, Dauphin County, Pennsylvania, in lawful session duly assembled.

ATTEST:

EAST HANOVER TOWNSHIP

  
Sharon Umberger, Secretary

By:   
Chad Leese, Chair

(SEAL)

**EXHIBIT "A"**

East Hanover Township Zoning Ordinance

# East Hanover Township Zoning Ordinance

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Dauphin County, Pennsylvania

As Adopted by the East Hanover Township Board of  
Supervisors on December 4, 2019 as  
Ordinance No. 2019-06.

Amended 12-20-2022  
by Ordinance No. 2022-02



Community Planning and Zoning Consultant

Urban Research and Development Corporation  
Bethlehem, Pennsylvania

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## **USING THIS ORDINANCE: AN OVERVIEW**

These two pages describe the most efficient way to use this Ordinance. These pages are general descriptions but are not part of the actual Ordinance.

Start by using the following parts of the Zoning Ordinance:

- ! Please contact the Zoning Officer to make sure you have the latest version of the Zoning Ordinance Text and Map.
- ! Turn to the Table of Contents and the Index (at the end of the document) to find the pages and sections that apply to your particular situation. You may wish to photocopy the Table of Contents to highlight the relevant sections.
- ! Review the Zoning Map at the end of this Zoning Ordinance or online to determine the Zoning District that includes your lot.
- ! Review Articles 3 or 4, the Table of Permitted Uses By Zoning District, which indicates the uses permitted in each Zoning District. A use is permitted in three ways:
  - a) by right,
  - b) by special exception (the Zoning Hearing Board must approve the use, as described in Section 1416
  - c) by conditional use (the Board of Supervisors must approve the use, as described in Section 1417
- ! Consult Article 5, including the Table of Lot and Setback Requirements By Zoning District. This table states the required minimum size of each lot and the required minimum distance that buildings must be from streets and other lot lines in each Zoning District.
- ! Refer to the Definitions in Article 15 to determine the meaning of specific words.

If a lot is already being legally used for a particular purpose and that use is not permitted in the Zoning District according to Articles 3 or 4, that use is called a "Non-Conforming Use". In almost all cases, a lawful Non-Conforming Use can continue, can expand within limits, can change to another use within limits, and can be sold. See Section 1305 regarding "Non-Conformities."

Certain specific uses must comply with additional regulations. The "principal uses" (which are the primary use of a property) are listed in alphabetical order in Section 602 and the "accessory uses" (which are secondary uses, such as low-intensity businesses in a home) are listed in alphabetical order in Section 603. For example, additional regulations are listed for sheds, garages and other structures typically found on a residential lot under "Residential Accessory Structures" in Section 603.D.

If your lot may be flood-prone, see the Floodplain regulations in the Township Floodplain Ordinance and the Federal Floodplain Maps (which can be viewed at the Township Building or at [www.fema.gov](http://www.fema.gov)).

Turn to the following articles and sections for regulations concerning parking, signs and buffer yards:

- ! Many uses must provide minimum numbers of off-street Parking spaces under Article 11 of this ordinance. The parking standards are listed in a table.
- ! If Signs are proposed within public view, Article 12 must be met. This article lists the types, heights and sizes of signs that are permitted.
- ! Certain uses are required to provide an open Buffer Yard with Screening to buffer nearby homes and adjacent residentially zoned land from nuisances. See Article 13.

The following additional considerations should be kept in mind when using this Ordinance:

- ! An applicant may apply to the Township Zoning Hearing Board for a Zoning Variance if he/she is not able to comply with a provision of this Zoning Ordinance. An application fee is required to compensate the Township for legal advertisements and other costs. See Article 14, which includes the standards that must be met under State law in order to be granted a variance. Generally, under the PA. Municipalities Planning Code, variances are not permitted unless an applicant proves a legal "Hardship".
- ! Generally, if one or more new lots will be created, or existing lot lines will be altered, or one or more new principal non-residential buildings are proposed, then the requirements and approval procedures of the Township's Subdivision and Land Development Ordinance (SALDO) will also apply.
- ! For Stormwater Management, see the Township Stormwater Ordinance.
- ! If there will be disturbance of the ground, it will be necessary to use certain measures to control soil erosion. In such case, contact the County Conservation District.

Any questions concerning the Zoning Ordinance should be directed to the Zoning Officer. The Zoning Officer also administers applications for zoning permits, A separate Construction Code Official may handle applications for building and other construction permits.

This Ordinance Was Prepared Under the Direction of the  
Following East Hanover Township Officials  
2018–2019

Board of Supervisors

George Rish - Chairperson  
Vice-Chairperson  
Hess  
Chad Leese  
Michael Yingling

Planning Commission

Chad Leese - Chairperson Richard Smith,  
Greg Ciraula - Vice Chairperson Robert  
Curt Cassel  
Aaron Moyer  
Steve Walters

Staff

Paul Cornell - Township Manager  
Jackie Wilbern - Zoning Officer

Zoning Ordinance Committee

Chad Leese  
Greg Ciraula  
Curt Cassel  
Aaron Moyer  
Steve Walters  
Robert Hess  
Lloyd Umberger  
Keith Espenshade  
Kenneth Wolensky  
Mark Stremmel

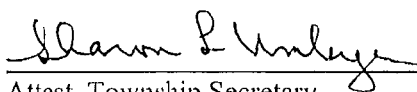
Solicitor


Lee Stinnett, Esq. - Salzman Hughes, P.C.  
Kurt Williams, Salzman Hughes, P.C., Special Counsel

With Assistance Provided by Casey Bottinger of the Dauphin County Planning  
Commission/TCRPC Staff

**ARTICLE 1**  
**EAST HANOVER TOWNSHIP ZONING ORDINANCE TITLE;**  
**ENACTMENT; SEVERABILITY**  
Ordinance No. 2019-06

101. **Title**. A New Zoning Ordinance: a) dividing East Hanover Township, Dauphin County, Pennsylvania into zoning districts with varying regulations; b) permitting, prohibiting and regulating: the uses of land, watercourses and other bodies of water, the size, height, bulk, location, erection, construction, expansion, razing, removal and use of structures, the areas and dimensions of land and water to be occupied by uses and structures, as well as open areas to be left unoccupied; c) establishing the maximum density and intensity of uses; d) providing for the administration and enforcement of this Ordinance in accordance with the Pennsylvania Municipalities Planning Code (MPC) as amended, including provisions for special exception uses and variances to be administered by a Zoning Hearing Board; and e) establishing provisions for the protection of certain natural features.
102. **Short Title**. This Ordinance shall be known and be cited as the "East Hanover Township Zoning Ordinance of 2019."
103. **Severability**. It is hereby declared to be the legislative intent that if a court of competent jurisdiction declares any provisions of this Ordinance to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Ordinance shall continue to be separately and fully effective. The Board of Supervisors hereby declares that it would have passed this Ordinance and each section or part thereof, other than any part declared invalid, if it had advance knowledge that any part would be declared invalid. If the entire Zoning Ordinance should be declared invalid, then the East Hanover Township Zoning Ordinance that was in effect immediately prior to the enactment of this new Zoning Ordinance shall automatically be re- instated as the Zoning Ordinance for East Hanover Township.
104. **Procedural Defects in Enactment**. Allegations that this Ordinance or any amendment was enacted in a procedurally defective manner shall be appealed as provided in State law.
105. **Repealer**. The pre-existing East Hanover Township Zoning Ordinance, as amended, is hereby repealed, in addition to the repeal of any other subsections of Township ordinances or resolutions or parts thereof that were adopted prior to this Ordinance that are clearly in direct conflict with this Ordinance. In particular, sections of the Township Mobile Home Park Ordinance that directly conflict with this Zoning Ordinance are hereby repealed.
106. **Enactment**. Under the authority conferred by the Pennsylvania Municipalities Planning Code, as amended, the Board of Supervisors of East Hanover Township hereby enacts and ordains into an Ordinance the attached document this date of December 4, 2019. This Ordinance shall become effective on December 9, 2019.

  
\_\_\_\_\_  
Attest, Township Secretary

  
\_\_\_\_\_  
Chairperson, Board of Supervisors



**ARTICLE 2**  
**ESTABLISHMENT OF ZONING DISTRICTS**

201. **Establishment and Purposes of Districts.** East Hanover Township is hereby divided into Zoning Districts of different types to carry out the objectives of this Ordinance. Each parcel of land and every structure in the Township, except as otherwise provided by law or by this Ordinance, shall be subject to the regulations specified for the District in which it is located. The Township is divided into the following Zoning Districts, with the following abbreviations and that serve the following purposes, in addition to the overall purposes of this Ordinance:
- A. **C Conservation District** – To protect important natural features, while allowing only very low intensity development. To also recognize the Fort Indiantown Gap Military Reservation, and to avoid conflicts with its operations.
  - B. **RA Rural Agricultural District** – To promote the continuation of agricultural activities. To provide for and to protect the integrity of low density residential neighborhoods that are primarily comprised of single family detached dwellings.
  - C. **RR Rural Residential District** – To provide for and to protect the integrity of low density residential neighborhoods that are primarily comprised of single family detached dwellings.
  - D. **RMD Medium Density Residential District** – To provide for medium density neighborhoods with a mix of housing types, in a manner that encourages traditional forms of development.
  - E. **VR Village Residential District** – To provide for a neighborhood with a mix of housing types, and selected types of less intensive types of commercial uses, in a manner that respects and continues traditional forms of development.
  - F. **NC Neighborhood Commercial District** – To provide for less intense types of commercial uses in areas surrounded by residential development. The intent is to avoid uses that are most likely to generate nuisances or hazards for nearby residents, such as 24 hour operations.
  - G. **HC Highway Commercial District** – To provide for a wide variety of commercial uses, including more intensive commercial uses, in areas that include fewer existing homes. To manage traffic to avoid congestion and safety hazards, particularly in regards to access to major streets.
  - H. **IC Industrial Commercial District** – To provide for a variety of commercial and industrial development.
  - I. **IC-1 Industrial Commercial 1 District** – To provide for a variety of commercial and industrial uses, but with a few additional uses allowed beyond the uses allowed in the IC district.
  - J. **MHP Manufactured Home Park District** – To provide for manufactured home parks, in addition to other residential uses.
  - K. **CR Commercial Recreation District** - To maintain an overall rural character, particularly from exterior public roads. To provide for a variety of outdoor recreation, equestrian, gaming and entertainment uses, as well as selected commercial uses to serve visitors for those activities.

202. **Zoning Map.** The East Hanover Township Zoning Map shall consist of one or more map(s) accurately showing the boundaries of various Zoning Districts. The zoning map information may be maintained and updated using digital and/or paper versions. At least one paper copy of the official map shall be maintained and available in the office of the Zoning Officer. The zoning map and all notes and measurements shown thereon are hereby incorporated by reference into this Zoning Ordinance and shall be as much a part of this Zoning Ordinance as if all were fully described in this text.
203. **District Boundaries.** Where uncertainty exists with respect to the boundaries between Districts as shown on the Zoning Map, the following rules shall apply:
- A. Where District boundaries are indicated as approximately coinciding with streets, alleys, waterways, or railroad rights-of-way, the center line of such features shall be construed to be such boundaries, unless otherwise indicated on the Map. The Zoning District boundaries shall extend to the Township border, even if a border is not accurately portrayed on the Zoning Map.
  - B. Where District boundaries are indicated as approximately coinciding with lot lines that existed at the time of the adoption of the Zoning Map, they shall be construed as following such lot lines.
  - C. Where District boundaries do not coincide with a physical feature or lot line, and are not fixed by dimensions on the Zoning Map or notes, the boundary shall be determined using a scale.
  - D. Whenever any street, alley, or other public right-of-way is vacated, the Zoning District adjoining each side of such street, alley, or public right-of-way shall be automatically extended to the center of such vacation.
204. **Floodplain District.** For the regulations pertaining to the Floodplain District, which functions as an overlay to the regular Zoning Districts, see the Township Floodplain Ordinance.
205. **Uses Not Specifically Regulated.** If a use clearly is not permitted by right or as a Special Exception Use or a Conditional Use by this Ordinance within any Zoning District, the use is prohibited, except that the Zoning Hearing Board may permit such use as a Special Exception Use if the applicant specifically proves to the clear satisfaction of the Zoning Hearing Board that all of the following conditions would be met:
- A. the proposed use would be no more intensive with respect to external impacts and nuisances than uses that are allowed in the District,
  - B. the proposed use would be closely similar in impacts and character to uses allowed in that District,
  - C. the use would meet the standards that would apply under Section 1416.C. to a Special Exception Use, and
  - D. the use is not specifically prohibited in that District.

**ARTICLE 3**  
**ALLOWED USES IN PRIMARILY RESIDENTIAL DISTRICTS**

301. **Allowed Uses in Primarily Residential Districts.**

A. For the purposes of Articles 3 and 4, 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 the Zoning Hearing Board)
C	=	Conditional use (zoning decision by the Board of Supervisors)
N	=	Not Permitted
(See 602)	=	See Additional Requirements in Section 602
(See 603)	=	See Additional Requirements in Section 603

B. Unless otherwise provided by State or Federal law or specifically stated in this Ordinance (including Section 205), any land or structure shall only be used or occupied for a use specifically listed in these Articles 3 or 4 as being allowed in the Zoning District where the land or structure is located. Such uses shall only be allowed if the use complies with all other requirements of this Ordinance.

This Ordinance is not intended to regulate uses or structures of the United States Government or the Pennsylvania National Guard.

**USES**  
(See definitions in Article 15)

	ZONING DISTRICTS							VR (Note 1)
	C	RA	RR	RMD	MHP			
<b>(1) RESIDENTIAL USES</b>								
Age-Qualified Residential Development, which may include any housing types allowed in the district, and which also meets Section 406. (Note 2)	N	N	N	P	N			P
Boarding House (includes Rooming House)	N	N	N	N	N			N
Conversion of an Existing One Family Dwelling into Additional Dwelling Units (See 602, including minimum existing floor area)	N	N	N	SE	N			SE
Group Home within a lawful existing dwelling unit (See 602), not including a Treatment Center Manufactured (Mobile) Home Park (See 602)								
Multi-Family (Apartment) Dwellings, other than conversion of an existing one family dwelling into 2 or more dwellings (See 602)	N	N	N	N	N			P
Open Space Development Option in compliance with Section 509	P	P	N	N	N			N
Single Family Detached Dwelling (For Manufactured/mobile homes, see additional requirements in Section 602)								
Single-Family Semi-Detached Dwelling (Side-by-Side Twin)	N	N	N	P	P			P
Townhouses (Single-Family Attached Dwellings or Rowhouses) (Sec 602)	N	N	N	P	P			P
Traditional Neighborhood Development Option in compliance with Section 507	N	N	N	C	N			C
Two-Family Dwelling (Typically One Unit Above Another Unit)	N	N	N	P	P			P
<b>(2) COMMERCIAL USES</b> (See accessory uses on a following page).								
Agri-tourism Business (See 603) (See also "Farm-Based Businesses that are allowed as by right uses)	SE	SE	SE	SE	N			SE
Animal Day Care (See 602)	SE	SE	N	N	N			N
Bakery, Retail and/or Ice Cream Parlor	N	N	N	N	N			SE
Bed and Breakfast Inn (See 603)	SE	SE	SE	SE	N			SE

Note 1 = See limits on hours of operation in Section 405.

Note 2 = A developer may choose to place age restrictions on housing in any district, but this provision addresses when incentives are provided.

P = Permitted By Right N = Not Allowed SE = Allowed By Special Exception (Zoning Hearing Board Approval)

C = Allowed by Conditional Use

(Sec 602 or 603) = See Additional Requirements in Sections 602 or 603

USES

(See definitions in Article 15)

	ZONING DISTRICTS							VR (Note 1)
	C	RA	RR	RMD	MHP			
<b>(2) COMMERCIAL USES (Cont.)</b>								
Camp or Campground, other than a Recreational Vehicle Campground (See 602)	SE	N	N	N	N	N	N	N
Conversion of an Existing Building into a Restaurant or Retail Store, without drive-through service	N	N	N	N	N	N	N	SE
Conversion of an Existing Principal Place of Worship, School or Similar Institutional Building or Principal Industrial Building into a Commercial Use and/or Multi-Family Dwellings (See 602)	N	SE	SE	SE	N	N	N	SE
Crafts or Artisan's Studio	N	N	N	N	N	N	N	SE
<b>(3) INSTITUTIONAL/ SEMI-PUBLIC USES</b>								
Dog Training Facility	SE	SE	SE	N	N	N	N	N
Financial Institution, which may include drive-through service	N	N	N	N	N	N	N	P
Funeral Home	N	N	N	N	N	N	N	SE
Golf Course (See 602), with a 50 acre minimum lot area	P	P	P	P	P	P	P	P
Kennel (See 602)	SE	SE	N	N	N	N	N	N
Offices (See also Home Occupations)	N	N	N	N	N	N	N	P
Personal Service Use (such as barber or beauty shop or tailor)	N	N	N	N	N	N	N	P
Plant Nursery or Tree Farm, with on-site retail sales limited to items primarily grown on the premises	P	P	P	P	P	P	P	P
Picnic Grove, Commercial (See 602)	SE	N	N	N	N	N	N	SE
Recreation, Commercial Outdoor, other than uses listed separately in Articles 3 or 4	SE	N	N	N	N	N	N	N
Temporary Commercial Uses - See Section 602								
<b>(3) INSTITUTIONAL/ SEMI-PUBLIC USES</b>								
Cemetery (not including Crematorium) (See 602)	P	P	P	P	P	P	P	P
College, University or Seminary - Educational, Recreational, Office, and Support Uses (Dormitories are regulated as boarding houses)	N	N	N	N	N	N	N	P
Community Center, non-commercial, primarily serving residents of a development	P	P	P	P	P	P	P	P

Note 1 = See limits on hours of operation in Section 405.

P = Permitted By Right N = Not Allowed SE = Allowed By Special Exception (Zoning Hearing Board Approval) C = Allowed by Conditional Use (See 602 or 603) = See Additional Requirements in Sections 602 or 603

USES (See definitions in Article 15)	ZONING DISTRICTS						
	C	RA	RR	RMD	MHP	VR (Note 1)	
(3) <u>INSTITUTIONAL/ SEMI-PUBLIC USES (Cont.)</u> Community Recreation Center, Cultural Center or Museum Day Care Center, Adult (See 602) Day Care Center, Child (See 602)(See also as accessory use) Hunting or Fishing Club (Firearms Target Ranges are regulated separately), with a 5 percent maximum impervious cover	N N N P	SE N N P	SE N N P	SE N N P	SE N N P	P P P P	
Membership Club (See 602) (other than a Hunting or Fishing Club) Nursing Home, Personal Care/Assisted Living Facility or Hospice (See 602) Place of Worship (See 602) (includes Church) School, Public or Private, Primary or Secondary (See 602)	N N N N	N N SE SE	N N SE SE	N SE P SE	N N SE SE	SE SE P P	
(4) <u>PUBLIC/SEMI-PUBLIC</u> Township Government Uses Government Facility, other than uses listed separately in Articles 3 and 4. Note - National Guard and Federal Government uses and structures are not regulated by this Ordinance. Publicly Owned or Operated Recreation Park Public Utility Facility (See also Section 1414) other than uses listed separately in Articles 3 and 4 Swimming Pool, Non-household (Indoor or outdoor) (See 602)	P SE P SE P	P SE P SE P	P SE P SE P	P SE SE SE P	P P P P P	P SE P SE P	
(5) <u>ACCESSORY USES</u> (See also Section 302 for accessory uses allowed in all districts.) Accessory Camping Site, with 20 acre minimum lot area (See 603) Bus Passenger Shelter (See 603) Communications Antennae meeting Section 602.A.19.a. pertaining to accessory antenna placed on certain existing structures (See 602)	P P P	P P P	N P P	N P P	N P P	N P P	

Note 1 = See limits on hours of operation in Section 405.  
P = Permitted By Right N = Not Allowed SE = Allowed By Special Exception (Zoning Hearing Board Approval) C = Allowed by Conditional Use  
(See 602 or 603) = See Additional Requirements in Sections 602 or 603

USES (See definitions in Article 15)	ZONING DISTRICTS							VR (Note 1)
	C	RA	RR	RMD	MHP			
Communications Tower, Commercial (See 602), or other antennae that are not allowed under Section 602.A.19.a.	N	C	N	N	N			N
Day Care, Agricultural (See 603)	P	P	N	N	N			N
Day Care Center accessory to and on the same lot as an existing lawful Place of Worship or School, provided a State license is obtained and the use has a 1,000 square feet minimum outdoor play area	N	P	P	P	P			P
Day Care (See 603) as accessory to a dwelling of the following number of persons, in addition to children or grandchildren of the on-site caregiver:								
- Day care of a maximum of 3 persons	P	P	P	P	P			P
- Family Day Care Home (4 to 6 children), which shall be limited to a single family detached dwelling	SE	SE	SE	SE	SE			P
- Group Day Care Home (7 to 12 children)	N	N	N	N	N			P
Farm-Based Business (See 603)	P	P	P	P	P			P
Furnace, Outdoor (See 603)	P	P	P	P	P			P
Home Occupation, General (See 603)	SE	SE	SE	SE	SE			SE
Home Occupation, Low Impact (See 603)	P	P	P	P	P			P
Processing of Agricultural Products produced on-site as a customarily accessory use	P	P	P	P	P			P
Rental of a Dwelling, Short-Term (See 603)	P	P	P	P	P			P
Retail Sale of Agricultural Products (See 603)	P	P	P	P	P			P
Unit for Care of Relative (See 603)	P	P	P	P	P			P
Wind Turbine, maximum of one on a lot that is an accessory use (See 603)	SE	SE	SE	SE	SE			SE
<u>(6) MISCELLANEOUS USES</u>								
Crop Farming, Non-Commercial Greenhouses or Community Garden	P	P	P	P	P			P
Forestry (Includes Timber harvesting; See 602)	P	P	P	P	P			P
Groundwater or Springwater Withdrawal Averaging More than 100,000 gallons per day, for off-site use (See 602)	SE	SE	SE	SE	SE			SE

Note 1 = See limits on hours of operation in Section 405.

P = Permitted By Right N = Not Allowed SE = Allowed By Special Exception (Zoning Hearing Board Approval) C = Allowed by Conditional Use (See 602 or 603) = See Additional Requirements in Sections 602 or 603

USES (See definitions in Article 15)	ZONING DISTRICTS							
	C	RA	RR	RMD	MHP	VR(Note 1)		
(6) MISCELLANEOUS USES (Cont.)								
Horse Training Facility with a 10 acre minimum lot area (See 602)	P	P	SE	SE	SE	SE		
Medical Marijuana Grower / Processor (See 602)	N	C	N	N	N	N		
Nature Preserve or Environmental Education Center	P	P	P	P	P	P		
Livestock and Poultry, Raising of (See 602):								
- Intensive	SE	SE	N	N	N	N		
- Not Intensive	P	P	P	P	N	P		
Parking Lot as the Principal Use of a Lot, not including a lot that primarily serves commercial trucks	N	N	N	N	N	SE		
Solar Energy Collection Systems	P	P	P	P	P	P		
Stable, Non-Household (See 602)	P	P	P	P	SE	SE		
Water Supply Wells, Storage and Treatment Facilities	P	P	P	P	P	P		
Winery (See 602)	P	P	P	P	P	P		

Note 1 = See limits on hours of operation in Section 405.  
P = Permitted By Right N = Not Allowed SE = Allowed By Special Exception (Zoning Hearing Board Approval) C = Allowed by Conditional Use  
(See 602 or 603) = See Additional Requirements in Sections 602 or 603



302. **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 Article 6, the setbacks stated in Article 7, and all other requirements of this Ordinance:
- A. Antennae, Standard for television, radio and similar reception (See Section 603)
  - B. Fence or Wall (See Section 603)
  - C. Garage, Household
  - D. Garage Sale (See Section 603)
  - E. Maintenance Facilities to provide for the maintenance of roads, recreation areas and other facilities that are controlled by a homeowner association.
  - F. Pets, Keeping of (See Section 603)
  - G. Parking or Loading, Off-Street, only to serve a lawful use on the same lot or a use that is permitted in that District
  - H. Recreational Facilities, limited to use by: residents of a development or students at a primary or secondary school or center for the care and treatment of youth, and their occasional invited guests
  - I. Residential accessory structure, such as sheds (See Section 603)
  - J. Signs, as permitted by Article 12
  - K. Stable, Household (See Section 603)
  - L. Swimming Pool, Household (See Section 603)
  - M. 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.

## **ARTICLE 4**

### **ALLOWED USES IN PRIMARILY NON-RESIDENTIAL DISTRICTS**

401. **Allowed Uses in Primarily Non-Residential Districts.** Unless otherwise provided by State or Federal law or specifically stated in this Ordinance (including Section 205), any land or structure shall only be used or occupied for a use specifically listed in these Articles 3 or 4 as being allowed in the Zoning District where the land or structure is located. Such uses shall only be allowed if the use complies with all other requirements of this Ordinance.

For manufacturing uses, the types of uses listed in this Article correspond approximately to the categories of the North American Classification System, administered by the U.S. Department of Commerce. In case of question about the categorization, such system shall be consulted.

**TYPES OF USES**  
(See definitions in Article 15)

**ZONING DISTRICTS**

	HC	NC (Note 3)	IC	IC-1	CR
<b>a. RESIDENTIAL USES</b>					
Single Family Detached Dwelling (Note: Manufactured/mobile homes shall meet the additional requirements of Section 602)	P	P	N	N	P
Single Family Semi-Detached Dwelling (side-by-side dwellings)	N	P	N	N	N
Townhouse (Single Family Attached Dwelling) (See 602)	N	P	N	N	N
Multi-Family (Apartment) Dwellings (See 602), which may be in the same building or on the same lot as allowed non-residential uses.	N	P	N	N	N
<b>b. COMMERCIAL USES</b>					
Boarding House (includes Rooming House) (See 602) (other than uses listed separately in this table)	SE	N	N	N	N
Manufactured/Mobile Home Park (See 602)	N	N	N	N	N
Group Home within a lawful existing dwelling unit (See 602), not including a Treatment Center (Note 6)	P	P	N	N	P
Live Work Unit (See 602)	P	P	N	N	N
Dormitory for 5 or more full-time students	N	N	N	N	N
<b>b. COMMERCIAL USES</b>					
Adult Use (See 602)	N	N	N	SE (Note 5)	N
After Hours Club - To the extent this use is not already prohibited by State Act 219 of 1990 (See 602)	N	N	SE (Note 5)	SE	N
Agri-tourism Business (See 603)	SE	SE	SE	SE	SE
Airport (see also "Heliport")	N	N	SE	SE	N
Amusement Arcade	P	P	N	N	P (Note 2)
Amusement Park or Water Park (Note 1)	SE	N	P	P	SE

(Note 1) = The use shall not be open to customers after 10 PM if the use is not within an enclosed building and is within 300 feet from an existing dwelling. Outdoor recreation areas shall be enclosed by 6 feet high fencing and/or a building.

(Note 2) = Only allowed as an accessory use.

(Note 3) = See limits on hours of operation in Section 405.

(Note 5) = A 300 feet setback shall apply from a residential district or use, unless a stricter requirement is established by another provision of this Ordinance.

(Note 6) = Section 602 requires special exception for certain larger group homes.

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

C = Allowed by Conditional Use

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

N = Not permitted (See 602 or 603) = See Additional Requirements in Sections 602 or 603

TYPES OF USES

(See definitions in Article 15)

ZONING DISTRICTS

HC NC (Note 3) IC IC-1 CR

b. COMMERCIAL USES (Cont.)

Auto Body Shop or Auto Repair Garage (See 602)

Auto, Boat or Mobile/Manufactured Home Sales, or Auctions,

which may include an accessory Vehicle Storage Yard (See 602)

Auto Service Station, which may occur with a convenience store, and which

may also include fueling of vehicles using hydrogen, liquefied natural

gas, propane or similar fuels (See 602) for a use that primarily serves tractor-trailer trucks, see "Truck Stop" in this table.

Bakery, Retail

Bed and Breakfast Inn (See 603)

Beverage Distributor (wholesale and/or retail)

Bus Maintenance or Storage Yard

Bus, Taxi or Passenger Rail Terminal

BYOB Club (Note- definition is limited to a use that is open after

midnight)(See 602)

Camps, Campgrounds or Recreational Vehicle Campgrounds (See 602)

Car Wash (See 602)

Catering, Custom, for Off-Site Consumption

Communications Antennae, Commercial (See 602), limited to accessory

antenna attached to specified types of structures by Section 602.A.19.a.

Communications Tower, Commercial (See 602), or other antennae

that are not allowed under Section 602.A.19.a.

Conference Center or Exposition Center

(Note 3) = See limits on hours of operation in Section 405.

(Note 4) = Limited to the same lot as an approved Gaming Facility or an immediately adjacent lot with coordinated traffic access, and with a 300 feet building setback from the right-of-way of a State road.

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

C = Allowed by Conditional Use

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

N = Not permitted

(See 602 or 603) = See Additional Requirements in Sections 602 or 603

**TYPES OF USES**

(See definitions in Article 15)

**ZONING DISTRICTS**

HC NC(Note 3) IC IC-1 CR

**b. COMMERCIAL USES (Cont.)**

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 screening requirements of Section 1303.

P P (Note 1) P P N  
 Convenience Store, which may be combined with an Auto Service Station only if the if the requirements for an Auto Service Station are met and if an Auto Service Station is allowed in the district.

P P P P  
 Crafts or Artisan's Studio

Custom Printing, Copying, Faxing, Mailing or Courier Service and similar services to businesses

P P P P P  
 Data Center, which may include an Internet Server Building

P P P P P  
 Dog Day Care - See Animal Day Care Exercise Club

P P P P P (Note 4)  
 Financial Institution; includes banks, and which may include "drive-through facilities" (see 603)

P P P P P (Note 4)  
 Flea Market/ Auction House

Food Truck, except for: a) an operation at any location for less than 30 minutes per day, b) as accessory to an on-site restaurant that operates in a building, or c) for Township-approved special events (See 603)

N N N N N P (Note 4)  
 Funeral Home (See crematorium listed separately under Institutional Uses)

P P P P P  
 Gaming Facility, Licensed, other than small games of chance allowed under State law and the State Lottery. A Gaming Facility is only allowed if operated adjacent to a facility that is actively used as a Horse Race Track.

(Note 1) = A maximum of 25% of lot shall be used for outdoor storage.

(Note 2) = Provided the use is setback a minimum of 200 feet from the nearest residential use on another lot.

(Note 3) = See limits on hours of operation in Section 405.

(Note 4) = Limited to the same lot as an approved Gaming Facility or an immediately adjacent lot with coordinated traffic access, and with a 300 feet building setback from the right-of-way of a State road.

(Note 5) = A 300 feet setback shall apply from a residential district or use, unless a stricter requirement is established by another provision of this Ordinance.

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

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

(See 602 or 603) = See Additional Requirements in Sections 602 or 603

N = Not permitted

C = Allowed by Conditional Use

TYPES OF USES

(See definitions in Article 15)

ZONING DISTRICTS

HC NC (Note 3) IC IC-1 CR

b. COMMERCIAL USES (Cont.)

Gas Station - See "Auto Service Station" in this table.

Golf Course (See 602)

Heliport (See 602)

Horse Racetrack

Hotel or Motel (See 602)

Kennel (See 602)

Laundromat

Laundry, Commercial or Industrial

Lumber Yard

Medical Marijuana Dispensary (See 602)

Micro-brewery or Micro-distillery (which may be in combination with a restaurant or tavern)

Motor Vehicle Racetrack, Outdoor

Nightclub

Office (May include medical clinics or labs)

Pawn Shop

Personal Services (includes tailoring, check cashing, custom dressmaking, haircutting/styling, dog grooming, travel agency, drycleaning, shoe repair, "massage therapy, certified" and closely similar uses)

Plant Nursery or Tree Farm, with a retail sales of items not primarily Grown on the premises only allowed if a Retail Store is also allowed

(Note 2) =	If the use will be open between midnight and 6 AM, the use and its parking areas shall be setback a minimum of 200 feet from any existing or approved dwellings.				
(Note 3) =	See limits on hours of operation in Section 405.				
(Note 4) =	Limited to the same lot as an approved Gaming Facility or an immediately adjacent lot, with coordinated traffic access, and with a 300 feet building setback from the right-of-way of a State road.				
(Note 5) =	A 300 feet setback shall apply from a residential district or use, unless a stricter requirement is established by another provision of this Ordinance.				
(Note 6) =	Each retail establishment shall be limited to a maximum building floor area of 80,000 square feet.				
P =	Permitted by right use (zoning decision by Zoning Officer)	C	=	Allowed by Conditional Use	
SE =	Special exception use (zoning decision by Zoning Hearing Board)	N	=	Not permitted	
(See 602 or 603) =	See Additional Requirements in Sections 602 or 603				

**TYPES OF USES**

(See definitions in Article 15)

**ZONING DISTRICTS**

HC NC (Note 3) IC IC-1 CR

**b. COMMERCIAL USES (Cont.)**

Propane Retail Distributor, other than pre-packaged sales, and with Fire Company review.

Recording Studio, Music

Recreation, Commercial Indoor (includes bowling alley, roller or ice skating rink, batting practice, and closely similar practice, and closely similar uses); other than uses listed separately in this Article 4

Recreation, Commercial Outdoor (including miniature golf course, golf driving range, archery, horseback riding, paintball and closely similar uses); other than uses listed separately in this Article 4.

Repair Service, Household Appliance

Restaurant (includes Banquet Hall) (See 602), other than a Tavern or Nightclub

– with drive-through service (See 603)

– without drive-through service.

(Food Trucks are listed separately below.)

Retail Store (not including uses listed individually in this Article 4). Any drive-through facilities shall meet Section 603 and shall be limited to the HC district.

This use may include rental of items or check cashing.

Self-Storage Development (See 602)

Septic System Contractors, not including on-site sewage treatment

Shopping Center

(Note 2) = If the use will be open between midnight and 6 AM, the use and its parking areas shall be setback a minimum of 200 feet from any existing or approved dwellings.

(Note 3) = See limits on hours of operation in Section 405.

(Note 4) = Limited to the same lot as an approved Gaming Facility or an immediately adjacent lot, with coordinated traffic access, and with a 300 feet building setback from the right-of-way of a State road.

(Note 5) = A 300 feet setback shall apply from a residential district or use, unless a stricter requirement is established by another provision of this Ordinance.

(Note 6) = Each retail establishment shall be limited to a maximum building floor area of 100,000 square feet.

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

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

(See 602 or 603) = See Additional Requirements in Sections 602 or 603

C = Allowed by Conditional Use

N = Not permitted

N N N SE (Note 5) SE N

P P P P P P

P P P P P P

P P P P P P

P (Note 2) N N N N N

P P P P P P (Note 4)

P P P P P P (Note 4)

P P P P P P

P N P P P P

P P P P P P (Note 6)

TYPES OF USES (See definitions in Article 15)	ZONING DISTRICTS				
	HC	NC(Note 3)	IC	IC-1	CR
<b>b. COMMERCIAL USES (Cont.)</b>					
Target Range, Firearms	P	P	P	P	N
- Completely indoor and enclosed					N
- Other than above, with a barrier that the applicant proves is sufficient to protect public safety (Note 1)	N	N	SE (Notes 5)	SE	
Tattoo Parlor or Body Piercing (other than temporary tattoos or ear piercing which are personal service uses)	P	P	P	P	N
Tavern, other than a Nightclub	P	SE	P	P	P (Note 4)
Television or Radio Broadcasting Studios	P	P	P	P	N
Theater, Indoor Movie or Live Theater, other than an Adult Establishment	P	P	P	P	P (Note 4)
Trade / Hobby School	P	P	P	P	N
Truck Stop that primarily serves tractor-trailer trucks	N	N	C (Note 5)	C	N
Veterinarian Office (See 602)	P	P	P	P	P
Visitor Center providing education and promotional information	P	P	P	P	P
Wholesale Sales - see under Industrial Uses					
<b>c. INSTITUTIONAL / SEMI-PUBLIC USES</b>					
Cemetery (See 602); see Crematorium listed separately	N	N	N	N	P
College or University - Educational, Recreational, Office or Support Uses (See also Residential Uses, which are addressed separately)	P	P	P	P	N
Community Recreation Center (limited to a government sponsored or non-profit facility) or Library	P	P	P	P	P

(Note 1) = A target range is also allowed in all zoning districts on a lot of more than 2 acres if limited to occasional daytime use by residents or owners of the lot and if there is a sufficient safety barrier.

(Note 2) = If the use will be open between midnight and 6 AM, the use and its parking areas shall be setback a minimum of 200 feet from any existing or approved dwellings.

(Note 3) = See limits on hours of operation in Section 405.

(Note 4) = Limited to the same lot as an approved Gaming Facility or an immediately adjacent lot, with coordinated traffic access, and with a 300 feet building setback from the right-of-way of a State road.

(Note 5) = A 300 feet setback shall apply from a residential district or use, unless a stricter requirement is established by another provision of this Ordinance.

(Note 6) = Each retail establishment shall be limited to a maximum building floor area of 80,000 square feet.

P = Permitted by right use (zoning decision by Zoning Officer) C = Allowed by Conditional Use

SE = Special exception use (zoning decision by Zoning Hearing Board) N = Not permitted

(See 602 or 603) = See Additional Requirements in Sections 602 or 603



**TYPES OF USES**

(See definitions in Article 15)

**ZONING DISTRICTS**

HC NC (Note 3) IC IC-1 CR

**c. INSTITUTIONAL / SEMI-PUBLIC USES (Cont.)**

Crematorium (See 602)	SE(Note 5)	N	SE(Note 5)	SE	N
Criminal Halfway House or Day Reporting Center (See 602)	N	N	C	C	N
Cultural Center or Museum	P	P	P	P	P
Day Care Center, Adult or Child (See 602) (See also as an accessory use)	P	P	SE	SE	P
Dormitory - See under Residential Uses in this table					
Emergency Services Station or Training Facility	P	P	P	P	P
Hospital or Surgery Center or Related Testing and Treatment Facilities	P	P	P	P	N
Membership Club meeting & non-commercial recreational facilities, provided that such use shall not be open between 2 & 6 AM, & provided that such use shall only be allowed in combination with another use if the other use is allowed in that District and if the requirements for that use are also met. (See 602)	P	P	P	P	P
Nursing Home or Personal Care Home/Assisted Living Facility or Hospice (See 602)	P	P	P	P	P
Place of Worship (See 602) (includes Church)	P	P	P	P	P
School, Public or Private, Primary or Secondary (See 602)	P	P	P	P	P
Temporary and/or Emergency Shelter (See 602)	N	N	SE	SE	N
Treatment Center (See 602)	N	N	C	C	N

**d. PUBLIC/SEMI-PUBLIC USES**

Township Government Uses and Facilities, such as Public Works Facilities	P	P	P	P	P
Government Facility, other than offices and other than uses listed separately in this Article	P	P	P	P	P
Prison or Similar Correctional Institution	N	N	C (Note 5)	C	N
Publicly Owned or Operated Park	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)

(See 602 or 603) = See Additional Requirements in Sections 602 or 603

(Note 3) = See limits on hours of operation in Section 405.

(Note 5) = A 300 feet setback shall apply from a residential district or use, unless a stricter requirement is established by another provision of this Ordinance. A warehousing, storage, distribution or trucking company terminal use involving a total of more than 200,000 square feet of building floor area in a building or in total on a lot, whichever is more inclusive, shall be limited to the IC-1 district.

C = Allowed by Conditional Use

N = Not permitted

**TYPES OF USES**

(See definitions in Article 15)

**ZONING DISTRICTS**

	HC	NC(Note 3)	IC	IC-1	CR
<b>d. PUBLIC/SEMI-PUBLIC USES (Cont.)</b>					
Public Utility Facility, other than Township-owned facilities & other than uses listed separately in this Article. See also Section 602.	SE	SE	P	P	SE
Sewage Pump Stations	P	P	P	P	P
Swimming Pool, Non-household (See 602)	P	P	P	P	P
U.S. Postal Service Facility or Substation	P	P	P	P	P
<b>e. INDUSTRIAL USES</b>					
Asphalt Plant	N	N	C(Note 5)	C	N
Assembly or Finishing of Products Using Materials produced elsewhere (such as products from plastics manufactured off-site)	P	N	P	P	N
Building Supplies and Building Materials, Wholesale Sales of	P	P	P	P	N
Distribution Center as a principal use (See 602), not including a Trucking Company Terminal	N	N	C (Note 5)	C	N
Electric Power Generating Plant (Other than Putrescent Solid Waste to Energy, Solar Farm, or Wind Turbines)	N	N	C (Note 5)	C	N
Solar Farm (see 602)	N	N	C (Note 5)	C (Note 5)	N
Industrial Equipment Sales, Rental and Service, other than involving trucks and trailers primarily intended to be operated on public streets	P	N	P	P	N
Incineration of Hazardous or Toxic Waste, other than may have been previously approved within an existing waste-to-energy plant	N	N	C (Note 5)	C	N
Junk - outdoor storage, display or processing of, other than within an approved junkyard or solid waste disposal facility	N	N	N	N	N
Junk Yard (See 602) (includes scrap yard)	N	N	SE (Note 5)	SE	N
Liquid or Gas Fuel Storage, Bulk, for off-site distribution, which shall require a review by the Fire Company; other than: auto service station, propane distributor as listed separately, pre-packaged sales or fuel tanks for company vehicles	N	N	C (Note 5)	C	N

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

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

(See 602 or 603) = See Additional Requirements in Sections 602 or 603

(Note 3) = See limits on hours of operation in Section 405.

(Note 5) = A 300 feet setback shall apply from a residential district or use, unless a stricter requirement is established by another provision of this Ordinance. A warehousing, storage, distribution or trucking company terminal use involving a total of more than 200,000 square feet of building floor area in a building or in total on a lot, whichever is more inclusive, shall be limited to the IC-1 district.

**TYPES OF USES**

(See definitions in Article 15)

**ZONING DISTRICTS**

HC NC(Note 3) IC IC-1 CR

**e. INDUSTRIAL USES**

Manufacture and/or bulk processing of the following, provided manufacturing occurs only indoors:

- Agricultural Chemicals, Fertilizers or Pesticides	N	N	SE (Note 5)	SE	N
- Apparel, Textiles, Shoes and Apparel Accessories (see also Crafts Studio)	P	P	P	P	N
- Cement Manufacture	N	N	SE (Note 5)	SE	N
- Ceramics Products (other than Crafts Studio)	N	N	P	P	N
- Chemicals, Manufacture or Bulk Processing of, other than pharmaceuticals and types listed separately	N	N	SE(Note 5)	SE	N
- Clay, Brick, Tile and Refractory Products	N	N	P	P	N
- Computers; Electronic & Microelectronic Products	P	P	P	P	N
- Concrete, Lime and Gypsum Products, other than actual manufacture of cement	N	N	N	N	N
- Electrical Equipment, Appliances & Components	P	N	P	P	N
- Explosives, Fireworks or Ammunition	N	N	SE (Note 5)	SE	N
- Fabricated Metal Products (except Explosives, Fireworks or Ammunition) and/or Machine Shops	N	N	P	P	N
- Food and Beverage Products (which may include aquaculture), at an industrial scale, as opposed to a clearly retail scale	P	P	P	P	N
- Glass & Glass Products (other than Crafts Studio)	P	N	P	P	N
- Jewelry and Silverware	P	N	P	P	N
- Leather and Allied Products (other than Crafts Studio or Tannery)	N	N	P	P	N
- Machinery or Gaskets	P	N	P	P	N
- Manufactured or Modular Housing Manufacture	N	N	P	P	N
- Medical Equipment and Supplies	P	N	P	P	N
- Metal Products, Primary	N	N	SE	SE	N

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

C = Allowed by Conditional Use

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

N = Not permitted

(See 602 or 603) = See Additional Requirements in Sections 602 or 603

(Note 3) = See limits on hours of operation in Section 405.

(Note 5) = A 300 feet setback shall apply from a residential district or use, unless a stricter requirement is established by another provision of this Ordinance.

ZONING DISTRICTS

TYPES OF USES

(See definitions in Article 15)

HC      NC(Note 3)      IC      IC-1      CR

e. INDUSTRIAL USES (Cont.)

Manufacture and/or bulk processing of the following, provided manufacturing occurs only indoors:

- Mineral Products, Non-metallic (other than Mineral Extraction)      N      N      P      P      N
- Paper and Paper Products (including recycling, but not including manufacture of raw paper pulp)      P      N      P      P      N
- Paper - Raw Pulp      N      N      N      N      N
- Paving Materials, other than bulk manufacture of asphalt      N      N      SE      SE      N
- Pharmaceuticals and Medicines      P      N      P      P      N
- Plastics, Polymers, Resins, Vinyl, Coatings, Cleaning Compounds, Soaps, Adhesives, Paints, or Ink      N      N      SE      SE      N

- Products from Previously Manufactured Materials, such as glass, leather, plastics, cellophane, textiles, rubber or synthetic rubber      P      N      P      P      N
- Roofing Materials and Asphalt Saturated Materials or Natural or Synthetic Rubber      N      N      SE      SE      N
- Scientific, Electronic and Other Precision Instruments      P      N      P      P      N
- Sporting Goods, Toys, Games, Musical Instruments or Signs      P      P      P      P      N
- Transportation Equipment, including installing mechanical additions to trucks and trailers      N      N      P      P      N
- Wood Products and Furniture (not including raw paper pulp)      P      P      P      P      N
- See Section 205 for uses that are not listed
- Medical Marijuana Grower / Processor (See 602)      SE      N      N      N      SE

Mineral Extraction (See 602) and related processing, stockpiling and storage of materials removed from the site, other than as part of preparation of a development site  
Packaging  
Package Delivery Services Distribution Center

N      N      C(Note 5)      C      N

P      P      P      P      N

P      P      P      P      N

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

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

N = Not permitted

(See 602 or 603) = See Additional Requirements in Sections 602 or 603

(Note 3) = See limits on hours of operation in Section 405.

(Note 5) = A 300 foot setback shall apply from a residential district or use, unless a stricter requirement is established by another provision of this Ordinance.

TYPES OF USES

(See definitions in Article 15)

ZONING DISTRICTS

HC NC(Note 3) IC IC-1 CR

e. INDUSTRIAL USES (Cont.)

Petroleum Refining or Manufacture or Bulk Storage of

Ethanol or similar fuels for off-site use

Pipeline Compressor Station (such as for natural gas), which shall be

constructed within an enclosed structure with sound absorbing walls

Printing or Bookbinding

Recycling Center, Bulk Processing, provided all operations of an industrial

scale occur within an enclosed building (this use does not include a solid

solid waste disposal or transfer facility)

Research and Development, Engineering or Testing Facility or Laboratory

(other than medical laboratories, which is considered an office use) and

related manufacture of prototypes

Sawmill/ Planing Mill

Septage and Composting Processes (See 602)

Slaughterhouse, Stockyard or Tannery (other than customarily

accessory processing of animals raised on-site or by the same operator)

Solid Waste Landfill (See 602)

Solid Waste Transfer Facility or Putrescent Waste to Energy Facility (See 602)

Trucking Company Terminal (See 602)

Warehousing or Storage as a principal use (See 602)

Warehousing or Storage as an on-site accessory use or serving principal

uses located or allowed within the same zoning district

Welding

Wholesale Sales (other than Motor Vehicles)

(Note 2) = A maximum of 25% of lot shall be used for outdoor storage.

(Note 3) = See limits on hours of operation in Section 405.

(Note 5) = A 300 feet setback shall apply from a residential district or use, unless a stricter requirement is established by another provision of this Ordinance. A warehousing, storage, distribution or trucking company terminal use involving a total of more than 200,000 square feet of building floor area in a building or in total on a lot, whichever is more inclusive, shall be limited to the IC-1 district.

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

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

(See 602 or 603) = See Additional Requirements in Sections 602 or 603

C = Allowed by Conditional Use

N = Not permitted

TYPES OF USES (See definitions in Article 15)	ZONING DISTRICTS				
	HC	NC(Note 3)	IC	IC-1	CR
<b>f. ACCESSORY USES</b>					
See additional allowed accessory uses in Sections 302 and 403, and the additional requirements in Section 603 for specific Accessory Uses.					
Accessory Camping Site (See 603)	P	P	P	P	P
Bus Passenger Shelter	P	P	P	P	P
Composting, Bulk, as accessory use, other than septage. Note: composting of leaves, vegetation or materials generated on-site are permitted by right in all districts.	N	N	SE	SE	SE
Day Care Center accessory to and on the same lot as an existing lawful Place of Worship	P	P	P	P	P
Day Care (See 603) as accessory to a lawful dwelling, of the following number of persons, in addition to children or grandchildren of the on-site caregiver:					
- Day care of a maximum of 3 persons. This use does not need a zoning permit.	P	P	P	P	P
- Group Day Care Home (7 to 12 children)	P	P	P	P	P
- Family Day Care Home (4 to 6 children)	P	P	P	P	P
Farm-Based Business (See 603)	P	P	P	P	P
Furnace, Outdoor (See 603)	P	P	P	P	P
Home Occupation, General or Low Impact (See 603)	P	P	P	P	P
Outdoor Storage and/or Display as accessory to a business use (See buffer yard provisions) (See Section 603)	P	P (Note 2)	P	P	P
Processing of Agricultural Products produced on-site as a customarily accessory use	P	P	P	P	P
Outdoor Storage and/or Display as principal use, other than uses listed separately in this table (See buffer yard provisions in 1303)	N	N	SE	SE	SE

(Note 2) = A maximum of 25% of lot shall be used for outdoor storage.

(Note 3) = See limits on hours of operation in Section 405.

(Note 5) = A 300 feet setback shall apply from a residential district or use, unless a stricter requirement is established by another provision of this Ordinance. A warehousing, storage, distribution or trucking company terminal use involving a total of more than 200,000 square feet of building floor area in a building or in total on a lot, whichever is more inclusive, shall be limited to the IC-1 district.

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

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

(See 602 or 603) = See Additional Requirements in Sections 602 or 603

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N = Not permitted

TYPES OF USES

(See definitions in Article 15)

ZONING DISTRICTS

HC NC (Note 3) IC IC-1 CR

f. ACCESSORY USES (Cont.)

Rental of an Existing Dwelling, Short-Term (See 603) P P P P P  
 Retail Sales as Accessory to a Principal Industrial Use, limited to items produced or distributed on the premises, and limited to a maximum of 5% of the floor area of the principal use P P P P P  
 Retail Sale of Agricultural Products (See 603) P P P P P  
 Temporary Commercial Uses - See Section 603, as well as "Food Truck" which is listed separately. P P P P P  
 Unit for Care of Relative (See 603) on the lot of an existing dwelling P P N N P

g. MISCELLANEOUS USES

Crop Farming, Community Garden, Greenhouse, Hydroponics or Aquaculture P P P P P  
 Forestry (Includes Timber harvesting; See 602) P P P P P  
 Groundwater or Springwater Withdrawal Averaging More than 100,000 gallons per day, for off-site use (See 602) SE SE SE SE SE  
 Horse Training Facility (See 602) P P P P P  
 Livestock or Poultry, Raising of (See 602):  
 - Intensive SE N SE SE SE SE  
 - Non-Intensive P P P P P  
 Mushroom Houses, for the production of mushrooms N N N SE (Note 5) N  
 Nature Preserve/Environmental Education Center P P P P P  
 Parking Lot or Structure as an accessory or principal use:  
 - parking of trucks that haul putrescent or hazardous waste N N SE SE N  
 - overnight parking that primarily serves two or more tractor-trailer trucks and/or their trailers P N N P P P  
 - other than above, such as municipal parking lots and customary accessory parking for on-site uses. 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)  
 (See 602 or 603) = See Additional Requirements in Sections 602 or 603  
 (Note 3) = See limits on hours of operation in Section 405.  
 (Note 5) = A 300 feet setback shall apply from a residential district or use, unless a stricter requirement is established by another provision of this Ordinance.

TYPES OF USES

ZONING DISTRICTS

(See definitions in Article 15)

g. MISCELLANEOUS USES (Cont.)

- Recycling Collection Center
- Solar Energy Collection Systems
- Water Supply Wells, Storage and Treatment Facilities
- Wastewater Treatment Plant (other than customarily accessory pre-treatment facilities)
- Wind turbines:
  - Maximum of one on a lot that is an accessory use (See 603)
  - One or more wind turbines, other than above (See 602))
- Winery (See 602)

All Uses that will be unable to comply with the performance standards of this ordinance. See the "Environmental Protection" requirements of Article 10

	HC	NC (Note 3)	IC	IC-1	CR
P	P	N	P	P	P
P	P	P	P	P	P
P	P	P	P	P	P
P	P	N	P	P	P
P	P	P	P	P	P
SE	SE	SE	SE	SE	SE
P	P	P	P	P	P
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)
- (See 602 or 603) = See Additional Requirements in Sections 602 or 603 (Note 3) = See limits on hours of operation in Section 405.
- (Note 5) = A 300 feet setback shall apply from a residential district or use, unless a stricter requirement is established by another provision of this Ordinance.



402. **Permitted Accessory Uses in All Districts.** Section 302 shall apply.
403. **Permitted Accessory Uses to Business and Institutional Uses.** See also Section 302 for accessory uses allowed in all districts. The following are permitted by right accessory uses only to a permitted by right or special exception commercial, industrial or institutional use, provided that all requirements of this Ordinance are met:
- A. Storage of fuels for on-site use or to fuel company vehicles.
  - B. 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:
    - 1. Internal cafeteria without drive-through service,
    - 2. Day care center or
    - 3. Recreational facilities.
  - C. Automatic Transaction Machine.
404. **Uses Not Specifically Regulated.** Section 205 shall apply.
405. **Limits on Hours of Operation in the NC and VR Districts and for Nonconforming Commercial Uses in Residential Districts.**
- A. A commercial use or membership club in the NC or VR District shall not be open to customers or patrons for business purposes between the hours of 11 PM and 6 AM unless it was already regularly open to the public during those hours immediately prior to the effective date of this Ordinance. A commercial use or membership club may be approved to be open after 11 PM as a special exception use if the applicant proves to the satisfaction of the Zoning Hearing Board that such business hours will not negatively impact dwellings in the vicinity.
  - B. A nonconforming commercial use or membership club in a Residential District shall not be open to customers or patrons for business purposes between the hours of 11 PM and 6 AM, unless the use was already regularly open to the public during those hours immediately prior to the effective date of this Ordinance.
406. **Age-Qualified Housing.**
- A. These provisions shall apply if Age-Qualified Housing is used to allow an increased density under this Ordinance under Article 5 of this Ordinance.
  - B. Age-Qualified Housing shall involve all housing units within a subdivision or land development being permanently limited by deed and by any lease to occupancy by at least one person age 55 and older, and with no resident under age 18, except that a person under age 18 may temporarily stay within a housing unit for a total of less than 60 days per calendar year. An applicant alternatively may decide to use an age limit of 62 or above, or a similar age limit authorized by Federal law.
  - C. The applicant may also decide to permit one or more types of persons classified by the Social Security Administration as disabled to reside in Age-Qualified Housing, regardless of their age, provided it is structured in a way that complies with Federal law.
  - D. A primary enforcement mechanism shall be established by the applicant, such as through the owner of a rental development or by a homeowner association. The Township shall be provided with secondary enforcement authority that is intended to be used if such primary mechanism fails to comply with its enforcement responsibilities. If the Township needs to utilize its enforcement authority, the Township's enforcement costs shall be paid by the entity

with the primary enforcement responsibility.

- E. If a household met the age qualifications at the time of initial occupancy of a dwelling unit, members of a household are not required to leave if a person aged 55 or older later dies or leaves the household, such as because of divorce, separation or need for nursing care.
- F. The minimum yard dimensions may each be reduced by 25 percent and the maximum building coverage may be increased to be 10 percent higher (such as an increase from 50 to 60 percent). The minimum lot area or minimum average lot area may be reduced by 25 percent and the maximum allowed density may be increased by 25 percent, as applicable.
- G. Open areas may be commonly maintained, with homes in condominium or Planned Community Act ownership. In such case, the buildings shall be laid out in a manner that would be able to comply with the dimensional requirements for each dwelling, even though fee-simple lots are not required.
- H. A minimum of 15 percent of the total tract area shall be provided as common open space, which shall be improved with trails that are accessible by the residents and landscaping or preserved woods. Land occupied by a community center building, tennis courts, a swimming pool, or other recreational facilities may count towards the 15 percent requirement.
- I. The only allowed housing types shall be those allowed in the zoning district.

**ARTICLE 5**  
**DIMENSIONAL REQUIREMENTS IN EACH DISTRICT;  
DEVELOPMENT OPTIONS**

501. **Dimensional Requirements.** The following dimensional requirements shall apply for the specified Zoning District, unless a more restrictive requirement for a specific use is required by Article 6 or another provision of this Ordinance. All measurements shall be in feet unless otherwise stated. See definitions of terms (such as lot width) in Article 15. Each dwelling unit and each principal building shall be served by central sewer service, unless: a) each lot and each dwelling unit has a minimum lot area of one acre or more, or b) specifically stated otherwise in this ordinance.

Zoning District: Type of Use	Minimum Lot Area (sq.ft.)	Minimum Lot Width Measured at Minimum Building Setback Line (ft.) [Note L]	Maximum Building Height (ft.) (See also Section 502) [Note A]	Minimum Front Yard Setback (ft.) [Note D]	Minimum Rear Yard Setback (ft.) [Note F]	Minimum Side Yard Setback (each) (ft.) [Note F] [Note H]	Maximum Percent Building Coverage [Note E]	Maximum Percent Lot Coverage [Note E]
<p>1. C Conservation District:</p> <p>a) Single family detached dwelling</p>	<p>a) Minimum Lot Area – 1 acre, provided that a Minimum Average Lot Area of 5 acres is maintained as part of any Subdivision or Land Development.</p> <p>b) 5 acres</p>	All uses: 150	All uses: 40 feet or 3 stories, whichever is more restrictive	All uses: 50, including on the second yard on a corner lot.	All uses: 50	All uses: 25	All uses: 15%	All uses: 25%
<p>b) Other allowed principal use</p> <p>All dwelling units shall have a minimum building width of 18 feet.</p>								

Zoning District: Type of Use	Minimum Lot Area (sq. ft.)	Minimum Lot Width Measured at Minimum Building Setback Line (ft.) [Note L]	Maximum Building Height (ft.) (See also Section 502) [Note A]	Minimum Front Yard Setback (ft.) [Note D]	Minimum Rear Yard Setback (ft.) [Note F]	Minimum Side Yard Setback (each) (ft.) [Note F] [Note H]	Maximum Percent Building Coverage [Note E]	Maximum Percent Lot Coverage [Note E]
2. RA Rural Agricultural District: All dwelling units shall have a minimum building width of 18 feet.	1 acre	150	All uses: 40 feet or 3 stories, whichever is more restrictive	All uses: 40, including on the second yard on a corner lot, except 25 abutting a local street.	All uses: 40	20, except 15 for an existing lot with a lot area of less than 30,000 sq. ft.	All uses: 30%	All uses: 40%

Zoning District: Type of Use	Minimum Lot Area (sq.ft.)	Minimum Lot Width Measured at Minimum Building Setback Line (ft.) [Note L]	Maximum Building Height (ft.) (See also Section 502) [Note A]	Minimum Front Yard Setback (ft.) [Note D]	Minimum Rear Yard Setback (ft.) [Note F]	Minimum Side Yard Setback (each) (ft.) [Note F] [Note H]	Maximum Percent Building Coverage [Note E]	Maximum Percent Lot Coverage [Note E]
3. RR Rural Residential District: a) Single family detached dwelling: 1) With Township-approved public sewage and central water services 2) With Township-approved public sewage and without central water services 3) Without Township-approved public sewage and central water services b) Other Allowed Uses  All dwelling units shall have a minimum building width of 18 feet.	a1) 30,000 sq.ft. a2) 35,000 sq.ft. a3) 43,560 sq.ft. (1 acre)  b) 1 acre	a1) 100 a2) 150 a3) 150  b) 150	All uses: 40 feet or 3 stories, whichever is more restrictive	All uses: 35, including on the second yard on a corner lot, except 25 abutting a local street.	All uses: 40	All uses: 15	All uses: 35%	All uses: 45%

Zoning District: Type of Use	Minimum Lot Area (sq.ft.)	Minimum Lot Width Measured at Minimum Building Setback Line (ft.) [Note L]	Maximum Building Height (ft.) (See also Section 502) [Note A]	Minimum Front Yard Setback (ft.) [Note D]	Minimum Rear Yard Setback (ft.) [Note F]	Minimum Side Yard Setback (each) (ft.) [Note F] [Note H]	Maximum Percent Building Coverage [Note E]	Maximum Percent Lot Coverage [Note E]
<p>4. RMD Medium Density Residential District:</p> <p>a) With public sewage service but not central water service, with lot area per dwelling unit:</p> <p>a1) Single family detached dwelling</p> <p>a2) Single family semi-detached dwelling</p> <p>b) With both central water and public sewage services, with lot area per dwelling unit:</p> <p>b1) Single family detached dwelling</p> <p>b2) Single family semi-detached dwelling</p> <p>b3) Two family detached dwelling</p> <p>b4) Townhouses</p> <p>c) Other allowed principal use with public sewage service</p> <p>d) If a lot is not served by public sewage service, then the dimensional requirements above of the RR district shall apply instead of the RMD requirements.</p>	<p>a1) 30,000</p> <p>a2) 25,000</p> <p>b1) 20,000</p> <p>b2) 15,000</p> <p>b3) 15,000</p> <p>b4) 10,000</p> <p>average (Notes C &amp; K)</p> <p>c) 30,000</p>	<p>a1) 125</p> <p>a2) 125</p> <p>b1) 100</p> <p>b2) 80 per dwelling unit</p> <p>b3) 120</p> <p>b4) 24</p> <p>c) 125</p>	<p>All uses: 40 feet or 3 stories, whichever is more restrictive</p>	<p>All uses: 25, except 20 feet if there will be no parking in the front yard between the principal building and the street right-of-way. On a corner lot, 20 along the 2<sup>nd</sup> street.</p>	<p>All uses: 25</p>	<p>All uses: 10 feet, except 25 for a multi-family building from other housing types</p>	<p>All uses: 50%</p>	<p>All uses: 60%</p>

Zoning District: Type of Use	Minimum Lot Area (sq.ft.)	Minimum Lot Width Measured at Minimum Building Setback Line (ft.) [Note L]	Maximum Building Height (ft.) (Sec also Section 502) [Note A]	Minimum Front Yard Setback (ft.) [Note D]	Minimum Rear Yard Setback (ft.) [Note F]	Minimum Side Yard Setback (each) (ft.) [Note F] [Note H]	Maximum Percent Building Coverage [Note E]	Maximum Percent Lot Coverage [Note E]
<p>5. VR Village Residential District: [Note B]            If a lot is not served by public sewage service, then the dimensional requirements above of the RR district shall apply instead of the VR requirements.</p> <p>a) Allowed dwelling with both Township-approved public sewage and central water services</p> <p>b) Allowed dwelling with Township-approved public sewage service but without central water service</p> <p>c) Other allowed principal use with public sewage service</p> <p>See also the Traditional Neighborhood Development Option in Section 507 or the Age-Qualified Option in Section 406.            See the maximum building setback in Section 505.A.</p>	<p>a) Minimum average lot area of 12,000 per dwelling unit [Notes C &amp; K].</p> <p>b) Minimum average of 25,000 per dwelling unit [Notes C &amp; K].</p> <p>c) 20,000</p>	<p>a and b) 40 per single family detached dwelling unit, 100 for a multi-family dwelling and 20 feet per each other dwelling unit [Note B]</p> <p>c) 100</p>	<p>All uses: 40 feet or 3 stories, whichever is more restrictive.</p>	<p>All uses: 20, except 30 feet if there will be parking in the front yard between the principal building and the street right-of-way line.            On a corner lot, 20 along the second street.</p>	<p>All uses: 25</p>	<p>a and b) 10, except 25 for a multi-family building from other housing types</p> <p>c) 20</p>	<p>All uses: 50%</p>	<p>All uses: 60%</p>



Zoning District: Type of Use	Minimum Lot Area (sq.ft.)	Minimum Lot Width Measured at Minimum Building Setback Line (ft.) [Note L]	Maximum Building Height (ft.) (See also Section 502) [Note A]	Minimum Front Yard Setback (ft.) [Note D]	Minimum Rear Yard Setback (ft.) [Note F]	Minimum Side Yard Setback (each) (ft.) [Note F] [Note H]	Maximum Percent Building Coverage [Note E]	Maximum Percent Lot Coverage [Note E]
6. MHP Manufactured Home Park District:  a) Manufactured (Mobile) Home Park. See also Section 602, including for separation between manufactured homes.  b) Other allowed uses shall meet the requirements of the RMD District.	a) Minimum average lot area of 9,000 sq.ft. per dwelling unit.	a) 150 for the tract and 60 feet for each manufactured home space.	a) 35 feet	a) 50 feet from the perimeter of the tract	a) 50 feet from the perimeter of the tract	a) 50 ft. from the perimeter of the tract	a) 50 percent for each manufactured home space	a) 70 percent for each manufactured home space

Zoning District: Type of Use	Minimum Lot Area (sq.ft.)	Minimum Lot Width Measured at Minimum Building Setback Line (ft.) [Note L]	Maximum Building Height (ft.) [Note A] (Sec also Section 502)	Minimum Front Yard Setback (ft.) [Note D]	Minimum Rear Yard Setback (ft.) [Note F]	Minimum Side Yard Setback (each) (ft.) [Note F] [Note H]	Maximum Percent Building Coverage [Note E]	Maximum Percent Lot Coverage [Note E]
<p>1. HC Highway Commercial District, IC Industrial Commercial District and IC-1 Industrial Commercial District:</p> <p>a) Allowed non-residential uses.</p> <p>b) Any allowed residential uses shall meet the dimensional requirements of the RR District instead of the IC, IC-1 or HC district.</p>	a) 1 acre (43,560 sf), except 2 acres for an industrial use.	a) 150	a) 4 stories or 65 feet, whichever is more restrictive, provided that for every 1 foot of height greater than 35 feet, the minimum side and rear yards shall each be increased by one additional foot. [Note M]	a) 40, and 30 along the 2 <sup>nd</sup> front yard	a) 40 [Note I]	a) 20 [Note I]	a) 40%	a) 60%, except 75% in the IC-1 district if the additional standards are met in Note M. below.

Zoning District: Type of Use	Minimum Lot Area (sq.ft.)	Minimum Lot Width Measured at Minimum Building Setback Line (ft.) [Note L]	Maximum Building Height (ft.) [Note A] (See also Section 502)	Minimum Front Yard Setback (ft.) [Note D]	Minimum Rear Yard Setback (ft.) [Note F]	Minimum Side Yard Setback (ft.) [Note F] [Note H]	Maximum Percent Building Coverage [Note E]	Maximum Percent Lot Coverage [Note E]
2. CN Neighborhood Commercial District: a) Allowed Non-residential Uses b) Any allowed residential uses shall meet the dimensional requirements of the RMD District instead of the CN district.	a) 43,560 (1 acre)	a) 150 [Note B]	a) 3 stories or 40 feet, whichever is more restrictive.	a) 40	a) 40	a) 40	a) 40%	a) 40%, except 50% if a lot is served by both central water and public sewage services

Zoning District: Type of Use	Minimum Lot Area (sq.ft.)	Minimum Lot Width Measured at Minimum Building Setback Line (ft.) [Note L]	Maximum Building Height (ft.) [Note A] (See also Section 502)	Minimum Front Yard Setback (ft.) [Note D]	Minimum Rear Yard Setback (ft.) [Note F]	Minimum Side Yard Setback (ft.) [Note F] [Note H]	Maximum Percent Building Coverage [Note E]	Maximum Percent Lot Coverage [Note E]
3. CR Commercial Recreation District: a) Non-residential uses b) For any allowed residential uses, the dimensional requirements of the RR District shall apply instead of the requirements for the CR district.	a) 43,560	a) 150	a) 3 stories or 45 feet, whichever is more restrictive [Note M]	a) 40	a) 40 [Note I]	a) 25 [Note I]	a) 30%	a) 40%

Section 501. Continued: Notes for the Above Table:

- [Note A] = Any building with areas occupied by humans or business storage with a height of greater than 35 feet shall be required to be served by a full fire protection sprinkler system that is installed throughout the entire building and which meets National Fire Protection Association standards.
- [Note B] = If an existing rear or side alley is available or could be feasibly extended, it shall be used for access to parking spaces for the lot instead of a front yard driveway, unless the Township determines that another access is more appropriate as part of a subdivision or land development approval. If 2 or more side-by-side off-street parking spaces are located in the front yard of a townhouse or if garage door(s) for 2 or more vehicles face onto the street in the front of the townhouse, then the minimum building width per dwelling along such street shall be a minimum of 24 feet. A maximum of 60 percent of the land area between the front of each townhouse or semi-detached dwelling and the street right-of-way line shall be used for vehicle parking and driveways, unless a shared parking court is approved with a 20 feet paving setback from the dwellings.
- [Note C] = The average density 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. No minimum lot area applies for each individual dwelling unit, provided that the overall density requirements are met. Each single family, semi-detached or townhouse dwelling shall still be able to meet the minimum front yard, side yard, rear yard and lot width as if each dwelling was on its own fee simple lot.
- The minimum average lot area per dwelling unit establishes the maximum number of units permitted on a tract of land. The total lot area of the tract prior to development is used. The area occupied by existing street right-of-way of existing streets and alleys is then deleted. The following areas are not required to be deleted from the lot area to determine density: right-of-way of proposed streets and alleys and areas of parking courts, common open space and stormwater detention basins. The resulting lot area is then divided by the average lot area per dwelling unit to result in the maximum number of dwelling units allowed on the tract.
- [Note D] = Setbacks shall be measured from the legal street right-of-way, after any subdivision or land development has been completed. An unenclosed front porch or deck may encroach up to 10 feet into the minimum front yard. This porch or deck may be covered by a roof or awning. Steps, stoops and ramps for persons with disabilities may also encroach into any setback as necessary to provide access, which may be beyond 10 feet.
- [Note E] = For townhouses and semi-detached dwellings, the maximum building and Lot coverage requirements may be met as an average across a tract after development, as opposed to regulating each individual lot.
- [Note F] = The following exceptions shall apply:

- For accessory structures and uses, see Section 503 below.
- Structures shall not obstruct minimum sight clearance at intersections, as provided in Section 1303.C.
- See Section 1305.C. regarding extension of nonconforming setbacks.
- See Section 504.C. regarding permitted reductions in setbacks to reflect average setbacks of adjacent buildings.

[Note G]= Abutting lots in common ownership may be calculated together to show compliance with the maximum coverages.

[Note H] = Except 0 feet at the shared lot line of lawfully attached dwellings, such as along the lot line of semi-detached dwellings or townhouses, or where a new attached building is constructed that replaces a previous building that was attached to the same adjacent building, or where the Township approves adjacent business buildings to be constructed on a lot line as part of a subdivision or land development.

[Note I] = Except 20 feet side and 25 feet rear for a principal business from a lot in a Residential District that is occupied by a principal dwelling that is not in common ownership. Such side or rear yard shall be increased to 60 feet from such a lot for any building area or land area used for manufacturing, bulk storage of highly hazardous substances, industrial outdoor processing or a tractor-trailer truck loading dock.

[Note J] = A minimum 3 feet building setback is required from an approximately parallel door or window of a building on another lot, unless a larger setback is required under the Construction Code.

[Note K] = Individual lots may be approved with smaller condominium parcels as part of a unified subdivision or land development plan, provided the average density is met.

[Note L] = The minimum lot width is measured at the part of the lot where the minimum building front yard setback applies. If a building is placed further back from the street, it will not change where the lot width is measured.

[Note M] = The maximum 75 percent lot coverage requirement in the IC-1 district shall only be allowed for a warehouse or distribution center use, and shall only be allowed if all of the following requirements are met:

1. A 10 acre minimum lot size shall apply.
2. The lot shall have a minimum of 300 feet of contiguous lot frontage along an arterial or collector street.

See also the additional requirements in Section 602 for Trucking Company Terminals, Warehousing, Storage or Distribution Centers.

Abbreviations: sq. ft. = square feet.

A. Agricultural Nuisance Disclaimer. The following notice, or similar text pre-approved by the Zoning Officer, is required to be placed on the deed of any new lot that is created within the RA District and shall be disclosed to any buyer of a lot prior to a sale:

"Lands within the RA District are in an area where the Township has given priority to commercial agricultural production. Owners, residents and other users of this property may be subjected to inconveniences, discomfort and annoyances arising from normal and accepted agricultural practices and operations, including but not limited to noise, odors, dust, the

operation of machinery of any kind including aircraft, the storage and disposal of manure, the application of fertilizers, soil amendments, herbicides and pesticides. Owners, occupants and users of this property should be prepared to accept such inconveniences, discomfort and annoyances from normal agricultural operations, and are hereby put on official notice that the Pennsylvania "Right to Farm Law" and/or any Agricultural Security Area designation may bar them from certain legal actions to limit such normal agricultural operations."

- B. Noise and Vibration Disclaimer. For new residential lots, the following notice, or similar text pre- approved by the Zoning Officer, is required to be placed on the deed: "National Guard training activities are regularly held in the area. Residents are put on notice to expect noise and vibration from aircraft, live fire exercises and other activities."
502. Height Exceptions. Section 501 establishes maximum building heights for each District. The following provisions shall also apply:
- A. Any structure or building that is accessory to a dwelling on a lot of less than 5 acres shall have a maximum height of 25 feet. For other accessory buildings or on residential lots of more than 5 acres, a maximum height of 25 feet shall apply, unless it meets the minimum setbacks for a principal building, in which case the maximum height for a principal building shall apply.
  - B. The maximum structure height specified for each District shall not apply to: antenna and communications towers that meet the requirements of this Ordinance, water towers, cranes or similar mechanical devices, clock or bell towers, steeples and religious symbols attached to places of worship, utility lines and poles and towers, elevator shafts, rooftop stairways, wind turbines that comply with this Ordinance, skylights, chimneys, heating/ventilation/air conditional equipment, industrial mechanical equipment areas that are not occupied by humans, 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 Article 15.
  - C. Solar energy collection devices may exceed the maximum building height by 6 feet, provided the devices do not extend more than 1 foot above the top of the peak of a pitched residential roof.
503. Accessory Structures and Uses.
- A. Unless otherwise noted within this Ordinance, the minimum side and rear setback for accessory uses shall be 5 feet. The following provisions shall also apply:
    - 1. A side yard setback is not required for a use that is accessory to a dwelling from a lot line along which two dwellings are attached (such as a lot line shared by semi-detached dwellings). However, such use shall still meet the 5 foot setback on a lot line where the dwellings are not attached, and shall not be placed less than 3 feet from an approximately parallel door or window of another dwelling.
    - 2. An accessory use shall be setback a minimum of 5 feet from the right-of-way of an alley.
    - 3. No accessory use or structure shall be allowed within a required minimum front yard.
504. Maximum Building Setback in VR District; Reduction in Front Setbacks Based Upon Adjacent Buildings.
- A. In the VR District, any new principal building shall have a maximum front building setback along a street of 50 feet. A front building wall, front porch, outdoor café, or pedestrian plaza may be used to meet this requirement. The intent is to have new parking to the side and rear of the building. This provision shall not prevent the construction of an access driveway in the

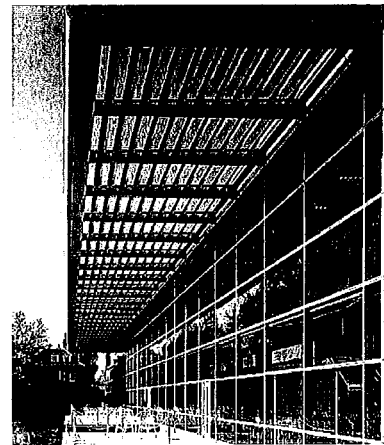
front. On a corner lot, this provision shall only apply to one of the two abutting public streets.

- B. Where a subject lot has 2 abutting lots on the same side of the street along the same block, and both of these lots have an existing front yard building setback that is smaller than the setback that would be required on the subject lot, then the subject lot may have a minimum front yard setback that is equal to the average of those 2 abutting lots.

505. **Dimensional Provisions for Solar Energy Collection Devices.**

- A. Articles 3 and 4 list where solar energy collection devices are allowed, and the maximum percentage of lot area that can be covered.
- B. See Section 502.D. which allows solar energy collection devices to exceed the maximum height.
- C. Solar screens, awnings, or solar panels that extend over building windows and that do not include any signage may intrude into a building setback area by up to 15 feet.

The photo to the right shows an example of a solar shading extension of a building roof that is intended to provide adjustable screening of the sun, to cool a building on hot days and warm a building on cold days.



- D. Solar energy collection devices that are not located on a building roof shall not: (1) be located in a minimum front yard and (2) have a total height above the ground of more than 15 feet, unless they meet minimum setbacks for a principal building.
- E. When an applicant owns two or more adjacent lots, and at least one of those lots is proposed to utilize solar energy collection devices, the applicant is requested to consider establishing a solar access easement or a similar legal mechanism to make sure that structures or vegetation on one lot does not unreasonably obstruct solar access for the solar energy collection devices on the adjacent lot.
- F. Where solar energy collection devices are being placed on a building roof, they shall be setback a minimum of 3 feet from the side and bottom edges of the roof to allow for safer access by and less risk of electrical shock to emergency responders.

506. **Septic Systems.**

A. **On-Lot Septic Systems.**

- 1. Purpose - To ensure that a suitable location is available for a new septic system if the original septic system should malfunction.
- 2. This Section shall only apply to a lot that is officially submitted for subdivision or land development approval after the adoption of this Zoning Ordinance.
- 3. Each new lot shall include both a primary and a reserve septic system location. Both



locations shall be determined by the Township Sewage Enforcement Officer to meet DEP regulations for a septic system location prior to approval of the final subdivision or land development plan.

4. The requirement for a reserve septic system location shall not apply to the following:
    - a. the simple merger of two or more existing lots, or an adjustment to lot lines of an existing lot,
    - b. a vacant lot that includes a permanent deed restriction or conservation easement prohibiting any construction of buildings on the lot,
    - c. lots within a subdivision or land development that will abut a complete capped sewage system constructed by the developer, the design of which has been approved by the Township, or
    - d. an existing lot of record being occupied by a single family detached dwelling.
  5. The reserve septic system location shall be kept clear of buildings and parking, and shall be shown on any subsequent applications for new or expanded buildings or parking. The Township may require that the location be recorded on the deed.
- B. Well and Septic System Locations. Every plan for a subdivision or land development and every application for a building permit for a new principal building that will be served by a well and/or septic system shall designate the proposed well and primary and alternate (if required) septic system locations.
1. Such plan shall show that the proposed locations will meet the minimum isolation distances established by PA DEP regulations between a well and septic systems on the subject lot and all adjacent lots.
  2. A plan may show the outer extent of potential well locations, instead of one exact location, provided all of the potential area would still meet the isolation distance.
  3. If the well or septic system location is proposed to be changed from the location shown on the submitted plan, then a site plan showing the revised location shall be submitted for approval by the Zoning Officer and Sewage Enforcement Officer prior to issuance of the building permit.
  4. It is requested that well sites be placed in the front yard, thereby allowing septic systems to be placed in the rear yard. The intent is to minimize the visibility of any septic mound systems. In addition, if wells are located in consistent locations within a subdivision, it will make it easier for adjacent property-owners to meet minimum separation distances between septic systems and wells.
- C. Expansion of Septic Use. If the Zoning Officer has reason to believe that a proposed increase in the number of dwelling units or expansion or change of a non-residential use would be expected to result under PA. DEP standards in increased flow to a septic system (such as addition of bedrooms), then the application shall be referred to the Sewage Enforcement Officer. The Sewage Enforcement Officer shall require modification, expansion or replacement of the septic system if necessary to handle the proposed flow.

507. Traditional Neighborhood Development (TND) Option.

- A. Purposes. The TND provisions are primarily intended:
1. To encourage innovations in residential and nonresidential development to meet various needs for housing and other development, including offering greater variety in type, design, and layout of dwellings and other buildings;

2. To encourage a more-efficient use of land and infrastructure to create cost-efficiencies in construction and maintenance;
  3. To encourage new development to occur in a manner that will be consistent with the traditional patterns and scale of development and mix of uses that occurred in the region before 1946;
  4. To promote a mix of diverse but compatible types of neighborhood development;
  5. To encourage a blending of recreation areas, preserved natural features, compatible institutional uses, and a mix of housing, including housing intended to be affordable to middle-income persons;
  6. To provide for reasonably safe and convenient pedestrian, bicycle and vehicle circulation, with an emphasis on avoiding conflicts between vehicles backing out of garages across sidewalks;
  7. To encourage persons to live, work, shop, attend religious services and enjoy recreation within the Township;
  8. To encourage the creation of a sense of place, feelings of belonging and a community spirit that promotes social interaction;
  9. To serve the purposes and objectives for traditional neighborhood development as provided in Article VII-A of the MPC, as amended;
  10. To allow a TND under this set of development standards to have a higher density and a wider range of uses than would otherwise be allowed, in return for a higher level of site design and preservation of common open space land; and
  11. To promote the placement of new single-family detached dwellings or open space abutting pre-existing single-family detached dwellings on abutting lots.
- B. TND Applicability. If an applicant chooses to utilize these TND provisions, then all of the requirements of this Section shall apply. All of the provisions of this Ordinance and other Township regulations shall remain in full force, except for provisions modified by this Section. Where Section 507 and another Zoning Ordinance or SALDO provision apply to the exact same matter, Section 507 shall apply in place of that other provision.
- C. Requirements for a TND. Each TND shall meet the following additional requirements:
1. Minimum tract size: 5 acres. The term "tract size" shall include the lot area of all lots prior to subdivision and land development but after deleting existing legal rights-of-way of preexisting public streets. Land within a TND tract may be separated by a waterway, street, railroad, utility corridor, trail or similar feature, but otherwise shall be contiguous.
  2. Utilities. Each principal building shall be served by a central water system and a central sewage system that the applicant proves to the satisfaction of the Board of Supervisors will be able to adequately serve the development over the long term.
- D. Master Plan for a TND.
1. The TND shall be developed following a single master plan. Consistent with final plan approvals and conditioned upon Township approvals, individual portions of the TND may be owned and constructed by different entities, provided that there is compliance with the overall master plan and the phasing plan and provided that there is a clear division of responsibilities in development agreements.
  2. A TND shall need conditional use approval from the Board of Supervisors before any use is approved or lot is subdivided for a TND. The conditional use approval shall be based

upon the master plan. Conditional use approval shall occur prior to preliminary plan approval. Such master plan should address coordinated vehicle access from all adjacent land owned, equitably owned or otherwise controlled by the applicant. If the applicant's land extends into an adjacent municipality or zoning district, then it is requested that the master plan also show such area to plan for a coordinated road and infrastructure system.

- a. The master plan shall be fully coordinated with any existing, proposed or approved development on adjacent land, including providing for pedestrian and bicycle access to adjacent tracts. The Township may require a street connection or a stub street right-of-way to connect with an adjacent tract.
  - b. Landscaped open space and recreation areas shall be interspersed within the TND.
  - c. Pedestrian and motor vehicle routes shall be laid out to complement the interaction between the commercial core of the TND and residential areas.
3. The master plan shall show the approximate alignment of proposed through streets, typical locations and designs of alleys and local streets, approximate cartway widths, typical lot dimensions, approximate locations and purposes of TND open spaces and recreation areas, major pedestrian and bicycle pathways, approximate locations of parking areas, approximate locations of major detention basins and proposed ranges of types of housing and nonresidential uses. The exact locations of streets and alleys shall not be binding upon the subdivision plans that are submitted later, provided that the intent of the circulation system shown on the master plan is met.
- a. The master plan shall designate certain areas for primarily commercial development, certain areas as TND open space, and certain areas for various types and densities of residential development.
  - b. The intent is to have lower-residential-density portions of the perimeter adjacent to pre-existing single-family detached housing developments.
4. Information Required to be Submitted with the Conditional Use Application.
- a. A natural features map shall be submitted with the conditional use application. The natural features map shall accurately show the locations of the one-hundred-year floodplain, slopes of 25% or greater, slopes of 15% to 25%, wetlands and woodlands. Such map shall also show the locations of any existing buildings on the lot that are estimated to be 80 years or older.
  - b. The submittal shall include existing and proposed site data, including tentative numbers of each type of dwelling unit, minimum proposed amount of TND open space, maximum density calculations, and proposed amounts of nonresidential building space.
  - c. The submittal shall include sufficient information for the Board of Supervisors to determine the long-term feasibility of the proposed method of providing central water and central sewage services to the TND.
  - d. This Subsection D shall apply unless the Board of Supervisors approves a modification or waiver to traffic impact study requirements, and/or any component of such requirements, under the SALDO. The applicant, as part of the TND conditional use process, shall request such modification(s) or waiver(s). A traffic impact study meeting the requirements of the SALDO shall be submitted at the time of the conditional use application. Such report shall also describe any transportation

improvements that the applicant proposes to construct or fund to mitigate the traffic impacts. As part of the conditional use process, the applicant shall provide credible evidence that the proposed development will function in a manner that will not create serious safety hazards on adjacent public streets and will not cause severe traffic congestion.

5. The master plan and conditional use application for the TND shall be reviewed by the Township Planning Commission, Zoning Officer, Township Engineer and the Board of Supervisors. The conditional use approval by the Board of Supervisors shall be based upon the master plan. If there is general consistency with the master plan in the determination of the Zoning Officer, then, after preliminary and final subdivision or land development approval has been granted, uses allowed by this Section 507 may occur as permitted-by-right uses.
    - a. The master plan is not required to include the same level of engineering detail as a preliminary subdivision plan. Stormwater calculations, parking calculations, construction details, grading plans, erosion and sedimentation control plans, profiles, exact building shapes and setbacks, interior lot lines and similar engineering details are not required at the master plan stage. The master plan shall include sufficient information to accurately show existing conditions and the feasibility and coordination of the proposed layout of the homes, nonresidential uses, lots, open space and streets.
  6. As part of subdivision and land development plan submittals, changes may occur, provided that there is general consistency with the approved master plan, and provided that any conditions are met that were placed upon the conditional use approval. If there is not general consistency with the approved master plan, then the Township may require that the substantive changes need a conditional use approval.
  7. The master plan shall designate various areas of the TND for (a) certain amounts and various types or ranges of nonresidential uses and (b) maximum numbers and ranges of various types of housing. A minimum number of single-family detached dwellings and a maximum number of apartments and townhouses and total dwelling units shall be specified for each phase.
  8. Alternatives. This subsection is intended to provide reasonable flexibility to allow adjustments in the TND to meet changing market conditions over time. The master plan may include a maximum of three alternatives for each specific portion of the TND. For example, one alternative may show a certain number of townhouses in a particular phase, while another alternative may show a certain number of single-family semidetached dwellings in that same phase. As another example, a particular phase of development could include one alternative for single-family detached houses with lots of 8,000 square feet and a second alternative with single-family detached houses with lots of 6,000 square feet. If each alternative complies with Township requirements, then the applicant may submit any of those alternatives as part of the subdivision and land development plan for that phase without needing a revised conditional use approval.
- E. Overall TND Requirements. A TND shall meet all of the following requirements:
1. Streets shall be interconnected throughout the development. The development shall have a central focal point, such as a central commons, park, or commercial area that is similar to a historic main street and/or allowed institutional or community recreation center

building. Streets or trails should lead towards this focal point.

- a. No more than one cul-de-sac street shall be permitted, except an additional cul-de-sac street may be approved where the applicant proves that there is no reasonable alternative. Street linkages shall be provided to allow connections with future phases of development or adjacent tracts. Where direct street access is not practical between two areas, then the Township Board of Supervisors may require the provision of bicycle and pedestrian access using an easement.
2. A minimum of 50% of the single-family detached dwelling units that are not age-restricted shall have a front door accessing onto an unenclosed front porch with a minimum depth of five feet and a minimum length of eight feet. Such porch shall be covered by a permanent roof. Such porch shall not be enclosed, now or in the future.
3. The applicant shall show that proper site planning and architectural design will be used to minimize visual impact of garages and garage doors as viewed from the front of the lot. A maximum of 50% of the dwelling units shall have garage doors for two or more motor vehicles facing onto a street at the front of the dwelling. This 50% requirement shall not apply to age restricted dwellings. The placement of garages along rear or side alleys or to the rear of the lot with a side driveway is encouraged.
  - a. For single-family detached dwellings that have a front garage facing onto a street, the garage shall have a front setback a minimum of 10 feet greater than the front of the living quarters of the dwelling or a roofed front porch. This ten-foot setback may be reduced to two feet for age restricted dwellings. No garage or carport shall be permitted within five feet from the right-of-way of an alley. However, on-street parallel parking may be approved along an alley under other provisions of this Section 507.
  - b. Applicants are encouraged to have an eight-foot-wide width between an alley and a two-car rear garage to allow room for a household to parallel park a vehicle in front of their own garage.
  - c. Garage doors shall not make up more than 60% of the front street level of the facade of a dwelling. Driveways and off-street parking spaces shall not make up more than 50% of the land area of the front yard between the front of a dwelling and the street right-of-way.
  - d. All streets and alleys shall have a right-of-way, whether public or private.
  - e. To the maximum extent feasible, for dwellings that are not age-restricted, vehicle parking, carports and garages shall be placed to the rear or side of lots, preferably with rear or side access. For example, the following alternative methods of providing parking are permitted and encouraged:
    - (1) A rear landscaped shared parking court or shared carport structure;
    - (2) A garage placed towards the rear of the lot, with a side driveway that is of minimal width within the front yard and then widens in front of the garage;
    - (3) A detached rear garage or rear individual parking pad or side-entry garage accessed from a rear alley or side street;
    - (4) Decks built to extend over garages or over driveways leading to garages; or
    - (5) A landscaped shared parking court connected to a street, provided that parked vehicles do not need to back out onto a through street, and provided that all paving is set back a minimum of 20 feet from any dwelling (other than a front

porch).

- f. If driveways pass through the front of the lot (such as to reach detached rear garages), then it is encouraged to place driveways of adjacent dwellings immediately adjacent to each other. This would allow the driveway on each lot to be narrower than would otherwise be possible. However, each property owner shall still be responsible for his/her own half of the driveway, and each half shall be wide enough to allow a passenger car to travel on each lot. As an alternative, the Township may approve shared driveways with maintenance by a legally binding homeowners' association.
4. All principal buildings should have a minimum roof pitch of 3/12 or have the appearance of such a roof pitch as viewed from the street, except a flat roof may be approved for townhouses or connected commercial buildings if the buildings have a decorative cornice. Variations in roof lines are specifically encouraged.
5. This Subsection 5. shall apply unless the Board of Supervisors approves a modification or waiver to sidewalk requirements under the SALDO. Sidewalks or other Township-approved pedestrian pathways shall be provided along both sides of each street and in front of all principal nonresidential uses. A Township-approved pedestrian pathway that may be of bituminous or other approved construction that may or may not be adjacent to a street may be approved by the Township in lieu of specific segments of residential sidewalks if the pathway provides connections between dwellings and major pedestrian destinations. The width of sidewalks shall be a minimum of eight feet along a commercial main street (which may include street tree wells) and a minimum of five feet in other locations.
  - a. Pedestrian crosswalks shall be provided in any commercial area using materials and colors that visually distinguish the crosswalk from the street surface and that include some texture.
  - b. The materials, depths and cross-sections of the sidewalks and crosswalks shall be subject to approval by the Township, after review by the Township Engineer.
6. Commercial. Allowed commercial uses and their parking areas shall occupy a maximum of 15% of the total land area of the TND. This percentage shall be in addition to any uses that are already in the underlying zoning district. A new principal commercial building shall be set back a minimum of 150 feet from any dwelling building outside of the TND that existed at the time of the enactment of this Section 507.
  - a. Off-street parking shall not be located in the areas between a new commercial building and the front street right-of-way line. Instead, off-street parking shall be located to the side or rear of a commercial building.
  - b. The majority of commercial uses shall be placed in a "Main Street" style commercial area, with the businesses fronting upon a street.
  - c. Bulb-out curbs and similar traffic-calming measures are encouraged in commercial areas.
7. Housing Types.
  - a. The allowed housing types within a TND are listed in subsection F. below.
  - b. Any new dwelling units located within 150 feet from a single-family detached dwelling building that existed outside of the TND shall be a new single-family detached dwelling. The Township may require that a twenty-foot-wide planting area

with a naturalistic mix of deciduous canopy trees, flowering trees, evergreen trees and shrubs be planted along the perimeter of the TND tract where there are concerns about compatibility with the adjacent uses. Such planting area may overlap a rear yard but shall be free of buildings and fences.

- c. A maximum of 30% of the dwelling units shall be multifamily/apartment dwelling units. This thirty-percent maximum limit shall not apply to single-family attached dwellings/townhouses, age-restricted independent living apartments or assisted-living units.
8. Any alleys shall be designed to discourage through traffic. All streets, whether public or private, shall be constructed following Township road bed specifications for a public street. Any alley shall be constructed with six inches of crushed stone, two inches of BCBC and one inch of binder course, unless a modification is granted by the Board of Supervisors.
    - a. Alleys shall have a minimum paved width of 12 feet if limited to one-way traffic and 16 feet if allowing two-way traffic. Additional width shall be required if any parallel parking is provided. The right-of-way for an alley shall be equal to or greater in width than the cartway. An alley shall have adequate sight distance at all corners and intersections of alleys.
    - b. Any alleys shall be maintained by a legally binding homeowners' association or an owner of adjacent rental properties, at no expense to the Township.
  9. New streets shall be sufficient in width to allow on-street parking along at least one side of each street and to provide room for bicycle riding, unless a separate bicycle pathway is provided. The Township may require a prohibition of parking on one side of a street if the street does not have sufficient width for parking on both sides.
  10. The approval for a TND may allow for a set of alternative business uses for certain sites, to offer a developer reasonable flexibility to attract different uses.
  11. Streetlights. The applicant shall install streetlights meeting the minimum requirements of the Township and the electric provider. Such streetlights shall be of sturdy construction, have poles that are dark in color, and have a maximum total height of 22 feet. Streetlights are encouraged to have a decorative design similar to designs used more than 50 years ago. Streetlights shall be provided at all street intersections and at other locations approved by the Township as part of the SALDO approval process.
  12. Architecture. As part of the conditional use, the applicant shall submit a manual of written and graphic design standards for the development showing ranges of typical architectural styles and materials. Such standards shall be at a level of detail consistent with the master plan, with typical designs and common elements, but not exact designs of each building. The applicant shall establish legally enforceable provisions controlling the styles of architecture, rooflines, porches and the general types of exterior materials in such a manner as to incorporate the best features of traditional architecture commonly found in boroughs and villages in Pennsylvania. Except for age-restricted dwellings, such features shall include front porches on most dwellings, landscaped front yards, non-prominent garage doors, varied rooflines and use of architectural details on many facades. The provisions shall be designed to minimize the visual impact of garage doors when they front upon a street. The emphasis shall be upon sides of a building visible from a street.
    - a. The overall architectural standards for the TND shall be approved and sealed by a

- registered architect. The substance of such draft provisions shall be provided to the Township in writing for review at the time of final subdivision or land development submission. Such standards shall be generally consistent with the manual of written and graphic design standards, unless the Township specifically approves a different design scheme. Such provisions shall be subject to approval by the Board of Supervisors as a condition of final subdivision and land development approval. Any future substantive changes to the architectural provisions established under this section shall require approval by resolution of the Board of Supervisors.
- b. Such provisions shall not be designed to require excessive uniformity in design nor to restrict home purchasers to a single design, but instead to encourage high-quality design with a consistent character. Such provisions shall limit monotony and excessive modernity in architectural design. Standards should also be established for the design of fencing that is visible from a street.
  - c. On commercial buildings, blank walls without window and door openings shall not be allowed facing onto a public street. Where window openings are not feasible, then enclosed display windows may be used.
  - d. The Township may require that some or all of the architectural provisions be recorded and/or be included in a development agreement with the Township. The Township shall have the authority to ensure that a system continues to be in place to enforce the architectural provisions that were required by the Township. However, the Township shall accept no responsibility to directly enforce private deed restrictions upon individual properties.
  - e. The architectural provisions shall address the locations of front doors, particularly to ensure that most dwellings and business uses have a front door facing onto a street at the front of the building.
  - f. Buildings of over 160 feet in length shall be designed to have the appearance of smaller connected buildings.
14. Deed Restrictions/Covenants. The applicant shall submit a written statement of the proposed substance of deed restrictions or similar controls that would affect matters addressed in this Part.
15. Association Provisions. If applicable, a draft set of homeowners' association or condominium association provisions or provisions under the Pennsylvania Uniform Planned Communities Act shall be submitted for legal acceptance by the Township Solicitor prior to recording of the final subdivision plan.
16. Phasing. A phasing plan shall be submitted for the TND. The applicant shall show that each phase of the TND would be able to function properly and, at the completion of a phase, the TND would meet Township requirements for common open space and density if later phases of the TND are not completed. The phasing plan shall address the timing of major amenities that are required, such as a community center building. The phasing plan shall address the timing of construction of through streets and access points necessary for emergency vehicles. To meet the density and open space requirements for a phase, portions of the required open space may be set aside by a conservation easement before they are actually improved and ready for dedication in a later phase.
- a. The Board of Supervisors may approve individual phases that do not meet certain TND requirements other than density or common open space, such as percentages



of dwellings with front porches or maximum percentage of a dwelling type or maximum percentage occupied by commercial uses, provided that the requirement will be met after the completion of a later phase, if necessary considering the timing of major site and infrastructure improvements.

- b. Compliance shall be determined at the completion of each phase, so that each individual phase does not need to meet every requirement. For example, if Phase 1 includes more common open space than is required, then Phase 2 may include less common open space than is required, provided that the requirement is met at the completion of Phase 2.
- c. The requirement to develop commercial uses is not required to be met until the last phase.

17. Signs. Signs shall meet the requirements of the underlying zoning district, except that signs for new allowed commercial uses in the RMD district may meet the sign requirements of the VR district.

F. Allowed Uses in a TND.

- 1. The following uses shall be allowed within an approved traditional neighborhood development, provided that all the uses are consistent with the overall master plan:
  - a. Single-family detached dwellings.
  - b. Single-family semidetached (twin) dwellings, side-by-side, with each dwelling on its own fee-simple or condominium lot.
  - c. Single-family attached (townhouse) dwellings, with each dwelling on its own fee-simple or condominium lot.
  - d. Places of worship
  - e. Public transit passenger shelters.
  - f. Library, community recreation center, post office and museum.
  - g. Child or adult day-care as a principal use or accessory use meeting Part 16.
  - h. Nursing home or assisted-living/personal-care center.
  - i. Offices.
  - j. Meeting facility for a membership club.
  - k. Retail store limited to a maximum floor area of 15,000 square feet per establishment, except one establishment may have a maximum floor area of 35,000 square feet. Up to two retail stores (which may include a pharmacy) may include a drive-through facility, provided that each is located to minimize conflicts with sidewalks. Adult bookstores and other adult uses are prohibited in all cases. See "fuel sales" below.
  - l. Art gallery, farmers' market, financial institution, personal service use, or restaurant. Outdoor cafes are encouraged and may extend onto a sidewalk, provided that a minimum 5-foot-wide continuous pedestrian and wheelchair pathway is maintained. Drive-through facilities are prohibited, except for a financial institution or pharmacy. A restaurant may include curbside pickup of orders that were placed offsite.
  - m. Exercise club or hotel/bed-and-breakfast inn with a maximum of 30 guest rooms.
  - n. Multifamily/apartment dwelling units may be allowed in a separate building, above a street-level commercial use, as part of a live-work unit, or as independent living units in an age-restricted development.

- o. The developer shall have the option of offering certain dwelling units specified on the master plan as live-work units that encourage a person to work on the first floor and live in the upper stories. However, those dwelling units are not required to be used as live-work units.
  - p. Indoor or outdoor noncommercial recreation facilities owned by the Township, a property owners' association or a nonprofit recreation organization.
  - q. TND open space or a nature preserve.
  - r. Home occupations and accessory uses shall be addressed in the same manner as the underlying zoning district, unless specifically stated otherwise by this Section 507.
  - s. Sales and rental offices and model homes for the development and temporary construction trailers.
  - t. Group homes, which shall be regulated in the same manner as the underlying zoning district.
  - u. Public or private primary or secondary school.
  - v. Educational facilities of a college, university or trade school.
2. Business buildings shall have their main pedestrian entrance facing a street, a pedestrian walkway/plaza or a central commons. No outdoor commercial storage shall be permitted unless it is completely screened by landscaping and/or buildings.

G. TND Open Space.

- 1. A minimum of 30% of the total lot area of the tract shall be permanent TND open space.
  - a. The minimum amount of preserved open space shall be reduced from 30% to 25% of the total lot area of the tract if the applicant commits to construct a community center and at least two of the following types of recreational facilities:
    - (1) Two golf putting greens.
    - (2) Two regulation-sized tennis courts.
    - (3) One full or two half basketball courts.
    - (4) An outdoor amphitheater that allows seating by a minimum of 100 people and is used for outdoor music concerts, at a minimum, and which does not routinely involve shows with a mandatory admission charge.
    - (5) A swimming pool.
    - (6) A roofed picnic pavilion with tables and seating for a minimum of 40 persons.
    - (7) A fitness center with a variety of exercise machines.
    - (8) An open grass generally level play field with a minimum length of 100 feet and a minimum width of 50 feet that allows for unscheduled informal sports by young persons.
    - (9) An improved area near a commercial area that is suitable for special events, including both hard-surfaced and landscaped areas and benches.
    - (10) A decorative water fountain or waterfall of sufficient size and scope so as to be a focal point of the community, located at or near the commercial main street.
  - b. Such recreational facilities and TND open space shall be provided at a minimum for use of the residents with no charge that exceeds the costs of operating, repairing and maintaining the facility. Some or all of the recreation facilities and TND open space

may also be made available to invited guests and/or the general public. The community center, when required, shall have a minimum floor area of 2,500 square feet built around a meeting room for community meetings and social events. A portion of the community center may be temporarily used as a sales office until the TND is completed and may also include a property owners' association office.

- c. A portion of the required TND open space shall be in an interconnected area that is linked together, but which may include crossings of streets. The TND open space shall include at least one looping recreation trail that is open to the public. The TND open space shall meet the definition of "Open Space, Common" in Article 15.
  - (1) The TND open space requirement may also be used to meet recreation land requirements of the SALDO if the land meets the relevant requirements of the SALDO.
  - (2) A landscaping plan for the TND open space shall be prepared by a registered landscape architect.
2. At least a portion of the preserved open space shall be provided within at least one central commons with a minimum lot area of 20,000 square feet.
  - a. The majority of the central commons should be planted so as to eventually result in a canopy of deciduous trees over areas of the commons that are not planned for active recreation. Existing trees may be retained and used to meet this requirement if the Township determines that they are suitable for such purpose.
  - b. The required central commons shall have a minimum width and minimum length of 60 feet.
  - c. The required central commons shall include benches of durable construction and hard-surface pathways. The majority of the pathways in a central commons shall be ADA-accessible.
3. Stormwater detention basins and drainage channels shall not be used to meet the minimum TND open space requirements, except for areas that the applicant proves to the satisfaction of Township Board of Supervisors would be able to be attractively maintained and landscaped and be usable for recreation during the vast majority of weather conditions or that would have the appearance of a natural scenic pond or a natural swale.
4. For land intended to be open to the public, all required open space shall have provisions for entry with a fifteen-foot minimum width by pedestrians from a street open to the public or from adjacent open space that has access to such a street.

#### H. TND Dimensional Requirements.

1. Single-family detached dwellings:
  - a. Minimum lot area: 4,000 square feet.
  - b. Minimum lot width at the minimum building setback line: 40 feet.
2. Single-family semidetached (twin) dwelling unit:
  - a. Minimum lot area: 3,000 square feet.
  - b. Minimum lot width at the minimum building setback line: 30 feet, except 40 feet if garage door(s) for two or more vehicles will face the front of the dwelling along a street.
3. Single-family attached (townhouse) dwelling unit:
  - a. Minimum lot area: 1,800 square feet.

- b. Minimum dwelling unit width at the front of the enclosed dwelling unit: 18 feet, except 24 feet if garage door(s) for two or more vehicles will face onto the front of the dwelling along a street.
  - c. Maximum number of connected townhouse dwellings: eight.
  - d. If eight townhouses are connected together, they shall be separated from any other principal building by a minimum of 20 feet, and that setback area may be required by the Township to include a paved pathway to reach any rear alley or parking court.
4. Multifamily dwelling (apartment) building (other than upper-story dwelling units above a commercial use):
- a. Minimum lot width: 50 feet.
  - b. Minimum lot area: 5,000 square feet.
  - c. Minimum building setback from the lot line of a single-family detached dwelling within the TND: 20 feet.
  - d. Minimum building setback from an existing single-family detached residential building that is not within the TND: 150 feet.
5. Principal nonresidential use (a lot may include more than one allowed nonresidential use; and within Township-approved commercial areas, principal buildings with a first-floor business use may be attached to each other and may include upper-story dwelling units):
- a. Minimum lot area: 5,000 square feet.
  - b. Minimum lot width at the minimum building setback line: 40 feet.
6. Maximum building coverage of the TND, measured at the completion of the TND: 40%. Maximum lot coverage of the TND, measured at the completion of the TND: 60%. Street rights-of-way shall be deleted before calculating coverages. In each phase, a minimum of 20% of the total lot area of all lots shall be landscaped in grass or other vegetative ground cover and shall be planted with trees and shrubs, if such areas are not maintained in existing woods. Required open space shall not count towards such 20% minimum.
7. Building setbacks/yards (along a street, minimum yards shall be measured from the proposed future/ultimate right-of-way):
- a. Front yard and side yard from a minor street: minimum five feet; maximum 25 feet from a new minor street.
  - b. Front yard or side yard from a collector street: minimum five feet; maximum 30 feet from a new collector street.
  - c. Any yard from an arterial street: minimum 30 feet.
  - d. Side yards: minimum five feet each, except zero where buildings are approved to be attached. Commercial buildings shall be allowed to be attached to each other within the approved commercial portion of the development. Each twin dwelling unit shall have one five-foot-wide side yard. Each set of townhouses shall have a ten-foot-wide side yard at each end townhouse unit.
    - (1) A detached garage located to the rear of the lot shall have a minimum side yard setback of three feet. If a garage is only connected to a dwelling by a breezeway, it may be considered to be attached or detached by the applicant for the purposes of meeting setback requirements.
    - (2) For a detached principal building, the subdivision plan may be approved with one side yard wider than the other to allow wider use by the residents of the

larger side yard and/or to provide for a side driveway to rear parking. In such case, one side yard may be a minimum of three feet, provided that the total width of the two side yards equals a minimum of 10 feet.

- e. Rear yard for a principal nonresidential building: minimum 30 feet.
  - f. Rear yard for a vehicle garage serving a dwelling or a dwelling unit that is allowed to be above a garage: minimum of five feet. A deck attached to a dwelling may extend into the rear yard and may extend over a vehicle garage, provided that the deck is not enclosed.
  - g. Each dwelling unit, other than a multifamily/apartment dwelling, shall have a minimum of 300 square feet of usable outdoor space for the exclusive use of the residents of that dwelling unit. If a single-family detached dwelling is allowed to have an accessory dwelling, then the two dwellings together shall provide three-hundred-square-foot of such outdoor space. For age-restricted dwellings, the three-hundred-square-foot requirement may be reduced to 120 feet. Such outdoor private space may be a yard, garden, patio, balcony, porch or unenclosed deck or a combination of such features. Measures shall be used to provide some measure of privacy for residents in rear yards, such as use of decorative walls, fencing, berming, latticework, awnings or landscaping.
  - h. Swimming pools and accessory buildings that are not vehicle garages shall have a minimum side yard and rear yard setback of three feet.
  - i. A maximum of 25% of the single-family detached, twin or townhouse dwelling units are not required to have a minimum lot width directly along a street right-of-way, provided that each dwelling unit:
    - (1) Has a minimum lot width of 18 feet along an alley; and
    - (2) Fronts upon a landscaped common open space with a paved or concrete sidewalk or pathway that provides pedestrian access to a street, and provided that the front door is not more than 150 feet from a street.
  - j. A maximum of five feet of depth within the required front yard setback may be used for an unenclosed front porch, stoop, steps, handicapped ramp, awning, or canopy.
  - k. In place of individual fee-simple lots meeting these dimensional requirements, an applicant may choose to utilize a condominium form of ownership or provisions of the Pennsylvania Uniform Planned Communities Act. In such case, the lots shall be laid out so that the dimensional and coverage requirements would be physically able to be met as if the dwellings were on fee-simple lots. However, in such case, the actual lot lines for such dimensions do not need to be legally established.
8. Parking Setback. No parking area of five or more spaces shall be located within 50 feet from any existing residential building that is outside the perimeter of the TND and that existed prior to the enactment of this Section 507.
9. Maximum Overall Density.
- a. The maximum overall density of the TND shall be determined as follows, as calculated in acres (and decimals):
    - (1) Start with the total land area of the development tract, after deleting existing rights-of-way of existing streets.
    - (2) Delete land areas that will be exclusively used for commercial uses and their

off-street parking areas.

- (3) Delete 75% of all areas of land with a slope exceeding 25% and delete 50% of the area of lands with a slope over 15% to 25% from Subsection 9.a.(1) above.
- (4) Delete 50% of the area of lands within the one-hundred-year floodplain from Subsection 9.a.(1) above.
- (5) Delete areas that are directly under electric transmission lines or towers that are designed for a capacity of 35 kilovolts or greater from Subsection 9.a.(1) above, unless the applicant proves to the satisfaction of the Board of Supervisors as part of the conditional use application that such areas will be landscaped and improved with interconnected recreation trails so as to be attractive and usable as TND open space.
- (6) Delete areas within existing ponds or lakes from Subsection 9.a.(1) above.
- (7) Multiply the resulting acreage by 5.0 dwelling units per acre to result in the maximum number of permitted dwelling units within the development.

Note: This method of calculating density does not require the deletion of stormwater detention basins, shared parking areas, new streets, future/ultimate rights-of-way, new preserved/common open space, new alleys or similar features.

- b. Each five beds in a nursing home or assisted-living/personal-care center shall be counted the same as one dwelling unit for the purposes of controlling density.

10. Density Bonus. For a portion of the TND that meets the requirements of Section 406 for an age-qualified development, a 25 percent density bonus shall be allowed for the housing units that are age-qualified.

11. Maximum building height: 45 feet or three stories, whichever is more restrictive, except 15 feet for an accessory building that is not approved to include an accessory apartment, and except that a nursing home or personal-care/assisted-living facility may have a maximum height of 55 feet or four stories, whichever is more restrictive.

I. Landscaping and Street Trees for a TND.

1. A green area with a minimum diameter of 4.5 feet shall be provided to accommodate street trees between the curb and the sidewalk, unless an alternative location for street trees is specifically approved by the Township. Areas that are between the dwelling and the street curb and that are not used for approved sidewalks shall be maintained in a vegetative ground cover and landscaping.
2. A minimum of one deciduous street tree shall be required for an average of each 50 feet of street frontage on each side of each existing or proposed street. A uniform separation is not required between street trees. Such street trees shall have a minimum trunk width, when planted, of 2.5 inches, measured six inches above the ground level. The species shall be preapproved by the Township.
3. The site design of a TND shall carefully consider the feasibility of preserving existing, healthy, attractive trees with a trunk width of eight inches or more, measured at a height of 3.5 feet above the ground level.
4. A landscape planting plan shall be prepared by a registered landscape architect. Such plan may specify a range of species in various locations and may include typical planting locations without specifying the exact location of each plant. Such plan shall state the

minimum initial sizes of landscaping. Such landscaping plan shall be offered for review by the Planning Commission and Shade Tree Commission and shall be approved by the Supervisors as part of the subdivision plan.

5. Where new dwellings are proposed within proximity to an arterial highway or expressway, the Township may require the planting of primarily evergreen trees to provide a buffer between the dwellings and such road. Any fencing shall be placed on the inside of such trees.

J. TND Parking.

1. An applicant may meet a maximum of 50% of the off-street parking space requirements of adjacent uses by counting on-street spaces parallel to the curb along a newly constructed street or along an alley. This provision shall be permitted only:
  - a. For spaces along the same side of a street along curb that is directly contiguous to the set of lots being served, or a new alley within a TND, and provided that the spaces are within 200 feet of each use they serve;
  - b. If the applicant proves to the satisfaction of the Board of Supervisors that the street or alley would be sufficiently wide to allow the parking, and that there are no unusual safety hazards involved, compared to typical on-street parking at other locations; and
  - c. If the applicant proves that such number of parking spaces could be legally accommodated along the street, considering the locations of driveways, fire hydrants and street corners.
2. The Township may require that a developer install overflow parking areas if insufficient parking will be available on street and off street. Such overflow parking areas shall be separated from the street and any adjacent dwelling by landscaping and a ten-foot minimum width vegetative strip and shall have access to a sidewalk along a street. Such overflow parking area shall be owned and maintained by a property owners' association or another entity preapproved by the Township.

K. SALDO and Street Standards for a TND.

1. As authorized by the TND provisions of the MPC, at any time, the Board of Supervisors shall have the authority to approve modifications, in writing, at a legally advertised meeting open to the public, to specific street, improvement and other requirements of the SALDO. Such modifications shall not require proof of hardship and shall be intended to result in a development that is pedestrian-oriented or promotes low-speed traffic and that meets the purposes of a TND.
  - a. For example, the Board of Supervisors may approve reduced street cartway widths, street right-of-way widths and street curve radii and may approve one-way loop streets, boulevard-type street designs, and/or roundabouts.

- b. The Board of Supervisors may also defer certain submission requirements from the preliminary plan to the final plan stage, provided that the applicant commits to not construct improvements until after final plan approval has been granted.
  - c. The applicant shall submit a request for modifications in writing, which shall state the reasons why the modification would be consistent with the purposes of a TND as stated in this Section 507 and the MPC and would be in the public interest while protecting public safety.
  - d. Streets may be constructed with parking spaces located in "lay by" or "cut out" lanes that reduce the width of the cartway along portions of a street where on-street parking is prohibited. Portions of streets near intersections are encouraged to provide "bump outs" that reduce the width of street that needs to be crossed by pedestrians.
2. The development shall be subject to review by Township fire officials to assist the Township in determining whether sufficient access points, cartway widths and turning radii will be provided for access by emergency vehicles and equipment. The Township may require that an applicant provide evidence, such as a computer simulation, that the proposed street system could be accessed by fire trucks, moving trucks, garbage trucks and other service vehicles.

**L. TND Modification of Requirements and Standards.**

- 1. The Board of Supervisors may, by conditional use approval, permit the modification of the requirements and standards of this Section 507 in order to encourage the use of innovative design. An applicant desiring to obtain such conditional use approval shall, when making application for conditional use approval for a TND, also make application for conditional use approval under this subsection. The Board of Supervisors shall consider both conditional use approval requests simultaneously. Any conditional use to permit a modification of the requirements and standards shall be subject to the following standards:
  - a. Such modifications shall meet the intended purposes of the TND in Section 507.A.
  - b. Such modifications of the requirements and standards would not result in adverse impact to adjoining properties.
  - c. Such modifications will not result in an increase in total residential densities permitted for the TND.

**508. Transfer of Development Rights (TDR) Option.**

- A. TDR Purposes. In addition to serving the overall purposes of this Ordinance, this section is intended to:
  - 1. encourage the permanent preservation of important farmland and environmentally sensitive areas;
  - 2. direct growth to more suitable locations, while minimizing the amount of land consumed by each dwelling;
  - 3. provide a voluntary method that allows landowners to agree to be compensated by the free market to preserve their land; and
  - 4. allow density to be increased in a "Receiving Area" in return for the permanent



preservation of land in a "Sending Area."

B. TDR Applicability.

1. This Ordinance shall only allow a Transfer of Development Rights where specifically authorized by this Section. The Transfer of Development Rights shall only officially occur at the time of the recording of a subdivision or land development plan that has final approval. The approval of a preliminary plan shall be conditioned upon compliance with this Section. As part of a preliminary and final plan application, the applicant shall present a draft Conservation Easement on the "Sending Property" and a written, signed and notarized agreement by the owners of the "Sending Property" acknowledging and agreeing to the application.
2. The Conservation Easement shall be drafted so that it is binding if the "Receiving Property" is recorded after receiving Final Plan approval. The Conservation Easement shall be recorded at the same time as, or prior to, the Final Plan for the Receiving Property. If the Final Plan is not approved by the Township or is not recorded, then the Conservation Easement shall not be required to be recorded or effective.
  - a. If a Final Plan is recorded in phases, then the Conservation Easement may be approved to be recorded in corresponding phases, provided that each area affected by the Easement is acceptable to the Township in configuration.
3. The form of the Conservation Easement shall be acceptable to the Board of Supervisors, based upon review by the Township Solicitor. In the case of agricultural land, the standard format for an Agricultural Preservation Easement used by the County Agricultural Land Preserve Board may be utilized. The Township may approve a Conservation Easement that allows specified types of agricultural buildings and agricultural uses on the Sending Property, as well as customary allowed accessory uses. The Conservation Easement shall prohibit further subdivision and non-agricultural development of the Sending Property, except that the easement may allow specified outdoor recreation uses that are approved by the Township.
4. A Sending Property shall be within the C, RA or RR Districts. A Sending Property shall have a minimum lot area of 10 acres.
5. A Receiving Property shall be within the RMD or VR district if the TDR will be used for residential uses. A Receiving Property shall be in the IC, IC-1, HC, NC or CR districts if it will be used for non-residential development.
6. Once such a Conservation Easement is recorded, it shall be binding upon all current and future owners of the Sending Property.
  - a. The applicant for the Receiving Property is responsible to negotiate with, and pay compensation to, the owner of the Sending Property for the Conservation Easement. Such transaction shall occur privately, and the value shall be determined by the private market. The Township is under no obligation to pay the owner of the Sending Property.

C. TDR Definitions.

1. Sending Property. A lot(s) or portion of a lot that is restricted by a conservation easement or farmland preservation easement as a condition of approval of a higher density on a "Receiving Property" than would otherwise be permitted.
2. Receiving Property. A lot(s) that is approved to permit a higher density than would otherwise be permitted as a condition of the restriction of development on Sending

Property.

- D. TDR Determination of Density. The land area within 25 percent or greater slope and within the Floodplain Area (which are areas with a one percent chance of flooding in an average year according to federal floodplain mapping) shall be deleted from the total acreage of the Sending Property to result in "Net Lot Area." The number of allowed dwelling units shall be rounded to the nearest whole number.
1. For every 3 acres of net lot area of land within the C district that is to be permanently preserved by a new Conservation Easement under this Section on a Sending Property, one additional dwelling unit shall be allowed on a Receiving Property.
    - a. If, for example, if a property zoned C includes 30 acres, and 2 acres are 25% or greater slope, then 9 new dwelling units (28 divided by 3) would be allowed to be transferred to the Receiving Property, if the C property will be preserved by a Conservation Easement.
  2. For every 0.8 acres of net lot area of land within the RA district that is to be permanently preserved by a new Conservation Easement under this Section on a Sending Property, one additional dwelling unit shall be allowed on a Receiving Property.
  3. If the right to transfer a dwelling unit is used instead on a Receiving Property in a HC, CR, IC or NC district, then instead of being used for a dwelling unit, it shall be used to allow an additional 10,000 square feet of lot coverage on a lot. However, in no case shall the Lot coverage be increased by more than 15 percent above the maximum lot coverage that would otherwise apply.
  4. The potential to develop some or all of the dwelling units may be transferred from the Sending Property, depending upon the amount of land affected by the permanent Conservation Easement.
    - a. For example, if under current zoning, 5 dwelling units would be possible on the western portion of a lot and 6 dwelling units on the eastern portion, the owner may choose to transfer the right to develop 5 dwelling units by placing a permanent conservation easement on the western portion. The owner would then continue to have the right to develop the eastern portion under the zoning in effect at the time of a future development application for that eastern portion.
    - b. If only a portion of a lot would be affected by the Conservation Easement, the applicant shall prove that the Conservation Easement would permanently preserve a contiguous area that is as close in shape to a square as is practical and that would relate to the number of dwelling units that would otherwise be allowed on such portion of the lot. No less than half of the Sending Property shall be protected by an initial Conservation Easement, if a partial transfer of development rights is used.
  5. The Receiving Property shall be permitted to include an increased total number of dwelling units above the number that would otherwise be permitted based upon the calculation of maximum density on the Receiving Property. Land that has already been restricted against construction and/or subdivision as part of a conservation easement, deed restriction or other legal requirement shall not be used to transfer density to another lot. However, in no case shall the following lot areas and densities be exceeded:
    - a. All Receiving Property - Only dwellings that each are served by central water and public sewage services shall be allowed to be developed under this TDR option, unless the lot area per dwelling unit is greater than one acre.

- b. Receiving Area in the VR District - When TDR is used, the allowed dwelling types and dimensional requirements of the VR district shall continue to apply. One additional dwelling unit shall be allowed within the VR zoned property for each TDR that is transferred. The maximum average density shall be increased up to a maximum of 6 dwelling units per acre, if sufficient dwelling units are transferred from the Sending Property. This compares to the maximum of 3 dwelling units per acre that would otherwise be allowed in VR without the use of TDR.
- c. Receiving Area in the RMD District - When TDR is used, the allowed dwelling types and dimensional requirements of the RMD district shall continue to apply. One additional dwelling unit shall be allowed within the RMD zoned property for each TDR that is transferred. The maximum average density shall be increased up to a maximum of 4 dwelling units per acre, if sufficient dwelling units are transferred from the Sending Property. This compares to the maximum of 2 dwelling units per acre that would otherwise be allowed in RMD without the use of TDR.
- d. The increase in density shall be based upon a Yield Plan that determines the number of dwelling units that would be possible on the Property without the use of TDR. The Yield Plan for the Receiving Property shall be presented by the applicant. Such Yield Plans shall be a level of detail typically found in an accurately scaled sketch plan, including showing potential lots and roads, steep slopes, 100 year floodplains and suspected wetlands.
  - (1) Such Yield Plan shall estimate the number of new dwelling units that could be lawfully constructed on the Receiving Property under Township regulations, without any transfer of development rights.
  - (2) Such Yield Plans 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) For example, if the Yield Plan determines that 20 dwelling units would otherwise be allowed on the Receiving Property, and the RMD zoning regulations would allow up to 40 dwelling units on the Receiving Property through TDR, then up to 20 dwelling units could be transferred from the Sending to the Receiving Property.
- E. Once a conservation easement is established under a Transfer of Development Rights, it shall be permanent, regardless of whether the Receiving Property is developed. The approval to develop the Receiving Property in a higher density shall be treated in the same manner as any other Final Subdivision or Land Development approval. The Board of Supervisors may extend time limits to complete the development of the Receiving Property in response to a written request.
- F. As part of a Transfer of Development Rights, the development of the Receiving Property shall comply with all Township requirements, except for provisions specifically modified by this section.
- G. See also the requirements of Section 619.1 of the Pennsylvania Municipalities Planning Code, including requirements for recording of transfers of development rights.

509. **Open Space Development Option (OSD).**

- A. Applicability and Purposes. The Open Space Development Option offers the ability to develop with smaller lot areas, lot widths and setbacks in the RA and C districts, in return for the permanent preservation of substantial "common or preserved open space". Such open space may serve agricultural preservation or non-commercial recreation purposes.
- B. OSD Uses and Dimensions. The only uses that shall be allowed in an OSD shall be single family detached dwellings and their customarily incidental accessory uses. In addition, the common or preserved open space may be used as provided in this Section.
1. All of the provisions of this Zoning Ordinance and the Zoning District regulations shall continue to apply, except for provisions modified by this Section 509.
  2. In order to use the OSD option, a minimum of 40 percent of the total land area of the tract (before subdivision but after deleting rights-of-way along existing streets) shall be permanently preserved as Common or Preserved Open Space (see definition in Article 15).
  3. For single family detached dwellings in the C district, the minimum lot area may be reduced to one acre, the minimum lot width at the minimum building setback line may be reduced to 120 feet, each minimum side yard may be reduced to 10 feet, the maximum building coverage may be increased to 25 percent and the maximum lot coverage may be increased to 30 percent.
  4. For single family detached dwellings in RA, the minimum lot area may be reduced to 20,000 square feet, the minimum lot width at the minimum building setback line may be reduced to 80 feet, each minimum side yard may be reduced to 10 feet, the maximum building coverage may be increased to 35 percent and the maximum lot coverage may be increased to 45 percent. OSD may only be used in the RA district if the dwellings will be served by public sewage service and central water service.
  5. The OSD shall include a total of at least 5 acres prior to subdivision.
- C. To determine the maximum allowed density in an OSD, a Yield Plan is required. This Yield Plan shall be drawn accurately to scale, but shall only be required to have the level of detail typically found in a sketch plan. The Yield Plan shall show the number of single family detached dwelling lots that would be feasible on the tract of land under the dimensional standards of the C or RA district, as applicable, that would apply without the OSD Option.
1. The Yield Plan shall be reviewed by the Zoning Officer and Township Engineer and shall be required to be modified by the applicant if such staff determine that it is not accurate.
  2. The maximum density in an OSD shall not exceed 125 percent of the density that is shown to be feasible on the Yield Plan. However, the applicant is still required to comply with other provisions of this Section, and there is no guarantee that such density is achievable on a specific lot.
- D. To avoid fragmented open spaces, a minimum of 50 percent of the required Preserved Open Space must be in one contiguous lot, except that the Preserved Open Space may be separated by creeks, water bodies, and a maximum of one street. A driveway limited to emergency vehicles may also cross the Preserved Open Space.
- E. Where applicable, the majority of the required Preserved Open Space should be placed in one or more of the following locations:
1. adjacent to an existing or planned public or homeowner association-owned recreation area,
  2. adjacent to existing farmland, where the open space will help to separate the homes and the agricultural activities,

3. at the edge of a neighboring undeveloped lot, where the preserved open space could be connected in the future to open space on that neighboring lot,
  4. adjacent to a major road where the open space will serve to buffer homes from the traffic,
  5. within an area of land that is feasible to be used for agricultural purposes, and/or
  6. adjacent to a business zoning district where the open space will serve to buffer homes from businesses.
- F. An Open Space Development shall only be approved if the applicant proves to the satisfaction of the Township that the following additional conditions shall be met, at the time of the preliminary subdivision application:
1. 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 developed as a conventional development. Such valid public purposes include but are not limited to the following:
    - a. The permanent preservation of dense forests, steep slopes, wetlands, creek valleys, mountain ridges, important wildlife corridors/habitats, highly scenic areas or other sensitive natural features.
    - b. The permanent preservation of a substantial area of land in agricultural uses, 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. In such case, new dwellings shall be concentrated adjacent to existing dwellings and residential zoning districts.
    - c. The dedication of recreation land 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 provision of preserved open space in a location that will allow homes to be buffered from a heavily traveled road, agricultural uses, or business uses. Where the homes are being buffered from a major road, landscaping shall be used in the open space as a buffer.
  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. Low-maintenance landscaping is encouraged along creeks and other areas where maintenance would otherwise be difficult.
    - b. The natural features of the site shall be a major factor in determining the siting of dwelling units and streets.
  3. 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.
- G. The Open Space shall be in addition to the Recreation Land or Fee-in-Lieu of Land requirements of the SALDO, unless the applicant proves to the satisfaction of the Board of Supervisors that the proposed Preserved Open Space would include suitably improved land

that will meet the intent of the recreation land requirements of the SALDO.

H. Standards. Required Preserved Open Spaces shall meet all of the following requirements:

1. Preserved 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. Forestry shall be limited to selective cutting following a Township-approved forest management plan that follows best management practices. Land approved as required Preserved Open Space shall only be used for non-commercial active or passive recreation, a non-commercial community center for meetings and recreation, a Christmas Tree Farm, a nature preserve, a horse farm, a wholesale plant nursery, crop farming and/or another Township-approved agricultural use.
2. Improvements to Open Spaces. Where the Preserved 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 to make it suitable for its intended purpose.
  - a. Examples of such improvements include preservation and planting of trees, development of trails, stabilization of creek banks, removal of undesirable vegetation, and grading of land for recreation (such as an informal open play field for youth).
  - b. Type of Maintenance. The final subdivision plan shall state the intended type of maintenance of the open space, such as lawn areas that are regularly mowed, or natural areas for passive recreation that are intended for minimal maintenance.
  - c. All proposed Preserved 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.
  - d. The applicant shall prove that all required Preserved 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 recreation trail through Preserved Open Space. If a developer installs a trail, it shall be completed prior to the final sale of all immediately adjacent residential lots to residents.
  - e. Lots and Preserved Open Space should be located to promote pedestrian and visual access to preserved open spaces whenever possible.
  - f. Sufficient access points from each Preserved Open Space shall be provided to streets for pedestrian access and maintenance access, unless it will be used for agricultural purposes. The Board of Supervisors may require that maintenance and/or pedestrian access points be paved and be up to 8 feet in width, meeting Township standards for a bike path. Maintenance access points shall be of a slope that is suitable for access by vehicles and equipment.
  - g. Open Space Ownership. The method(s) to be used to own, preserve and maintain any Preserved 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.
  - h. The method of ownership and use of any required preserved open space shall be determined prior to preliminary subdivision or land development approval. The Township shall only accept ownership of open space if the Board of Supervisors has

agreed in writing in advance to accept such ownership. If the preserved open space will not be owned by the Township, then the preserved open space shall be permanently preserved by one or a combination of the following methods that are found to be acceptable to the Board of Supervisors:

- (1) Dedication to the County as public open space, if the County Commissioners agree in writing to such dedication.
- (2) 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 school recreation, public recreation, environmental education and/or related open space.
- (3) 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.
- (4) Dedication of the land to an established nature conservation organization acceptable to the Board of Supervisors for maintenance as a nature preserve or passive recreation area.
- (5) Dedication of a permanent conservation easement that results in the land being used for a Township-approved agricultural use, such as crop farming, a tree farm, or a horse farm, and which may include one of the allowed dwelling units on the lot.
- (6) Dedication to the State Game Commission, 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.
- (7) Preservation of the Preserved Open Space as part of one privately-owned lot that is restricted against subdivision by a conservation easement, if the applicant proves that none of the other alternatives are feasible. In such case, the Preserved Open Space shall be in addition to the land area that would be needed to meet the requirements for any dwelling on the lot. The conservation easement shall control alteration of natural features on the lot and shall limit non-residential use/ non- agricultural use of the lot.
- (8) The Township shall be included as a third-party beneficiary in the event of a dedication of Preserved Open Space to an entity other than the Township. Such third-party beneficiary status shall provide the Township with the authority, but not necessarily the responsibility, to enforce any use restrictions, limitations or conditions set forth in such deed of dedication.

**ARTICLE 6**  
**ADDITIONAL REQUIREMENTS FOR SPECIFIC USES**

601. **Applicability.**

- A. This Article establishes additional requirements for certain specific uses, in addition to the other requirements of this Ordinance. Where two requirements directly conflict regarding the same matter, the stricter requirement upon use or development shall apply.
- B. For uses allowed within a specific Zoning District as "Special Exception Uses," see also the procedures and standards in Section 1416. For Conditional Uses, see Section 1417.

602. **Additional Requirements for Specific Principal Uses.**

- 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 Store, Adult Movie Theater, Massage Parlor, 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 Township. 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 State and U.S. Constitutions, but instead to control secondary effects.
    - b. An Adult Use and its parking area shall not be located within any of the following distances, whichever is most restrictive:
      - (1) 700 lineal feet from an existing dwelling on another lot,
      - (2) 300 lineal feet from the lot line of any lot in a Residential Zoning District, and
      - (3) 1,200 lineal feet from the lot line of any primary or secondary school, place of worship, library, public park or playground, recreation trail, day care center or nursery school.
    - c. No Adult Use shall be located within 500 lineal feet from any existing "Adult Use."
    - d. A 50 feet buffer yard shall be provided along the side and rear lot lines. If such buffer area does not include substantial mature trees that will be preserved, it shall include



continuous screening by evergreen trees with an initial height of 5 feet.

- e. 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.
- f. No Adult Use shall be used for any purpose that violates any Federal, State or municipal law.
- g. Pornographic and sexually explicit signs and displays shall be prohibited that are visible from outside of the premises.
- h. An Adult Use shall be prohibited in all Districts except where specifically allowed under Article 4. An Adult Use is a distinct use, and shall not be allowed under any other use, such as a retail store or club.
- i. A minimum lot area of 2 acres is required.
- j. For public health reasons, 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 sexual contact between employees and entertainers nor or between employees or entertainers and customers.
- l. Only "lawful" massages as defined by State court decisions shall be performed in a Massage Parlor. A use that involves massages by State-licensed massage therapists shall be considered a Personal Service Use and not a Massage Parlor.
- m. Any application for such use shall state the legal name(s) of an on-site manager responsible to ensure compliance with this Ordinance on a daily basis. A telephone number, official mailing address and email address shall be provided where the on-site manager can be reached during the hours when the business is open. The application shall also include contact information, including the legal name, business phone number and official mailing address for at least one individual who is the primary owner, a corporate official, a partner or the largest shareholder of the business. Such information shall be updated in writing to the Zoning Officer within one business day after it changes.
- n. The use shall not operate between the hours of 12 midnight and 7 a.m. If State liquor laws require that the Township allow the sale of alcohol during later hours, the Adult Uses shall still cease at midnight.
- o. As specific conditions of approval under this Ordinance, the applicant shall prove compliance, where applicable, 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).
- p. An Adult Use shall be open to inspections during business hours by Township zoning and code enforcement staff, including health inspectors.

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). If the use is determined to be allowed under State law, then the applicant shall be a special exception use that is only allowed in the IC district. In such case, the applicant shall prove to the satisfaction of the Zoning Hearing Board that there will be adequate security and noise control measures.
4. Agri-tourism (as a principal or accessory use).
- a. Agri-tourism may include the following uses:
    - (1) Winery, which by itself is a permitted by right use. See Winery standards in this Section 602.A.
    - (2) Accessory sale of food, which does not include a drive-through operation, and which does not routinely involve provision of meals to the general public who are not attending other events on the property.
    - (3) Occasional accessory music concerts, weddings and similar special events, which shall be limited to a maximum total of 25 days per calendar year if within a conservation, agricultural or residential district. A tentative schedule of events shall be submitted to the Zoning Officer each year in writing, which shall be updated as needed in writing.
    - (4) Corn mazes, animal rides and petting zoos.
  - b. Additional Requirements:
    - (1) An Agri-tourism use shall only be allowed if the applicant commits in writing to agree to a condition on all Township zoning permits and approvals that all non-agricultural activities involving customers or patrons on the site or that generate noise heard on other residential properties will conclude by 10 pm and will not begin prior to 8 am.
    - (2) Additional Requirements for Special Events (including concerts and weddings):
      - (i) If a special event is projected to involve attendance by 100 or more persons, the applicant shall employ attendants to manage parking and driveways on the site. The Township may also require that the applicant provide compensation for fire police, if necessary, to manage traffic on a public road.
      - (ii) Sufficient sanitary facilities shall be provided, including hand-washing stations.
      - (iii) Any temporary stage, trailer, food vendor, tent or similar structure shall meet setbacks for a principal building.
      - (iv) All waste, trash, tents, temporary structures, food vendors and trailers that resulted from a concert, wedding or special event shall be removed from the property within 24 hours after the event has ended.
      - (v) Music from the property shall not be heard within dwellings on other lots.
      - (vi) The use shall not involve the use of fireworks or cannons that can be

heard on any other residential property. The use shall not include any mechanical amusement park-type rides.

- (3) The uses allowed by this Section shall not involve the construction or placement of new or expanded building(s) that cover more than 6,000 square feet of land area. However, larger buildings may be allowed for agricultural purposes.
- (4) The materials proposed for the vehicle parking shall be shown on the site plan. The Township may approve portions of the parking that are not used on a daily basis to: a) be maintained in grass, or b) use other pervious materials that are found acceptable by the Township Engineer.
- (5) Vehicle parking for guests and customers shall be setback a minimum of 100 feet from any "residential lot line."
- (6) Minimum lot area of 10 acres.

5. Airport.

- a. As part of any special exception, the Zoning Hearing Board shall have the authority to establish reasonable conditions that limit the types, sizes and weights of aircraft and the hours of operation in order to minimize noise nuisances to dwellings.
- b. As part of a special exception use application, the applicant shall provide evidence that flight patterns will be designed to minimize noise nuisances to dwellings.
- c. Each end of a runway shall be setback a minimum of 250 feet from all lot lines. Each side of a runway shall be setback a minimum of 100 feet from all lot lines.
- d. Any Township zoning approval is conditioned upon receipt of written approval by the Pennsylvania Bureau of Aviation.

6. Animal Cemetery.

- a. All the regulations for a "Cemetery" in this Section shall apply. This term regulates disposal of non-cremated remains of animals that had multiple owners, and does not regulate routine accessory burial of family pets or sanitary burial of farm animals as accessory to an agricultural use.
- b. The applicant shall prove to the satisfaction of the Zoning Officer (or the Zoning Hearing Board in the case of a special exception use) that the use will be conducted in such a manner that the public health and groundwater quality will not be threatened.

7. Animal Day Care.

- a. This use shall involve providing temporary care and recreation for multiple dogs and other household pets, but shall not include a breeding facility.
- b. This use shall not primarily involve the keeping of animals for more than 24 hours, unless the requirements are also met for a Kennel.
- c. The applicant shall describe in writing measures that will be used to avoid noise or odor nuisances for occupants of neighboring uses.
- d. All structures in which animals are housed (other than buildings that are completely soundproofed and air conditioned) and all runs outside of buildings shall be located at least 200 feet from any existing dwelling on another lot.

- e. The applicant shall describe how outdoor runs will or will not be used during various hours.
  - f. Minimum lot area - 3 acres.
8. Apartments. - See "Townhouses and Apartments" and "Conversions" in this Section.
9. Assisted Living Facility/ Personal Care Home. - The standards for "Nursing Homes" in this section shall apply.
10. Auto, Boat or Mobile/ Manufactured Home Sales.
- a. No vehicle, boat or home on display shall occupy any part of the street right-of-way or required customer parking area. See buffer yard provisions in Section 1303.
  - b. See light and glare standards in Section 1007.
  - c. Any mobile/manufactured homes on a sales site shall meet the required principal building setbacks from the perimeter lot lines.
  - d. This use shall encompass sales and rental of all types of motor vehicles and trailers, including recreational vehicles.
  - e. Auto Auctions with Storage Yards shall meet the following additional requirements:
    - (1) Any site with more than 150 vehicles shall front solely upon collector or arterial roads.
    - (2) All exterior areas used for the storage of automobiles shall be completely enclosed by a 6 foot high fence, and shall be subject to the landscaping and screening requirements imposed upon off-street parking lots.
    - (3) All access drives and interior drives shall be paved, while vehicle storage areas can have a paved, crushed stone or other Township-approved surface.
    - (4) Vehicles may be stored in a horizontal, stacked configuration; however, no vehicles shall be located more than 100 feet from an 18 feet wide on-site access drive.
11. 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 100 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 10. See buffer yard requirements in Section 1303.
  - c. Outdoor storage of motor vehicles shall not be within any required buffer yard or street right-of-way. Motor vehicles shall not be parked on a public sidewalk.
  - d. Overnight outdoor storage of "junk" other than permitted vehicles shall be prohibited within view of a public street or a dwelling.
  - e. Any "junk vehicle" (as defined by Section 1502) shall not be stored for more than 60 days within view of a public street or a dwelling, unless it is actively under repair or is awaiting resolution of an insurance claim or an accident investigation. A maximum of 10 junk vehicles may be parked on a lot outside of an enclosed building at any one time, unless it is actively under repair, or is awaiting resolution of an

insurance claim or an accident investigation.

- f. 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 exists.

12. Auto Service Station.

- a. See definition of this term and "Auto Repair Garage" in Article 15. The uses may be combined, if the requirements for each are met.
- b. All activities except those to be performed at the fuel or air pumps shall be performed within a building. The use shall not include spray painting.
- c. Fuel pumps shall meet side yard principal building setback requirements.
- d. The regulations for "Auto Repair Garage" in the above subsection shall also apply to an "Auto Service Station."
- e. The use may include a "convenience store" if the requirements for such use are also met.
- f. A canopy shall be permitted over the gasoline pumps with a minimum front setback of 15 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 for the following: a) signs may be attached to the canopy in place of part of the allowed freestanding or wall sign area for the property, and b) necessary warning signs.
- g. Fuel dispensers and fuel tanks shall be setback a minimum of: 1) 30 feet from the existing street right-of-way line, 2) 100 feet from any lot line of a lot occupied by a principal residential use, and 3) 300 feet from a lot line of a school, day care center, playground, library, nursing home, personal care home or hospital.
- h. Gas station canopies must be designed with luminaries recessed under the canopy to minimize light pollution onto streets and other lots. See also limits on lot line lighting in Article 10.
- i. Gas stations may include a car wash if the requirements for a car wash are also met.

13. Bed and Breakfast Inn.

- a. Within a Conservation or Residential District (if permitted under Article 3), a maximum of 5 rental units shall be provided and no more than 3 adults may occupy one rental unit. No maximums shall apply within other permitted districts.
- b. One off-street parking space shall be provided for each rental unit in addition to parking required for the operator's dwelling 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. Such sign shall only be illuminated externally and shall use incandescent light or light of similar effect.
- d. If the lot is within a Conservation or Residential District, the applicant shall prove to the satisfaction of the Zoning Hearing Board that the use shall have a residential,

agricultural or historical appearance.

- 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.
- g. No guest shall reside in the Bed and Breakfast Inn for more than 20 total days in any 90 day period.
- h. The use shall be limited to buildings that existed prior to January 1, 1940, unless the lot includes a minimum of 5 acres.
- i. New parking areas shall be setback a minimum of 10 feet from a residential lot line and shall be separated from that lot by landscaping.

14. Boarding House (includes Rooming House).

- a. Minimum lot area - 1 acre.
- b. Minimum side yard building setback - 15 feet each side
- c. Minimum lot width - 100 feet
- d. Maximum density - 1 bedroom per 3,000 square feet of lot area; but in no case shall the lot serve a total of more than 20 persons.
- e. Each bedroom shall be limited to 2 persons each.
- f. A buffer yard with screening meeting Section 1303 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.
- i. Rooms shall be rented for a minimum period of 5 consecutive days.
- j. If the use houses more than 8 persons, a resident manager shall be required, who shall be authorized to accept code enforcement notices.

15. BYOB Club.

- a. The use shall submit a security plan, which shall be found acceptable by the Zoning Hearing Board.
- b. As a condition of approval, the applicant shall regularly collect litter from the outside of the premises and adjacent sidewalks. The applicant shall maintain and regularly empty a trash receptacle near a building exit.

16. Campground, Camp or Recreational Vehicle Campground.

- a. Retail sales shall be allowed as an accessory use, provided that in a residential district, the store is primarily intended to serve persons camping on the site.
- b. Minimum lot area – 5 acres in an allowed commercial or industrial district, 10 acres in any other district where the use is permitted under Article 3.
- c. All campsites, recreational vehicle sites, and principal commercial buildings shall be setback a minimum of 75 feet from any lot line. Within this buffer, the applicant shall prove to the maximum extent feasible that any existing healthy trees will be maintained and preserved. Where healthy mature trees do not exist within this buffer, and if practical considering soil and topographic conditions, new trees shall be planted within this buffer.

- (1) The screening of evergreens provided in Section 1303 between business and residential uses is not required if the tree buffer would essentially serve the same purpose, or if removal of mature trees would be needed to plant the shrubs.
- d. Buildings used for sleeping quarters shall not be within the 100-year floodplain.
- e. 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.
- f. The applicant shall prove to the Township that adequate water supply and sanitary facilities will be provided.
- g. Any accessory retail, dining, pool or athletic facilities shall be setback a minimum of 100 feet from any lot line.
- h. A minimum of 20 percent of the lot area shall be maintained in open space, woods and/or recreation facilities.

17. 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 or runoff problems. Wash water shall be properly collected and shall not flow into a waterway. To the maximum extent feasible, water should be recycled.
- d. Any car wash that is located within 250 feet of an existing dwelling shall not operate between the hours of 10:00 p.m. and 7:00 a.m.

18. Cemetery.

- a. Minimum lot area- 2 acres, which may be on the same lot as an allowed place of worship.
- b. All structures and graves shall be setback a minimum of: 20 feet from the right-of-way of any public street, 10 feet from the cartway of an internal driveway, and 10 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.
- c. No grave sites and no buildings shall be located within the floodplain area that is regulated by the Floodplain Ordinance.
- d. 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.
- e. The internment or spreading of cremated remains are not regulated by this Ordinance, unless there are remains of multiple persons stored in a structure of more

than 100 cubic feet, in which it shall be considered a cemetery.

19. 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 any 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:

- (i) a principal agricultural building or silo,
- (ii) an electric high voltage transmission tower,
- (iii) an existing lawful commercial communications tower,
- (iv) a fire station or steeple or bell tower of a place of worship,
- (v) a water tower,
- (vi) an existing lawful commercial or industrial building, or
- (vii) a street light or utility line pole.

An existing street light or utility line pole may be replaced with a new pole to support an antenna, provided the total height of the pole and the antenna does not exceed 50 feet above the ground level in a residential district, or 65 feet in another district.

(2) An antenna that extends between 20 and 40 feet from the structure to which it is attached shall only be allowed in a Commercial or Industrial District. Such antenna shall not be attached to a dwelling. In such case, the antennae shall be setback a distance equal to its total height above the ground from any lot line of a dwelling on another lot.

(3) New Antenna Attached to Poles Within Street Rights-of-way.

- (a) Within the limits of federal regulations, the Township may establish a fee schedule and approval process for poles that are under the control of the Township and/or for the use of a Township right-of-way.
- (b) An antenna may be placed on a pre-existing utility pole or street light pole, provided there is an agreement with the owner of such pole and the antenna does not conflict with existing uses on the pole.
- (c) If existing poles are not suitable, a new pole to support the antenna may be installed in a commercial or industrial district.
- (d) A new pole (other than the replacement of an existing pole) shall not be placed in the right-of-way abutting a residential zoning district for the primary purpose of supporting a communications antenna.
- (e) A new pole or utility cabinet shall not be installed in a location where it would obstruct pedestrian, wheelchair or vehicle access or obstruct safe distances at intersections.

(4) The owner of a pole that was installed to hold communications antenna shall relocate the pole within 60 days after receiving written notification from the Township that there is a need for the relocation because of a public improvement within a street right-of-way, such as widening of a road, or because a right-of-way is being vacated.



- (5) A new pole installed to support an antenna shall be setback a minimum of 18 inches from the curbface or from the edge of the road shoulder where curbing does not exist.
- 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 Articles 3 and 4, 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 greater than the total height of the antenna/tower above the surrounding ground level. This setback shall be twice the total height from all lot lines and street rights-of-way in the RA District. The Township may permit an easement arrangement to be used without meeting the setback requirement from the edge of the leased area, provided that there are legal safeguards to ensure that the setback will continue to be met over time from a lot line.
  - (2) A new tower, other than a tower on a lot of an emergency services station, shall be setback a minimum horizontal distance equal to its total height from any lot used for residential purposes.
  - (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) See structural and wind resistance requirements of the Construction Code.
  - (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 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 or 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 application shall describe any proposed lighting. The Board may restrict the type of lighting used, provided it does not conflict with FAA requirements.
  - (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.
  - (10) Any new tower shall be designed to accommodate equipment for more than one provider.
- 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. Emergency Use. 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 or the Township Building, shall be permitted by right. Such tower/antenna may also serve accessory commercial purposes.
  - e. Removal. Any antenna and tower that is no longer in active use shall be completely removed within 6 months after the discontinuance of use. This requirement shall also apply to a pole that is only needed to support discontinued antennae. 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. Height. Accessory utility buildings shall have a maximum height of 10 feet.
  - g. Airport. Antennae and towers shall comply with any Airport Approach zoning regulations.
  - h. Replacement. Once a communications tower has been approved, antenna and equipment may be placed or replaced on the tower as a permitted by right use, provided the total height is not increased above the approved height.
  - i. See time limits in federal regulations for issuance of a permit for certain antenna after a complete application has been submitted.
20. Conversion of an Existing Dwelling into Additional Dwelling Units.
- a. See Articles 3 and 4, which establish where conversions are allowed.
  - b. In an allowed residential district, the conversion shall be limited to a building that, at the time of adoption of this Ordinance, included more than 3,000 square feet of heated habitable indoor floor area, not including a vehicle garage. Floor area shall only be counted if it meets the minimum ceiling height for a floor under the Construction Code.
  - c. The following regulations shall apply to the conversion of an existing one family dwelling into a greater number of dwelling units:
    - (1) The building shall maintain the appearance of a one family dwelling with a single front entrance. 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 development of an exterior stairway on the front of the building, or would require the placement of more than 2 off-street parking spaces in the required front yard.
  - d. A previously residential building shall maintain a clearly residential appearance, except as may be necessary for restoration of a historic building.

- 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, unless the building included more than 3,000 square feet of building floor area at the time of adoption of this Ordinance.
  - f. Each unit shall meet the definition of a dwelling unit and shall meet the minimum floor area requirements of Section 1301.
  - g. See Section 506 concerning septic systems. If the dwellings are connected to the public sewage system, the sewage regulations should be reviewed to see if an additional lateral will be required.
21. Conversion of an Existing Principal Institutional Building or a Principal Industrial Building into Multi-Family Dwellings or Live Work Units.
- a. A minimum average of 800 square feet of total existing building floor area that will be converted into residential use shall be required for each dwelling unit. A minimum of 500 square feet of floor area shall apply within each dwelling unit. A minimum square footage of lot area per dwelling unit shall not apply for this use.
  - b. If the applicant proves to the satisfaction that modifications are needed to parking, loading, density or setback requirements to reasonably allow the adaptive reuse of an existing principal building, the Zoning Hearing Board shall have the authority to approve such modifications as a condition of the special exception approval.
  - c. The Zoning Hearing Board shall consider compatibility with any adjacent residential neighborhood in considering approval of such modifications, and the availability or shortage of on-street parking spaces and the anticipated need for parking in case of a parking modification. If the applicant is requesting a parking modification, the applicant shall provide a written analysis of available parking spaces in the vicinity during a time of peak parking demand.
22. Crematorium.
- a. Minimum lot area - 1 acre. A crematorium may be on the same lot as a cemetery, provided the requirements for each are met.
  - b. A crematorium, where allowed by Articles 3 or 4, shall be setback a minimum of 200 feet from all lot lines of existing dwellings and all undeveloped residentially zoned lots.
  - c. Township zoning approval is conditioned upon receiving a DEP Air Quality Permit. The Zoning Officer shall be notified in writing by the operator of the use within one business day if such State permit is ever suspended or revoked.
23. Criminal Halfway Houses.
- a. See definition in Section 1502.
  - b. The applicant shall prove to the satisfaction of the Zoning Hearing Board that the use will involve adequate on-site supervision and security measures to protect public safety. If any applicable County, State, Federal or professional association standards provide guidance on the type of supervision that is needed, the proposed supervision shall be compared to such standards.
  - c. The Zoning Hearing Board may place conditions upon the use to protect public safety, such as conditions on the types of residents and security measures.

- d. A use involving housing of 2 or more persons who are required to register their place of residence under Megan's Law II shall be setback a minimum of 1,000 feet from each of the following: a primary or secondary school, a public park or playground, or a child day care center.

24. Day Care as accessory to a Place of Worship. See "Day Care Center, Child".

25. Day Care Center, Child.

- a. See also "Day care: Family Day Care Home or Group Day Care" as an accessory use in Section 603.
- b. The use shall comply with any applicable state and federal regulations, including having an appropriate PA. Department of Human Services registration certificate or license.
- c. At least one convenient space for the safe loading and unloading of children shall be provided, unless the Township may approve an on-street loading space.
- d. The use shall include secure fencing with a height between 4 and 6 feet around outdoor play areas. The outdoor play area shall include a minimum of 1,000 square feet of land area for a Day Care Center of up to 20 children, which shall be increased to 2,000 square feet for larger numbers of children.
- e. This use shall not be conducted in a dwelling that is physically attached to another dwelling that does not have a common owner.
- f. A day care use may occur in a building that also includes permitted or non-conforming dwelling units.
- g. See also the standards for a "Place of Worship" in this Section, which allows a day care center as an accessory use.
- h. See also "Day Care, Agricultural" in Section 603.

26. Distribution Center. See Trucking Company Terminal, Warehousing, Distribution or Storage as a Principal Use in this Section.

27. Dog Day Care. See Animal Day Care.

28. Emergency Services Station. The following uses shall be allowed as accessory uses to the principal use of a fire company station: a banquet hall, bingo games, and facilities for periodic special events.

29. Forestry. A zoning permit shall be required for any forestry. The provisions of this subsection apply to forestry involving more than 2 acres of land in any calendar year, other than: 1) routine thinning of woods, 2) cutting of trees for personal firewood for the landowner or tenant, 3) Christmas Tree Farms, orchards or tree nurseries, 4) forestry on state or federally owned land, 5) tree removal that is necessary to develop approved allowed uses or utilities or soil testing, or 6) removal of dead, dangerous or diseased trees or trees that have a pest infestation that threatens the tree.

- a. A logging plan showing the area proposed to be forested and any proposed waterway or wetland crossings and roads shall be submitted to the Township, prior to the issuance of a zoning permit. The plan shall show the existing and proposed slopes in areas where logging roads are proposed. The plan shall provide a

professional silviculture or wildlife management justification for any clearcutting of mature forests involving more than 2 acres. The plan shall also show stormwater and erosion control measures, such as filter strips and sedimentation basins.

- b. A soil and erosion control plan shall be submitted to the Township and to the County Conservation District for any review they may wish to provide, in addition to any approval that may be required under State law.
- c. The cutting or removal of more than 25 percent of the forest cover (canopy) is prohibited within 75 feet from the top of the bank on each side of a perennial waterway and on areas with a natural slope of 25 percent or greater. A perennial waterway shall be one shown as a continuous blue line on U.S. Geological Survey topographic maps. In such areas, the remaining trees shall be of quality species and be distributed to promote reforestation. Best management practices shall be used to protect water quality and to control erosion and stormwater problems on such areas.
- d. No tops or slash shall be left on the banks or between the banks of a perennial waterway or within the channel of an intermittent waterway. No tops or slash shall be left within 25 feet of a public street right-of-way or a private street serving residential lots.
- e. It is requested, but not required, to provide a 20 feet minimum setback for forestry from a public street right-of-way and from any lot line of adjacent residential property.

30. Gaming Facilities, which shall be combined with a Horse Race Track.

- a. The Gaming Facility building shall be set back a minimum of 1,000 feet from a residential lot line in a residential district, and from the lot line of any place of worship or primary or secondary school.
- b. The applicant shall prove that there will be sufficient water supply for the use and for firefighting.
- c. If the use will not be served by a public sewage system, the applicant shall prove that the wastewater treatment facilities will be sufficient.
- d. Parking areas shall be set back a minimum of 100 feet from a residential lot line in a residential district.

31. Golf Course. A golf course may include an accessory restaurant, driving range, pool, maintenance building, pro shop or clubhouse provided that such building or facilities are located a minimum of 150 feet away from any lot line of an existing dwelling. In a residential district, the maximum impervious coverage shall be 10 percent and the minimum lot area shall be 50 acres.

32. Groundwater or Spring Water Withdrawal averaging more than 100,000 gallons per day from a lot for off-site consumption. (Note - If the water is being utilized for uses on adjacent lots or as part of a public water system, it shall not be considered off-site consumption.)

- a. The regulations of this subsection shall not apply to water used by a principal agricultural use or golf course within the Township or to on-site consumption.
- b. If the water will be trucked off-site, the applicant shall provide a written report by a professional engineer with a minimum of 10 years experience in water resources

- engineering. Such study shall analyze the suitability of the area street system to accommodate the truck traffic that will be generated.
- c. If the water will be trucked off-site, 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. 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 Articles 3 and 4.
  - e. Any zoning permit is conditioned upon receiving approval, as applicable, from the Susquehanna River Basin Commission.
33. 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 1502.
  - b. A Group Home shall not include any use meeting the definition of a "Treatment Center."
  - c. In a residential district, a Group Home shall include the housing of a maximum of 4 unrelated persons by right and up to 6 unrelated persons by special exception. In a commercial or industrial district, a Group Home shall include the housing of a maximum of 8 unrelated persons. The following exceptions shall apply:
    - (1) if a more restrictive requirement is established by another Township requirement;
    - (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 1411.D.5, which allows persons to request a reasonable accommodation to the number of unrelated persons living together.
  - d. The facility shall have adequate trained staff supervision for the number and type of residents. If the staffing of the facility has been approved by a Federal, State or County human service agency, then this requirement shall have been deemed to be met. Otherwise, if any applicable County, State, Federal or professional association standards provide guidance on the type of supervision that is needed, the proposed supervision shall be compared to such standards.
  - e. The applicant shall provide evidence of any applicable Federal, State or County licensing or certification to the Zoning Officer, and shall notify the Zoning Officer in writing within 2 business days if such licensing or certification expires or is withdrawn.
  - 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. If this information should change, such as an intent to serve a different type of treatment/care, the applicant shall notify the Zoning Officer in writing within 2 business days.
  - g. Any medical or counseling services shall be limited to a maximum of 3 non-residents per day. Any staff meetings shall be limited to a maximum of 4 persons at one time.
  - h. If a Group Home is in a Residential District, an appearance shall be maintained that

is closely similar to nearby dwellings, and no exterior sign shall identify the use.

- i. The persons living on-site shall function as a common household unit, with persons typically residing within the home for periods exceeding 30 days.
- j. The applicant shall notify the local ambulance and fire services in writing of the presence of the group home and the type of residents.
- k. See parking requirements in Article 11.
- l. The building shall have lighted exit signs, emergency lighting and inter-connected smoke and fire alarms.
- m. Note - For a use that does not meet these standards, see the requirements for Rooming Houses, Treatment Centers or Criminal Halfway Houses.

34. Heliport.

- a. For a special exception use, the applicant shall prove to the Zoning Hearing Board that the heliport has been located and designed to minimize noise nuisances to other properties.
- b. For a special exception use, the Zoning Hearing Board may place conditions on the maximum size of helicopters, frequency of use, fueling facilities, setbacks and non-emergency hours of operation to minimize nuisances and hazards to other properties. Provided that the conditions do not conflict with safety or Federal or State regulations, the Zoning Hearing Board may require that the majority of flights approach from certain directions, and not from other directions that are more likely to create nuisances for residential areas.
- c. Helicopter landings and take-offs for occasional emergency medical purposes are not regulated by this Ordinance.
- d. Any Township zoning approval is conditioned upon receipt of written approval by the Pennsylvania Bureau of Aviation.

35. Horse-Training Facilities.

- a. The minimum lot size shall be 10 acres.
- b. The maximum average number of horses permitted per net acre is 2. Net acre is defined as total acreage minus impervious surfaces.
- c. Any horse barn, manure storage areas or stable shall be a minimum of 100 feet from any lot line of an adjacent dwelling.
- d. 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. Manure shall be managed in a way that does not result in polluted runoff from the property.
- e. All parking areas shall be set back at least 10 feet from adjoining lot lines. Unimproved overflow parking areas shall also provide a fence delineating such occasional parking facilities to prevent the parking and/or movement of vehicles across neighboring properties.

36. Hotel or Motel.

- a. See definitions in Section 1502, which distinguish a hotel/motel from a boarding

house.

- b. Buildings and tractor-trailer truck parking shall be kept a minimum of 50 feet from any "residential lot line."

37. Junkyard. (includes automobile salvage yard)

- a. Storage of garbage 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 the lot line of any dwelling 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 with a minimum width of 15 feet 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 10-foot wide buffer yard which complies with Section 1303. The initial height of the evergreen planting shall be 6 feet. 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. All gasoline, antifreeze and oil shall be drained from all vehicles that are stored on-site, 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.
- g. Lot area - 3 acres minimum; 10 acres maximum.
- h. Tires - see the "Outdoor Storage and Display" standards in the following section.
- i. Any storage of junk shall be maintained a minimum distance of 100 feet from the average water level of any waterway, and shall be kept out of a drainage swale.

38. Kennel. (which may include an animal shelter)

- a. All structures in which animals are housed (other than buildings that are completely soundproofed and air conditioned) and all runs outside of buildings shall be located at least 200 feet from any existing dwelling.
- b. Buildings shall be adequately soundproofed so that sounds generated within the buildings cannot routinely be heard within any principal building on another lot.
- c. The applicant shall describe how outdoor runs will or will not be used during late night hours.
- d. The use shall also comply with applicable State regulations for kennels.
- e. Minimum lot area - 5 acres.
- f. A use meeting the requirements for a Kennel may also offer "Animal Day Care."

39. Live Work Unit.

- a. A Live Work Unit is one building space that is used both for residential and for business space, such as for an office or an artist's studio. The business use shall be a use that is listed as permitted by right in the Zoning District. The unit shall be



treated as a dwelling unit, except for allowed signs and minimum parking requirements for the portion of the space that is used for commercial purposes that may involve non-resident employees or customer traffic.

- b. If allowed in a Residential District, a minimum of 50 percent of the unit floor area shall be primarily used for residential purposes and a maximum of 3 persons shall work in the unit who do not reside within the unit.
- c. The operator of the business in the unit shall also be a permanent resident of the unit.

40. Livestock and Poultry, Raising of.

- a. Minimum lot area - 3 acres, except a minimum lot area of 25 acres shall apply for an "Intensive Raising of Livestock or Poultry" use.
- b. Except for an Intensive Raising of Livestock or Poultry use, any building or concentrated feeding areas for the raising of livestock or poultry shall be located a minimum of: 1) 300 feet from a lot in a RR, VR, MHP or RMD district, 2) 200 feet from an existing dwelling that is not within a residential district, and 3) 50 feet from all other exterior lot lines.
- c. For an Intensive Raising of Livestock or Poultry use, any building or concentrated feeding areas for the raising of livestock or poultry shall be located a minimum of: 1) 600 feet from a lot in a RR, VR, MHP or RMD district, 2) 200 feet from an existing dwelling that is not within a residential district, and 3) 100 feet from all other exterior lot lines.
- d. As a special exception use, the Zoning Hearing Board may approve a smaller setback for the expansion of facilities that existed prior to the adoption of this Section where the applicant proves that there is no reasonable and feasible alternative and where the applicant proves that the lesser distance would not be detrimental to public health or safety or create significant hazards or nuisances.
- e. The setbacks from property lines provided in this Section for this use shall not apply from dwellings or 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.
- f. For a new or expanded raising of livestock or poultry use, evidence shall be provided by the operator/applicant to the Township to show that there will be compliance with procedures and requirements of the State Nutrient Management Act and accompanying State regulations. This shall include the applicant providing proof that any required Nutrient Management Plan has been submitted to the required agency(ies) and been approved as may be required under State regulations, as a condition of issuance of the zoning permit.
- g. Buildings used for the raising of livestock or poultry shall:
  - (1) not be located within 100 feet of a perennial stream, river, spring, lake, pond or reservoir, and
  - (2) not be located within 100 feet of an active public water supply drinking well or an active intake for a public water supply.
- h. For manure storage facilities that are specifically required to have a setback from lot lines under the State Nutrient Management regulations, that State setback shall apply. For any other manure storage facilities, a 100 feet minimum setback shall

apply from all lot lines.

- i. The following additional requirements shall apply to an Intensive Raising of Livestock or Poultry use:
  - (1) The applicant shall provide a soil and erosion control plan to the County Conservation District for review and pay their review fees.
  - (2) The applicant shall describe in writing or on site plans methods that will be used to address water pollution and insect and odor nuisances. The applicant may meet this requirement by stating that there will be compliance with specified standards in applicable sections of the Pennsylvania Soil and Water Conservation Technical Guide as published by the U.S. Department of Agriculture and the State Department of Environmental Protection's Manure Management Manual for Environmental Protection, or their successor publications, or other recognized written industry standards.
  - (3) The location of the facility is requested to consider prevailing wind patterns as they may affect the nearest existing dwellings.
  - (4) An area shall be provided for trucks to turn around on the property that avoids the need to back out onto a public road.

41. Manufactured (Mobile) Homes. The following additional requirements shall apply to a manufactured home placed on property after the adoption of this Ordinance:

- a. Construction. Any 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 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. The requirements of the Construction Codes shall apply, in addition to the manufacturer's specifications for installation, as well as State regulations regarding the installation.
- e. Foundation Treatment. The space between the bottom of the home and the ground and/or home pad shall be enclosed using a durable fire-resistant material. This enclosure shall have the appearance of a foundation of a site-built home, such as material with a concrete-type or stucco facing, except that metal skirting shall be allowed for a dwelling within a Manufactured (Mobile) Home Park. Provisions shall be provided for access to utility connections under the home.
- f. If the dwelling is outside of a Manufactured (Mobile) Home Park, then the front door of the dwelling shall face onto a street.

42. Manufactured (Mobile) Home Park.

- a. See the requirements for Manufactured Home Park in the MHP district in Article 5 of this Ordinance and in the SALDO. Where a provision of this Ordinance directly conflicts with a provision of SLDO, the provision of this Zoning Ordinance shall

prevail.

- b. Access to individual manufactured home spaces shall be from interior parking courts, access drives or private streets and shall not be from public streets exterior to the development.
- c. All units within the Manufactured Home Park shall be serviced by the public sewage and central water supply systems, unless each manufactured home is on a one acre minimum land area.
- d. Buildings that are accessory to individual manufactured homes shall be allowed, provided they meet the minimum exterior setbacks provided in Article 5, and provided that they are setback a minimum of 15 feet from the home of a person who does not own the accessory building.
- e. A 20 feet wide perimeter planting area shall surround the Manufactured Home Park, except at approved street crossings. This planting area shall include a mix of trees and shrubs of various species and vegetated ground cover.
- f. The minimum tract area shall be 3 contiguous acres, which shall be under single ownership.
- g. Density - The maximum average density of the tract shall be 5 dwelling units per acre.
  - (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 floodplain area regulated under the Floodplain Ordinance, wetlands and slopes over 25 percent shall not be included.
- h. Landscaped Perimeter - Each mobile/manufactured home park shall include a 20-foot wide landscaped area conforming with the requirements in the Subdivision and Land Development Ordinance. A planting plan for such area shall be approved by the Zoning Hearing Board as part of any required special exception use approval. The same area of land may count towards both the landscaped area and the building setback requirements.
- i. The following setbacks shall apply:
  - (1) A dwelling shall be setback a minimum of 30 feet from another dwelling within the mobile home park, except that unenclosed porches, awnings, decks, and other accessory uses customarily attached to the manufactured home may be 25 feet from the walls of another dwelling.
  - (2) The minimum separation between homes and edge of interior street cartway shall be 30 feet.
  - (3) The minimum principal and accessory building setbacks from exterior/boundary lot lines and rights-of-way of pre-existing public streets shall be 50 feet.
  - (4) A minimum of 10 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.
- j. Each home shall comply with the requirements for "Mobile/Manufactured Homes" stated in the preceding subsection.

43. Medical Marijuana Dispensary.

- a. The use shall be setback a minimum of: 1) 1,000 feet from the property line of a primary or secondary school or child day care center, 2) 500 feet from a public park or playground, and 3) 250 feet from a residential district.
- b. The use shall not have any outdoor activities, such as outdoor seating.
- c. The use shall not be open for business beyond the maximum hours of 8 AM and 8 PM.
- d. The use shall meet all other zoning requirements that would apply to a Retail Store.
- e. The use shall prove to the Zoning Hearing Board that there will be sufficient security measures.

44. Medical Marijuana Grower/ Processor.

- a. The use shall include recorded exterior security cameras, security fencing and building security alarms.
- b. The use shall be setback a minimum of: 1) 1,000 feet from the property line of a primary or secondary school or child day care center, 2) 500 feet from a public park or playground, and 3) 250 feet from a residential district.
- c. The use also shall meet all of the same zoning requirements that would apply to a manufacturing use.
- d. The Zoning Hearing Board may require the installation of air purifiers to reduce noxious odors for neighbors. After the use begins operations, the Zoning Officer may require the installation of air purifiers if there are noxious odors for neighbors.

45. Membership Club.

- a. See definition in Section 1502.
- b. Any active outdoor play areas shall be setback at least 25 feet from any abutting "residential lot line."
- c. This use shall not include an "After Hours Club."

46. Mineral Extraction.

- a. The following additional requirements shall be met:
  - (1) The intended future use of the land after reclamation shall be described. However, that matter is not regulated by the Township.
  - (2) After areas are used for mineral extraction, those areas shall be reclaimed in phases to a non-hazardous and environmentally sound state permitting a productive or beneficial future use.
  - (3) 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. Such yard shall include 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.
    - (i) New trees shall not be required where preserved trees will serve the same purpose.
  - (4) The following minimum setbacks shall apply for the excavated area of a mineral extraction use and from any materials processing operations from property that is not owned by the owner or operator of the mineral extraction

use:

- (i) 100 feet from the existing right-of-way of public streets and from all exterior lot lines of the property,
  - (ii) 150 feet from a non-residential principal building, unless a written waiver is provided by the owner thereof, and
  - (iii) 400 feet from the lot line of an existing dwelling or undeveloped residentially zoned land.
- (5) 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.
  - (6) Fencing. The Zoning Hearing Board may require secure fencing in locations where needed to protect public safety. As an alternative, the Zoning Hearing Board may approve the use of thorny vegetation to discourage public access. Also, warning signs shall be placed around the outer edge of the use.
  - (7) If any concrete or asphalt manufacturing operations are proposed, they shall need a separate approval and shall only be allowed where provided in Article 4.

47. Mobile/Manufactured Home. See "Manufactured (Mobile) Home" in this Section.

48. Motor Vehicle Race Track.

- a. All areas used for the racing of motor vehicles and related testing and maintenance shall be setback a minimum of 400 feet from the lot line of an existing dwelling or a residential district boundary. Any improved track used for motorcycles, all-terrain vehicles or motor vehicles for commercial purposes shall be setback a minimum of 400 feet from the lot line of an existing dwelling or a residential district boundary.
- b. All buildings, parking, loading and unloading areas shall be setback a minimum of 150 feet from the lot line of an existing dwelling or a residential district boundary.
- c. The applicant shall prove that the standards of Article 5 will be met, including lighting and dust.
- d. Minimum lot area - 30 acres.
- e. All vehicles shall use noise muffling devices with an effectiveness similar to what is achieved with new on-road vehicles.
- f. For a special exception use, the Zoning Hearing Board may require the installation of sound barriers or berms and/or the planting of additional trees.

49. Nursing Home, Personal Care Home or Assisted Living Center.

- a. Licensing - See definitions in Section 1502.
- b. A minimum of 10 percent of the lot shall be suitable and developed for passive recreation. This area shall include outdoor sitting areas, landscaped areas and pedestrian walks.

50. Outdoor Storage and Display. The provisions listed for this use under Section 603 shall apply.

51. Picnic Grove, Commercial.

- a. All buildings, pavilions and areas used for nighttime activities shall be a minimum of 150 feet from an existing dwelling on another lot. All parking areas shall be setback a minimum of 75 feet from any residential lot line. The use shall not operate between the hours of 11 p.m. and 7 a.m.
- b. See lighting standards in Article 5.
- c. Minimum lot area - 3 acres.

52. 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 any other District, a place of worship shall meet the normal minimum lot area for that District.
- b. A primary or secondary school may be approved on the same lot as a place of worship provided the requirements for such uses are also met. 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.
- d. A child or adult day care center shall be allowed as an accessory use, provided the requirements for that use are also met.
- e. If the Place of Worship has a capacity of more than 500 persons in its largest room, it shall abut an arterial or collector road.
- f. Off-street parking areas and any athletic facilities shall be set back a minimum of 25 feet from a residential lot line.

53. Recreation, Commercial Outdoor. (such as paintball or golf driving range)

- a. All buildings, pavilions and areas used for nighttime activities shall be a minimum of 100 feet from an existing dwelling on another lot.
- b. This term shall not include Publicly-Owned Recreation or a Motor Vehicle Racetrack.
- c. See provisions for a non-household swimming pool in this Section.
- d. Lighting, noise and glare control - See Article 10.
- e. Where woods exist adjacent to an exterior lot line of the use adjacent to a residential lot line, a 30 feet wide width of woods shall be preserved between the use and the lot line, except for approved driveway, utility and trail crossings. Where such woods will not exist and be preserved, a 30 feet wide buffer yard in accordance with Section 1303 shall be required abutting a residential lot line.
- f. Any Restaurant open to the general public, Tavern, Firearms Target Range, Camp, Camp-ground, or Commercial Picnic Grove 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.

54. 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 40 feet wide buffer yard with screening as described in Section 1303 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, college, 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.

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

56. Restaurant.

- a. Screening of Dumpster and Waste Containers - See Section 1306.
- b. See "Drive-Through" service in Section 603.D.
- c. Drive-through service shall only be provided where specifically permitted in the applicable District regulations.
- d. This use shall not include a "Tavern" or a "Nightclub", unless the requirements for such use(s) are also met.

57. School, Public or Private, Primary or Secondary.

- a. 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.
- b. No children's play equipment, basketball courts or illuminated recreation facilities shall be within 50 feet of a residential lot line.
- c. The use shall not include a dormitory unless specifically permitted in the District.

58. Self-Storage Development.

- a. All storage units shall be of fire-resistant construction.
- b. Outdoor storage shall be limited to vehicles, boats and trailers. No "Junk Vehicles" shall be stored within view of a public street or a dwelling.
- c. 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.

- d. Designated spots may be used for outdoor parking of motor vehicles or trailers. Nothing shall be stored in interior traffic aisles or accessways that would interfere with emergency vehicle access or within required off-street parking areas.
- e. The use shall not include a commercial Auto Repair Garage, unless the requirements for that use are also met.
- f. Adequate lighting shall be provided for security, but it shall be directed away or shielded from any adjacent residential uses.
- g. See Section 1313 concerning buffer yards. In addition, any outdoor storage or storage unit 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 1303. Any fencing shall be placed on the inside of the plantings.
- h. Minimum separation between buildings- 20 feet. Maximum length of any building – 300 feet.

59. Septage and Compost Processing, involving materials from multiple lots.

- a. Any processing, loading, storage, and packaging operations must be conducted within a completely enclosed building that is leak- and vector-proof.
- b. The applicant must demonstrate compliance (through a written statement) and continue to comply with all applicable State and Federal standards and regulations.
- c. The use shall be screened from all roads and adjoining properties.
- d. All uses shall provide sufficiently-long stacking lanes into the facility, so that vehicles waiting to be weighed or loaded/unloaded will not back up onto public roads.
- e. All driveways onto the site must be paved for a distance of at least 100 feet from the street right-of-way line. In addition, a 50-foot long gravel section of driveway shall be placed just beyond the preceding 100 foot paved section to help collect any mud that may have attached to a vehicle's wheels.
- f. The unloading, processing and transfer, of septage and compost shall be continuously supervised by a qualified facility operator.
- g. Any leachate shall be disposed of in a manner in compliance with any applicable State and Federal laws or regulations. If leachate is to be discharged to a municipal sewage facility, appropriate permits shall be obtained from the applicable agencies and authorities. In no event shall leachate be disposed of in a storm sewer, to the ground, or in any other manner inconsistent with DEP regulations.
- h. The applicant shall submit an analysis of water needs (groundwater or surface-water) from either private or public sources, indicating quantity of water required. If the source is from a municipal system, the applicant shall submit documentation that the public authority will supply the water needed.
  - (1) In addition, a water feasibility study will be provided to enable the municipality to evaluate the impact of the proposed development on the groundwater supply and on existing wells. The purpose of the study will be to determine if there is an adequate supply of water for the proposed development and to estimate the impact of the new development on existing



wells in the vicinity. The water feasibility shall be reviewed by the Township Engineer or another Township consulting specialist.

- (2) A water system which does not provide an adequate supply of water for the proposed development, considering both quantity and quality, or does not provide for adequate groundwater recharge considering the water withdrawn by the proposed development shall not be approved by the municipality.
- (3) A water feasibility study shall include the following information:
  - (i) calculations of the projected water needs;
  - (ii) a geologic map of the area with a radius of at least one mile from the site;
  - (iii) the location of all existing and proposed wells within 1,000 feet of the site and all known point sources of pollution;
  - (iv) based on the geologic formation(s) underlying the site, the long-term safe yield shall be determined;
  - (v) a determination of the effects of the proposed water supply system on the quantity and quality of water in nearby wells, streams and the groundwater table; and,
  - (vi) a statement of the qualifications and the signature(s) of the person(s) preparing the study.
- i. A minimum 100 foot wide buffer strip shall be located along all property lines. No structures, storage, parking, or any other related activity or operation shall be permitted within this buffer strip. Any fences or other screening erected on the site must not be located within this buffer strip.
- j. The applicant shall provide an analysis of the physical conditions of the primary road system serving the proposed use. The analysis shall include information on the current traffic flows on this road system, and projections of traffic generated by the proposed use. Improvements to the road shall be provided by the applicant to insure safe turning movements to and from the site and safe through-movement on the existing road.
- k. Any structure used for the storage, loading, processing and/or packaging of compost shall be set back at least 300 feet from all property lines and 500 feet from any residentially-zoned properties. In addition, any ventilation outlets must be oriented away from any land within a residential zone.

60. Solar Farm.

- a. Solar farms shall not be artificially lighted except to the minimum extent required by applicable law
- b. No advertising shall be displayed. Reasonable identification of equipment and facility owner shall not be considered advertising.
- c. On-site transmission, power, and other similar lines shall be placed underground.
- d. Nothing except fencing, screening, means of vehicular access, and underground utility lines shall be located within 250 feet of any property line, nor within 500 feet of any residential zone or use.
- e. Solar farms shall be enclosed by a fence or barrier to prevent unauthorized access. Clearly-visible warning signs shall be regularly placed on the fence or barrier

warning of potential electrical hazards.

- f. Screening shall comply with section 1303, except that the screening shall be 80% opaque at a height of 6 feet at the time of planting. The Board may also require the installation of earth berms as needed to reduce the visibility of operations from public streets or dwellings.
  - g. Any above-ground equipment, including but not limited to framework-mounted solar panels, shall count towards the maximum lot coverage allowed in the solar farm's zoning district as well as towards impervious surface totals for the purpose of stormwater management. If the equipment is adjustable, this calculation shall be performed accounting for the maximum ground coverage possible.
  - h. All materials and waste storage shall be indoors.
  - i. No solar farm shall produce noise that exceeds forty dBA at exterior walls of any residence, fifty dBA at the property line of any residential district or use, and/or sixty dBA at the property line.
  - j. No solar farm shall produce glare that would constitute a nuisance to neighboring properties or travelers.
  - k. Disruption or loss of radio, telephone, television, or similar signals is not permitted.
  - l. Unless an easement is established, no solar farm shall claim any rights to protect against shadows or other interference or blockage cast by neighboring properties.
  - m. Solar farms shall begin decommissioning within 12 months of either the cessation of energy generation or offering of energy byproducts for sale or off-site use.
  - n. The requirements listed herein for solar farms shall apply to both accessory and primary uses.
61. Solid Waste Transfer Facility or Putrescent Waste to Energy Facility or Solid Waste Landfill.
- a. All solid waste storage, disposal, incineration or processing shall be at least 250 feet from the following: public street right-of-way, exterior lot line, floodplain regulated under the Floodplain Ordinance, edge of a surface water body (including a water filled quarry), or wetland of more than 1/2 acre in area.
  - b. 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 occupied dwelling that the applicant does not have an agreement to purchase. Any solid waste landfill disposal area shall be setback a minimum of 1,320 feet from any public water supply.
  - c. 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.
  - d. No burning or incineration shall occur, except within an approved Waste to Energy Facility.
  - e. 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.
  - f. Open dumps and open burning of refuse are prohibited.

- g. The applicant shall prove to the satisfaction of the Board of Supervisors 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/roads in the Township.
- h. The applicant shall prove to the satisfaction of the Board of Supervisors that the use would not routinely create noxious odors off of the tract.
- i. A chainlink or other approved fence with a minimum height of 6 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 Board of Supervisors that this is unnecessary. A buffer yard meeting Section 1303 with plantings with an initial height of 6 feet shall be required between the use and any adjacent public street or dwelling. The Board may also require the installation of earth berms and/or shade trees as needed to reduce the visibility of landfill operations from public 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 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 603.
- 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 professional traffic study shall be submitted with the zoning application. The traffic study shall meet the requirements of the Subdivision and Land Development Ordinance and shall identify intended truck routes into and out of the facility to reach expressways.
  - w. The facility shall have restrooms for employees and a water supply available for employee safety.
62. Stable, Nonhousehold. (Includes riding academies; see also "Keeping of Pets" in the following section)
- a. Minimum lot area accessible to the animals - 2 acres of non-impervious surface per first horse or similarly sized animal and one additional such acre for each additional horse or similar animal.
  - b. Any horse barn, manure storage areas or stable shall be a minimum of 100 feet from any lot line of an adjacent dwelling.
  - 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. Manure shall be managed in a way that does not result in polluted runoff from the property.
  - d. If a Nutrient Management Plan is required under State regulations, the applicant shall present proof that it has been properly submitted and approved as applicable as required by the State.
63. Swimming Pool, Non-Household.
- a. The water surface shall be setback at least 50 feet from any existing dwelling on another lot.
  - b. Minimum lot area - 2 acres.
  - c. Any water surface within 75 feet of an existing dwelling on another lot shall be separated from the dwelling by a buffer yard meeting Section 1303.
  - 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 or harm water quality.
64. Target Range.
- a. These regulations apply to firearms target ranges, other than a completely indoor and soundproofed target range. These provisions shall not apply to an areas used for occasional target shooting by residents or owners of a lot and up to 3 occasional invited guests and which has a suitable barrier behind the target shooting area.
  - b. All target ranges shall have a barrier behind the target area which is of sufficient

height and thickness to adequately protect the public safety.

- c. The design of the 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.
- d. A firearms target range and any firing stations shall be located a minimum of 450 feet from any lot line of a dwelling on another lot and 100 feet from any other lot line. Clay pigeon shooting shall be directed away from homes and streets.
- e. A firearms target range shall be properly posted. The Zoning Hearing Board may require fencing as necessary.
- f. A target range shall only be used for types of firearms or other weapons for which it was specifically designed. Automatic weapons shall not be used.
- g. A target range shall not be used after sunset or before sunrise. Maximum hours and days of operation may be established as a condition of the zoning approval.
- h. Minimum lot area - 10 acres.
- i. See Section 1303. 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.

65. Temporary and/or Emergency Shelter.

- a. The applicant shall provide a written description of all conditions 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 use approval.
- b. The applicant shall prove to the satisfaction of the Zoning Hearing Board that the use will involve adequate on-site supervision and security measures. If any applicable County, State, Federal or professional association standards provide guidance on the type of supervision that is needed, the proposed supervision shall be compared to such standards.
- c. The Zoning Hearing Board may place conditions upon the use to protect public safety, and to minimize conflicts with nearby residents.
- d. The applicant shall describe the maximum number of residents who will be served, which may include a higher stated number on days of extreme weather.

66. Townhouses and Multi-Family Dwellings/Apartments.

- a. Maximum number of townhouses in any attached grouping - 6.
- 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. Garages. It is strongly recommended that all Townhouses be designed so that garages and/or carports are not an overly prominent part of the view from public streets. For this reason, parking courts, common garage or carport structures or garages at the rear of dwellings are encouraged instead of individual garages opening onto the front of the building, especially for narrow townhouse units.
- d. Mailboxes. Any mailboxes provided within the street right-of-way should be clustered together in an orderly and attractive arrangement or structure. Individual

freestanding mailboxes of non-coordinated types at the curbside are discouraged.

- e. 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.
- f. Common Open Space. On a tract of more than one acre, a minimum of 15 percent of the total lot area of the development involving Townhouses and Multi-Family/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.
  - (1) If a development includes over 30 dwelling units that will not be restricted to at least one resident age 55 and older, then the common open space shall at a minimum include a rectangular grass field 50 feet by 150 feet that is suitable for free play by young persons. If all dwellings in a development will be restricted to at least one resident age 55 and older, then the common open space shall at a minimum include landscaped trails that are ADA-accessible.
  - (2) A recreation building or pool available to all residents of the development may count towards the open space requirement. Areas with a width of less than 50 feet shall not count towards this requirement. Common open space under this section may be used to meet any recreation requirements under the Subdivision Ordinance, if the land would meet both ordinances.
- g. Multi-family/Apartment dwellings shall be served by a public sewage system and a Township-approved central water system.

67. Treatment Center.

- a. See definition in Section 1502. This use shall not include a Criminal Halfway House or Day Reporting Center, unless the requirements for all uses are fully met.
- b. The applicant shall provide a written description of all conditions (such as alcohol addiction) that will cause persons to occupy the use during the life the permit. Any future additions to this list shall require an additional conditional use 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. If any applicable County, State, Federal or professional association standards provide guidance on the type of supervision that is needed, the proposed supervision shall be compared to such standards.
- 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.

68. Trucking Company Terminal, Truck Parking, Warehousing, Distribution Center, or Storage as a Principal Use.

- a. As a condition of conditional use approval, the Board of Supervisors may require additional earth berming, setbacks, landscaping and lighting controls as they determine to be necessary to provide compatibility with adjacent dwellings. These measures shall be designed to minimum glare, noise, soot, dust, air pollutants and other nuisances upon dwellings.
- b. The subject property shall have vehicle access to a collector or arterial street, without

using a local residential street.

- c. The facility shall provide sufficiently long stacking lanes and on-site loading and unloading areas, so that trucks waiting to be loaded and unloaded will not back up onto a public road.
- d. Any gates or other barriers shall be set back and arranged to prevent vehicle backups onto adjacent streets during peak arrival periods.
- e. Major truck repair and truck fueling shall not be allowed unless the uses are separately approved and the requirements for each use are met. Accessory forklift repair is allowed within a completely enclosed building.
- f. The outdoor storage of unlicensed motor vehicles is prohibited.
- g. Any outdoor loudspeaker system shall be designed and operated so that the noise is not heard at residential properties.
- h. The operator of the facility shall enforce State limits on truck idling. See Act 124 of 2008.
- i. If the property will be abutting or across a road from an existing dwelling or a residential district, then the following planting requirements shall apply in place of other Township requirements along that side of the property. The buffering shall achieve a minimum opacity of 80% in both the winter and the summer. The plantings shall include staggered rows of plantings including fast-growing evergreen trees with an average spacing of 10 feet apart on center and deciduous trees with an average spacing of 25 feet apart on center. The deciduous trees shall be a species with a minimum mature height of 20 feet. A minimum of 75 percent of the plantings shall be evergreens.
- j. See Note M in Section 501 regarding increased lot coverage.

69. Veterinarian Office. (includes Animal Hospital)

- a. 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.
- b. Animals undergoing treatment may be kept as an accessory use. Birds, rabbits, gerbils and similar animals may also be boarded. However, a commercial kennel involving healthy dogs shall only be allowed if a kennel is permitted in that District and if the applicable requirements are met.

70. Warehousing. See “Trucking Company Terminal, Truck Parking, Warehousing, Distribution Center or Storage as a Principal Use” in this Section.

71. Wind turbines, other than the one wind turbine per lot that is allowed as an accessory use by Section 603.

- a. The wind turbine shall be setback from the nearest existing occupied dwelling on another lot a distance not less than 3 times the maximum height to the top of the maximum sweep of the blade of the turbine, unless a written waiver is provided by the owner of such building. The turbine height shall be the measured from the ground level. The setback shall be measured from the base of the turbine to the nearest part of such building. This setback shall only apply to buildings that existed

prior to the application for a zoning permit.

- (1) Unless a larger setback applies under “a.” above, all wind turbines shall be set back from each lot line or street right-of-way a minimum distance equal to the total height to the top of the turbine hub, as measured from the center of the wind turbine base, unless a written waiver is provided by the owner of such lot.
- b. No part of a wind turbine shall be located within or above the front, side or rear setback that would apply to a principal building.
- c. The owner of the facility shall completely remove all above ground structures within 12 months after the wind turbine(s) are no longer used to generate electricity. Driveways shall be removed and disturbed earth shall be re-seeded, unless the applicant requests in writing that a particular feature be maintained for a new use.
- d. The minimum height of the lowest position of the wind rotor shall be 25 feet above the ground. Wind turbines shall not be climbable for at least the first 12 feet above the ground level.
- e. The turbine and its installation shall meet applicable regulations of the Uniform Construction Code and the National Electrical Code. The turbine shall be certified by Underwriters Laboratory or an equivalent organization. Any new electrical wiring shall be underground to the maximum extended feasible.
- f. The design of the Wind Energy Facility shall conform to applicable industry standards, including those of the American National Standards Institute. The Applicant shall submit certificates of design compliance obtained by the equipment manufacturers from Underwriters Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energies, or other similar certifying organizations.
- g. Wind turbines shall be equipped with a redundant braking system to address high winds. This includes both aerodynamic overspeed controls (including variable pitch, tip and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a failsafe mode. Stall regulation shall not be considered a sufficient braking system for overspeed protection.
- h. The color of the turbine should be non-obtrusive, such as white, off-white or gray.
- i. Wind turbines shall meet any lighting requirements of the Federal Aviation Administration. Any other exterior lighting visible from beyond the property, other than security lighting, shall be described on the plans and be subject to approval by the Township.
- j. Wind turbines shall not display any advertising, except for a single sign of up to 5 square feet to identify the manufacturer. Safety warning signs may also be placed.
- k. At least one warning sign shall be placed near any electrical transformer or substation.
- l. If guy wires are used, and they are not within a fence, they shall be marked near their base with reflectors, flags, reflective tape or similar method.
- m. The Applicant shall make reasonable efforts to avoid any disruption or loss of radio, telephone or similar signals and shall mitigate any harm caused by the Wind Turbine.
- n. Accessory electrical facilities are allowed, such as a transformer or mechanical



buildings, provided they meet principal building setbacks.

- o. The site plan shall show proposed driveways, turbines and areas of woods proposed to be cleared or preserved.
- p. The audible sound from the wind turbine(s) shall not exceed 45 A weighted decibels, as measured at the exterior of a occupied dwelling on another lot, unless a written waiver is provided by the owner of such building. This sound limit is a maximum, not an average.
- q. "Land development" approval shall be needed for the installation of two or more wind turbines.
- r. The maximum height above the average surrounding ground level to the top of the extended turbine blade shall be 300 feet, unless a lower height is required to meet other requirements of this Ordinance.

72. Winery.

- a. The "Agri-tourism" requirements shall apply if there are commercial activities on the property other than: growing of crops, processing of grapes or apples, tasting of beverages, bottling of wine or cider, storage of products, tours, or sales of wine and cider and customarily accessory items (such as cheese and gift baskets).
- b. In order to be approved as a Winery in an Agricultural, Conservation or Residential district, the operation must include a minimum of 3 acres of grape plants or apple trees that are maintained for wine or cider production on the lot or an adjacent lot. This 3-acre requirement shall not apply in commercial or industrial districts or where wine is made as a routine accessory use.

603. Additional Requirements for Accessory Uses.

- A. General. Accessory buildings, structures or uses that are clearly customary and incidental to a permitted by right, special exception or special exception 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.
- 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.
- C. Front Yard. No accessory structure, use or building shall be permitted in a required front yard in any District, unless specifically permitted by this Ordinance.
- D. Special Standards. Each accessory use shall comply with all of the following standards listed for that use:
  - 1. Accessory Campsite.
    - a. This provision allows the rental of a portion of a property as one campsite for up to 8 persons.
    - b. The campsite shall not be operated in a manner that creates a noise, litter or smoke nuisance to residents of another lot.
    - c. In a conservation or residential district, the campsite shall be set back a minimum of 200 feet from a "Residential Lot Line" and a minimum of 100 feet from a street

- right-of-way or any other lot line.
  - d. The campsite shall include provisions for sanitary waste disposal.
  - e. Provisions shall be made for vehicle parking of the guests without intruding into a street right-of-way.
  - f. A maximum of one campsite shall be allowed under this provision. Any other campsites shall be required to meet all of the requirements for a “campground.”
  - g. The campsite shall not be in use more than 120 total days in any calendar year.
2. Antenna, Standard. (includes amateur radio antenna)
- a. Height. No standard antenna, including its supporting structure, shall have a total height above the ground level of greater than 75 feet. The ground level shall not be artificially mounded to circumvent this height limit.
  - b. Anchoring. An antenna shall be properly anchored to resist high speed winds, and an antenna of greater than 25 feet high above a building shall meet the Construction Code requirements.
  - c. Setback. If an antenna has a height more than 20 feet above the roof of the principal building, the antenna shall be setback a minimum of 1.1 times the height of the antenna above the ground level from any lot line of a lot occupied by a dwelling.
3. Bus Passenger Shelter.
- a. Bus shelters shall only be allowed at a stop of a regularly scheduled bus route or a school bus stop.
  - b. The location of any bus shelter shall be subject to approval by the Township and the bus service provider or school transportation office.
  - c. If the bus shelter will be located within the right-of-way, approval shall be obtained from the Board of Supervisors or PennDOT, as applicable. If the bus shelter will be located outside of the right-of-way, the owner of the land shall provide written permission.
  - d. The applicant shall describe the materials that will be used to construct the bus shelter, which shall be durable and require limited maintenance.
  - e. If located in a commercial or industrial district, a bus shelter may include two off-premises sign images, each with a maximum sign area of 35 square feet. The sign shall not be electronic. Signs may also describe any public transit service.
  - f. A written agreement shall establish the party that will be responsible for maintaining the shelter.
  - g. A bus shelter shall not obstruct a clear sight triangle.
  - h. The Zoning Officer shall require the removal of a bus shelter within 60 days if the Zoning Officer becomes aware that the shelter is not being properly maintained or if it is no longer served by a public or school bus route.
4. Carports.
- a. Carports shall be regulated in the same manner as accessory buildings for the purposes of setbacks regardless of their permanence or structure type unless otherwise listed in this ordinance.

- b. Flexible, temporary, stick-built, and/or any other readily-movable or temporary carport:
    - (1) The covering shall be removed if it is not maintained in good condition.
    - (2) Any carport of this type must be anchored to the ground.
5. Day Care as accessory to a Dwelling.
- a. See Articles 3 and 4 under Accessory Uses and the definitions in Section 1502 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. The care of 4 or more children (other than children or grandchildren of the on-site caregiver) shall only be allowed where specifically permitted under Articles 3 and 4 in the applicable Zoning District.
  - c. The dwelling shall retain a residential appearance.
  - d. The use shall be actively operated by a permanent resident of the dwelling.
  - e. If 4 to 12 children are cared for who are not children or grandchildren of the on-site caregiver, then a minimum of 300 square feet of exterior play area shall be available, surrounded by a 4 feet minimum height secure fence. Seven to 12 children shall not be cared for in a dwelling unit that is attached to another dwelling unit, and provided that number of children are allowed in the zoning district.
  - f. See also "Day Care Center" as a principal use in this Section. Day Care is also an allowed accessory use for a Place of Worship.
  - g. The use shall comply with any applicable state and federal regulations, including having an appropriate State Department of Human Services registration certificate or license, if required by such agency.
  - h. Steps shall be properly secured to limit access by children. At least one fire extinguisher shall be provided, as well as emergency indoor lighting.
  - i. The applicant shall describe in writing any provisions that will be made for the safe loading and unloading of children from vehicles.
6. Day Care, Agricultural.
- a. This use shall be limited to being accessory to a principal agricultural use on a lot of 10 acres or more.
  - b. The structure on the farm designated as the day-care facility shall be a one-story building not to exceed 2,000 square feet in area.
  - c. The facility shall be completely enclosed, handicapped-accessible and contain bathroom facilities.
  - d. The facility shall have no overnight accommodations.
  - e. Accessory farm structures may be utilized in conjunction with the programs conducted within the facility.
  - f. The primary programs conducted within the facility and accessory farm structures shall relate to agriculture and farming, to include but not be limited to adult day training activities that include animal care/husbandry, farm crafts, baking, cooking, gardening and farming.
  - g. The facility and the accessory farm structures utilized in the programs conducted within the facility may be leased to and operated by a nonprofit cooperation.

- h. No more than 20 nonresident program participants (excluding program employees) shall occupy the facility.
  - i. A minimum of one parking space shall be provided per employee.
7. 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.
  - d. To the maximum extent feasible, a drive-through window shall not be placed on the front facade of a building.
  - e. The design of the drive-through facilities shall be subject to review by Township officials.
  - f. An area used for outdoor ordering by customers shall be setback a minimum of 100 feet from a dwelling on another lot. The use shall include use of acoustic barriers or controls on the volume of loudspeakers so that the loudspeaker cannot be heard from a dwelling.
  - g. To the maximum extent feasible, access to a drive-through shall use a rear alley or side street, unless such access would be adjacent to dwellings.
8. Farm-Based Business. This use may be approved on a lawful existing lot with a minimum lot area of 20 acres that include a principal agricultural use.
- a. A Farm-Based Business shall be defined as a low-intensity commercial or industrial activity that functions as a customary accessory use to an on-site principal agricultural use. Farm-related businesses are intended to provide supplemental income to farmers to encourage the continuation of farming, and to provide needed services to other farmers.
  - b. A Farm-Based Business shall be conducted by a resident or owner of the property, his/her "relatives," and a maximum total of 4 other employees working on-site at one time, in addition to employees of the agricultural use. In addition, a barn that was constructed for agricultural purposes prior to the adoption of this Section may be leased to a non-resident for a use meeting these standards.
  - c. To the maximum extent feasible, a Farm-Based Business should use an existing building. Buildings that existed prior to the effective date of this section may be used for a Farm- Based Business. Any new building constructed for a Farm-Based Business and any new parking area for trucks shall be set back a minimum of 100 feet from any lot line of an existing dwelling, unless a larger setback is required by another section of this Ordinance. The total of all building floor areas used for a Farm-Based Business shall not exceed 6,000 square feet. This 6,000 square foot limit shall only apply to buildings constructed after the effective date of this Ordinance. A Farm-Based Business may also use buildings of any size that existed prior to the effective date of this Ordinance. The total area used by the Farm-Based Business, including parking, shall not exceed 3 acres.

- d. The Farm-Based Business shall not routinely require the overnight parking of more than 2 tractor-trailer trucks, other than trucks serving the agricultural use.
- e. Any manufacturing operations shall be of a custom nature and shall be conducted indoors.
- f. The Business shall not generate noxious odors, noise, or glare beyond amounts that are typically generated by agricultural operations. Non-agricultural operations shall not routinely occur in a manner that generates traffic or noise heard by neighbors between the hours of 9 p.m. and 7 a.m.
- g. Any retail sales shall only be occasional in nature, and shall occur by appointment or during a maximum of 20 hours per week (except customary retail sales as part of a barber/beauty shop). This provision shall not restrict permitted sale of agricultural products.
- h. A maximum of two signs shall advertise a Farm-Related Business, with each sign having a maximum sign area of 10 square feet on each of two sides, and which shall not be internally illuminated.
- i. The following activities, and activities that the applicant proves to the Zoning Hearing Board are closely similar, shall be permitted as Farm-Related Businesses:
  - (1) farm equipment or farm vehicle repair;
  - (2) occasional repair of one motor vehicle at a time, beyond those vehicles owned or leased by a resident of the property or his/her relative, but not including a junkyard, auto body shop or spray painting;
  - (3) welding and custom machining of parts;
  - (4) sale, processing, or mixing of seeds, feed, chemical fertilizers, or wood/leaves/bark compost;
  - (5) barber/beauty shops;
  - (6) construction tradesperson's headquarters;
  - (7) music, hobby, trade or art instruction for up to 10 persons at a time;
  - (8) small engine repair;
  - (9) custom woodworking or wood refinishing;
  - (10) custom blacksmithing or sharpening services;
  - (11) rental storage of household items, vehicles, boats and building materials;
  - (12) boarding of animals, not including a kennel or a stable (which are separate uses);
  - (13) custom butchering, not including a commercial slaughterhouse or stockyard;
  - (14) processing and storage of agricultural products; or
  - (15) sawmill.

See also Stable, Non-Household, Agri-tourism and Retail Sales of Agricultural Products, which are treated as separate uses.
- j. This subsection shall not regulate agricultural uses that are permitted under other provisions of this Ordinance.
- k. If an activity would be permitted as a Farm-Related Business, Agri-tourism use or a Home Occupation, then the applicant may choose which set of provisions shall apply.

- l. One off-street parking space shall be provided per non-resident employee, plus parking for any dwelling. In addition, the applicant shall prove to the Zoning Officer that sufficient parking will be available for customers, which is not required to be paved.
  - m. All existing and new buildings shall maintain a residential or agricultural appearance, as viewed from a public street.
  - n. The use shall not involve the storage or use of highly hazardous, toxic, radioactive, flammable or explosive substances, other than types typically used in agriculture or a household.
  - o. Landscaping shall be placed between any outdoor storage of non-agricultural materials or products and any adjacent dwelling from which storage would be visible.
  - p. The lot shall have provisions for trucks to turn around on the site without backing onto a public street. When special exception approval is required, the Zoning Hearing Board shall consider the suitability of the adjacent roads for the amount and weights of truck traffic that will be generated.
9. 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. A fence shall not be required to comply with minimum setbacks for accessory structures.
  - b. No fence, wall or hedge shall obstruct the sight distance as required by Section 1303.3. (Note - The sight distance provisions typically regulate features over 3 feet in height.) A fence that is 75 percent transparent may be placed in a sight distance triangle if it is 4 feet or less in height.
  - c. Fences:
    - (1) Front Yard. Any fence located in the required minimum front yard of a lot in a Residential District shall not exceed 4 feet in height.
      - (i) The required minimum front yard shall mean the portion of the front yard that is within the minimum setback. For example, if a building is setback 40 feet from the street right-of-way, but the minimum setback is 25 feet, then these front yard restrictions shall only apply to the first 25 feet.
      - (ii) If a building has an existing front yard setback that is smaller than the minimum setback, then these front yard restrictions shall only apply to the existing front yard setback.
      - (iii) Fences in the front yard of a dwelling shall be an open-type of fence (such as picket, wrought iron, vinyl post, or split rail) with a minimum ratio of 1:1 of open to structural areas. Mostly transparent wire mesh may be placed on the inside of such a front yard fence.
      - (iv) A fence or detached wall that is not in a residential district and that is within 15 feet from the right-of-way of a public street or a dwelling shall have a maximum height of 8 feet, except that a taller height shall be allowed by special exception where the applicant proves to the Zoning

Hearing Board that a taller height is necessary.

- (2) On a corner lot, in a Residential District, a fence or wall shall meet the same height requirements along both streets as would apply within a minimum front yard. However, a fence that only extends behind the rear of a dwelling or other principal building may have a maximum height of 6 feet along one of the streets, other than the street that is along the front of the dwelling.
  - (3) Height. A fence located in a Residential District in a location other than a required front yard shall have a maximum height of 6 feet. In other districts, a 10 feet maximum height shall apply. If a fence is built on top of a wall, then the maximum height shall apply to the total combined height above the ground.
  - (4) A taller fence height may be approved where the applicant proves to the Zoning Officer that such taller height is necessary to protect public safety around a specific hazard (such as an electric substation or to prevent baseballs or paintballs from entering into a street).
  - (5) Setbacks. No fence shall be built within an existing street right-of-way. A fence maybe constructed up to a lot line, except as follows: a) a fence may be constructed on the lot line with mutual consent of the adjacent property owner, and b) a fence shall be located on the inside of any buffer plantings required by Section 1303.
  - (6) Fence materials. Electrically charged above-ground fences shall only be used to contain farm animals, and shall be of such low intensity that they will not permanently injure humans. Under-ground fences to contain animals are not regulated by this Ordinance. No fence or wall shall be constructed out of fabric, junk, junk vehicles, appliances, drums or barrels. If a fence has a more finished side, the more finished side should face towards the neighboring properties or street. Fence supports should be placed on the inside of a fence.
- d. Walls:
- (1) Engineered retaining walls necessary to hold back slopes are exempted from setback regulations and the regulations of this section, and are permitted by right as needed in all Districts. However, if a retaining wall is over 8 feet in height as viewed from a dwelling, it shall be setback a distance equal to its maximum height from a lot line of an existing dwelling.
  - (2) Other than a necessary retaining wall, no wall of greater than 3 feet height shall be located in the minimum front yard in a Residential District, except as a backing for a permitted sign as permitted in Section 1204.
  - (3) A wall in a Residential District shall have a maximum height of 3 feet if it is within the minimum side or rear accessory structure setback.
- e. All fences and walls (including retaining walls) over 3 feet in height shall need a zoning permit, regardless of whether a construction permit is also needed.

10. Food Trucks.

- a. If a food truck is parked on a private property for more than 30 minutes per day (other than routine temporary operations at a construction site), it shall only be permitted where allowed by Article 4 and shall meet all of the following

requirements:

- (1) it shall be setback a minimum of 30 feet away from a dwelling on another lot, and shall not obstruct safe sight distances at intersections and driveways;
  - (2) it shall meet all requirements for signs that would apply to a building;
  - (3) it shall not be open to customers between 10 PM and 6 AM;
  - (4) it shall not be located within a public right-of-way;
  - (5) it shall provide a regularly emptied sanitary outdoor waste container, and litter shall be regularly collected;
  - (6) it shall meet all health regulations; and
  - (7) it shall only operate with written permission of the property-owner.
- b. A food truck shall not occupy a public right-of-way for more than 30 minutes per day while serving food or beverages.
  - c. The Township may authorize written temporary exceptions to these provisions during a special event, parade or festival.
  - d. Commercial sales shall only be allowed within a Township Park with written permission of the Township, other than occasional visits of less than 20 minutes by a truck or cart offering snacks and beverages.
  - e. A maximum of one food truck shall be allowed per lot, except as authorized by subsection c. above.
  - f. The food truck shall display a current State vehicle license and safety inspection sticker and have current vehicle registration.
  - g. Electric generators that generate noise heard inside a building and tanks of explosive substances shall not be placed within 100 feet of a dwelling.
11. Furnace, Outdoor. (Such as wood-burning boilers and other building heating devices that are exterior to a principal building)
- a. The following setbacks shall apply from a lot that is not in common ownership with the lot occupied by the outdoor furnace:
    - (1) An outdoor furnace shall be setback a minimum of 150 feet from any existing occupied building on another lot.
    - (2) The outdoor furnace shall be setback a minimum of 50 feet from any other lot line.
  - b. The applicant shall show compliance with PA DEP regulations.
  - c. The furnace shall not be used to burn rubber, plastics, hazardous materials, putrescent garbage, paint products, manure, asphalt products or painted wood.
12. Garage Sale. (includes Yard Sale, Moving Sale and Porch Sale)
- a. See sign provisions in Section 1205.
  - b. A garage sale in a Residential District is limited to a total of 8 total days per calendar year per dwelling unit.
  - c. Garage sales shall not routinely involve the sale of new unused merchandise.
13. Gas and Oil Wells as a Principal or Accessory Use.
- a. Gas and Oil Wells shall only be allowed where provided under Articles 3 or 4.



- b. A minimum setback of 300 feet shall be required from a Gas or Oil Well, any accompanying storage tank and any above-ground equipment from any of the following: 1) any existing dwelling on another lot, or 2) any day care center, place of worship, nursing home, hospital, personal care center, park or recreational area, or school. See setbacks from other buildings in the State Oil and Gas Act. A minimum setback of 50 feet shall be required from a Gas or Oil Well, any accompanying storage tank and all related above-ground equipment to any street right-of-way or any lot line, unless a written waiver is provided to the Zoning Officer by the principal owner of record of the adjacent lot.
- c. A row of primarily evergreen trees shall be provided between any Gas or Oil Well and any existing dwelling on an adjacent lot.
- d. A minimum 4 feet high security fence or architectural masonry wall shall be provided around a Gas or Oil Well.
- e. If any Gas or Oil Well or related mechanical equipment will be within 600 feet from an existing dwelling on another lot: 1) sound walls, acoustical blankets or similar measures shall be used to control noise, and 2) movement of trucks on the property shall not occur between the hours of 9 p.m. and 7 a.m., except for emergency measures.
- f. A Zoning Permit shall be required for a Gas or Oil Well. As part of the permit application, the applicant shall provide a written description of the impacts upon roads, with an emphasis upon weight of vehicles that will be used. See bonding requirements in the Vehicle Code or other applicable State law.

14. Heliport. See under principal uses in the previous subsection.

15. Home Occupations.

- a. Note - There are two types of Home Occupations: “Low Impact Home Occupations” (which are typically permitted by right), and other types of Home Occupations that are named “General Home Occupations” and typically need special exception approval.
- b. All home occupations shall meet the following requirements:
  - (1) The use shall only be conducted by one or more permanent residents of the dwelling, except it may also involve a maximum of one employee who does not reside in the dwelling. However, if a lot includes 3 or more multi-family dwellings, then no person shall work in a home occupation who does not reside on the lot. If a lot includes 3 or more multi-family dwellings, then only Low Impact Home Occupations shall be allowed on the lot.
  - (2) The use shall be conducted indoors, in a principal and/or accessory building. 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) 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 routinely require delivery by tractor-trailer trucks.
  - (6) The regulations of Section 603.A.19. below 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 a single two square foot non-illuminated sign, as permitted in Section 1203.
  - (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 deliveries needed, 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. See additional restrictions in subsection 16. below.
  - (15) The use may include sales using telephone, mail order or electronic methods. On- site retail sales shall be prohibited, except for sales of hair care products as accessory to a barber/beauty shop.
  - (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.
- c. In addition to the requirements listed in "(b)" above, the following additional requirements shall apply to a "Low Impact Home Occupation":
- (1) The use shall not routinely involve routine daily visits to the home occupation by customers.
  - (2) The use shall meet the definition of "Home Occupation, Low Impact" in Section 1502.
  - (3) A zoning permit shall not be required for a Low Impact Home Occupation.

16. 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 floodplain area regulated by the Floodplain Ordinance, except that pre-existing parking areas can continue to be used for parking of operable motor vehicles.
- c. Screening. See Section 1303.
- d. Outdoor storage of 50 or more used tires.
  - (1) This storage shall only be allowed as part of a Township-approved junkyard or tire store.
  - (2) 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.
  - (3) 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.

17. Pets, Keeping of.

- a. This is a permitted by right accessory use in all Districts.
- 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 and on a chain. Animals shall be kept on the property of the owner, except when they are on a leash, unless there is permission from another property owner.
- c. A maximum combined total of 5 dogs and cats shall be permitted to be kept by residents of each dwelling unit on their residential premises.
  - (1) Such limits shall only apply to dogs or cats over 6 months in age, and shall not apply to bona fide working service dogs.
  - (2) Any greater number of dogs and/or cats shall need approval as a "kennel".
- d. Pigeons, chickens, ducks, geese and/or similar fowl shall only be kept on a lot of larger than one acre. A maximum of 5 such fowl shall be kept as accessory to a dwelling, unless the property includes more than 2 acres. On a lot of more than 2 acres, a maximum of 10 such fowl shall be kept as accessory to a dwelling. Roosters shall not be kept. These requirements do not apply where fowl are kept as a principal Raising of Livestock or Poultry use.
- e. Equestrian: Minimum lot area - 2 acres of fenced in vegetated area per the first horse, donkey, mule or similar sized animal and one additional such area for each

additional such animal. Any equestrian barn, manure storage areas or stable shall be a minimum of 100 feet from any "residential lot line."

- f. See the definition of "Pets" in Section 1502. Only those pets that are domesticated and are compatible with a residential character shall be permitted as "Keeping of Pets." Examples of permitted pets include dogs, cats, rabbits, fish, gerbils and lizards.
    - (1) The following animals shall not be allowed to be kept within the Township: bears, wolves, wolf-dog hybrids, venomous snakes that could be toxic to humans, or constrictor snakes that could be dangerous to humans. The keeping of any "exotic wildlife" shall also comply with the Pennsylvania Game & Wildlife Code regulations.
  - g. The keeping of cows, sheep, goats, hogs and similar animals shall only be allowed under "Livestock or Poultry, Raising of." However, a maximum of one miniature pig, pygmy goat or similar animal or similar size may be kept as accessory to a dwelling.
  - h. The training and related man-made shelter of a falcon or similar raptor bird shall be allowed on a lot area of 2 acres or more, provided there is compliance with State regulations on the activity.
18. Recreational Vehicle Parking. - See under Residential Accessory Structure or Use in this Section.
19. Rental of a Dwelling, Short-Term.
- a. This provision shall apply to a re-occurring rental of a dwelling unit to different persons for periods of time of less than 30 days.
  - b. A permanent resident of a dwelling unit may share a dwelling unit with others for any period of time, provided that the dwelling unit does not exceed the maximum number of unrelated persons in the definition of "Family," and provided that the permanent resident is currently living in the dwelling and is overseeing the rental.
  - c. Where subsection "b." does not apply, the entire dwelling unit may only be rented to one person or a group of persons under a single rental contract for periods of time of less than 30 days, while the permanent resident is not living in the dwelling, if the total time period of all such rentals does not exceed 30 days per calendar year. The number of occupants shall still be regulated by the definition of "Family."
  - d. The following are examples of how this subsection is intended to work: 1) A permanent resident may rent a portion of a dwelling to two persons for any period of time; 2) While a permanent resident is away on vacation, the dwelling unit may be rented for 15 days once a year and then a maximum of another 15 days during the same year; 3) A permanent resident may rent out a bedroom to two visitors to the area every weekend, provided the permanent resident is still living in the dwelling; and 4) An entire dwelling unit may be rented for periods of 30 days or more at a time to a household meeting the definition of a family."
  - e. The following is an example of what is not allowed: A homeowner shall not rent out the home for 7 days at a time during 5 different weeks in a year, while the dwelling is not occupied by a permanent resident who is responsible for overseeing the rental.

20. Residential Accessory Structure or Use. (see definition in Section 1502)

- a. Accessory structures and uses (other than fences) shall not be located within the required accessory use setback as stated in Section 503, unless specifically exempted 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 503.
- b. A residential porch or deck that is unenclosed may extend a maximum of 15 feet into the required rear setback. Such porch or deck may be covered by a roof or awning. Space under an unenclosed porch may not be used for household storage.
- c. Height. See Section 502.A.
- d. Parking of Commercial Trucks and Buses. The overnight outdoor parking of commercial trucks, commercial buses or excavating equipment or the trailer from a tractor-trailer combination on a principal residential lot in a Residential District is prohibited, except that the parking of a maximum of one vehicle with a gross vehicle weight of up to 13,000 pounds shall be allowed if such vehicle(s) is used by residents of the dwelling to travel to and from work. The parking for more than one hour per day of trucks carrying gasoline or similar hazardous or explosive materials or that are used to carry putrescent garbage is prohibited in a Residential District.
- e. Repairs. Repairs of a truck with an aggregate gross vehicle weight of over 13,000 pounds shall not occur on a residential lot. Repairs of motor vehicles that are not owned or leased by a resident of the lot or his/her "relative" shall not occur on a residential lot. Note - relative is defined to not include cousins. Work on motor vehicles on a residential lot shall not be conducted as a commercial business. Work on motor vehicles on a residential lot shall not include the replacement of an engine or transmission, body work, frame work, or spray painting.
- f. See setback exceptions in Section 1303.B.
- g. If outdoor storage of junk in a Residential District is visible from a street or a dwelling on another lot, it shall be limited to covering a maximum of 200 square feet of land area and shall not exceed a height of more than 5 feet. It shall be setback a minimum of 10 feet from a lot line and not be placed in the required front yard.
- h. Recreational Vehicles and Boats. See Section 1301.D. concerning limits on recreational vehicle occupancy. Vehicles and boats shall be maintained to prevent the leakage of fuels and mechanical fluids onto the ground. If a boat or recreational vehicle has a length of over 25 feet, it shall not be parked within the minimum front yard of a dwelling in a residential district for more than 3 days in any 7 day period. A boat or recreational vehicle that has a length of over 25 feet that is stored on a residential lot shall be kept a minimum of 10 feet back from an adjoining residential lot line.
- i. A maximum of one motor vehicle or boat shall be displayed or offered for sale on a residential lot in a Residential District.
- j. On a residential lot in a residential district, wood piles with a total height of more than 10 feet and a total length of more than 20 feet shall not be kept within any of the following: 1) a minimum front yard, and 2) 10 feet from an abutting residential lot line.

21. 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, raising of livestock or poultry or other agricultural 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 25 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. A building placed for the use shall not be located closer than: 50 feet from a lot line of lot occupied by a dwelling on another lot, or within 25 feet from a street right-of-way, unless the sales occur within a building that existed prior to the adoption of this Ordinance. Any sales shall occur outside of a public street right-of-way.
- e. A maximum total of 5,000 square feet of building floor area shall be used for such use.
- f. The retail sales shall be located on land owned or leased by the operator of the market, or his/her relatives, or upon a lot that is farmed.

22. Swimming Pool, Household. (referred hereafter as "pool")

- a. All pools shall be fenced in compliance with the standards in the Construction Code.
- b. The water surface and any decking more than 4 feet high of a swimming pool shall be setback a minimum of 10 feet from side and rear lot lines.
- c. Drainage. A proper method shall be provided for drainage of the water from the pool that will not flood other property or harm water quality.

23. Temporary Commercial Uses. See Section 1403.G.

24. Unit for Care of Relative.

- a. The use shall meet the definition in Section 1502.
- 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 a medical condition, old age or disability. A letter from a Medical Doctor shall be provided to certify that the person meets this standard, but health details are not required to be revealed.
- c. The applicant shall prove to the Zoning Officer that the accessory unit has been designed and constructed so that it can be easily re-converted into part of the principal dwelling unit or is a modular cottage that will be completely removed from the lot 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 or otherwise function as part of the principal dwelling unit.
- 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. Such mechanism shall also be binding upon future owners.

- e. At any time, the Zoning Officer may require that the owner of the property provide evidence that a relative of the occupants of the principal dwelling unit continues to reside within the accessory unit and is in need of such arrangement.
- 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, except a detached modular unit may be allowed if it was designed for that purpose. If a detached modular dwelling is placed on the property, it shall be completely removed within 90 days after the relative no longer lives within it. A detached dwelling shall only be placed on the lot if it will meet minimum side yard requirements and be placed in the rear yard, with a 20 feet minimum rear yard setback and has a maximum building floor area of 800 square feet. Any detached modular dwelling shall have a pitched or peaked roof.
- g. Additional parking is not required for the unit for care of relative.
- h. A minimum floor area shall not apply to the Unit for Care of Relative.
- i. See Section 506 concerning suitability of any septic system.

25. Wind turbines, One Per Lot as Accessory Use.

- a. All wind turbines shall be set back from any lot line and any street right-of-way line a minimum distance equal to the total maximum height to the top of the extended blade, unless a written waiver is provided by the owner of such adjacent lot. All wind turbine setbacks shall be measured from the center of the base of the turbine.
- b. The audible sound from the wind turbine shall not exceed 45 A-weighted decibels, as measured at the exterior of a occupied principal building on another lot, unless a written waiver is provided by the owner of such building.
- c. The owner of the facility shall completely remove all above ground structures within 12 months after the windmill is no longer used to generate electricity.
- d. A wind turbine shall not be climbable for at least the first 12 feet above the ground level, unless it is surrounded by a fence with a minimum height of 6 feet.
- e. All wind turbines shall be set back from the nearest public street right-of-way a minimum distance equal to the total maximum height to the top of the extended blade.
- f. The turbine shall include automatic devices to address high speed winds, such as mechanical brakes and overspeed controls.
- g. In a residential district, the maximum total height above the ground level to the tip of the extended blade shall be 75 feet. In other districts, the maximum height for a wind turbine approved under this section shall be 125 feet. See wind turbines in Section 602 and Articles 3 and 4 for taller turbines.
- h. New electrical wiring to the wind turbine shall be placed underground, to the maximum extent feasible.

## ARTICLE 7

### DESIGN STANDARDS AND GUIDELINES

Where the term “front facade” is used in this Article, and a lot is adjacent to two or more streets, the front facade shall be considered the building side that faces onto the more heavily traveled street. The word “shall” means a provision is mandatory, while “should” means a provision is recommended.

#### 701. Purposes of this Article.

- A. Encourage appropriate redevelopment and reuse of underutilized sites.
- B. Improve the appearance of the Township’s villages and older commercial areas.
- C. Enhance economic investment for businesses and property owners.
- D. Protect and conserve neighborhood architectural character.
- E. Enhance pedestrian safety and the quality of the pedestrian experience.
- F. Serve the purposes of the Traditional Neighborhood Development provisions of the MPC, and utilize the authority provided under those provisions.

#### 702. Additional Requirements in the VR District.

##### A. Principal Building Compatibility.

1. See the maximum building setback in Section 504.B.
2. A maximum of 50 percent of the facade of a new principal building that faces onto a public street shall be comprised of exposed metal panels. A maximum of 50 percent of the facade of a new principal building that faces onto a public street shall be comprised of concrete masonry units that are not shot-blast or ground-face. Windows, doors and facade materials (such as materials with the appearance of brick or textured block) may be used in front of a metal sided or concrete masonry unit building to meet this requirement. This provision does not apply to roofing materials.
3. A new principal building over 150 feet in length along a street shall include variations in the front facade in rooflines, overhangs, architectural details, setbacks, and/or facade materials and/or use canopies, porches and awnings to provide variation. A long new principal building should have the appearance of smaller connected buildings.
4. Blank walls without at least one pedestrian door and one window are not permitted to face the front facade along a public street.
5. The applicant for a new principal building in the VR District shall submit a preliminary architectural elevation or sketch of the front facade and a description of proposed front facade materials to the Zoning Officer. The Zoning Officer may offer the submittal to the Township Planning Commission or other Township staff or boards for review and comment.
6. New exterior fire escapes shall not be constructed on the front facade of a building facing onto a public street, unless the applicant proves to the Zoning Officer that there are no feasible alternatives.
7. A new principal commercial building shall have a minimum of 15 percent of at least one building side that faces onto a public street comprised of windows or transparent doors. This provision shall only apply to the street level of a building up to a height of 12 feet above the ground level. Such windows do not necessarily need to be open to the interior of the building, if there are security issues, but instead can be enclosed display windows.



8. Where a residential driveway needs to enter from the front, the garage should be setback further from the street than the front facade of a principal residential building, and the driveway should be as narrow as practical through the front yard.
  9. Modern additions and features should be placed towards the rear of a historic building.
  10. New construction should have rooflines that are similar to adjacent older buildings. Flat roofs should be avoided, except when a decorative cornice is used. Where a pitched roof is not practical, then the roof should at least appear to have angles and a pitch when viewed from the street.
  11. Particularly where most buildings along a block have front porches, a front porch should be incorporated into new construction. Existing older front porches should be maintained and not be enclosed.
- B. Site Compatibility. To the maximum extent feasible, new surface off-street parking shall be located to the rear or side of principal buildings, as opposed to being newly placed between the front lot line along a street and the front wall of a new principal building. This provision shall not limit rearrangement of spaces within existing parking areas. This provision shall not prohibit vehicle parking to the side of a principal building adjacent to a street. If such lot is adjacent to two or more streets, this restriction shall only apply to the one street that is the most heavily traveled by vehicles.
703. **Recommended Design Guidelines in All Districts**. The following recommended guidelines should be considered in the design of new construction, additions and exterior alterations. Some of these features may be required by other sections of this Ordinance in specific cases. The provisions in 701 and 702 should also be used as recommended guidelines in Districts where a provision is not required.
- A. Site Compatibility.
1. Shared parking among property owners and businesses is encouraged where adequate parking spaces exist for shared usage.
  2. Landscaping, low walls that have the appearance of brick, or similar features should be used to buffer parking lots from streets.
  3. Internally illuminated signs of box-type construction with a plastic face should be avoided. Signs should not cover architectural details. Awnings that extend at a straight angle from a building are encouraged.
  4. Adequate lighting shall be provided for security, but in a manner that does not generate glare. In primarily residential areas, traditional styles of light poles should be used, with a maximum height of 25 feet. The unfiltered luminaire itself (such as in a floodlight) should not be directly visible from a street or sidewalk.
  5. Chain-link metal fences should be avoided in the front yard. Picket or ornamental fences are encouraged.
  6. New utilities should be placed underground. Where that is not practical, they should be placed in less visible parts of the site. For example, new utility lines should be extended from the rear of the property instead of the front.
- B. Building Compatibility.
1. New construction should have a front yard setback that is similar to adjacent older buildings, where there is a predominant setback of less than 30 feet from the street right-of-way.

2. Where existing older buildings have a certain spacing of windows and doors, similar spacing, and similar sizes of windows and doors, should be continued in new construction. Blank walls without door and window openings should be avoided along a street.
3. Tractor-trailer truck loading docks are discouraged from being visible from a street.
4. Standard "franchise brand" facades should be modified in such a way as to become compatible with the character of historic areas.
5. Buildings should avoid long, monotonous, uninterrupted walls. Instead, there should be variations in a front facade, such as changes in building setbacks, details, materials or rooflines.
6. Commercial HVAC systems should be screened from view from the front of a lot using walls, fencing, roof elements or landscaping.
7. Noisy or odor-producing ventilation equipment (such as fast food restaurant exhaust fans) should be placed as far away from dwellings as is feasible.

Variation in New Construction



Make a new long building appear to be comprised of smaller buildings by varying colors, cornices, awnings and details.

C. Pedestrian Safety and Orientation.

1. Pedestrian traffic should be separated from major vehicle routes. Developments should be designed so that pedestrians can cross from the main parking area to the front entrances of a building without needing to cross the primary vehicle route through the site.
2. Pedestrian traffic shall be carefully considered in all drive-through designs, particularly to make sure there is adequate sight distances between drivers and pedestrians.

**ARTICLE 8**  
**HISTORIC BUILDINGS INCENTIVES**

801. **Purposes.** In addition to serving the overall purposes of this Ordinance, this Article 8 I intended to:
- A. promote the retention of community character through preservation of the local heritage by recognition and protection of historic and architectural resources;
  - B. encourage continued use, appropriate rehabilitation and adaptive reuse of historic buildings;
  - C. implement Sections 603(b), 603(g), 604(1) and 605(2) of the Pennsylvania Municipalities Planning Code, which address protecting and facilitating the preservation of historic values through zoning and using zoning to regulate uses and structures at or near places having unique historic, architectural or patriotic interest or value; and
  - D. strengthen the local economy by promoting heritage tourism, improving property values and increasing investment in older buildings.
802. **Applicability; Historic Buildings List.** This Article 8 shall apply to buildings identified in the book "Historic Buildings of East Hanover Township 2000," which is maintained in the Township Building and which is hereby included by reference. In the future, as a Zoning Ordinance Amendment, after a public hearing by Board of Supervisors, additional buildings may be added or deleted as being considered Historic Buildings under this Article 8.
803. **Additional Uses Allowed Within Historic Buildings.**
- A. This Section 803 allows certain additional uses if the use would be within a building identified in the Historic Buildings of East Hanover Township 2000 publication. If the use is already allowed as a permitted by right use in the Zoning District, the use shall continue to be permitted by right. The following additional uses shall be allowed as special exception uses within such a Historic Building:
    - 1. The development of a second dwelling unit on the lot, a minimum of one which shall be within the Historic Building.
    - 2. The conversion of such a building into an office, personal service use, restaurant, retail stores, art/custom crafts studio, financial institution or art gallery. Any drive-through service windows shall be placed as far as practical from the front facade of the building.
    - 3. The conversion of such a building into a bed and breakfast inn.
    - 4. The conversion of a barn into a wedding reception and closely similar special events venue.
    - 5. The conversion of the building into a use similar to the uses allowed by this Section 803.A., provided that the applicant proves to the satisfaction of the Zoning Hearing Board would be appropriate, considering the adjacent uses, without creating hazards to the public health and safety.
  - B. To be eligible for these uses, the applicant shall first submit architectural plans to the Zoning Officer and the Zoning Hearing Board showing the extent of changes proposed to the exterior of the front of the building as viewed from a public street that are proposed as part of the change of use and/or any building expansion. The main features of the front of the building shall be required to maintain a historic appearance as visible from a public road, but modern features or additions may be added to the rear of the building. A front porch constructed before 1940 shall not be enclosed as part of this work.

- C. The building may be expanded, provided the expansion meets all of the dimensional requirements of this Ordinance.
- D. The special exception shall only be approved if the Zoning Hearing Board determines that the use will not create significant negative impacts upon adjacent residential properties. The Zoning Hearing Board may place reasonable conditions upon the use, including limits on hours of operation, frequency of use and maximum number of guests for a wedding reception and closely similar special events venue, landscaping and buffering, amounts of parking, location of parking, types and intensities of outdoor lighting, and similar features that could generate negative impacts for adjacent residents.

804. **Modifications**. As a special exception, the Zoning Hearing Board shall have the authority to modify yard, coverage and other dimensional requirements for a lot occupied by a building on the Historic Buildings List, if the applicant proves to the Zoning Hearing Board that such modifications are necessary to promote the historic rehabilitation and adaptive reuse of such building.

**ARTICLE 9**  
**FLOODPLAIN REGULATIONS (OVERLAY DISTRICT)**

As a condition of zoning approval, any application shall also comply with the Township Floodplain Ordinance. See that Ordinance and the Federal Floodplain Mapping.

**ARTICLE 10**  
**ENVIRONMENTAL PROTECTION**

1001. **Erosion Control**. See State erosion and sedimentation control regulations and the Stormwater Ordinance. Compliance with State erosion and sedimentation control regulations shall be an automatic condition of any zoning permit for work that involves earth disturbance. The Zoning Officer may require that evidence of compliance with such regulations be submitted to the Township.
1002. **Nuisances and Hazards to Public Safety**.
- 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. Significant risks to public health and safety, such as but not limited to, explosion, fire or biological hazards.
  - B. **Additional Information**. If the Zoning Officer has reason to believe that the proposed use may have difficulty complying with the standards of this Ordinance, then the Zoning Officer may require an applicant to provide written descriptions of proposed machinery, hazardous substances, operations and safeguards.
1003. **Steep Slopes**.
- A. **Purposes**. The following provisions are primarily intended to avoid erosion, sedimentation, stormwater management and winter driving hazards, in addition to serving the overall purposes of this Ordinance.
  - B. **Regrading Small Areas**. 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 requirements of this Ordinance. This Section shall not regulate slopes that were clearly man-made prior to the adoption of this Ordinance.
    - 1. If areas of 15 percent or more slope are only present on less than 1,000 square feet of land area on a lot, then this Section 1003 shall not apply.
  - C. **Slopes Over 25 Percent**. A new building of more than 500 square feet of building footprint shall not be located on a slope greater than 25 percent. A maximum of 20 percent of areas with a slope of over 25% shall be disturbed. This maximum may be applied across a subdivision or land development, as opposed to each lot, provided the overall disturbance is enforced through notes on the plan.
  - D. **Single Family Dwellings and Steep Slopes**. 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, if the lot contains areas with slopes of 15 percent or greater that may be disturbed:
    - 1. Any lot proposed to be used for a single family detached dwelling shall designate a proposed contiguous “building area” with a minimum of 3,000 square feet of land area.

Such building area shall be part or all of the land areas within the proposed “building envelope,” and shall not include land area within minimum setback areas. 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 F. below.

- a. If such building area for each lot includes more than 1,000 square feet of land area with a slope of greater than 15 percent, then the minimum lot area shall be one acre, unless a larger lot area is required by another section of this Ordinance.
  - 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 15 percent, the applicant can avoid the larger lot size requirement of this sub-section.
2. Access. Each lot shall be accessible from an existing or proposed street by means of a driveway. There shall be compliance with the Township “Street Access Ordinance,” as applicable
  3. For the purposes of this Section, “building area” shall mean an area where the proposed dwelling is proposed to be located and which does not include areas within required minimum setbacks, and which is used to determine compliance with the slope regulations of this Section.
- E. Steep Slopes and Other Uses. A lot shall only be used for a building for principal uses other than single family detached dwellings if the proposed “building area” includes an average slope of less than 15 percent.
1. For such uses, the “building area” shall include a contiguous area that includes the locations of all proposed buildings and parking areas and outdoor storage areas and an area 20 feet around buildings, parking and storage areas. Such building area shall also contain the proposed locations of any primary and alternate on-lot septic systems.
  2. Access. Each principal building and each parking area shall have vehicle access from an existing or proposed street by means of a driveway. There shall be compliance with the Township Street Access Ordinance, as applicable.
- F. 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 that the new building area will still comply with this Section. However, the building area shall not be so large as to attempt to circumvent the average slope provisions of this Section that apply to a building site.
- G. Site Plan and Tree Protection. If an applicant proposes to alter or build upon slopes of 15 percent or greater, then a site plan shall be submitted to the Zoning Officer. A separate site plan is not required if the same information was included in an approved subdivision or land development plan.
1. Site Plan. The site plan shall show:
    - a. the proposed lot lines,
    - b. the existing and proposed contours, and
    - c. existing and proposed building locations, and the outer perimeter of the proposed “building area” as described above.

2. Mature Trees. Where building or alteration is proposed on slopes of over 15 percent, the applicant shall prove to the satisfaction of the Zoning Officer that the removal of healthy trees with a trunk width of over 6 inches (measured at a height 4.5 feet above the ground level) and other attractive natural vegetation will be minimized. The Zoning Officer may ask for reviews by the Township Engineer or Planning Commission. The Site Plan shall show wooded areas to be removed or preserved, and methods to be used to make sure trees are protected by temporary fences or other measures during the construction process.

1004. **Riparian Buffer, Waterway Setbacks and Wetlands.** See also Article 9 for the Floodplain Ordinance regulations.

- A. **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. Where disturbance is proposed in an area that may be wetlands, the Zoning Officer may place a condition on a zoning permit to require that the applicant submit evidence that a wetland delineation has been officially confirmed under U.S. Army of Engineers-approved procedures.

1. Note – An indicator of possible wetlands involves the presence of hydric soils in soil mapping of the U.S. Natural Resources Conservation Service.

- B. **Riparian Buffer Overlay District (RB).**

1. Purposes. It is the intent of this section to:

- a. To provide reasonable controls governing the conservation, management, disturbance, and restoration of riparian buffers.
- b. To improve surface water quality by reducing the amount of nutrients, sediment, organic matter, pesticides, and other harmful substances that reach watercourses, wetlands, sub- surface, and surface waterbodies by using scientifically-proven processes including filtration, deposition, absorption, adsorption, plant uptake, and de-nitrification, and by improving infiltration, encouraging sheet flow, and stabilizing concentrated flows.
- c. To improve and maintain the safety, reliability, and adequacy of the water supply, along with sustaining diverse populations of aquatic life.
- d. To preserve and protect areas that intercept water runoff and groundwater flows, and function to remove nutrients, sediment, pesticides or other pollutants prior to entry into surface waters.
- e. To provide wildlife habitat, moderate water temperature in surface waters and attenuate flood flow.

2. General Provisions for the RB Overlay District.

- a. The RB Overlay District shall be an overlay on any underlying District.
- b. Within the RB Overlay District, the requirements of this section, to the extent they are more restrictive upon development or alteration of land or vegetation, shall supersede the requirements of the underlying District.
- c. The RB Overlay District shall not change the allowed uses in the underlying



district, except where a use, structure or activity is not allowed under the RB requirements.

- d. Should the underlying zoning classification be changed, such change shall have no effect on the boundaries of the RB Overlay District.
  - e. Should land be subject to more than one Overlay District now or hereafter enacted in the Township, the most restrictive requirements upon development or alteration of land or vegetation shall apply.
  - f. This Section 1004.B. shall not apply if DEP regulations require a riparian buffer that meets the same intent and has the same width or wider than is required by this Section.
3. Definition and Boundary Determination.
- a. General Applicability. The RB District shall be made up of two zones, Buffer Districts 1 and 2 as defined below, and shall apply along perennial waterways. In case of doubt about whether a perennial waterway is involved, the term shall include streams shown with a continuous blue line on U.S. Geological Survey topographic maps.
  - b. Boundary Definition and Specific Applicability.
    - (1) Buffer District 1 (District 1)
      - (a) District 1 shall be a minimum width of 25 feet measured landward, perpendicularly from a perennial waterway's top of the primary bank.
      - (b) For wetland setbacks, see Section 1004.A.
      - (c) Where slopes of 25% or greater are located within the 25 feet wide area of District 1, then District 1 shall be measured 25 feet from the end of the contiguous 25% or greater slopes, up to a maximum total width of 75 feet from the top of the primary bank.
    - (2) Buffer District 2 (District 2)
      - (a) District 2 shall be a minimum width of 50 feet measured perpendicularly from the outer edge of District 1.
      - (b) Where slopes of 25 percent or greater are located within the 50 feet wide area, then District 2 shall be measured 25 feet from the end of the contiguous 25% or greater slopes, up to a maximum total width of 150 feet from the top of the primary bank.
  - c. Boundary Interpretation and Appeals.
    - (1) An initial determination as to whether the RB District applies to a given parcel shall be made by the Zoning Officer.
    - (2) Upon submission of a subdivision plan, land development plan or zoning permit, the applicant at their expense shall identify both RB Districts 1 and 2 within the proposed project tract.
    - (3) The Zoning Officer shall evaluate all material submitted and provide a written determination within 45 days to the applicant and, as applicable, to the Board of Supervisors, the Planning Commission and the landowner.
    - (4) When an applicant disputes the Zoning Officer's determination of Districts 1 and/or 2, the applicant may submit evidence to the Zoning Officer that shows the applicant's proposed boundary, and provided justification for the

proposed boundary. The final RB District boundary interpretation shall be by the Zoning Officer.

- (5) Any party aggrieved by any such determination or other decision or determination under this section may appeal to the Zoning Hearing Board. The burden of providing the incorrectness of the Zoning Officer's decision shall be upon the applicant.

4. Allowed Uses and Activities.

- a. Buffer District 1 – The following uses and activities are allowed provided that no structures are allowed, other than necessary poles and fencing:

- (1) Wildlife sanctuaries, Nature and/or forest preserves; or hunting and fishing areas.
- (2) Passive areas of public and private recreation areas, such as trails, benches, picnic areas, and similar uses that have an impervious coverage of less than 5 percent within the buffer;
- (3) Reforestation, plantings, streambank stabilization and erosion control projects;
- (4) Removal of invasive species, or diseased or dangerous vegetation;
- (5) Projects authorized by DEP or the Fish and Boat Commission to improve aquatic habitats;
- (6) Agricultural crossings by farm vehicles and livestock;
- (7) Approximately perpendicular driveway and street crossings;
- (8) Agricultural uses;
- (9) Utility lines;
- (10) Trails for non-motorized vehicles; and
- (11) Forestry in accordance with recognized soil conservation best management practices and the forestry provisions of Section 602.A.

- b. Buffer District 2 – The following uses and activities are allowed provided that no buildings are allowed, other than necessary poles and fencing:

- (1) Uses permitted in District 1; and
- (2) Recreation areas that do not involve buildings and that have an impervious coverage of 10 percent or less within the buffer.

5. Prohibited Activities and Uses. Any use or activity not authorized within Section 4 herein shall be prohibited. The following activities and facilities are specifically prohibited in both RB District Buffers.

- a. Clearing of existing vegetation, except where such clearing is necessary to prepare land for a use permitted by right or special exception herein or for removal of invasive species;
- b. Grading or re-grading of lands, including the deposition of topsoil and the grading thereof, except where such grading is necessary to prepare land for a use permitted by right or conditions herein;
- c. Use of fertilizers, pesticides, herbicides, and/or other chemicals in excess of the manufacturer's instructions;
- d. Roads or driveways, except where permitted as Buffer crossings in compliance

- with this section;
  - e. Motor or wheeled vehicle traffic, except for vehicles associated with agriculture, forestry and the maintenance of the RB District, and except for approved driveway and street crossings;
  - f. Parking lots;
  - g. Construction or placement of a building;
  - h. Storm water detention basins;
  - i. Storage of any hazardous or toxic substances; and
  - j. Mining of any type.
6. Inspection of RB Conservation District.
- a. Lands within or adjacent to an identified RB Overlay District will be inspected by the Zoning Officer when:
    - (1) A subdivision or land development plan is submitted;
    - (2) A zoning permit is requested or required; or
    - (3) A change or resumption of nonconforming use is proposed.
  - b. The RB District may also be inspected periodically by the Zoning Officer for:
    - (1) Compliance with an approved restoration plan;
    - (2) Excessive or potentially problematic erosion;
    - (3) Any tree that may affect the health, safety and welfare of the public as determined by the Zoning Officer; or
    - (4) At any time when the presence of, or possibility of, an unauthorized activity or structure is brought to the attention of Township officials.
7. Buffer Crossings Standards. All Buffer crossings shall incorporate, as applicable, the following design standards:
- a. Crossings should be designed to cross the RB District at direct right angles, to the greatest extent possible, in order to minimize disturbance of the Buffer.
  - b. Box culverts should be used in place of pipe culverts when crossings would require a 36- inch or greater diameter pipe. Culverts should also be designed to retain the natural channel bottom to ensure the passage of water during low flow or dry weather periods. All culverts shall comply with the East Hanover Township Stormwater Ordinance.
8. Riparian Buffer Plantings. The required riparian buffer shall include vegetation that already exists (exclusive of invasive species) or will be planted and maintained by the applicant that satisfies the following design objectives. The applicant is only required to reestablish vegetation in those areas disturbed during planned construction activities. Undisturbed areas not meeting planting requirements are not required to reestablish vegetation as a condition of plan approval. The applicant shall submit expert evidence that the existing and/or proposed vegetation satisfies such objectives:
- a. District 1 – The goal for this area is to include mature canopy trees and a groundcover of warm season grasses. New tree plantings should be selected, arranged and managed to accelerate canopy growth, and offer native species habitat and food supply. New grass plantings should be selected and managed to filter out pollutants and offer habitat. All vegetation within this District must thrive

in wet conditions.

- b. District 2 – The goal for this area is to include mature canopy trees generally three rows deep and a natural undercover. New tree plantings should be selected that are rapid growing so as to intercept passing nutrients. Such trees should also be arranged and managed to accelerate canopy growth, and offer native species habitat and food supply. Successive undercover plants should also be allowed to evolve with the canopy of this District.
9. Riparian Buffer Maintenance. Mowing in the RB District ideally should occur less than a few times a year, in order to retain thick vegetation. Mature trees and long grasses absorb more nutrients than do manicured plants. More extensive root systems retain passing sediments. These characteristics reduce pollution and yield abundant food and habitat for wildlife. The following lists required maintenance activities for both Districts:
- a. District 1 – District 1 requires little maintenance. However, any debris that may cause flooding or may affect the health, safety and welfare of the public as determined by the Zoning Officer shall be removed promptly. Streamside grasses should be allowed to seasonally flourish and recede. Man-made activities should be very limited and confined to perpendicular passages from District 2. Intensively used locations should be fitted with raised walkways and reinforced embankments. Streamside cleanup of junk and man-made debris is permitted.
  - b. District 2 – This District requires the most attention. Here, the objective is to develop and/or maintain a stable and broad canopy of tree cover. The objective is to maintain an overhead canopy of shade. The natural undercover should be undisturbed, except for periodic trash cleanup. Pedestrian paths can weave through District 2, but if intensively used, they should be provided with raised walkway to prevent compacted soils and root damage.
10. Use of Technical Terminology. Unless specifically defined under Article 15, technical terminology used in this article shall be interpreted to have the meanings used by recognized sources and experts in the fields of forestry, woodland or meadow management, streambank protection, wetlands management, erosion and sedimentation control, or other relevant fields.

1005. **Noise.**

- A. No commercial or industrial use, or operations or activities on its lot, shall generate a re-occurring sound level exceeding the limits established in the table below, when measured at the specified locations (dBA means “A” weighted decibel):

LAND USE OR ZONING DISTRICT RECEIVING THE NOISE	HOURS/DAYS	MAXIMUM SOUND LEVEL
1. At a Lot Line of a Residential Use in a Residential District	1) 7 A.M. to 9 P.M., except Sundays, Christmas Day, Thanksgiving Day, New Years Day, Labor Day and Memorial Day 2) 9 p.m. to 7 a.m. plus all of the following days: Sundays, Christmas, Thanksgiving, New Years, Easter Sunday, Labor Day and Memorial Day	1) 62 dBA 2) 55 dBA
2. Lot Line of a Principal Residential Use that is not in a Residential District	1) Same as above 2) Same as above	1) 65 dBA 2) 62 dBA
3. Any Lot Line other than "1" or "2" above	All times and days	70 dBA

- 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.
  3. Lawnmowers, snowblowers, leaf blowers and similar equipment.
  4. Household power tools.
  5. Agricultural activities and sounds of animals.
  6. Public celebrations authorized by Board of Supervisors, a Township Government agency, or a County, State or Federal Government agency or body.
  7. Unamplified human voices.
  8. Routine ringing of bells and chimes by a place of worship or municipal clock.
  9. Vehicles, railroads and aircraft.
  10. Residential parties.
  11. Lawful use of fireworks.
1006. **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. This section shall not apply to a “normal agricultural operation” where such matter is preempted under State regulations.
1007. **Control of Light and Glare.** This section shall only regulate exterior lighting that spills across lot lines or onto public streets.
- A. Street Lighting Exempted. This section shall not apply to: a) street lighting that is owned, financed or maintained by the Township or the State, or b) an individual light of less than 10 feet total height in a front yard or attached to the front of a building.
  - B. Height of Lights. No luminaire that is within 150 feet of a lot line of an existing dwelling shall be placed at a height exceeding 35 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, or lighting of outdoor public recreation facilities.
  - C. Diffused. All light sources, including signs, shall be properly diffused as needed with a translucent or similar cover and/or shielded to prevent exposed lighting elements from being directly visible from streets, public sidewalks, dwellings or adjacent lots.
  - 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, and to prevent the lighting from shining into the eyes of passing motorists.
  - E. Flickering. Flashing, flickering or strobe lighting are prohibited, except for non-advertising flashing seasonal lights between October 25th and January 10th.
  - F. Gasoline Sales Canopies. Any canopy over gasoline pumps shall have light fixtures recessed into the canopy or screened by the canopy or enclosures or otherwise controlled so that lighting elements are not directly visible from another lot or street.
  - G. Lighting of Horizontal Surfaces. For the lighting of predominantly horizontal surfaces such as parking areas and vehicle sales areas), lighting fixtures shall be aimed downward and shall include cut-off measures as needed to properly direct the light. Lighting of commercial, industrial and institutional uses shall have no uplighting, except as is necessary to illuminate

a United States flag

- H. Off-Premises Signs (Billboards). Any new exterior lighting of an off-premises sign shall be attached to the top of the off-premises sign and project downward.
- I. Conflicts With Military Operations. Lighting shall not be allowed in a manner that would create serious conflicts with nighttime military operations in the area. This includes but is not limited to the use of laser pointed into the nighttime sky and lighting that rapidly changes in intensity.

**ARTICLE 11**  
**OFF-STREET PARKING AND LOADING**

**1101. Required Number of Off-Street Parking Spaces.**

**A. Overall Requirements and Applicability.**

1. Number of Spaces. Each use that is newly developed, enlarged, significantly changed in type of use, or increased in number of establishments shall provide and maintain off-street parking spaces in accordance with the Table below and the regulations of this Article 11.
2. Uses Not Listed. Uses that are not specifically listed in the Table below shall comply with the requirements for the most similar use listed in the Table below, unless the applicant provides suitable evidence acceptable to the Zoning Officer, based upon actual counts of peak demand at similar facilities, that an alternative standard should be used for that use.
3. Multiple Uses. Where a proposed lot contains or includes more than one type of use, the number of parking spaces required shall be the sum of the parking requirements for each separate use, except as provided in Section 1103.A.6.
4. Off-Street Parking of Large and/or Non-Commuter Motor Vehicles and Accessories. Street parking of vehicles and vehicular accessories not customarily used as commuter vehicles, including but not limited to RVs, tractors, trailers, construction equipment, lawn equipment, box trucks, buses, and work trucks, is prohibited. Off-street parking that complies with all other applicable local, state, and federal requirements shall be provided for all such vehicles and accessories in addition to the requirements below.

**A. TABLE OF OFF-STREET PARKING REQUIREMENTS FOR RESIDENTIAL USES**

<u>USE</u>	<u>NUMBER OF OFF-STREET PARKING SPACES REQUIRED</u>	<u>PLUS 1 OFF-STREET PARKING SPACE FOR EACH:</u>
1. Dwelling Unit, other than types listed separately in this table.	2 per dwelling unit. As part of a new subdivision, 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 on-street parking spaces on the same side of the street adjacent to the homes or an overflow parking lot.	
2. Home Occupation	See Section 603.C.	
3. Housing Permanently Restricted to Persons 55 Years and Older and/or the Physically Handicapped	1 per dwelling/ rental unit, except 0.5 per dwelling/ rental unit if the age limit is 62 and older	1.2 Non-Resident Employee
4. Boarding House or Fraternity or Sorority House	1 per 2 adult residents	1.2 Non-Resident Employee
5. Group Home	1 per 2 adult residents, unless the applicant proves the home will be limited to persons who will not be allowed to drive a vehicle from the property	Employee, plus space for the largest vehicle (such as a van) that will regularly be parked at the property.

**B. TABLE OF OFF-STREET PARKING REQUIREMENTS FOR INSTITUTIONAL USES**

<u>USE</u>	<u>NUMBER OF OFF-STREET PARKING SPACES REQUIRED</u>	<u>PLUS 1 OFF-STREET PARKING SPACE FOR EACH:</u>
1. Assisted Living Facility, Personal Care Home, Hospice, or Similar Retirement Community	1 per 6 beds that are not within dwelling units, plus 0.5 for each dwelling unit	1.2 Employees
2. College or University	1 per 1.5 students not living on campus who attend class at peak times, plus one space for every 3 persons living in on-campus housing (other than students forbidden from having a car in the Township).	1.2 Employees
3. Day Care Center	1 per 12 children, with spaces designed for safe and convenient drop-off and pick-up. The Township may, at its discretion, approve one or more short-term on-street parking spaces to meet this requirement.	1.2 Employees
4. Hospital	1 per 4 in-patient or out-patient beds	1.2 Employees
5. Library, Community Center or Cultural Center or Museum	1 per 5 seats (or 1 per 300 sq. ft. of floor area accessible to patrons and/or users if seats are not typically provided).	1.2 Employees
6. Nursing Home	1 per 6 beds	1.2 Employees
7. Place of Worship (includes Church)	1 per 5 seats in room of largest capacity. For pews that are not individual seats, each 50 inches shall count as one seat. An accessory Day Care Center is not required to provide additional parking.	1.2 Employees
8. School, Primary or Secondary	1 per 4 students aged 16 or older	1.2 Employees
9. Swimming Pool, Non-Household	1 per 50 sq. ft. of water surface, other than wading pools	1.2 Employees
10. Temporary Shelter	1 per 10 adult residents	1.2 Employees
11. Treatment Center	1 per 3 residents aged 16 years or older plus 1 per 2 non-residents intended to be treated on-site at peak times	Non-Resident Employee
12. Utility Facility	1 per vehicle routinely needed to service facility	

**C. TABLE OF OFF-STREET PARKING REQUIREMENTS FOR COMMERCIAL USES**

<u>C. 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. Adult Use	1 per 50 sq. ft. of building floor area	1.2 Employees
2. Auto Service/Gas 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 "retail sales"
3. Auto, Boat, Recreational Vehicle or Manufactured Home Sales	1 per 30 vehicles, boats, RVs or homes displayed	1.2 Employees



4. Bed and Breakfast Use	1 per rental unit plus 2 for the operator's dwelling unit	1.2 Non-resident Employee
5. Bowling Alley or Pool Hall	2 per lane plus 2 per pool table	1.2 Employees
6. Car Wash	1 space per lane for drying and/or vacuuming areas.	1.2 Employees
7. Exercise Club	1 per 300 sq. ft. of floor area accessible to customers	
8. Financial Institution (includes bank)	1 per 300 sq. ft. of floor area accessible to customers, plus "office" parking for any administrative offices	
9. Funeral Home	1 per 5 seats in rooms intended to be in use at one time for visitors, counting both permanent and temporary seating	1.2 Employees
10. Gaming Establishment	1 per 200 sq. ft. of floor area accessible to customers	1.2 Employees
11. Golf, Miniature	1/2 per hole	1.2 Employees
12. Haircutting/ Hairstyling	1 per customer seat used for haircutting, hair styling, hair washing, manicuring or similar work	1.2 Employees
13. Hotel or Motel	1 per rental unit plus 1 per 5 seats in largest meeting room (plus as required for any restaurant)	1.2 Employees
14. Laundromat	1 per 4 washing machines	On-site Employee
15. Nightclub or After-hours Club	1 per 4 persons of allowed building capacity under the Fire Code	1.2 Employees
16. Offices, primarily medical or dental	1 per 300 sq. ft. of total floor area, other than shared lobby space	
17. Offices, other than above	1 per 400 sq. ft. of total floor area, other than shared lobby space	
18. Personal Service Use, other than haircutting/ hairstyling (min. of 2 per establishment) or Business Service Use	1 per 400 sq. ft. of floor area accessible to customers	1.2 Employees
19. Indoor Recreation (other than bowling alley), Membership Club or Exercise Club	1 per 5 persons of maximum capacity of all facilities	1.2 Employees
20. Outdoor Recreation (other than uses specifically listed in this table)	1 per 5 persons of capacity (50% may be on grass overflow areas with major driveways in gravel)	1.2 Employees
21. Restaurant or Tavern	1 per 5 seats, or 3 total spaces for a use without customer seats.	1.2 Employees
22. Retail Sales (other than types separately listed and other than a shopping center)	1 per 300 sq. ft. of floor area of rooms accessible to customers.	
23. Retail Sales of Only Furniture, Lumber, Carpeting, Bedding, Floor Coverings or Similar Home Improvements	1 per 1,000 sq.ft. of floor area of rooms accessible to customers	
24. Shopping Center which includes multiple retail establishments on a lot, and which may also include restaurants.	1 per 300 square feet of total floor area, other than non-leasable space such as shared lobbies	

25. Stadium, Arena or Commercial Auditorium	1 per 5 seats, provided that spaces shared with other business uses that are not typically used on weekends or after 5 pm on weekdays may also be counted for these uses.	1.2 Employees
26. Theater	1 per 5 seats, provided that spaces shared with other business uses that are not typically used on weekends or after 5 pm on weekdays may be also counted for these uses.	1.2 Employees
27. Trade/Hobby School	1 per 2 students on-site during peak use	1.2 Employees
28. Veterinarian Office	4 per veterinarian	1.2 Employees

*Note: all commercial uses, as applicable, shall provide additional parking or storage needed for the 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.*

**D. TABLE OF OFF-STREET PARKING REQUIREMENTS FOR INDUSTRIAL USES**

Self-Storage Development	Two, plus room in aisles for temporary parking that allows a second vehicle to pass a parked vehicle	1.2 Employee
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*Note: all industrial uses, as applicable, shall provide additional parking or storage needed for the 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.*

**B. Special Need Populations.**

1. The above table includes reductions in parking for housing limited to persons over certain ages.
2. In addition, as a special exception use, the Zoning Hearing Board may approve a reduction of up to 50 percent in the required number of off-street parking spaces for an institutional or residential use based upon written evidence that is provided that the typical residents or clients will not be physically able or allowed to operate a vehicle from the site because of their disabilities or similar conditions.

**1102. General Regulations for Off-Street Parking.**

- 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 an impediment to traffic off the lot.
- 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.
- 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.
  2. An existing non-conforming deficit in the numbers of parking spaces can be grandfathered. For example, if an existing business would be required to provide 6 spaces and only 3 spaces are provided, and the use changes to needing 8 total spaces, then only 5 total spaces need to be provided (3 existing spaces plus 2 spaces for the change in use).
- 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.
- 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 Officer 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. The 300 feet distance may be increased to 600 feet for parking serving employees or company vehicles. A written and signed lease shall be provided, if applicable. A sign shall direct persons to the parking spaces.
    - a. The Zoning Officer may require evidence at any time that shows that the parking continues to be available for the use. If such parking is not available in the future, the zoning permit shall be considered to have been revoked, unless the applicant proves that other parking is provided that meets the requirement.
    - b. This requirement may be met by a legally binding commitment by the applicant to lease a specific number of parking spaces in an accessible public parking lot or deck.

1103. **Design Standards for Off-Street Parking.**

A. General Requirements.

1. Backing Onto a Street. No parking area of 4 or more parking spaces 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 driveway that enters onto a local street or a parking court. Parking spaces may back onto an alley.
2. Except for spaces serving one household, 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.
3. Parking areas shall not extend into a required buffer yard. New parking spaces shall only be allowed within a street right-of-way where they are specifically approved by the Township.

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. See section 1303.D.
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-through facility.
6. Provisions Allowing Flexibility or Reduction of Parking Requirements.
  - a. Purposes. To minimize impervious surfaces, while ensuring adequate parking, and to recognize unique circumstances that may justify a reduction in required parking.
  - b. Reduction. The Zoning Hearing Board may permit a reduction, through the Special Exception process, of the number of parking spaces that would otherwise be required if the Applicant proves to the satisfaction of the Board that less parking spaces are needed.
    - (1) Proof. To prove that fewer parking spaces are needed, in the written application, the applicant shall provide existing and projected employment, customer, resident or other relevant data. Such data may include a study of parking at similar developments during peak periods of use.
    - (2) Shared Parking. Under this Section, an Applicant may seek to prove that parking permanently shared with another use or another lot with shared internal access or another lot within 500 feet will reduce the total amount of parking needed because the uses have different peak times of parking need or overlapping customers.
      - (i) For example, an Applicant may prove that a use with peak parking needs during late evenings or weekends (such as a theater, bowling alley or place of worship) can reasonably share parking with a use with peak parking needs during daytime weekdays (such as a bank or office).
      - (ii) Reduced parking requirements for joint parking shall only continue in effect as long as such uses or their closely similar successor uses remain in operation, and shall be guaranteed by a legally binding agreement. If such agreement becomes legally ineffective, then all parking shall be provided as would otherwise be required by this Article.
    - (3) Reservation of Future Parking Areas. If a reduction is permitted under this Section, the Board may require as a condition of the special exception that the lot include the reservation, permanently or for a specified number of years, of areas sufficient to otherwise meet the required number of spaces, if needed in the future.
      - (i) Such reservation shall be provided in a legal form acceptable to the Zoning Hearing Board such as a legally binding deed restriction and be officially filed with the Zoning Officer.
      - (ii) In such case, the Applicant shall be required to submit site plans to the

Zoning Officer showing where and how the additional parking could be accomplished. Such future parking areas shall not be covered by buildings and shall be attractively landscaped unless needed for parking.

- (iii) Such additional parking shall be required to be provided within one year after the Zoning Officer may determine it to be necessary to meet actual demand. Such determination may be made based upon field analysis by the Zoning Officer.

**B. Size and Marking of Parking Spaces.**

1. Each parking space shall be a rectangle with a minimum width of 9 feet and a minimum length of 18 feet, except the minimum sized rectangle shall be 8 feet by 22 feet for parallel parking, except as provided for parking for persons with disabilities in Section "G." below. Larger parking spaces are required for persons with disabilities, as provided below. A maximum of 10 percent of required parking spaces may be 9 by 16 feet if they are clearly marked as "Compact Cars Only" and provided they are not the most conveniently located spaces.
2. All spaces shall be marked to indicate their location, except those of a one or two family dwelling, and except where stone parking may be allowed.
3. Motorcycle parking spaces may be provided with a minimum size of 9 by 9 feet. Each two motorcycle parking spaces may count as one required regular parking space, comprising up to 5 percent of the total required number of spaces.

**C. Parking Aisles.** The aisle width of required parking shall comply with the following schedule:

<u>Parking Angle (in degrees)</u>	<u>Minimum Aisle Width (in feet)*</u>
Parallel to 25	12 (except 20 feet for two-way traffic)
25 to 47	13 (one-way traffic only)
48 to 52	14 (one-way traffic only)
53 to 58	15 (one-way traffic only)
59 to 62	16 (one-way traffic only)
63 to 68	17 (one-way traffic only)
69 to 72	18 (one-way traffic only)
73 to 85	20 (one-way traffic only)
86 to 90	20 (except 24 feet for two-way traffic)

For parking at an angle of 45 degrees or greater, the minimum aisle width may be reduced by one foot where the adjacent parking spaces have a width of 10 feet or greater.

Within an underground or above-ground parking structure, the minimum aisle width may be reduced by one foot.

**D. Driveways.**

1. Driveways shall conform to the Township Street Access Ordinance, which addresses driveway design, construction, clear sight distances, drainage and other matters.
2. Drainage. Adequate provisions shall be made to maintain uninterrupted parallel drainage along a public street at the point of driveway entry.
3. Driveway Setbacks. A new driveway shall be setback a minimum of 5 feet from a utility pole or fire hydrant.

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 areas for commercial, industrial, multi-family and institutional uses involving 4 or more spaces, off-street loading facilities and access aisles serving such uses shall be surfaced with asphalt, concrete, paving block, or other low-dust materials pre-approved by the Township.
  - a. Parking that serve public uses, public parks and public recreation areas are not required to be paved.
  - b. However, by special exception, the Zoning Hearing Board 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.
  - c. If the design and materials are found to be acceptable in writing by the Township Engineer, portions of parking areas may be covered with a low-dust porous pavement surface that is designed to promote groundwater recharge.
3. Motor vehicles shall not routinely be parked on grass or dirt surfaces, except where specifically approved under the above provisions. Entrances to parking spaces shall only occur at lawful driveway locations.

F. Lighting of Parking Areas. See "Light and Glare Control" in Section 1007.

G. Parking for Persons With Disabilities.

1. Number of Spaces. See requirements under the Federal Americans With Disabilities Act for parking for persons with disabilities. The following is a summary of some of the relevant requirements in effect as of the enactment of this Ordinance.

TOTAL NO. OF PARKING SPACES ON THE LOT	REQUIRED MINIMUM NO./ PERCENT OF ADA-ACCESSIBLE PARKING SPACES
1 to 25	1 van-accessible
26 to 50	2, 1 of which must be van-accessible
51 to 75	3, 1 of which must be van-accessible
76 to 100	4, 1 of which must be van-accessible
101 to 150	5, 1 of which must be van-accessible
151 to 200	6, 1 of which must be van-accessible
201 to 300	7, 1 of which must be van-accessible
301 to 400	8, 1 of which must be van-accessible
401 to 500	9, 2 of which must be van-accessible
501 to 1,000	2% of total number of spaces, 1/8th of which must be van-accessible
1,001 or more	20 plus 1% of spaces for each 100 over 1000 spaces, 1/8 of which must be van-accessible

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 and Slope. See requirements of the Americans With Disabilities Act regulations.
  4. Marking. All required handicapped spaces shall be well-marked in compliance with the Americans With Disabilities Act. Such signs and/or markings shall be maintained over time.
  5. 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.
  6. Note - A separate Township ordinance addresses placement of an individual handicapped parking space in front of a home.
- 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 vehicle parking or vehicle storage area of 4 or more parking spaces that serves 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 8 feet and be maintained in grass or other attractive vegetative groundcover. The planting strip may be on one or both sides of any sidewalk, provided the planting width totals 8 feet. This 8 feet width shall be increased to 15 feet for a lot including 30 or more parking spaces that are visible from the street.
    - a. The planting strip shall not include heights or locations of plants that would obstruct safe sight distances, but may include deciduous trees that allow motorists to maintain views 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. The planting strip may be crossed perpendicularly by driveways.
    - d. The planting strip may consist of vegetative stormwater channels.
    - e. The following shall be prohibited within the planting strip:
      - (1) paving, except as allowed by subsection "c." above, and except for street widenings that may occur after the development is completed,
      - (2) fences, and
      - (3) parking, storage or display of vehicles or manufactured homes or items for sale or rent or junk.
    - f. Where feasible, where a sidewalk is not installed, this setback should include an unobstructed generally level width running parallel to a street that is suitable for a person to walk.
  3. See buffering requirements in Section 1303.
- I. Pedestrian Route. If a parking lot serving commercial uses will include 50 or more new parking spaces, it shall include a designated pedestrian walkway / wheelchair accessway through the parking lot to at least one major pedestrian entrance, and with a marked

pedestrian crossing across any major vehicle route.

1104. **Off-Street Loading.**

- 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 and traffic entering and exiting the lot. If no other reasonable alternative is feasible, traffic may be obstructed for occasional loading and unloading along an alley, provided traffic has the ability to use another method of access.
- 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.
- C. Each space and the needed maneuvering room shall not intrude into approved buffer areas and landscaped areas.
- D. To the maximum extent feasible, tractor-trailer loading docks shall be designed so that they are buffered from view of dwellings or from adjacent streets by walls or landscaping. However, areas that are only used for short-term unloading of trucks and that do not require use of a dock are not required to be buffered.

1105. **Fire Lanes and Access.**

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



## ARTICLE 12

### SIGNS

1201. **Purposes and Applicability.**

- 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.
- B. **Permit Required.** A zoning permit shall be required for all signs except for: a) signs meeting the requirements of Section 1203, and b) non-illuminated window signs. Only types, sizes and heights of signs that are specifically permitted by this Article within the applicable District shall be allowed.
- C. **Changes on Signs.** Any lawfully existing sign (including non-conforming signs) may be painted or repaired or changed in logo or message or replaced with a new sign face without needing a zoning permit, provided that the changes do not increase the sign area or height or otherwise result in noncompliance or an increased non-conformity with this Ordinance. See also Section 1212 concerning non-conforming signs. A change to a digital sign shall need a zoning permit.
- D. **Fees.** Through a resolution by Board of Supervisors, the Township may establish permit fees and license fees for various types of signs. Unless a separate sign ordinance or resolution is enacted, the fees provided in Section 1407 shall apply.

1202. **Sign Definitions.** See Article 15 of this Ordinance. Miscellaneous Signs are described in Section 1203.

1203. **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, except that Home Occupation and Home Accessory Day Care Signs shall need a zoning permit.

TYPE AND DEFINITION OF SIGNS NOT REQUIRING PERMITS	MAX # OF SIGNS PER LOT	MAX SIGN AREA PER SIGN* ON A "RESIDENTIAL LOT"*** (sf)	MAX SIGN AREA PER SIGN* ON "NON-RESIDENTIAL LOTS"*** (sf)	OTHER REQUIREMENTS
<u>Agricultural Sales or Christmas Tree Sign</u> - Advertises the sale of agricultural products or Christmas trees.	2	Total of 12 sf per lot.	Total of 50 sf per lot.	A sign for seasonal retail sales shall only be posted during months 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 legitimate tax-exempt nonprofit organization, place of worship, school, or charity.	2	Total of 12 sf per lot.	Total of 50 sf per lot.	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, or a bank or agency that is financing an on-site construction project.	1 per contractor	12 per sign	20 per sign (Or one sign of 60 square feet maximum may be used if the sign is shared by multiple entities).	Shall only be permitted while such work is actively and clearly underway and a max. of 30 days afterward. 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.	4, in addition to Signs painted on pavement	4, in addition to signs painted on pavement	Directional signs within a residential development shall not be internally illuminated. See also subsection A.4. below concerning signs not readable from a lot line or street.
<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	Total of 12 sf per lot.	Total of 50 sf per lot.	Flags of governments and flags that simply include colors, or non-commercial art or patterns are not regulated by this Ordinance.
<u>Garage Sale Sign</u> - advertises an occasional garage sale/porch sale or auction.	2 per event	2 sf per sign	2 sf per sign	Shall be placed no more than 3 days before the event, and be removed within 24 hours after the event. Shall not be attached to trees or utility poles with metal fasteners.
<u>Home Occupation and Accessory Day Care Sign</u> - advertises a permitted home occupation or an accessory day care use.	1	2	8	Shall not be illuminated. Maximum total height of 8 feet above the ground. A zoning permit shall be required for the sign.
<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	2	8	Maximum total height of 8 feet above the ground.
<u>Open House Sign</u> - advertises the temporary and periodic open house of a property for sale or rent.	2 per event	Total maximum of 12 sf per lot.	Total maximum of 50 sf per lot.	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 6 consecutive days.
<u>Political/Issue Sign</u> - advertises a person or party seeking political office or an opinion on a referendum, political cause or matter of public concern.  (Political signs shall not be posted on public parks or property owned by the Township or on a public street right-of-way, except as may be allowed on election day outside of a polling location.)	Maximum of 2 sign faces per issue or candidate per lot	Total maximum of 12 s.f. per issue or candidate per lot.	Total maximum of 50 s.f. per issue or candidate per lot.	Shall be removed a max. of 7 days after an election, vote or referendum if the sign pertains to such a matter. Political signs shall not be placed on 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	

<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	12	50	Shall only be placed on the property while it is actively for sale, lease or rent, and shall be removed a max. of 14 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 may include information on times and dates of activities.	2	12	50	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. A Portable Sign may be used under this provision.	5 per non-residential lot	Not permitted	Total of 50 sq. ft. for all such banners, flags and other temporary signs.	Shall be displayed a maximum total of 30 days per year (such as 6 times of 5 days each). Such signs shall not flash, be internally illuminated, or obstruct safe sight distances.
<u>Time and Temperature Sign</u> - with a sole purpose to announce the current time and temperature, and which may also include any non-profit public service messages.	1	Not permitted	50	The sign shall not flash.
<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	

"sf" = square feet. "Max" = maximum.

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

\*\*For the purposes of this Section, a "Non-Residential Lot" shall mean a lot that is occupied by a principal non-residential use or that is within a Commercial or Industrial Zoning District. All other lots shall be considered to be "Residential Lots."

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

1. See Section 1201.C. which addresses simple changes of sign faces and messages.
2. Historic Sign- sign that memorialize an important historic place, event or person and that is specifically authorized by the Township or a County, State or Federal agency.
3. Holiday Decorations- signs and displays that commemorate a holiday recognized by the Township, County, State or Federal Government or an individual's own religious holiday, that do not include advertising, and that are posted a maximum total of 90 days per calendar year.
4. Not Readable Sign- sign that is not readable from any public street or any exterior lot line.
5. Official Sign- sign erected by the State, County, Township or other legally constituted governmental body, or specifically authorized by Township ordinance, motion or resolution, and which exists for public purposes.
6. Required Sign- sign that only includes information required to be posted outdoors by a government agency or the Township.
7. Right-of-Way Sign- sign posted within the existing right-of-way of a public street and officially authorized by the Township, the County or PennDOT, including but not limited to, decorative banners hung from street lights that are authorized by the Township.

1204. **Freestanding, Wall and Window Signs (On-Premises Signs).**

A. The following are the on-premises signs permitted on a lot within the specified Districts and within the following regulations, in addition to other signs specifically allowed by this Article. See definitions of the types of signs in Article 15.

TYPE AND DEFINITION OF SIGNS NOT REQUIRING PERMITS	MAX # OF SIGNS PER LOT	MAX SIGN AREA PER SIGN* ON A "RESIDENTIAL LOT"*** (sf)	MAX SIGN AREA PER SIGN* ON "NON-RESIDENTIAL LOTS"*** (sf)	OTHER REQUIREMENTS
<p><u>A. C, RR, RA, VR, MHP and RMD Districts:</u> with signs in this table limited to allowed principal non- residential uses (such as Places of Worship).</p> <p>(For home occupation signs, see Section 1203.)</p>	8 feet	40 square feet on each side of a principal building for a school or place of worship; 10 square feet on each side of a principal building for other non- residential principal uses.	Temporary non-illuminated window signs are not regulated. Other window signs shall be considered wall signs.	1 sign on each street the lot abuts, each with a maximum sign area of 40 sq. ft. for a school or place of worship; 20 square feet per street frontage for other non-residential principal uses. See also entrance signs for major residential developments in Subsection E. below.
<p><u>B. HC, IC and IC-1 Districts:</u> for principal non-residential uses.</p>	15 feet, except 20 feet for a sign allowed to have more than 100 square feet of sign area.	2 square feet of sign area for each linear feet of building length, on the building side on which such signs are attached.	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.  (See note * below for multiple uses.)  (A retail gas station shall be allowed an additional 30 sq. ft. of sign area.)  (See note ** below for drive-throughs.)
<p><u>C. NC, CR and any other Districts:</u> for principal non- residential uses.</p>	15 feet	2 square feet of sign area for each linear feet of building length on the building side on which such signs are attached.	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. See note * below for multiple uses.

\*If a lot includes 2 or more distinct principal non-residential uses, the maximum freestanding sign area may be increased by 10 square feet for each principal non-residential use beyond the first non-residential use. For example, in the NC District, if a lot includes 3 such uses, the maximum freestanding sign area shall be 40 plus 20 equals 60 square feet.

\*\*An allowed restaurant drive-through use may also include 2 menu boards with a maximum height of 10 feet and a maximum sign area of 60 square feet per side, provided the signs are not designed to be readable from beyond the property line.

B. Examples of Sign Types:

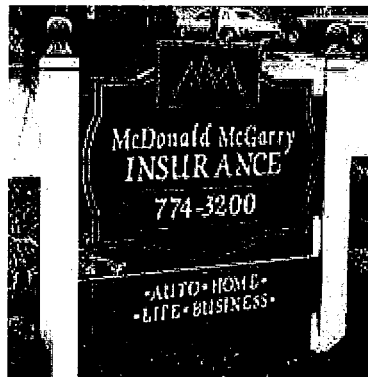
1. Projecting sign attached to a building



2. Sandwich board sign that is placed on a sidewalk



3. Freestanding sign that is not internally illuminated



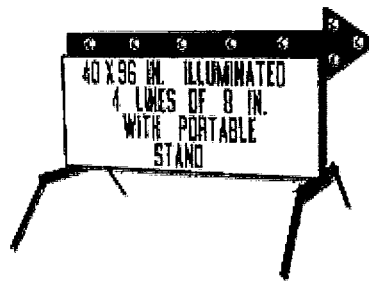
4. Freestanding sign that is internally illuminated



C. 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.

D. 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. Portable signs are prohibited in all Districts, except as a temporary Charitable Event sign permitted by Section 1203. Below is an example of a prohibited portable sign.



3. 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.

E. Signs on Freestanding Walls. An allowed freestanding sign face 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 without the entire wall counting as sign area. Such walls may be placed in a yard, provided they do not obstruct safe sight distances.

F. Major Development Sign. One two-sided sign or two one-sided signs shall be allowed at up to 2 exterior street entrances to a subdivision or land development of 20 or more dwelling units or more than 5 principal business uses. Such sign area shall be a maximum of 40 square feet and may be attached to a wall that meets Section 1204.D. If a development includes 5 to 19 dwelling units, a similar sign with a maximum of 16 square feet shall be allowed. Such signs shall not be illuminated, and shall have a maximum total height of 10 feet above the ground. Below is an example of a major development sign that is not illuminated.



G. Landscaping Around a New Freestanding Sign. When a new freestanding sign is proposed with a sign area of 20 square feet or greater, other than a replacement of an existing sign, a landscaped area shall be provided around the sign. Such landscaped area shall be equal or greater in length than the horizontal length of the sign, and shall have a minimum width of 5 feet. Such landscaped area shall be comprised of vegetative ground cover, which may include shrubs, and it may be crossed by a sidewalk. Curbing or a similar barrier should be used as needed to prevent vehicles from hitting the sign.

1205. **Prohibited Signs and Digital Sign Limits.**

A. The following prohibitions on signs shall apply in all Zoning Districts:

1. Any moving object used to attract attention to a commercial use is prohibited. However, certain flags and banners may be allowed as provided in Section 1203.
2. Flashing, blinking, twinkling, animated, scrolling, rotating or moving signs of any type are prohibited. A sign shall not display electronically moving images.
  - a. In addition, flashing lights visible from a street shall not be used to attract attention to a business. This restriction specifically includes window signs, but does not prohibit Christmas-season lighting or displays, within Section 1203.
3. Signs which emit smoke, visible vapors or particles, sound or odor are prohibited.
4. Signs which contain information that states that a lot may be used for a purpose not permitted under this Ordinance are prohibited.
5. Signs that are of such form, shape or color that they resemble an official traffic control 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.
6. Signs or displays visible from a lot line that include words or images that are obscene or pornographic are prohibited.
7. 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.
8. Floodlights and outdoor lasers for advertising purposes are prohibited.

B. Digital Signs. Signs may change their message from time to time provided that each message is visible for a minimum of 8 seconds, except as follows: a) time and temperature signs may change more frequently, and b) if there is an electronically changing sign area of greater than 50 square feet, the sign shall not change its message more frequently than once every 20 seconds. This provision on sign timing shall not regulate signs that are not readable from a public street and that are not readable from any dwelling.

1206. **Off-Premise Signs (Including Billboards).**

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; carry out the purposes listed in Section 1201.

- B. Nonconforming Off-Premise Signs. This section is not intended to require the removal of an existing lawfully-placed off-premise sign that is in structurally sound condition.
- C. Official Signs. Signs erected and maintained by PennDOT or East Hanover Township are permitted by right in all Districts. Such signs may include official directional signs to destinations.
- D. Permitted Off-Premise Signs. Except for other types of signs that are specifically allowed by this Section 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 IC or IC-1 Districts.
  - 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 Total Sign Area, on Each of 2 Sides. 300 square feet. The two sides shall be arranged so that only one side is readable at one time.
  - 4. Spacing. Any off-premise sign of more than 50 square feet of sign area shall be separated by a minimum of 500 feet from any other off-premise sign with a sign area greater than 50 square feet, including signs on either side of a street and including existing signs in other municipalities.
  - 5. Maximum Height. 40 feet above the elevation of the street or highway that the sign face is directed towards, measured at the street centerline. The bottom of such sign shall be elevated a minimum of 10 feet above the ground and be designed to be resistant to climbing by unauthorized persons.
  - 6. Control of Lighting and Glare. See Sections 1007 and 1205.B. Lights shall be directed so they do not shine into the eyes of motorists nor residents of homes. Lighting shall be directed downwards towards the sign area and shall be turned off between the hours of midnight and 6 am.
  - 7. Setbacks. No off-premise sign greater than 50 square feet in sign area shall be located within 200 feet from the lot line of an existing principal dwelling.
  - 8. Condition. The sign and its structure 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.
  - 9. This Ordinance shall not regulate the placement of “Tourist Oriented Directional Signs,” provided the signs are posted along a public street right-of-way in a manner allowed under PennDOT regulations for such signs or that are approved by the Township along a Township street. (Note – These are typically blue signs that direct motorists to various major destinations.)

1207. **General Design, Location and Construction of Signs.**

- A. Setbacks.
  - 1. Signs shall not be located within the existing street right-of-way, except for allowed projecting and sandwich board signs.
  - 2. A freestanding sign shall not be located within 10 feet from a side lot line, unless the lots are in common ownership.



3. The setbacks in this subsection A. shall not apply to Official Signs, Nameplate Signs, Public Service Signs and Directional Signs.
  - B. Sight Clearance. No sign shall be located in a way that interferes with Township sight clearance requirements.
  - 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.
  - D. Permission of Owner. No sign shall be posted on any property unless permission has been received by the owner or entity leasing the property.
  - E. Signs on Trees, Utility Poles & Street Signs. No sign shall be attached to a utility pole or street sign post, except by a utility or government agency. A sign shall not be attached to a tree, except allowed temporary signs may be attached with string.
  - F. Construction of Signs. Every sign permitted in this section (other than temporary and window signs) 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.
  - G. Wiring of Signs. Signs shall be prohibited that involve electrical cords laying across parking lots, driveways or sidewalks, except for temporary Christmas season lighting.
  - H. Banners and Overhanging Signs. Board of Supervisors or the Mayor may approve the hanging of decorative banners within the street right-of-way (such as from utility poles or street lights) and may approve a sign overhanging across a street to advertise a community event or festival. One approval may cover multiple years for an event that is held annually. Approval from PennDOT may also be needed if a State road is involved.
1208. **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.
1209. **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.
1210. **Measurement of Sign Area**.
- A. Sign area shall include all lettering, wording and accompanying designs and symbols, together with related background areas on which they are displayed; pedestals, boulders, and other types of support structures where architectural elements are clearly not part of the sign itself shall not count toward the background area total. One "freestanding sign" may include several signs that are all attached to one structure, with the total "sign area" being the combined area of all signs on that side of the sign.
  - B. The sign area shall not include any structural support poles or monument-style areas below the sign message.
  - C. 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 one or two rectangle(s) or triangle(s) that includes all of the letters and symbols.

- D. 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.
- E. Unless otherwise specified, all square footages in regards to signs are maximum sizes.

1211. **Illumination of Signs.** See "Light and Glare Control" in Section 1007.

1212. **Nonconforming Signs.**

- 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.
- 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.
- 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 Section 1406.

**ARTICLE 13**  
**GENERAL REGULATIONS**

1301. **Frontage Onto Improved Streets, Number of Uses or Buildings, Minimum Size of Dwellings.**

- 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 Subdivision and Land Development Ordinance. This requirement for frontage shall not be met by an "alley," except that a lot with frontage onto a street may be approved to have its vehicle access onto to alley, if the alley has suitable access to the street.
1. 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, provided there are Township-approved measures to guarantee access to each dwelling from a public street.
- B. **Number of Principal Uses and Principal Buildings Per Lot.**
1. A lot 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. If differing dimensional requirements apply for different uses on the lot, then the most restrictive requirement shall apply.
    - a. For example, if Use One requires a 10,000 square feet lot area and Use Two on the same lot requires a 20,000 square feet lot area, then the lot shall have a minimum lot area of 20,000 square feet.
    - b. The applicant shall submit a site plan that demonstrates that each structure would meet the requirements of this Ordinance.
    - c. The uses and buildings shall be in common ownership. However, 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 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.
- C. **Minimum Size of Dwellings.** Each dwelling unit shall include a minimum of 500 square feet of enclosed habitable, indoor and heated floor area, which shall be primarily above the ground level. This 500 square footage may be reduced to 400 square feet for each dwelling unit that is permanently legally restricted to occupancy by at least one person age 55 and older, with no residents under age 18. If a dwelling has two or more bedrooms, the minimum square footage shall be increased to 700 square feet.

D. Occupancy of Recreational Vehicles and Mobile/Manufactured Homes. A recreational vehicle shall not be used as a residence for more than 5 days in any 30 day period, except as may be approved within a campground. A mobile/manufactured home shall not be occupied on a lot as a dwelling unless it meets all of the requirements for a dwelling. A mobile/manufactured home shall not be used as a storage building, except as may be allowed temporarily during on-site construction under a Township construction permit.

1302. Height Exceptions. See Section 1502.

1303. Special Lot and Yard Requirements, Sight Distance and Buffer Yards.

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. See also the Uniform Construction Code Appendices. Such access shall be maintained in a passable condition by the owner of the lot, or where applicable by the property-owner association.

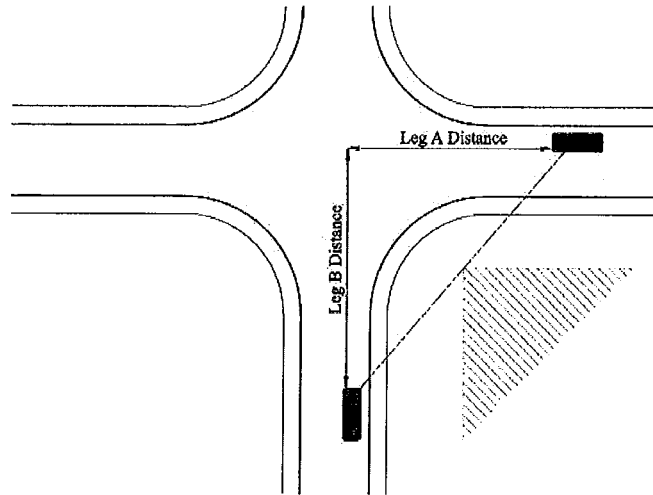
B. Exceptions to Minimum Lot Areas, Lot Widths and Yards.

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. See definition of "Lot, Corner" in Section 1502.
2. Projections Into Required Yards.
  - a. Cornices, footers, eaves, roof overhangs, sills or other similar architectural features, exterior stairways, unenclosed fire escapes or other required means of egress, rain leads, chimneys, slanted exterior 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.
  - b. Exterior 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 Article 1305.
3. Lot Widths Around Curves. Around the bulb of a cul-de-sac street or on the outside of the curve of a street with a radius of less than 150 feet, the minimum lot width at the minimum required building setback line may be reduced to 60 percent of the width that would otherwise be required.
4. Front Yards. See Section 504.C., which may allow a reduced front yard where adjacent buildings have smaller existing front yards.

C. Sight Clearance at Intersections. At the intersection of two streets, a clear sight triangle shall be provided. Within this triangle, no visual obstructions shall be allowed between the height of 3 feet and 10 feet above the ground level, except for fences that are almost entirely transparent fences (such as chain link), utility posts, mailboxes, single sign posts less than one foot in diameter and the trunks of canopy trees. Re-grading shall also not reduce visibility

within the sight clearance triangle. The triangle shall be measured along the centerline of the streets. Each leg of the triangle shall be measured 75 feet from the intersection of the centerlines of the travel lanes of a local or collector street and 150 feet along an arterial street. A third longer leg shall connect the ends of the two legs to form the triangle.

1. However, in place of the above sight triangle, where a local street intersects a collector or arterial street with a stop sign only at the local street, the leg of the triangle along the collector or arterial street in each direction shall be increased to 250 feet and the leg along the local street shall be decreased to 20 feet back from the edge of the intersecting travel lane.
2. The clear sight triangle shall be kept free of such obstructions in perpetuity.



3. Where an alley intersects with a street, a clear sight triangle shall be required that is 15 feet along the closest cartway of a street and 10 feet long along the centerline of the alley. Where an alley intersects with another alley, a clear sight triangle shall be required that is 10 feet long along the centerlines of both alleys. For example, this sight triangle may require that a rear garage be setback from a corner or that a solid fence be angled near the intersection to avoid intruding into the sight triangle.
  4. For driveway sight clearance, see the Township Street Access Ordinance.
- D. Buffers and Planting Screening. Buffer yards with the following standards shall be required in the following situations, unless a more restrictive provision is established by another section of this Ordinance:
1. A minimum 20 feet wide buffer yard with plant screening conforming to the requirements of the Subdivision and Land Development Ordinance shall be required along the rear and side lot lines of any lot that is developed for a non-residential use and is contiguous to a lot line of a residential zone or use. If the lots are separated by a street open to public traffic, the lots shall not be considered to be contiguous. Alleys, however, would still constitute contiguousness.
    - a. If a principal business use will include areas used for manufacturing or will have a loading dock, then the minimum buffer yard width along such manufacturing area and/or loading dock shall be increased to 50 feet.
    - b. The presence of a dwelling on the same lot as a principal business use shall not by itself require the provision of a buffer yard.

- c. A Buffer Yard is also required to be provided by the following if they are abutting and visible from a public street or alley:
  - (1) Along lot lines and street or alley rights-of-way of any newly developed or expanded outdoor industrial storage or loading area, or
  - (2) Along lot lines and street or alley rights-of-way of any newly developed or expanded area routinely used for the overnight parking of 2 or more tractor-trailer trucks or trailers of tractor-trailers.
- 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.

1304. **Non-Conformities.**

- A. **Proof and Registration of Non-Conformities.** It shall be the responsibility of a party asserting a non-conformity to provide the evidence that it is lawful. The burden of proof is upon applicant to show that a nonconformity is lawful. A property owner may request a written statement of non-conformity from the Zoning Officer after providing sufficient evidence.
- B. **Continuation of Non-Conformities.**
  - 1. A lawful non-conforming 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 non-conformity 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 non-conforming use.
- C. **Expansion of or Construction Involving Non-Conformities.** The following shall apply, unless the structure is approved under Section 1305.D.
  - 1. Non-Conforming Structure.
    - a. The Zoning Officer shall permit a non-conforming structure to be reconstructed or expanded provided:
      - (1) that such action will not increase the severity or amount of the non-conformity (such as the area of the building extending into the required yard) or create any new non-conformity, or
      - (2) that any expanded area will comply with the applicable setbacks in that District and other requirements of this Ordinance, unless allowed otherwise by this section.
    - b. In the case of a non-conforming structure which is used by a non-conforming use, any expansion shall also meet the requirements of this Section regarding non-conforming uses.
  - 2. Non-Conforming Lots.
    - a. Permitted Construction on a Non-conforming Lot. A single permitted by right principal use and its customary accessory uses may be constructed, reconstructed or expanded on a non-conforming lot provided all of the following additional requirements are met:
      - (1) The lot must be a lawful non-conforming lot of record;

- (2) Minimum setback requirements shall be met, except as is allowed in subsection "3." below;
  - (3) State and Federal wetland regulations shall be met; and
  - (4) If a septic or well is used, the requirements for such 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 the lot to be considered to be a non-conforming lot.
  - c. Reduction of Side Yards. On an existing lawful lot with a non-conforming width, as a special exception, the Zoning Hearing Board may approve a reduction of up to 50 percent in each side setback if the applicant proves such reduction is necessary to allow a customary addition to an existing dwelling, a replacement of an existing undersized dwelling with a new dwelling, or to avoid the construction of a new dwelling that would be inconsistent with the building width of adjacent dwellings. This subsection shall not allow a reduction in setback to increase the number of dwelling units on the lot, except for a Unit for Care of Relative.
  - d. Expansion Along a Nonconforming Setback. Where part of an existing one family dwelling (including a townhouse) has a side yard that is smaller than would normally be required, other parts of that dwelling may be expanded along that same side, provided that the building extension does not go beyond the side setback that already exists along that side.
  - e. Porch within a Nonconforming Setback. If an unenclosed porch is within a nonconforming front yard setback, it shall not be allowed to be enclosed.
- 3. Expansion of a Non-conforming Non-Residential Use. A non-conforming use or a building used by a non-conforming use shall only be expanded if there is compliance 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.
    - b. The 1) total building floor area used by a non-conforming use or the 2) total land area covered by the non-conforming use, whichever is more restrictive, shall not be increased by greater than 50 percent beyond what existed in the non-conforming use at the time the use first became non-conforming.
      - (1) The above maximum increase shall be measured in aggregate over the entire life of the non-conformity. All expansions of the non-conforming use and/or building(s) that occurred since the use originally became non-conforming shall count towards the above maximum increase. For example, a 40 percent expansion may occur one year, followed by a 10 percent expansion in a different year.
      - (2) The 50 percent maximum expansion of the total land area covered by the use shall be reduced to 10 percent for a non-conforming junkyard or scrap yard.
    - c. Any expansion of a non-conforming use shall meet the required setbacks, maximum height and other requirements of this Ordinance, unless the Zoning Hearing Board grants a variance.
  - 4. Expansion of a Non-conforming 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 non-conformities are created and d) a non-conformity is not made more severe.

5. Non-conforming Sign. The provisions of this Ordinance shall not provide a right to expand or extend a non-conforming sign. Instead, any expansions or extensions of a non-conforming sign shall comply with this Ordinance. See also Section 1212.

D. Damaged or Destroyed Non-Conformities. A non-conforming structure or non-conforming use that has been destroyed or damaged may be rebuilt in a non-conforming fashion only if: a) the application for a construction permit is submitted within 12 months after the date of damage or destruction, b) work begins in earnest within 12 months after the construction permit is issued and continues, and c) no non-conformity may be newly 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.

E. Abandonment of a Non-Conformity.

1. If a non-conforming 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 as provided for in the "Damaged or Destroyed Non-conformities" provisions of this section in subsection 4. above.
2. The applicant shall be responsible to provide clear and convincing evidence that the non-conformity 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.

F. Changes from One Non-Conforming Use to Another.

1. Once changed to a conforming use, a structure or land shall not revert to a non-conforming use.
2. A non-conforming use may be changed to a different non-conforming 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 non-conforming retail store use to another retail store use or from one lawful non-conforming 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 non-conforming 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 non-conforming 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 non-conforming use shall not be changed to a non-conforming Adult Use.
- G. District Changes. Any uses, structures or lots that become non-conforming because of a Zoning District change shall be regulated under this Section on non-conformities.
- H. Voluntary Replacement of a Non-conforming Structure. A non-conforming structure may be partially or completely replaced with a new non-conforming structure if the following requirements are all met:
  1. A building permit shall be issued within a maximum of 6 months after the building is demolished; and
  2. A new non-conformity shall not be created and any existing non-conformity shall not be made more serious or increased. For example, a vehicle garage with a non-conforming setback may be replaced with a new garage with the same setback on the same side.

1305. **Dumpster Screening and Location.**

- A. Site plans submitted to the Township shall show the proposed location of any garbage dumpsters. The Zoning Officer may require that such proposed location be modified to provide compatibility with nearby dwellings, such as to maintain a minimum 70 feet setback from any dwelling.
- B. The Township Staff may issue a permit to place a temporary dumpster within a street right-of-way where necessary for on-site work, provided such dumpster does not obstruct traffic or safe sight distances. A maximum time period shall be established on the permit.
- C. If a garbage dumpster is not stored within a building, then it shall be screened from view of any public street or dwelling by decorative masonry wall or weather-resistant solid board fence, with a mostly-solid gate.

1306. **Portable Storage Containers.**

- A. This section shall apply to a portable storage container that is kept outside of a building and which has a length greater than 10 feet and which is not currently attached to a motor vehicle or railroad and which is not part of a permitted industrial use on the same lot.
- B. The following regulations shall apply on a principally residential lot:
  1. A portable storage container shall not be kept on a principally residential lot for a total of more than 2 months in any calendar year, unless it is being used as part of an active construction permit for the lot. A temporary zoning permit shall be required if the portable storage container is kept on the lot for more than 30 days.
  2. A maximum of one portable storage container shall be allowed per lot. A mobile home, trailer or a portion of a vehicle shall not be used as a portable storage container on a residential lot.
- C. On a lot that is not a principally residential lot, any portable storage container that is kept on a lot for more than 30 days shall meet the setbacks that apply to a principal building, unless the container is necessary to temporarily hold materials for active on-site construction.
- D. The following shall apply to any portable storage container:
  1. The container shall not obstruct safe sight distances at intersections.
  2. The container shall not obstruct travel lanes of a street or a public sidewalk, unless specifically authorized by a Township permit where there is no alternative.
  3. The container shall only be allowed to be placed within a street right-of-way if a permit

for such placement is issued by the Township. Such permit shall specify a maximum number of days during which the container may be placed within the right-of-way.

4. The container shall not be used to store hazardous, explosive or toxic substances or putrescent garbage.
5. A facility that stores portable storage containers that have been leased by others or are available for lease shall be considered a warehouse.

1307. **Green Incentives.** (not applicable to solar farms)

- A. See Section 505 regarding solar dimensional provisions. That section allows some flexibility in dimensional requirements.
- B. See Section 502, which allows solar energy collection devices to exceed the maximum height.
- C. If a building or parking structure includes an approved "Green Roof", the area covered by the Green Roof may exceed allowed maximum building coverage, up to a maximum increase of 20 percent. For example, if a District includes a maximum 30 percent building coverage, and a building footprint equal to 20 percent of the lot is covered by a green building roof, then the maximum total allowed building coverage shall be 50 percent. In such example, an area equal to a minimum of 20 percent of the lot area would need to be covered by a green roof, but not the entire building roof.
  1. In order to be considered a "Green Roof," such area shall be exposed to direct sunlight at noon-time and shall be covered with vegetation that is designed to absorb stormwater runoff. Vegetation shall be planted in soil or other growing material with a minimum of 4 inches of depth. Up to 10 percent of an area of a Green Roof may include walkways or skylights. If such vegetation dies, it shall be required to be replaced within 150 days.
- D. See the definition of "Lot Coverage." The maximum lot coverage of a lot or a tract may be increased by up to 10 percent of the lot area, if a corresponding land area is covered by Township- approved pervious pavement.
  1. For example, if a lot includes 10,000 square feet, and has a 50 percent maximum lot coverage requirement, and the lot will include 1,000 square feet of pervious pavement, then a maximum of 6,000 square feet of the lot may be covered as lot coverage instead of 5,000 square feet. In such example, 5,000 square feet of the lot could be covered with building roofs and paving surfaces that are impervious.
- E. This subsection "E" applies if the applicant proves that a new building will be "Certified" or meets a higher standard under the published standards of the Leadership in Energy and Environmental Design (LEED) Certified building, following the latest published standards of the U.S. Green Building Council or its successor entity for New Construction or Building Rehabilitation. In such case, the Certified building may exceed maximum building coverage and/or the maximum lot coverage by 10 percent for the lot. This incentive may not be added on top of the other building and lot coverage incentives in this Section.
  1. The applicant is required to have a LEED-certified professional provide a statement in writing to the Township at each of the following times: a) the land development application, b) at the time of the building permit application and c) at a point half-way through construction. Such statement shall provide a professional opinion that the project will be able to meet the LEED Certification, and specifying the point system that will be used.

2. If a building fails to meet the requirements for LEED Certification after occupancy, the Zoning Officer shall have the authority to require that the current building owner make sufficient changes to the building and submittals to obtain the intended certification.
- F. Applicants are encouraged to provide an electric recharging station for electric motor vehicles, particularly if the use involves a total of 100 or more vehicle parking spaces. Such electric recharging stations shall be permitted by right in all Zoning Districts and may take the place of required parking spaces.

## **ARTICLE 14**

### **ADMINISTRATION**

1401. **Applicability of This Ordinance.** This Zoning Ordinance shall apply throughout East Hanover Township. Any activity regulated by this Ordinance shall only occur in such a way that conforms with the regulations of this Ordinance.
1402. **Purposes and Community Development Objectives.** This Ordinance is hereby adopted:
- A. in accordance with the requirements and purposes (including Sections 604 and 605 or their successor section(s), which are included by reference) of the Pennsylvania Municipalities Planning Code (“the MPC”), as amended,
  - B. to carry out the following major community development objectives:
    - 1. to serve the goals and objectives of the East Hanover Township and Lower Dauphin Region Comprehensive Plans, which are hereby included by reference, and the goals of the Dauphin County Comprehensive Plan,
    - 2. to conserve environmentally sensitive lands,
    - 3. to promote traditional styles of development and strong neighborhoods,
    - 4. to provide compatibility between various types of and uses, and encourage compatible mixes of uses,
    - 5. to provide for a variety of residential densities and housing types,
    - 6. to direct industrial development and intensive commercial development to locations that will minimize conflicts with homes,
    - 7. to promote new business development in appropriate areas that will provide additional tax revenue and job opportunities, and
    - 8. to promote pedestrian-friendly and bicycle-friendly patterns of development.
1403. **Permits and Certificates.**
- A. **Applicability.**
    - 1. Any of the following activities, or any other activity regulated by this Ordinance, shall only be carried out in conformity with this Ordinance, and shall need a zoning permit:
      - a. Erection, construction, movement, placement or extension of a structure, building or sign, including but not limited to a fence or wall that is more than 3 feet in total height,
      - b. Change in the type of use of a structure or land, or expansion of a use,
      - c. Creation of a lot or alteration of lot lines,
      - d. Creation of a new use, including accessory uses, such as but not limited to porches, concrete pads, patios, pergolas, sheds, pools, and others.
      - e. Demolition of a principal building, or partial demolition of the exterior of a principal building, if that building is regulated under Article 8,
      - f. Site Alterations or Mineral Extraction as defined by Section 1502, and/or
      - g. Construction of a motor vehicle driveway, parking pad or parking lot.
    - 2. Zoning Permit. A Zoning Permit indicates that a zoning application complies with this Ordinance, to the best knowledge of the applicable Township Staff.
      - a. A Zoning Permit is required to be issued prior to the start of any of the activities

regulated by subsection "A.1." above.

- b. The Township may, at its option, issue combined or separate Construction Permits and Zoning Permits and/or may utilize a single or separate applications for such permits.
  - c. Both principal and accessory uses and structures shall need a zoning permit, except that the Township may not require an individual zoning permit for accessory uses that are customarily incidental to a principal use that has received a zoning permit.
3. Certificate of Occupancy.
- a. Prior to occupancy of a new or expanded building, or in the change of the type of use of a building, a Certificate of Occupancy may be required under the Uniform Construction Codes (UCC).
  - b. The Township Staff may require that a Certificate of Occupancy be delayed or that only a temporary conditional Certificate of Occupancy be issued if there are outstanding ordinance compliance issues.
- B. Repairs and Maintenance. Ordinary repairs and maintenance to existing structures that do not involve an expansion or change of a use or structure or other activity regulated by this Ordinance shall not require a Zoning Permit. (However, a Construction Permit may be needed for such work.)
- C. Types of Uses.
1. Permitted by Right Uses. The Zoning Officer shall issue a permit under this Ordinance in response to an application for a use that is "permitted by right" if the application meets all of the requirements of this Ordinance.
  2. Special Exception Use. This type of use requires a written approval by the Zoning Hearing Board following a hearing under Section 1416.
  3. Conditional Use. This type of use requires a written zoning approval by the Board of Supervisors under Section 1417.
- D. Applications.
1. Submittal. All applications for a Zoning Permit or a decision by the Zoning Hearing Board shall be made in writing on a form provided by the Township. Such completed application, with required fees, shall be submitted to a designated Township staff-person.
  2. Site Plan. The applicant shall submit a minimum of 2 copies of a site plan with the application if the application involves a new building, expansion of a building or addition of parking spaces. The site plan shall be drawn to scale and show the following:
    - a. locations, dimensions and uses of existing and proposed structures, parking and loading areas, and locations of existing and proposed uses of areas of land, with existing features clearly distinguished from proposed features,
    - b. notes showing the dimensions of all buildings from lot lines and street rights-of-way,
    - c. locations of any watercourses and any floodplain areas regulated by the Township Floodplain Ordinance,
    - d. proposed lot areas, lot widths and other applicable dimensional requirements,
    - e. locations and widths of existing and proposed sidewalks,

- f. the proposed septic system location and an approved replacement area, and isolation distances from any well, as applicable, and
  - g. a north arrow and scale.
3. Additional Information. Any application under this Ordinance shall include the following information, unless the Zoning Officer determines such information is unnecessary to determine compliance with this Ordinance:
- a. the address of the lot,
  - b. name, mailing address and daytime phone number of the applicant, and of the owner of the property if different from the applicant, and of a person (such as an attorney, contractor, architect or engineer) who is serving as an agent for the applicant on this project, as well as email addresses if available,
  - c. if the applicant is not the landowner of record, information shall be presented with the application, such as an agreement of sale or lease or a signed letter from the landowner, to demonstrate that the applicant has the legal right to make the application,
  - d. a description of the existing and proposed use(s) of the property, with the proposed use described in sufficient detail for the Zoning Officer to determine compliance with this Ordinance,
  - e. all other applicable information listed on the official Township application form,
  - f. if the applicant is incorporated, the legal name and day telephone number and mailing address of at least one primary officer of the organization/corporation,
  - g. such additional information that the Zoning Officer may determine is reasonably necessary to determine compliance with this Ordinance,
  - h. a listing of all conditional uses, special exception approvals and/or variances which the applicant is requesting, and/or a description with a date of any such relevant approvals that were previously granted for the property, and
  - i. signed acknowledgment of the application by the applicant.
4. Submittals to the Board. In addition to the information listed in parts "2." and "3." above, an application requiring a site plan and action by the Zoning Hearing Board or conditional use shall also include the following information, unless the Zoning Officer determines that such information is unnecessary to determine compliance with this Ordinance:
- a. the present Zoning District and major applicable lot requirements,
  - b. for a non-residential use:
    - (1) a description of the proposed non-residential operations and storage in sufficient detail to indicate potential nuisances and hazards regarding noise, large truck traffic, glare, odors, dust, fire or toxic or explosive hazards or other significant public health and safety hazards,
    - (2) a list of the maximum hours of operation,
  - c. a listing of any sections of this Ordinance for which a variance is being requested, with the reasons for such request,
  - d. approximate locations of principal buildings and locations of streets and alleys and Zoning District boundaries within 100 feet of the boundaries of the tract, and description of uses of adjoining properties (such as "drug store" or "single family

detached dwelling"),

- e. information on proposed exterior lighting,
  - f. name and address of person who prepared the site plan, and
  - g. such additional information required under applicable sections of this Ordinance.
5. Ownership. No person other than a "landowner" or their specifically authorized agent or a tenant or lessee with written authority or permission of the landowner shall submit a zoning application (see definition of "landowner" in Article 15, which includes an equitable owner).
  6. Site Plan Review. If the Zoning Officer determines that an application will have significant impacts upon surrounding properties or will involve complex site plan matters, the Zoning Officer may offer the Site Plan for review by the Planning Commission and/or Board of Supervisors. In such case, the applicant may be required to submit additional copies of the site plan to the Zoning Officer in advance of the meeting. The Supervisors or Planning Commission may provide advice to the Zoning Officer concerning ordinance matters, as well as advisory comments to the applicant.
    - a. This process is primarily designed for situations when a Land Development Plan will not be required under the Subdivision and Land Development Ordinance, or when zoning approval matters are intended to be addressed prior to the Land Development Plan submittal.

E. Issuance of Permits.

1. The zoning permit and construction permit involve two different sets of regulations. Any zoning permit is issued with an automatic condition that the applicant must also meet all applicable Construction Codes.
  - a. A Zoning Permit application for a permitted by right use shall be approved or disapproved within a maximum of 45 days of receipt of a complete application that complies with this Ordinance. All zoning permits are issued conditioned upon compliance with other Township requirements. This time limit shall not apply if the Zoning Officer determines that additional information needs to be submitted, or that a variance or other Township approval is needed to allow the application to occur as submitted.
2. At least one copy of each zoning permit application and any other zoning approval shall be retained in Township files.
3. PennDOT Permit. Where necessary for access onto a State road or work within a State right-of-way, a Township zoning permit shall be automatically conditioned upon issuance of a PennDOT Highway Occupancy Permit.
4. The Township may delay the final issuance of a Construction or Occupancy Permit until a required PennDOT Highway Occupancy Permit has been issued, any required subdivision and land development approval has been obtained, a new lot has been recorded, and/or erosion and sedimentation control approvals have been obtained.
5. Compliance with Subdivision and Land Development Ordinance (SALDO). If an application under this Ordinance would also be regulated by the SALDO, then any permit or approval under this Zoning Ordinance shall automatically be conditioned upon compliance with the SALDO. See the definitions of "Land Development" and "Subdivision" in the SALDO.

F. Revocation of Permits; Appeal of Permit or Approval.

1. Revocation. The Zoning Officer shall revoke, withhold or suspend a permit or approval issued under the provisions of the Zoning Ordinance in case of one or more of the following:
  - a. a material false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based; (Note: The Pennsylvania Criminal Code provides for penalties for providing false information to a municipal employee in the carrying out of his/her duties.)
  - b. upon violation of any condition lawfully imposed a special exception use approval, conditional use approval, variance or subdivision or land development approval;
  - c. any work being accomplished or use of land or a structure in such a way that does not comply with this Ordinance or an approved site plan or approved permit application; and/or
  - d. for any other just cause set forth in this Ordinance.
2. Appeals. A party with legitimate standing, or as otherwise provided by State law, may appeal decisions and determinations under this Ordinance within the provisions of the Pennsylvania Municipalities Planning Code (MPC), provided that the time periods for such appeals in the MPC are met. (As of the adoption date of this Ordinance, such provisions were primarily in Sections 914.1 and 1002.A.).

G. Zoning Permit for Temporary Uses and Structures.

1. Temporary Uses.
  - a. A Zoning Permit for a temporary use or structure may be issued for customary, routine and accessory short-term special events, provided that:
    - (1) Only an established nonprofit organization, governmental agency or a permitted place of worship proposing a temporary use to clearly primarily serve a charitable, public service or religious purpose or a Township-sponsored festival or Township-sponsored special event shall be eligible to receive approval for commercial-type activities in a District where a commercial use would not otherwise be permitted;
    - (2) Such total events in a residential district shall each be limited to a maximum of 10 total days per calendar year (except for activities sponsored by the Township of East Hanover); and
    - (3) The Zoning Officer may require that the applicant prove that sufficient parking, sanitary facilities, emergency access, refuse collection, and traffic control will be available for the special event.
  - b. A Zoning Permit may be issued for temporary storage and office trailers that are necessary to serve on-site construction, while such construction is actively underway under a valid Township permit.
  - c. In addition, Christmas Tree sales shall be permitted by right in Commercial and Industrial Districts, and on property owned by the Township with permission of the Township, or as an accessory use to a Place of Worship.
  - d. The Township may also approve the construction of a model home, which is used as a sales office in a development, provided the building is converted to a dwelling



when the development is complete. Alternatively, a modular sales office may be allowed by the Township, provided it is removed completely when the development is complete.

- e. Portable Storage Containers – See Section 1307.
  - f. Tents shall meet setbacks that apply to accessory uses and shall not obstruct safe sight distances.
    - (1) Tents within commercial districts are permitted to be erected for no longer than 60 total days per calendar year.
    - (2) Tents within non-commercial districts are permitted to be erected for no more than 20 total days per calendar year.
  - g. Accessory Retail Sales of the following items that were grown by a resident of the same property are allowed in any district: fruits (and their juices), vegetables (and their juices), flowers, plants, herbs and spices.
  - h. Garage sales are allowed as provided in Article 1306.
2. Time Period. The Zoning Officer shall state a reasonable maximum time period on the temporary permit. If no time limit is stated, then a 7 day maximum period shall apply. A temporary permit may be renewed for just cause, and may be issued for more than one year for a recurring event.
3. Temporary Commercial Sales.
- a. Except as may otherwise be allowed by subsection “1.a.” above or other sections of this Ordinance, a lot shall only be used for temporary commercial sales if all of the following conditions are met:
    - (1) The property shall be located within a Zoning District that allows such use.
    - (2) No more than 5% of the off-street parking spaces that are required to serve occupied permanent uses shall be obstructed by the temporary use.
    - (3) Any signs visible from a public street shall comply with this Ordinance.
    - (4) If food or beverages are sold that are not pre-packaged, the applicant shall prove compliance with State health regulations, including having on-site facilities for workers to wash their hands.
    - (5) A zoning permit shall be required from the Township, which shall be displayed while the activity is open for business.
    - (6) The use shall not obstruct safe sight distances at intersections and driveways.
    - (7) The operator of any fireworks sales use shall make any area, structure, tent or vehicle used for fireworks sales or storage available for regular inspection by local police, codes and fire officials.
    - (8) Electric generators that generate noise heard inside a dwelling on another lot and tanks of explosive substances shall not be placed within 100 feet of a dwelling.
  - b. This subsection “G.3.” shall not regulate temporary vendors who are authorized to operate during a Township-sponsored parade or festival.
4. Food Trucks. See Section 603.

1404. **General Procedure for Permits.**

- A. After receiving a proper application, the Zoning Officer shall either: 1) issue the applicable permit(s) or 2) deny the application(s) as submitted, indicating one or more reasons.
- B. After the permit under this Ordinance has been issued, the applicant may undertake the action specified by the permit, in compliance with other Township Ordinances. However, it is recommended that applicants wait 30 days to begin construction if there is a possibility of an appeal by another party to have the permit revoked. Any commencement of construction or a use within this 30 day appeal period shall be at the risk of the applicant.

1405. **Interpretation and Uses Not Regulated.**

- A. Minimum Requirements. Where more than one provision of this Ordinance controls a particular matter, the provision that is more restrictive upon uses and structures shall apply. The provisions of this Ordinance are in addition to any other applicable Township Ordinance.
- B. Uses Not Specifically Regulated. See Section 205.
- C. Interpretation of Ordinance Text and Boundaries.
  - 1. The Zoning Officer shall literally apply the wording of this Ordinance and the location of all District boundaries to particular applications. In any case, the Zoning Officer may also request an advisory opinion from the Township Solicitor's Office to aid in the Zoning Officer's determination.
  - 2. If an applicant disagrees with the Zoning Officer's determination and believes that the Ordinance should be interpreted in the applicant's favor, the applicant may appeal to the Zoning Hearing Board. See Section 1411.
- D. Undefined Terms/ Interpretation of Definitions. See Section 1502.

1406. **Enforcement, Violations and Penalties.** All of the enforcement, violations and penalty provisions of the Pennsylvania Municipalities Planning Code (MPC), as amended are hereby incorporated into this Ordinance by reference. (Note - As of the adoption date of this Ordinance, these provisions were primarily in Sections 616.1, 617 and 617.2 of such Act.)

- A. Violations. Any person who shall commit or who shall permit any of the following actions violates this Ordinance:
  - 1. Failure to secure a zoning permit prior to any of the following: a change in accessory or principal use of land or structure, or the erection, construction or alteration of any principal or accessory structure or portion thereof, or the placement of a sign, or a change in the area of a use or the land coverage or setback of a use, or the excavation or grading of land to prepare for the erection, construction or alteration of any structure or portion thereof;
  - 2. Placement of false statements on or omitting relevant information from an application for a zoning permit;
  - 3. Undertaking any action in a manner which does not comply with a zoning permit;
  - 4. Violation of any condition imposed by a decision of the Zoning Hearing Board in granting a variance or special exception or other approval; or
  - 5. Violation of any condition imposed by a decision of the Board of Supervisors in granting a conditional use or other approval; or
  - 6. Violation of any condition imposed by a decision of a court of competent jurisdiction, where such court has granted zoning approval with conditions.
- B. Enforcement Notice. If the Township has reason to believe that a violation of a provision of

the Zoning Ordinance has occurred, the Township shall initiate enforcement proceedings by sending an enforcement notice as provided in Section 616.1 of the MPC. Prior to sending an official enforcement notice, the Zoning Officer may at his/her option informally request compliance.

C. Time Limits. An official enforcement notice shall state the deadline to complete bringing the property into compliance with this Ordinance, and shall state that the applicant has 30 days from the receipt of the notice to appeal to the Zoning Hearing Board. The denial of a conditional use, special exception use or variance may also be appealed to the County Court.

D. Causes of Action; Enforcement Remedies. The Causes of Action and Enforcement Remedies provisions of the MPC are hereby incorporated by reference. (Note - As of the adoption date of this Ordinance, such provisions were in Section 617 of such law.)

1. Violations and Penalties. Any person who has violated or permitted the violation of the provisions of this Ordinance shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than five hundred dollars plus all court costs, including the reasonable attorney's fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the Magisterial District Judge. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless a Magisterial District Judge who determined that there has been a violation further determines that there was a good faith basis for the person violating this Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the Magisterial District Judge, and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney's fees collected for the violation of this Ordinance shall be paid over to the Township for the general use of the Township. Imprisonment is not authorized under this Ordinance.

2. Remedies. In case any building, structure, sign or landscaping is erected, constructed, reconstructed, altered, repaired, converted or maintained; or any building, structure, sign or land is used; or any hedge, shrub, tree or other growth is maintained in violation of this Ordinance or of any of the regulations made pursuant thereto or any of the permits or certificates of use and occupancy issued under this Ordinance or any conditions imposed upon the grant of a special exception or variance by the Zoning Hearing Board or upon the grant of a conditional use, then, in addition to any other remedies provided by law, any appropriate action or proceeding may be instituted or taken to prevent or restrain such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use or to prevent any illegal act, conduct, business or use in and about such premises.

E. Enforcement Evidence. In any appeal of an enforcement notice to the Zoning Hearing Board, the Township shall have the responsibility of presenting its evidence first.

1407. Fees. A Township fee schedule for permits and applications may be established, which may be amended by ordinance or written resolution of the Board of Supervisors. No application or appeal shall be considered filed until all fees are paid.

1408. **Amendments to this Ordinance.** Within the requirements of the MPC, the Board of Supervisors may amend, or repeal any or all portions of this Ordinance on: 1) its own motion or 2) after agreeing to hear a written request of any person, entity, landowner or the Planning Commission.
1409. **Curative Amendments.** The applicable provisions of the MPC shall apply. (Note: As of the adoption date of this Ordinance, these provisions were primarily in Sections 609.1, 609.2 and 916.1 of such Act.)
1410. **Zoning Officer.**
- A. **Appointment.** The Zoning Officer(s) shall be appointed by a majority vote of the Board of Supervisors. The Township Manager may designate other Township Staff-persons to serve as Assistant Zoning Officer(s). Assistant Zoning Officers may serve with the same authority and duties as the Zoning Officer, under the direction of the Zoning Officer. The Zoning Officer shall not hold any elective office within the Township, but may hold other appointed offices.
- B. **Duties and Powers.** The Zoning Officer's duties and powers shall include the following:
1. administer the Zoning Ordinance in accordance with its literal terms, including to receive and examine all applications required under the terms of this Ordinance, and issue or refuse permits within the provisions of this Ordinance;
  2. conduct inspections to determine compliance, and receive complaints of violation of this Ordinance;
  3. keep records of applications, permits, certificates, written decisions, and variances granted by the Zoning Hearing Board, and of enforcement orders, with all such records being the property of the Township and being available for public inspection;
  4. review proposed subdivisions and land developments for compliance with this Ordinance;
  5. take enforcement actions as provided by the MPC, as amended;
  6. maintain available records concerning non-conformities, provided that the Township is not required to document every non-conformity; and
  7. serve such other functions as are provided in this Ordinance.
1411. **Zoning Hearing Board Actions and Variances.**
- A. **Membership of Board.** The Zoning Hearing Board shall consist of 5 residents of the Township appointed by a majority vote of the Board of Supervisors. The existing terms of office of existing members shall continue. The terms of office shall be 5 years for newly appointed members, except that the two initial new members shall have initial terms to meet the requirement of one term expiring each year. The terms shall be fixed that the term of office of one member shall expire each year. Members of the Board shall hold no other office in the Township and shall not be employed by the Township in another capacity.
1. **Alternate Members.** Board of Supervisors may appoint alternate members of the Zoning Hearing Board, within the applicable provisions of the MPC, and who shall serve as provided in such law. (Note: As of the adoption date of this Ordinance, such provisions were in Section 903(b) of such Act).
  2. **Expenditures.** Within the maximum amount of funds appropriated by the Board of Supervisors, the Zoning Hearing Board may employ or contract for secretaries, legal

counsel, and other technical and clerical services. Board of Supervisors may by resolution authorize compensation for members and alternate members for the performance of their duties.

- B. Vacancies. Appointments to fill vacancies shall be only for the unexpired portion of a term.
- C. Organization. The applicable provisions of the MPC shall apply. (As of the adoption date of this Ordinance, these provisions were in Sections 906(a), (b) and (c) of such Act).
- D. Zoning Hearing Board Jurisdiction and Functions. The Zoning Hearing Board shall be responsible for the following:
  - 1. Appeal of a Decision by the Zoning Officer.
    - a. The Board shall hear and decide appeals where it is alleged by an affected person, entity or the Board of Supervisors that the Zoning Officer has improperly acted under the requirements and procedures of this Ordinance.
    - b. See time limitations for appeals in Section 1411.
  - 2. Challenge to the Validity of the Ordinance or Map. The applicable provisions of the MPC shall apply. (Note: As of the adoption date of this Ordinance, these provisions were primarily in Sections 909.1 and 916 of such Act).
  - 3. Variance.
    - a. The Board shall hear requests for Variances filed with the Township Staff in writing on the official Township application form. The Township Planning Commission may be provided with an opportunity to review a zoning variance application that affects a use variance or major site plan issues. However, action by the Zoning Hearing Board is not required to be delayed to allow time for a Planning Commission review.
    - b. Standards. The Board shall only grant a variance within the limitations of State law. As of the adoption date of this Ordinance, the MPC provided that all of the following findings must be made, where relevant:
      - (1) There are unique physical circumstances or conditions (including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property) and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this Ordinance in the neighborhood or District in which the property is located;
      - (2) Because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and a Variance is therefore necessary to enable the reasonable use of the property;
      - (3) Such unnecessary hardship has not been created by the appellant;
      - (4) The Variance, if authorized, will not alter the essential character of the neighborhood or District in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare; and
      - (5) The Variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the

regulation in issue.

- c. In granting any Variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance.
  - d. A variance runs with the property, and can apply to future owners of the property. A variance applies in perpetuity, unless it is limited by a condition of the Zoning Hearing Board. A variance cannot be transferred to a different property.
4. Special Exception. See Section 1416.
- a. The Board shall hear and decide requests for all Special Exceptions filed with the Township Staff in writing. The Board shall only permit a special exception that is authorized by this Ordinance.
  - b. A special exception runs with the property, and can apply to future owners of the property.
5. Persons With Disabilities. After the Zoning Officer receives a complete written application, the Zoning Hearing Board shall grant a special exception allowing modifications to specific requirements of this Ordinance that the applicant proves to the satisfaction of the Zoning Hearing Board are required under applicable Federal law to provide a "reasonable accommodation" to serve persons who the applicant proves have "disabilities" as defined in and protected by such laws.
- a. Such reasonable accommodations shall be requested in accordance with the U.S. Fair Housing Act Amendments and/or the Americans with Disabilities Act, as amended.
  - b. If the applicant is requesting a reasonable accommodation under the United States Fair Housing Amendments Act or the Americans with Disabilities Act, the applicant shall identify the disability which is protected by such statutes, the extent of the modification of the provisions of this Ordinance necessary for a reasonable accommodation, and the manner by which the reasonable accommodation requested may be removed when such person(s) with a protected disability no longer will be present on the property.
  - c. Any modification approved under this Section may be limited to the time period during which the persons with disabilities occupy or utilize the premises.
6. The Zoning Hearing Board shall also hear any other matters as set forth in the MPC. (Note: As of the adoption date of this Ordinance, such provisions were primarily within Section 909.1 of such law.)
- E. Time Limits for Appeals. The applicable provisions of the MPC shall apply. (Note: As of the adoption date of this Ordinance, these provisions were in Section 914.1 of such Act.)
- F. Stay of Proceedings. The Stay of Proceedings provisions of the MPC shall apply. (Note: As of the adoption date of this Ordinance, such provisions were in Section 915.1 of such Act.)
- G. Time Limits on Permits and Approvals.
1. After a Variance is approved or other zoning approval (such as special exception or conditional use approval) is officially authorized, then any applicable zoning and construction permits shall be secured by the applicant within 18 months after the date of such approval or authorization. The work authorized by zoning permits shall then be completed within the time period specified in construction permits. If construction permits are not required, then the work shall be completed within 18 months after

issuance of a zoning permit, unless an extension is granted under subsection "b." below.

- a. However, if a Variance is approved to address a violation of this Zoning Ordinance, then the permit shall be acquired and the work completed within 6 months after the variance is approved.
  - b. The Zoning Hearing Board or Board of Supervisors may provide for a differing time period in their approval, such as to allow time for a phased project to be completed.
2. Extension. In response to an applicant stating good cause in writing, the Zoning Officer may extend in writing the time limit for completion of work under a zoning permit.
  3. If an applicant fails to obtain the necessary permits or fails to begin construction within the above time periods, or allows interruptions in substantial construction of longer than 12 months, the Zoning Officer shall conclusively presume that the applicant has withdrawn or abandoned approvals, variances and permits under this Ordinance and all such approvals, variances and permits shall be deemed rescinded by the Township.
- H. Multiple Applications. No more than one application for the same portions of the same property shall be pending before the Zoning Hearing Board for special exception approval at any time.

1412. **Zoning Hearing Board Hearings and Decisions**. The following requirements shall apply to procedures, hearings and decisions of the Zoning Hearing Board.

- A. Notice of Hearings. Notice of all hearings of the Board shall be given as follows:
1. Ad. Public Notice shall be published, as defined by Section 107 of the MPC. The notice shall state the time and place of the hearing and the particular nature of the matter to be considered and the affected street address.
  2. Posting. Notice of such hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing. The Township Staff shall post the property, unless specific provisions are made in advance for an applicant to do the posting. The applicant shall make a good faith effort to make sure that such notice remains posted until the hearing.
  3. Persons Given Notice. The Township shall provide written notice to the Applicant of the time and place of the hearing. The Township should also provide notice to the Chairperson of the Board of Supervisors and to the primary last known owner of each lot that is abutting or immediately across a street, alley or railroad from the subject lot. Failure to provide such notice shall not be grounds for an appeal or delay. Also, such notice shall be given to any other person or group (including civic or community organizations) who has made a written timely request for such notice. Any such notices should be provided to the last known address.
- B. Initiation of Hearings. A hearing required under this Ordinance shall be initiated within 60 days of the date of an applicant's request for a hearing, unless the applicant has agreed in writing to an extension of time.
- C. Decision/Findings.
1. The Board shall render a written decision on each application within 45 days after the last hearing on that application before the Board, unless the applicant has agreed in writing to an extension of time.
  2. Where the application is contested or denied, the decision shall be accompanied by

findings of fact and conclusions based thereon, together with the reasons for such conclusions.

3. References shall be provided to the most pertinent section(s) of this Ordinance and/or the MPC.
  - D. Notice of Decision. A copy of the final decision or, where no decision is called for, of the findings, shall be provided to the applicant. (Note: As of the adoption date of this Ordinance, such provisions were within Sections 908(9) and 908(10) of such Act, including provisions regarding notice to other parties).
  - E. See also Section 908 of the MPC.
1413. **Appeals to Court**. The provisions for appeals to court that are stated in the MPC shall apply. (Note: As of the adoption date of this Ordinance, these provisions were in Sections 1001-A, 1002-A, 1003-A, 1004-A, 1005-A and 1006-A of such Act.)
1414. **Limited Public Utility Exemptions**. See the provisions of the MPC. (Note: As of the adoption date of this Ordinance, such provisions were within Section 619 of such Act.)
1415. **Township and Municipal Authority Exemption**. This Zoning Ordinance shall not apply to uses or structures owned by East Hanover Township or by a municipal authority created solely by the Township of East Hanover for uses and structures that are intended for a municipal, water supply, sewage, stormwater, public recreation, emergency service, emergency communication, public health and safety, or similar governmental purpose.
1416. **Special Exception Use Process**.
- A. Purpose. The Special Exception Process is designed to allow careful review of uses that have some potential of conflicts with adjacent uses or areas.
  - B. Special Exception Procedure.
    1. A Site Plan shall be submitted, which shall contain the information required in Section 1403(d). If a fully engineered subdivision or land development plan will be required, it may be submitted separately, such as after a special exception is approved.
    2. The Zoning Officer should provide a review to the Zoning Hearing Board regarding the compliance of the application with this Ordinance.
    3. The Zoning Hearing Board shall follow the procedures provided in Section 1412.
    4. Time Limits. See Section 908 of the MPC.
    5. The Township Planning Commission may be provided with an opportunity to review a special exception application. However, action by the Zoning Hearing Board shall not be delayed by a Planning Commission review.
  - C. Consideration of Special Exception Applications. When special exceptions are allowed by this Ordinance, the Zoning Hearing Board shall hear and decide requests for such special exceptions in accordance with standards established by this Ordinance, including the following:
    1. Compliance with this Ordinance. The applicant shall establish by credible evidence that the application complies with all applicable requirements of this Ordinance. The applicant shall provide the Board with sufficient plans, studies or other data to demonstrate this compliance.
    2. Compliance with Other Laws. The approval may be conditioned upon the applicant later



showing proof of compliance with other specific applicable Township, state and federal laws, regulations and permits. Required permits or other proof of compliance may be required to be presented to the Township prior to the final issuance of any zoning permit, construction permit, certificate of occupancy and/or recording of an approved plan.

3. Traffic. The applicant shall establish that the traffic from the proposed use will be accommodated in a safe and efficient manner that will minimize hazards and congestion, after considering any improvements proposed to be made by the applicant as a condition on approval.
  4. Site Planning. The application shall include proper site layout, internal circulation, parking, buffering, and all other elements of proper design as specified in this Ordinance.
  5. Neighborhood. The proposed use shall not substantially negatively change the character of any surrounding residential neighborhood, after considering any proposed conditions upon approval such as limits upon hours of operation.
  6. Safety. The proposed use shall not create a significant hazard to the public health and safety, such as fire, toxic or explosive hazards.
  7. Natural Features. The proposed use shall be suitable for the site, considering the disturbance of steep slopes, mature woodland, wetlands, floodplains, springs and other important natural features.
- D. Conditions. In granting a special exception, the Board may require such reasonable conditions and safeguards (in addition to those expressed in this Ordinance) as it determines are necessary to implement the purposes of this Ordinance. Conditions imposed by the Zoning Hearing Board shall automatically become conditions of a construction permit issued pursuant thereto, and any failure to comply with said conditions shall be a violation of this ordinance.

1417. **Conditional Use Process**.

- A. The procedures and standards for a conditional use shall be identical to those provided in Section 1416 for a special exception use, except that the words "Zoning Hearing Board" shall be replaced with "Board of Supervisors" and "special exception" shall be replaced with "conditional use."

1418. **Liability**.

- A. Any review of activity within the floodplain, site plan review, subdivision or land development approval, erosion control review, wetland delineation review, storm water runoff review, review of activity on steep slopes, or any other review, approval or permit under this Ordinance by an officer, employee, board, commission, solicitor, consultant or agency of the Township shall not constitute a representation, guarantee or warranty of any kind by the Township, or its employees, officials, boards, solicitor(s), consultants or agencies of the practicality or safety of any structure, use or subdivision, and shall create no liability upon nor a cause of action against such entity or person for any damage that may result pursuant thereto.
- B. If the Zoning Officer mistakenly issues a permit under this Ordinance, the Township shall not be liable for any later lawful withdrawal of such permit.

## ARTICLE 15 DEFINITIONS

1501. **General Interpretation.** For the purposes of this Ordinance, words and terms used herein shall be interpreted as follows:
- A. Words in the present tense shall include the future tense.
  - B. "Used" or "occupied" as applied to any land or building include the words "intended, arranged, or designed to be used or occupied."
  - C. "Should" means that it is strongly encouraged but is not mandatory. "Shall" is always mandatory.
  - D. "Sale" shall also include rental.
  - E. Unless stated otherwise, the singular shall also regulate the plural, and the masculine shall include the feminine, and vice-versa.
  - F. The words "such as," "includes," "including," and "specifically" shall provide examples. These examples shall not, by themselves, limit a provision to the examples specifically mentioned if other examples would otherwise comply with the provision.
  - G. The word "person" includes a firm, company, corporation, partnership, trust, organization or association, as well as an individual.
  - H. If a term is not defined by this Ordinance, but is defined in the Township Subdivision and Land Development Ordinance (SALDO), then such SALDO definition shall apply. If a term is not defined by either ordinance, the term shall have its plain and ordinary meaning, within the context of the provision. A standard reference dictionary may be consulted by the Zoning Officer.
1502. **Terms Defined.** When used in this Ordinance, the following words, terms and phrases shall have the following meanings, unless expressly stated otherwise or unless the context clearly indicates otherwise:

Abandonment. The cessation of the non-conforming use of a property, without a bona fide effort to resume the non-conforming use and without a bona fide effort to sell the property for a non-conforming use.

Abut or Abutting Lot. Areas of contiguous lots that share a common lot line, except not including lots entirely separated by a street, public alley open to traffic, or a perennial waterway. See definition of "adjacent."

Accessory Apartment. One dwelling unit that is created from part of a principal dwelling or in an accessory building.

Accessory Structure (includes Accessory Building). A structure serving a purpose customarily incidental to and subordinate to the use of the principal use and located on the same lot as the principal use. Accessory structures include but are not limited to a household garage, household storage shed, detached carport, a household swimming pool, or an accessory storage building to a business use. An "Accessory Building" is any accessory structure that meets the definition of a "building." A portion of a principal building used for an accessory use shall not be considered

an accessory building.

Accessory Use. A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use.

Adjacent Lot. Two or more lots that share a common lot line or that are separated only by a street, public alley open to the public, or waterway from each other.

Adult Live Entertainment Facility. A use including live entertainment involving persons (which may include, but not be limited to, waiters, waitresses, dancers, clerks, bartenders, contractors or others) displaying uncovered male or female genitals or nude female breasts or engaging in simulated or actual "specified sexual activities" to 3 or more persons, based upon the total number of patrons in the entire use and not just any one room, and which is related to monetary compensation paid to the person or entity operating the use or to persons involved in such activity.

Adult Movie Theater. A use involving the on-site presentation to 3 or more persons at one time of moving images distinguished by an emphasis on depiction of "specified sexual activities" and that is related to monetary compensation paid by the persons viewing such matter.

Adult Store. A use that has over 10% of the total floor area occupied by items for sale or rent that are books, video and other electronic media, periodicals, coin- or token-operated video, paraphernalia or novelties which are distinguished or characterized by a clear emphasis on matter depicting, displaying, describing or relating to uncovered male or female genitals or "specified sexual activities." This shall include but not be limited to materials that would be illegal to sell to persons under age 18 under State law.

Adult Use. This term shall mean Adult Store, Adult Movie Theater, Adult Live Entertainment Facility/Use or Massage Parlor. These terms shall be distinct types of uses, and shall not be allowed as part of any other use.

After Hours Club. A club or commercial use that allows the entry into the premises and the consumption of alcohol by multiple members or customers within the premises after 2 AM and before 6 AM.

Agriculture. The use of land which shall include, but not be limited to: 1) the raising of crops, fruits or vegetables or horticulture, apiculture, floriculture, vitaculture and greenhouse products, 2) the raising and production of livestock and poultry and related dairy and poultry products, including the breeding and grazing of such animals; 3) the management of bees and apiary products; 4) forestry; or 5) portions of a tract devoted to a soil conservation program.

Agriculture, Intensive. See "Livestock and Poultry, Raising of, Intensive."

Alley. A vehicle thoroughfare serving 3 or more lots and which has a cartway of less than 14 feet of pavement, and which typically provides rear or secondary access to the lots.

Alteration. As applied to a structure, a change to or rearrangement of the structural parts or exterior appearance of such structure, or any expansion thereof, whether by extension of any side or by any increase in height, or the moving of such structure from one location to another.

Amusement Arcade. A use involving 15 or more token or coin operated entertainment machines, and where the machines are the principal use of the property. This term shall not include an Adult Use.

Amusement Park. A commercial entertainment use that includes outdoor and/or indoor rides, as well as food sales and related recreation activities, but which does include any "Adult Use."

Animal Cemetery. A place used for the burial of the remains of 5 or more non-cremated animals, other than customary burial of farm animals as accessory to a livestock use.

Animal Day Care. A commercial use that provides activities and supervision for 5 or more dogs at a time, and which may also serve other domestic animals, and which does not primarily provide overnight boarding unless the requirements are also met for a kennel.

Animal Shelter. A type of "Kennel" that serves a non-profit purpose and promotes the adoption of animals.

Antenna. An exterior device or apparatus designed for cellular, digital, telephone, radio, pager, commercial mobile radio, wireless internet, television, microwave or any other wireless communications through sending and/or receiving of electromagnetic waves, including without limitation, omnidirectional or whip antennas and directional or panel antennas. Unless otherwise stated, this term shall not include "standard antenna."

Antenna Height. The vertical distance from the base of the antenna support structure at grade to the highest point of the structure, including any antennas attached thereto or forming a part thereof. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.

Antenna, Standard. A device, partially or wholly exterior to a building, that is used for receiving television or radio signals for use on-site, or for transmitting short-wave or citizens band radio signals. See "Commercial Communications Antenna."

Apartment. See "dwelling types."

Applicant. A landowner or developer, as defined in the Municipalities Planning Code (MPC), who has filed an application for development, including his heirs, successors and assigns.

Assisted Living Facility. Coordinated and centrally managed rental housing including self-contained units designed to provide a supportive environment and to accommodate a relatively independent lifestyle. Such a development may contain a limited number of supportive services, such as meals, transportation, housekeeping, linen and organized social activities for residents and their invited guests. Such a use shall primarily serve persons 55 and older, persons with

physical handicaps and/or the developmentally disabled. Assisted Living Facilities shall be licensed as such by the Commonwealth of Pennsylvania.

Attic. An upper level space of a building that does not meet the standards of a "story."

Auto, Boat and/or Mobile/Manufactured Home Sales. This use is any area, other than a street, used for the outdoor or indoor display, sale or rental of two or more of the following in operable condition: motor vehicles, recreation vehicles, boat trailers, farm machinery, motorcycles, trucks, utility trailers, construction vehicles, boats, or transportable mobile/manufactured homes in a livable condition. This use may include an auto repair garage as an accessory use provided that all requirements of such use are complied with. This use shall not include a mobile/manufactured home park (unless the requirements for that use are also met) or a junkyard. See requirements in Section 602.

Auto Repair Garage. An area where repairs, improvements and installation of parts and accessories for motor vehicles and/or boats are conducted that involves work that is more intense in character than work permitted under the definition of "auto service station." An auto repair garage shall include, but not be limited to, a use that involves any of the following work: major mechanical or body work, straightening of body parts, painting, welding or rebuilding of transmissions. Any use permitted as part of an "auto service station" is also permitted as part of an "auto repair garage." This use shall not include activity meeting the definition of a "truck stop." See requirements in Section 602.

Auto Service Station (or "Gas Station"). An area where gasoline is dispensed into motor vehicles, and where no repairs are conducted, except work that may be conducted that is closely similar in character to the following: sale and installation of oil, lubricants, batteries and belts and similar accessories and safety and emission inspections, and sale of pre-packaged propane. This use may include a "convenience store," provided that all of the requirements for such use are also met. A business that maintains an accessory use of providing motor fuel only for use by vehicles operated by that business shall not, by itself, be considered to be an auto service station. See storage limits and other requirements in Section 602.

Basement. An enclosed level of a building that is not a "story" and that is partly underground.

Bed and Breakfast, Inn. A dwelling and/or its accessory structure which includes the rental of overnight sleeping accommodations and bathroom access for temporary overnight guests, and that meets the maximum number of overnight guests specified in Section 602 for this use, and which does not provide any cooking facilities for actual use by guests, and which only provides meals to overnight guests, employees and residents of the dwelling. Overnight stays shall be restricted to transient visitors to the area, employees and their family. See requirements in Section 602.

Billboard. See Article 12.

Boarding House (Includes "Rooming House"). A residential use in which: a) room(s) that do not meet the definition of a lawful dwelling unit are rented for habitation, or b) a dwelling unit

includes greater than the permitted maximum number of “unrelated persons.” A Boarding House shall not include a use that meets the definition of a Hotel, Dormitory, Motel, Personal Care Center, Bed and Breakfast Inn, Group Home or Nursing Home. A Boarding House may either involve or not involve the providing of meals to residents, but shall not include a Restaurant open to the public unless the use also meets the requirements for a restaurant. A Boarding House shall primarily serve persons residing on-site for 5 or more consecutive days.

Buffer Yard. A strip of land that a) separates one use from another use or feature, and b) is not occupied by any building, parking, outdoor storage or any use other than open space or approved pedestrian pathways. A buffer yard may be a part of the minimum setback distance, but land within an existing or future street right-of-way shall not be used to meet a buffer yard requirement. See Section 1303.

Build-to-Line. A line parallel to the street right-of-way that may be established to require a certain front building setback.

Building. Any structure having a permanent roof and walls and that is intended for the shelter, work area, housing or enclosure of persons, animals, vehicles, equipment or materials and that has a total area under roof of greater than 50 cubic feet. "Building" is interpreted as including "or part thereof." See the separate definition of "Structure." Any Structure involving a permanent roof (such as a covered porch or a carport) that is attached to a Principal Building shall be considered to be part of that Principal Building. A parking structure of two or more levels shall also be considered to be a Building.

Building Coverage. The percentage obtained by dividing the total horizontal area covered by all buildings on a lot by the total lot area of a lot. For the purposes of this definition, building coverage shall include all buildings that are under a roof, except for incidental roof overhangs.

Building Height. The vertical distance from the average of the finished ground level along the front of the building to the maximum height of the highest roof surface. If there is any question about which side is the front of the building, it shall be the side that is closest to a public street. The finished ground level shall not slope away from a building wall in such a manner that it is not possible to position a ladder for fire rescue.

Building Permit. See “Construction Permit.”

Building, Principal. A building used for the conduct of the principal use of a lot, and which is not an accessory building.

Building Width. The horizontal measurement between 2 vertical structural walls that are generally parallel of one building, measured in one direction that is most closely parallel to the required lot width. For attached housing, this width shall be the width of each dwelling unit, measured from the center of each interior party wall and from the outside of any exterior wall. For detached buildings, this width shall be measured from the outside of exterior walls.

Bulk Recycling Center. A use involving the bulk commercial collection, separation and/or

processing of types of waste materials found in the typical household or office for some productive reuse, but which does not involve the actual processing or recycling of hazardous or toxic substances, and which does not primarily involve the processing of non-recycled solid waste, unless the use also meets the applicable requirements for a solid waste transfer facility. This definition shall not include a "junkyard."

BYOB Club. A club or commercial use that is open to customers past the hour of midnight and which involves payment of a membership fee or a cover charge for entry, and which allows customers to bring alcoholic beverages that they consume on the premises. This shall not include a use that derives more than 80 percent of its revenues from the sale of food and non-alcoholic drinks. Such use shall not be open between the hours of 2 AM. and 6 AM. Such use shall not include an Adult Use unless the requirements for an Adult Use are met.

Cemetery. A place used for the burial of 2 or more non-cremated humans.

Certificate of Occupancy. A form signed by an authorized Township official that certifies that the use of the property is in compliance with Township Ordinances, to the best knowledge of such Township official.

Change of Use. The initiation of a use that is in a different use category, as listed on the Use Table, from the existing use of the site or structure. A change of ownership, tenancy, or occupancy, or a change from one use to another within the same category on the Use Tables in Articles 3 and 4, shall not be considered a change of use.

Christmas Tree Farm or Tree Farm. A type of crop farming involving the raising and harvesting of evergreen trees for commercial purposes. This may include the retail sale during November and December of trees that were produced on the premises.

Church. See "Place of Worship."

Clear Cutting. A logging method that removes all trees or the vast majority of trees from a mostly wooded area.

Clear Sight Triangle. An area of unobstructed vision at street intersections defined by the center lines of the streets and by a line of sight between points on their center lines at a given distance from the intersection of the center lines. Within this clear-sight triangle nothing is to be erected, placed, planted or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection. See Section 1303.

Commercial Communications Tower or Antenna. A structure, partially or wholly exterior to a building, used for transmitting or re-transmitting electronic signals through the air, and that does not meet the definition of a "standard antenna." Commercial communications antennae shall include, but are not limited to, antennae used for transmitting commercial radio or television signals, or to receive such signals for a cable system, or to re-transmit wireless telecommunications. A commercial communications tower shall be a structure over 30 feet in height that is primarily intended to support one or more antenna. See standards in Section

602. This term shall not include a "standard antenna."

Commercial District. The NC, HC, CR, IC and IC-1 Districts. The IC and IC-1 districts are both commercial and industrial districts.

Commercial Use. This term includes but is not limited to: retail sales, offices, personal services, auto sales, auto repair garages and other uses of a similar profit-making non-industrial nature. The sale of goods or services from a vehicle on a lot shall also be considered to be a commercial use.

Community Center. A use that exists solely to provide primarily indoor leisure and educational activities and programs and meeting space to members of the surrounding community and/or certain age groups, and which does not involve substantial use of machinery or noise producing equipment. The use also may include the preparation and/or provision of meals to low-income elderly persons, as accessory to leisure activities. This shall not include residential uses or a "treatment center."

Community Garden. An open space area that is used for the cultivation of fruits, flowers, vegetables, or ornamental plants by more than one household.

Conditional Use. A use listed as a conditional use under the Tables of Allowed Uses, and which is only allowed after review by the Township Planning Commission and approval by Board of Supervisors, under Section 1417.

Condominium. A set of individual dwelling units or other areas of buildings each owned by an individual person(s) in fee simple, with such owners assigned a proportionate interest in the remainder of the real estate which is designated for common ownership, and which is created under the Pennsylvania Uniform Condominium Act of 1980 or Uniform Planned Community Act of 1996, as amended.

Conservation Easement. A legal agreement granted by a property owner that strictly limits the types and amounts of development that may take place on such property. Such easement shall restrict the original and all subsequent property-owners, lessees and all other users of the land.

Construction Permit. A permit that is issued by a Township Construction or Codes Official that authorizes the completion of certain work that is authorized under the Uniform Construction Codes.

Contiguous. Next to, abutting or touching and having a boundary, or portion thereof, that is coterminous. To physically touch or border upon, or to share a common property line, but not overlap.

Contiguous Lots. Adjacent parcels of land, including parcels separated by a stream or road.

Convenience Store. A type of retail store that includes less than 10,000 square feet of building floor area and that mainly serves ready-to-eat food and beverages for primarily off-site



consumption, as well as other common household items. This use may also include a gas station if the requirements for such use are also met.

Crop Farming. The raising of products of the soil (including grains and hay) and accessory storage of these products. This term shall include orchards, tree farms, wineries, plant nurseries, raising of fish, greenhouses and keeping of animals in numbers that are routinely accessory and incidental to a principal crop farming use. See "Livestock and Poultry, Keeping Of."

Criminal Halfway House. A use involving any one or a combination of the following:

- A. A use (other than a prison or a State-licensed hospital) providing housing for 3 or more unrelated persons who need specialized housing, treatment and/or counseling because of:
  1. criminal rehabilitation, such as a criminal halfway house; and/or
  2. a type of mental illness or other behavior that causes a person to be a threat to the physical safety of others.
- B. A lot upon which resides 2 or more persons who are required to register their place of residence with the Pennsylvania State Police as a requirement of the Pennsylvania Megan's Law II, or its successor law, as amended.

Day Care Center, Adult. A use providing supervised care and assistance to persons who need such daily assistance because of their old age or disabilities. This use shall not include persons who need oversight because of behavior that is criminal, violent or related to substance abuse. This use may involve occasional overnight stays, but shall not primarily be a residential use. The use shall involve typical stays of less than a total of 60 hours per week per person.

Day Care, Child. A use involving the supervised care of children under age 16 outside of the children's own home(s) primarily for periods of less than 18 hours per child during the average day. This use may also include educational programs that are supplementary to State-required education, including "nursery school" or "Head Start" programs. See also the definition of "adult day care center."

- A. The following three types of day care are permitted without regulation by this Ordinance: 1) care of children by their own "relatives," 2) care of children within a place of worship during regularly scheduled religious services, and 3) care of 1 to 3 children within any dwelling unit, in addition to children who are "relatives" of the care giver.
- B. Family Day Care Home (or "Child Day Care as an Accessory Use"). A type of "day care" use that: 1) is accessory to and occurs within a dwelling unit, and 2) provides care for 4 to 6 children at one time who are not "relatives" of the primary care giver. See Section 603. When registration is required by State regulations, such use shall provide evidence to the Zoning Officer of having a certificate of registration from the applicable State agency\*.
- C. Group Day Care Home. A type of "day care" use that: 1) provides care for between 7 and 12 children at one time who are not "relatives" of the primary care giver, 2) provides care within a dwelling unit, and 3) is registered with the applicable State agency\*.
- D. Child Day Care Center. A type of "day care" use that: 1) provides care for 7 or more children at any one time who are not "relatives" of the primary care giver, 2) does not occur within a dwelling unit, 3) does not meet the definition of a Group Day Care Home, and 4) is registered

with the applicable State agency.\* See Section 602.

- \* Note: As of the adoption date of this Ordinance, such agency was the PA. Department of Human Services.

Density. The total number of dwelling units proposed on a lot divided by the "lot area," unless otherwise stated.

DEP. Shall mean the Pennsylvania Department of Environmental Protection.

Distribution Center. An establishment engaged in the receipt, storage, and distribution of goods, products, cargo, and materials, including transshipment by boat, rail, air, or motor vehicle.

District (or Zoning District). A land area within the Township within which certain uniform regulations and requirements apply under the provisions of this Ordinance.

Dormitory. A building housing full-time students of a boarding school or an institution of higher education, and which does not meet the standards for individual dwelling units.

Drive-through Facility or Service. An establishment where at least a portion of patrons are served while the patrons remain in their motor vehicles.

Driveway. An improved privately-owned vehicle travel-way from a street to provide motor vehicle access to a parking area or building on a lot.

Dwelling. A building used as non-transient living quarters, but not including a boarding house, hotel, motel, hospital, nursing home or dormitory.

Dwelling Types. This Ordinance categorizes dwellings into the following types:

- A. Conversion Apartment. A new dwelling unit created within an existing building and that meets the floor area requirements of Section 1301.C.
- B. Apartments or Multi-Family Dwellings. Two or more dwelling units within a building that do not meet the definition of a single family detached dwelling, single family semi-detached dwelling or single family attached dwelling (townhouse), or one or more dwelling units above a commercial use. The individual dwelling units may be leased or sold for condominium ownership.
- C. "Modular" Home. A type of dwelling that meets a definition of any dwelling type and which was manufactured off-site and then assembled and completed on the site, and that was constructed under the State Construction Codes and not the Federal requirements for Manufactured Housing.
- D. Single Family Detached Dwelling. One dwelling unit in one building accommodating only one family and having open yard areas on all sides.
  1. Mobile/Manufactured Home. For a dwelling constructed after 1976, this term shall mean a dwelling that was constructed under the Federal construction requirements for

"Manufactured Housing" under regulations of the U.S. Department of Housing and Urban Development. For a dwelling constructed the HUD Standards were effective, this term shall mean a transportable single family detached dwelling intended for permanent occupancy that is contained in one unit or two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, and constructed so that it can be used without a permanent perimeter foundation.

This term is different from a "Modular home," which is defined above. See standards for "Mobile/manufactured home" in Section 602.

- E. Single Family Semi-Detached. A one family dwelling unit accommodating one family that is attached to a second one family dwelling unit by a common vertical wall, with each dwelling unit on a separate lot or held in condominium ownership.
- F. Townhouse (or Single Family Attached Dwelling). One dwelling unit that is attached to 2 or more dwelling units, and with each dwelling unit being completely separated from and attached to each other by unpierced vertical fire resistant walls. Each dwelling unit shall have its own outside access. Side yards shall be adjacent to each end unit. See standards in Section 602.

Dwelling Unit. A single habitable living unit occupied by only one "family." See definition of "family." Each dwelling unit shall have: a) its own toilet, bath or shower, sink, sleeping and cooking facilities and b) separate access to the outside or to a common hallway or balcony that connects to outside access at ground level. A dwelling unit shall not include two or more separate living areas that are completely separated by interior walls so as to prevent interior access from one living area to another, unless approved as "Unit for Care of Relative."

Emergency Services Station. A building for the housing of fire, emergency medical or police equipment and for related activities. This use may include housing for emergency personnel while on-call. See provisions for this use in Section 602.

Employees. The highest number of workers (including both part-time and full-time, both compensated and volunteer, and both employees and contractors) present on a lot at any one time, other than clearly temporary and occasional persons working on physical improvements to the site.

Essential Services or "Essential Public Utility Services." Utility or municipal uses that are necessary for the preservation of the public health and safety and that are routine, customary and appropriate to the character of the area in which they are to be located. Essential services shall include the following and closely similar facilities: sanitary sewage lines, water lines, electric distribution lines, stormwater management facilities, cable television lines, natural gas distribution lines, fire hydrants, street lights and traffic signals. Essential services shall not include a central sewage treatment plant, a solid waste disposal area or facility, commercial communications towers, a power generating station, septic or sludge disposal, offices, storage of trucks or equipment or bulk storage of materials.

Existing Use. An activity or use of land occurring on a lot or parcel as of the effective date of this Ordinance.

Family. One or more individuals related by blood, marriage, civil union or adoption (including persons receiving formal foster care) or 4 or fewer unrelated individuals who maintain a common household, occupy shared kitchen and living spaces and live within one dwelling unit. A family shall also expressly include numbers of unrelated persons provided by the Group Home provision of Section 1306.02 residing within a licensed group home, as defined herein. Through those provisions and the ability to request a reasonable accommodation under Section 1411.D., it is the Township's intent is to comply with the Federal Fair Housing Act and the Americans With Disabilities Act, as amended.

Fence. A man-made barrier placed or arranged as a line of demarcation, an enclosure or a visual barrier that is constructed of wood, chain-link metal, vinyl or aluminum and/or plastic inserts. A customary fence to enclose animals may also be electrified. Man-made barriers constructed principally of masonry, concrete, masonry block or similar materials shall be considered a "wall." See Section 603.

Financial Institution. An establishment primarily involved with loans and monetary, not material, transactions and that has routine interactions with the public.

Floodplain. See definitions of this term and related terms in the Township Floodplain Ordinance.

Floor Area, Total. The total floor space within a building(s) measured from the exterior faces of exterior walls or from the centerlines of walls separating buildings. Floor area shall specifically include, but not be limited to: a) fully enclosed porches, and b) basement or cellar or attic space that is potentially habitable and has a minimum head clearance of at least 6.5 feet. Floor area shall not include unenclosed structures.

Forestry. The management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, and which does not involve any land development.

Fraternity or Sorority House. A type of Boarding House that provides residences for organized incorporated groups of full-time college students as well as facilities for shared dining and social activities, and which does not involve separate dwelling units with their own kitchens and bathrooms.

Funeral Home. A place in which human remains are prepared and stored prior to burial, and which is used for memorial services and viewings.

Gaming Facility, Licensed. A place used for lawful gambling activities, including but not limited to off-track pari-mutual betting and any use of electronic gambling devices. This term shall not regulate State Lottery sales or lawful "Small Games of Chance."

Garage, Private. An accessory enclosed or covered space for the storage of one or more vehicles, provided that no business, occupation, or service is conducted for profit therein nor space therein.

Garage, Public. Any garage other than a private garage, and which is used for parking or storage of motor vehicles.

Garage Sale. The accessory use of any lot for the occasional sale or auction of only common household goods and furniture and items of a closely similar character. See Section 603.

Gas Station. Shall have the same meaning as "Auto Service Station."

Glare. A sensation of brightness within the visual field which causes annoyance, discomfort or loss in visual performance, visibility and/or ability to focus. See Section 1007.

Government Facility, Other than Township Government Facility. A use owned by a government, government agency or government authority for valid public health, public safety, recycling collection or similar governmental purpose, and which is not owned by Township of East Hanover or an authority created solely by Township of East Hanover. This term shall not include uses listed separately in the Table of Allowed Uses, such as "publicly owned recreation." This term shall not include a prison.

Group Home. A dwelling unit operated by a responsible individual, family or organization with a program to provide a supportive living arrangement for individuals where special care is needed by the persons served due to age, emotional, mental, developmental or physical disability. This definition shall expressly include facilities for the supervised care of persons with disabilities subject to protection under the Federal Fair Housing Act as amended. Group homes must be licensed where required by any appropriate government agencies, and a copy of any such license must be delivered to the Zoning Officer prior to the initiation of the use. A Group Home typically involves an individual residing on the premises for more than 30 days at a time.

- A. Group homes shall be subject to the same limitations and regulations by the Township as the type of dwelling unit they occupy.
- B. It is the express intent of the Township to comply with all provisions of the Federal Fair Housing Act, as amended, and regulations promulgated thereunder, in the construction of this term.
- C. A Group Home shall not include a "Treatment Center."
- D. See standards in Section 602, and accommodations provisions in Section 1411.D.

\* NOTE: The Federal Fair Housing Act Amendments defined "handicap" as follows: "1) a physical or mental impairment which substantially limits one or more of such person's major life activities, 2) a record of having such an impairment, or 3) being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance as defined in Section 802 of Title 21." This definition was subsequently adjusted by Section 512 of the Americans With Disabilities Act to address certain situations related to

substance abuse treatment.

Half Story. See the definition of "Story."

Hazardous Substances. A product or waste, or combination of substances that because of the quantity, concentration, physical or infectious characteristics, if not properly treated, stored, transported, used or disposed of, or otherwise managed, would create a potential threat to public health through direct or indirect introduction into ground water resources and the subsurface environment which includes the soil and all subsequent materials located below. Such hazardous material includes materials which are included on the latest edition of the following list:

- A. "Hazardous Substances" as defined pursuant to Section 311 of the Federal Clean Water Act, or its successor provisions.

Hazardous Substances, Extremely. Hazardous substances included on the list of "Extremely Hazardous Substances" in 40 Code of Federal Regulations Part 355, or its successor provisions and that are stored or used in quantities above the threshold reportable limits in such regulations.

Height. See "Building Height." To measure the height of any structure that is not a building, it shall be the total vertical distance from the average elevation of the proposed ground level to the highest point of a structure. For height of signs, see Article 12 entitled "Signs."

Home Occupation. A routine, accessory and customary non-residential use conducted within or administered from a portion of a dwelling or its permitted accessory building and that meets all of the requirements for a Home Occupation provided in Section 603.

- A. General Home Occupation. A Home Occupation that does not meet the definition of a Low Impact Home Occupation.
- B. Low Impact Home Occupation. A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:
  1. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
  2. The business shall employ no more than one employee, other than family members residing in the dwelling.
  3. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
  4. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights, except for one home occupation sign allowed by Article 12.
  5. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
  6. The business activity may not generate any solid waste or sewage discharge, in volume or

type, which is not normally associated with residential use in the neighborhood.

7. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
8. The business may not involve any illegal activity.

Hospital. A use involving the diagnosis, treatment or other medical care of humans that includes, but is not limited to, care requiring stays overnight. A medical care use that does not involve any stays overnight shall be considered an "Office." A hospital may involve care and rehabilitation for medical, dental or mental health, but shall not primarily include housing or treatment of the criminally insane or persons actively serving an official sentence after being convicted of a felony. A hospital may also involve medical research and training for health care professionals.

Hotel or Motel. A building or buildings including rooms rented out to persons as clearly transient and temporary living quarters. Any such use that customarily involves the housing of persons for periods of time longer than 90 days shall be considered a "boarding house" and shall meet the requirements of that use. See "bed and breakfast" use. A hotel or motel may also include a restaurant, meeting rooms, newsstand, amusement arcade, gift shop, swim club, exercise facilities, tavern and similar customary accessory amenities, and provided any such use shall only be allowed as a principal use of the property if such use is allowed by the applicable District regulations.

Industrial Districts. The IC and IC-1 Districts. The IC and IC-1 Districts are both commercial and industrial districts.

Impervious Coverage. See "Lot Coverage."

Impervious Surfaces. Areas covered by buildings, paving, concrete, vehicle parking areas, or driveways, as well as any other man-made surfaces that result in increased runoff. Areas of stone regularly used for vehicle parking and movement shall be considered impervious for the purposes of restricting impervious coverage under this Ordinance. (Note - A different definition may apply under the Stormwater Ordinance.)

Junk. Any discarded, unusable, scrap or abandoned man-made or man-processed material or articles stored outside of a completely enclosed building. Examples of junk include: scrap metal, used furniture, used appliances, used motor vehicle parts, worn-out machinery and equipment, used containers, and scrap building materials. Junk shall not include: a) solid waste temporarily stored in an appropriate container that is routinely awaiting imminent collection and proper disposal, b) toxic substances, c) yard waste or tree trunks, d) items clearly awaiting imminent recycling at an appropriate location, e) building materials awaiting imminent use at an on-going building, or f) "clean fill" as defined by State environmental regulations.

Junk Vehicle. A motor vehicle that has been declared totaled as a result of damage, or that has the engine separated from the vehicle, or that is missing one or more tires, or is missing a door or windshield or trunk or hood or a bumper, other than vehicles that are actively under current repair.

Junkyard.

- A. Land or a structure used for the collection, storage, dismantling, processing and/or sale, other than within a completely enclosed building, of material of one or more of the following types:
  - 1. "Junk." (see definition) covering more than one percent of the lot area.
  - 2. Two or more "junk vehicles" that are partly or fully visible from an exterior lot line, dwelling and/or public street. This shall not apply to such vehicles stored as part of an auto repair garage or auto service station within the requirements of Section 602.
  - 3. One or more mobile/manufactured homes that are not in a habitable condition.
- B. Junk stored within a completely enclosed building for business purposes shall be considered a warehouse.

Kennel. The keeping of a greater number of dogs and/or cats than are permitted under the "Pets, Keeping of" provisions of this Ordinance, and which may also include temporary keeping of other household pets. In addition, on a non-residential lot, if 7 or more dogs age 6 months or older are kept, it shall be considered a Kennel.

Landowner. The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land.

Landscaping. As explicitly or implicitly defined in the Township's Subdivision and Land Development Ordinance.

Lighting, Diffused. Illumination that passes from the source through a translucent cover or shade.

Live Work Unit. A dwelling unit that is also allowed to be used for certain business purposes by a resident of the dwelling and which meets the standards of Section 602.

Livestock or Poultry, Raising of. The raising and keeping of livestock, poultry or insects beyond the number and type allowed under the "Keeping of Pets" section of Section 602 and beyond what is customarily incidental to a principal "crop farming" use. Raising of livestock or poultry shall not include a slaughterhouse nor a stockyard used for the housing of animals awaiting slaughter.

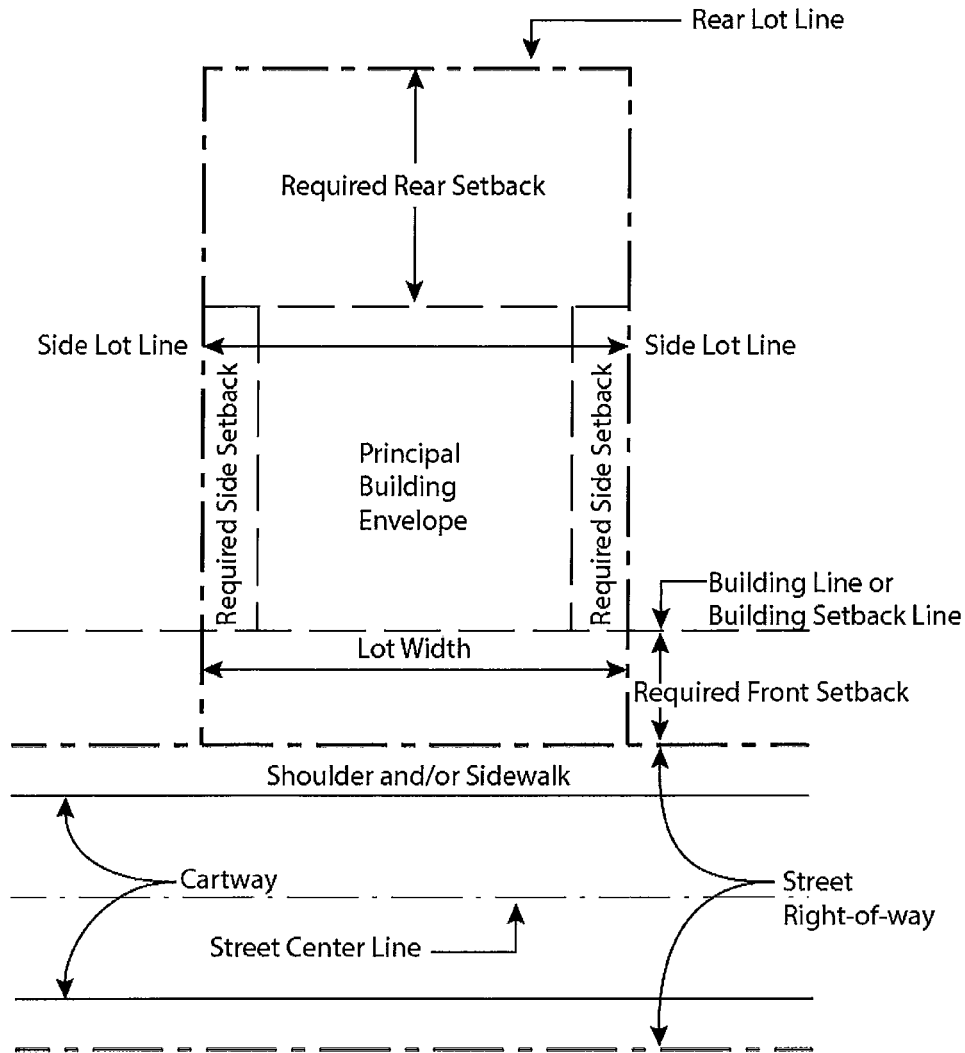
- A. Livestock or Poultry, Intensive Raising of. This term shall mean a use comprised of the raising of livestock and/or poultry involving a total average of three or more "animal equivalent units" of live weight per acre of livestock or poultry.
  - 1. An "animal equivalent unit (AEU)" is 1,000 pounds' live weight of livestock or poultry animals, regardless of the actual number of individual animals comprising the unit. This weight is calculated on an annualized basis. These units shall be calculated as provided under the State Nutrient Management Act regulations and accompanying standards prepared by the Penn State University Cooperative Extension Service.
  - 2. These zoning intensity provisions shall be based upon the total acreage of one or more adjacent lots (which may be separated by a road) under common ownership, operation or



lease and are not based upon the acreage that is available for disposal of wastes.

## Terms for Lot Requirements

For Illustrative Purposes Only



Lot. A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.

Lot, Corner. A lot abutting on 2 or more intersecting streets which has an interior angle of less than 135 degrees at the intersection of right-of-way lines of two streets.

Lot, Flag. A lot that does not meet the required minimum lot width at the minimum front yard building setback line and which typically includes a narrow stretch of land connecting the bulk

of the lot area to a street.

Lot, Through. A lot that is adjacent to two different streets but which is not a "Corner Lot."

Lot Area. The horizontal land area contained within the lot lines of a lot (measured in acres or square feet). For the purposes of determining compliance with the minimum lot area, the following shall be excluded:

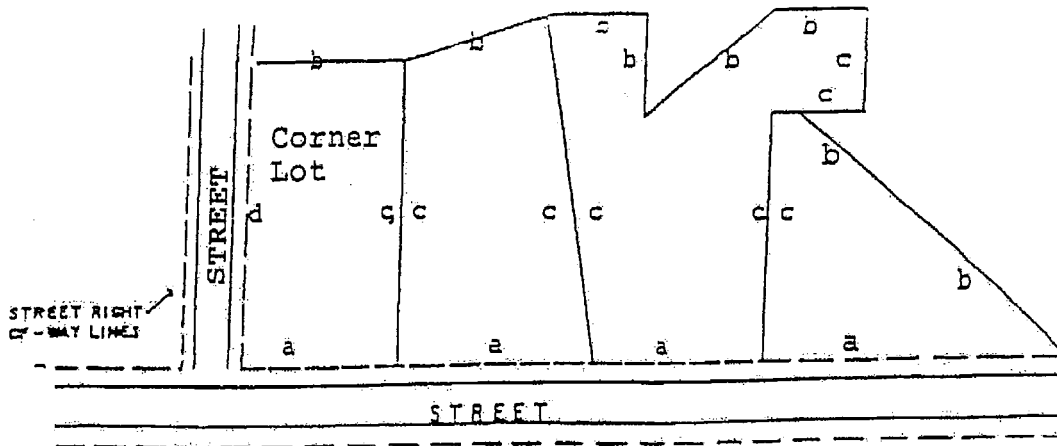
- A. Areas within the "existing" legal rights-of-way of: 1) any proposed or existing public streets or alleys or 2) any proposed or existing commonly maintained private streets that serve more than one lot. (Note: Other sections of this Ordinance, such as Townhouse Development, may specifically permit proposed streets to be included in determining density for a specific use.)
- B. Areas that are currently or will be required to be dedicated as common or preserved open space on a separate lot. (Note: Other sections of this Ordinance, such as for townhouses, may specifically permit proposed common open spaces to be included in determining density for a specific use.)

Lot Coverage (shall have the same meaning as Impervious Coverage"). The percentage that results from dividing the land area on a lot covered by all "impervious surfaces" by the total land area of the lot. Areas covered by a swimming pool shall also be considered to be impervious.

- A. For a townhouse development, the maximum lot coverage may be measured as a maximum for the entire development after completion, after the deletion of street rights-of-way (or cartway where a street right-of-way where not exist), as opposed to regulating each individual townhouse lot.

Lot Lines. The property lines bounding the lot. Wherever a property line borders a public street, for the purposes of determining setbacks, the lot line shall be considered to be the street right-of-way line that will exist at the time of completion of a subdivision or development.

- A. Front Lot Line (Street Line). A lot line separating the lot from the existing or proposed street right-of-way. In the event that a pre-existing lot is not adjacent to a street, the front lot line shall be the lot line that is closest to and approximately parallel to the nearest street. For a corner lot, see Section 1303.B.1.
- B. Rear Lot Line. Any lot line which is parallel to or within 45 degrees of being parallel to a front street right-of-way line. In the case of a lot having no street frontage, or a lot of an odd shape, or a flag lot, only the one lot line furthest from any street shall be considered a rear lot line. Every lot shall have a rear yard.
- C. Side Lot Line. Any lot line other than a front or rear lot line.
- D. Second Front Yard Required for a Corner Lot. See Section 1303.B.



Note – The letters in the above graph refer to the letters above for front lot line, rear lot line and side lot line.

**Lot Width.** The horizontal distance between the side lot lines measured at the minimum prescribed front setback line, unless otherwise stated. In the event of a curved lot line, such lot width at the minimum prescribed front setback line shall be measured along the curve. Where buildings are permitted to be attached, the lot width shall be measured from the center of the party wall. Where a pie-shaped lot fronts upon a cul-de-sac, the minimum lot width may be reduced to 75 percent of the width that would otherwise be required.

**Massage Parlor.** A type of "Adult Use" that is an establishment that meets all of the following criteria:

- A. Massages are conducted involving one person using their hands and/or a mechanical device on another person below the waist, in return for monetary compensation, and which does not involve persons who are related to each other.
- B. The use does not involve a person licensed or certified by the State as a health care professional or a massage therapist certified by the State or by a recognized professional organization that requires a minimum of 80 hours of professional training. Massage therapy by a certified professional shall be considered "personal service."
- C. The massages are not conducted within a licensed hospital or nursing home or an office of a medical doctor or chiropractor or as an incidental accessory use to a permitted exercise club or high school or college athletic program.
- D. The massages are conducted within private or semi-private rooms.

**Medical Marijuana Dispensary.** A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit issued by the State Department of Health to dispense medical marijuana.

**Medical Marijuana Grower / Processor.** A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit from the State Department of Health to grow and process medical marijuana.

**Membership Club.** An area of land or building routinely used by a recreational, civic, social, fraternal, religious, political or labor union association of persons for meetings and routine

socializing and recreation that is limited to members and their occasional guests, and persons specifically invited to special celebrations, but which is not routinely open to members of the general public and which is not primarily operated as a for-profit business.

- A. This use shall not include a target range for outdoor shooting of firearms, boarding house, tavern, restaurant or retail sales unless that particular use is permitted in that District and the requirements of that use are met.
- B. See Section 602. See also "After Hours Club", which is a distinct use.

Mineral Extraction. The removal from the surface or beneath the surface of the land of bulk mineral resources using significant machinery. This use also includes accessory stockpiling and processing of mineral resources. "Mineral Extraction" includes but is not limited to the extraction of sand, gravel, topsoil, limestone, sandstone, oil, coal, clay, shale, and iron ore. The routine movement of and replacement of topsoil during construction shall not by itself be considered to be mineral extraction.

Mixed Use. Unless otherwise stated, shall mean a combination of residential and commercial uses, or commercial and industrial uses, within the same lot or building.

Mobile/Manufactured Home. See under "Dwelling Types."

Mobile/Manufactured Home Park. A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile / manufactured home lots for the placement thereon of mobile / manufactured homes.

Modular Home. A dwelling that is primarily produced in sections off the site and then is assembled and completed on the site, and which complies with the Uniform Construction Code. This term shall not include a home that is designed to meet the federal Manufactured Housing construction code.

Motor Vehicle. An automobile, recreational vehicle, truck, bus, motorcycle, all-terrain vehicle or similar means of transportation designed to operate carry persons or cargo on roads and that is powered by mechanized means. A motorized scooter or motorized wheelchair used by a person with disabilities is not considered a Motor Vehicle.

MPC or Municipalities Planning Code. The Pennsylvania Municipalities Planning Code, as amended.

Multi-Family Conversion. The conversion of an existing building to result in one or more new multi-family dwelling units, such as the conversion of a single family detached dwelling into a building with 3 dwelling units.

Natural Feature. A component of a landscape existing or maintained as part of the natural environment and having ecologic value in contributing beneficially to air quality, erosion control, groundwater recharge, noise abatement, visual amenities, growth of wild like, human recreation, reduction of climatic stress or energy costs. Such features include those which, if disturbed, may cause hazards or stress or energy costs.

Nightclub. A use that sells alcoholic beverages and meets all of the following conditions: a) it offers live or recorded music, b) it offers opportunities for dancing, c) it is open to customers after midnight, and d) it has a capacity for more than 250 customers.

Nonconforming Lot. A lot which does not conform with the minimum lot width or area dimensions specified for the District where such lot is situated, but was lawfully in existence prior to the effective date of this Ordinance, or amendments hereinafter enacted.

Nonconforming Structure. A structure or part of a structure that does not comply with the applicable lot coverage, dimensional and other provisions in this Ordinance, as amended, where such structure lawfully existed prior to the enactment of such Ordinance or applicable amendment(s). Such nonconforming structures include but are not limited to signs. See Section 1305.C.

Nonconforming Use. A use, whether of land or of structure, which does not comply with the applicable use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such ordinance or amendment, or prior to the application of such ordinance or amendment to its location by reason of annexation. See Section 1305.C.

Nursing Home. A facility licensed by the State for the housing and intermediate or fully skilled nursing care of 3 or more persons. See Section 602.

Off-Street Parking. A storage area for motor vehicles that is not within a street or street right-of-way and that is located upon the same lot as a principal use or within an allowed proximity.

Office. A use that involves administrative, clerical, financial, governmental or professional operations and operations of a similar character. This use shall include neither retail nor industrial uses, but may include business offices, medical offices, laboratories, photographic studios, and/or television or radio broadcasting studios.

Open Space, Common. A parcel or parcels of land designed and intended for the use or enjoyment of residents of a development, but not including the following: streets, off-street parking areas (except those parking spaces necessary to serve recreation uses on the open space), sewage facilities, stormwater facilities that are not improved to serve a scenic or safe recreational purpose, and areas with a width of less than 50 feet.

Ordinance, This. The Township of East Hanover Zoning Ordinance, including the Official Zoning Map, as amended.

Outdoor Furnace. A boiler, furnace or similar device that meets all of the following: a) is an accessory use, b) is located outside of a principal building, and c) is designed to burn wood, corn, coal or other manufacturer-approved fuel products for the purposes of heating a building or providing hot water for heat or domestic use in a building.

PA. The Commonwealth of Pennsylvania.

Parking. Shall mean off-street parking and aisles for vehicle movement unless otherwise stated.

Parking Area. A land area designed and used for the parking of 3 or more motor vehicles.

PennDOT. The Pennsylvania Department of Transportation, or its successor.

Permitted By Right Uses. Allowed uses in which zoning matters may be approved by the Zoning Officer, provided the application complies with all requirements of the Zoning Ordinance. A "nonconforming use" shall not be considered to be a permitted by right use, a special exception use or a conditional use.

Personal Care Home or Center. A facility which provides 24-hour supervised living arrangements for 4 or more unrelated persons 18 years of age and above, and which does not routinely provide skilled nursing care, and is licensed by the Commonwealth. See also "Assisted Living Facility."

Personal Service. An establishment that provides a service oriented to personal needs of the general public and which does not involve primarily retail or wholesale sales or services to businesses. Personal services include barber and beauty shops, photography studios, travel agency, shoe repair shops, household appliance repair shops, massage therapy by a certified professional, and other similar establishments, but shall not include any "adult uses," as herein defined.

Pervious Surface. An approved material that permits the majority of stormwater to be infiltrated into the underlying ground.

Pets, Keeping of. The keeping of domesticated animals of types that are normally considered to be kept in conjunction with a dwelling for the pleasures of the resident family. This shall include dogs, cats, small birds, gerbils, rabbits and other animals commonly sold in retail pet shops. See Section 603.

Places of Worship. Buildings, synagogues, churches, religious retreats, monasteries, seminaries and shrines used primarily for religious and/or spiritual worship for more than 10 persons at a time and that are incorporated as part of a non-profit organization and are operated for nonprofit and non-commercial purposes. If a religious use is primarily residential in nature, it shall be regulated under the appropriate "dwelling type." See standards in Section 602.

Plan, Subdivision or Land Development. The scaled drawing of a subdivision or land development.

Principal Building. A "Principal Structure" which is also a "building."

Principal Structure. The structure in which the principal use of a lot is conducted. Any structure that is physically attached to a principal structure shall be considered part of that principal structure.

Principal Use. A dominant use(s) or main use on a lot, as opposed to an accessory use.

Prison. A correctional institution within which persons are required to inhabit by criminal court actions or as the result of a criminal arrest or as a result of persons being found by a court to be delinquent and in need of confinement.

Professional Offices. Include but are not limited to offices for real estate, stock and bond brokers, accountants, adjusters, appraisers, utility companies, physicians, lawyers, clergy, dentists, architects, engineers, insurance agents, opticians, financial institutions and similar office-oriented uses, but which does not involve on-site retail sales, except for customary accessory sales such as eyeglasses in an optician's office.

Public Hearing. A meeting held by Board of Supervisors or the Zoning Hearing Board to meet requirements of the MPC.

Public Notice. Notice required by the MPC. (Note – As of the enactment date of this Ordinance, such definition was: "Notice published once each week for 2 successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than 7 days from the date of the hearing.")

Publicly Owned Recreation. Leisure facilities owned, operated or maintained by governmental entities for use by the general public. "Publicly Owned Recreation" is a distinct use from "Indoor Recreation" or "Outdoor Recreation."

Recreation. The offering of leisure-time activities to unrelated persons. This term shall not include any "Adult Use." For the purposes of this Ordinance, recreation facilities shall be permitted by right as an accessory use when clearly limited to residents of a development and their occasional invited guests.

- A. Indoor Recreation. A type of "recreation" use that: a) does not meet the definition of Outdoor Recreation, and b) is used principally for active or passive recreation, such as a bowling alley, roller skating, ice skating, commercial batting practice use, and similar uses. This term shall not include any use listed separately as a distinct use by Article 4.
- B. Outdoor Recreation. A type of "recreation" use that: a) has a total building coverage of less than 15%, and b) is used principally for active or passive recreation, such as a golf driving range, miniature golf course, amusement park and similar uses. This term shall not include any use listed separately as a distinct use by Article 4, such as a firearms target range.

Recycling Collection Center. A use for collection and temporary storage of more than 500 pounds of common household materials for recycling, but that does not involve processing or recycling other than routine sorting, baling, and weighing of materials. This term shall not include the indoor storage of less than 500 pounds of household recyclables and their customary collection, which is a permitted by right accessory use in all Zoning Districts, without additional regulations. A recycling collection center is also a permitted by right accessory use to a public or

private primary or secondary school, a place of worship, a Township-owned use, or an emergency services station.

Related or Relative. Persons who are related by blood, marriage, adoption or formal foster relationship to result in one of the following relationships: spouse, brother, sister, parent, child, grandparent, great-grandparent, grandchild, great-grandchild, uncle, aunt, niece, nephew, sister-in-law, brother-in-law, or parent-in-law. This term specifically shall not include relationships such as second, third, or more distant cousins. See definition of "Dwelling Unit."

Repair Service. Shops for the repair of appliances, watches, guns, bicycles and other household items.

Residential Accessory Structure (includes "Building") or Use. A use or structure that is clearly accessory, customary and incidental to a principal residential use on a lot, including the following uses and uses that are very similar in nature: Garage (household), Carport, Tennis Court, Garage Sale, Basketball Backboard, Household Swimming Pool, Gazebo, Storage Shed, Greenhouse, Children's Playhouse or Children's Play Equipment. No business shall be conducted in a household garage or storage shed that is accessory to a dwelling, except as may be allowed as a home occupation.

Residential District(s). The C, RA, RR, RMD, MHP and VR Zoning Districts.

Residential Lot Lines. The lot line of a lot that: 1) contains an existing primarily residential use on a lot of less than one acre, or b) is undeveloped and zoned as a Residential District.

Restaurant.

- A. An establishment that sells ready-to-consume food or drink and that routinely involves the consumption of at least a portion of such food on the premises.
- B. This use shall not include a "Tavern" or a "Nightclub" unless the requirements for such uses are also met. A restaurant may include the accessory sale of alcoholic beverages, but shall not include a use that allows the sale or consumption of alcohol between 2 AM and 6 AM. Stricter hour limits may apply in some Zoning Districts.
- C. See "Drive-Through Service" in this section.

Retail Store. A use in which merchandise is sold or rented to the general public, but not including the following: sales of motor vehicles or boats, adult movie theater, adult bookstore, manufacturing, tavern, car wash, auto service station, auto repair garage, convenience store, or any restaurant.

Riding Academy or Boarding Stable. An establishment where horses are kept for riding, or are stabled for compensation, or incidental to the operation of any club, association, ranch, or similar establishment.

Right-of-Way. An area or strip of land which is reserved for use by or as a street or by one or more utilities or by the public or by others. The term "Right-of-Way" by itself shall mean the Street



Right-of-Way, unless another meaning is otherwise stated or clearly implied from the context in which it is used.

- A. Street Right-of-Way, Existing or Legal. The official established street right-of-way that either the Township or the State presently own or hold another interest in the land, or will own after the completion of any proposed subdivision, land development or development of a use under this Ordinance, whether by dedication or otherwise.

Rooming House. See "Boarding House."

School, Public or Private Primary or Secondary School. An educational institution primarily for persons between the ages of 5 and 19 that primarily provides State-required or largely State-funded educational programs. This term shall not include "Trade Schools."

Screening. Year-round plant material of substantial height and density designed to provide a buffer. See requirements in Section 1303.

Self-Storage Development. A building or group of buildings divided into individual separate access units which are rented or leased for the storage of personal and small business property.

Setback Line. "The line within a property defining the required minimum distance between any structure and the right-of-way or property line."

Sewage Service, On-Lot. Sanitary sewage service to a building that does not meet the definition of Public

Sewage Service, such as but not limited to, an individual on-lot septic system.

Sewage Service, Public. Central sanitary sewage service involving collection from multiple lots for conveyance to treatment by a system owned and/or operated by a municipality or a municipal authority.

Shopping Center. A lot that includes five or more retail sales and/or personal service establishments, and which may also include offices and restaurants.

Sign. Any physical device for visual communication that is used for the purpose of attracting attention from the public and that is visible from beyond an exterior lot line, including all symbols, words, models, displays, banners, flags, devices or representations. This shall not include displays that only involve symbols that are clearly and entirely religious in nature, and which do not include advertising. The following definitions apply in regards to signs:

- A. Building Face. The vertical area of a particular side of a building, but not including the area of any slanted roof.
- B. Sign Area. The square footage area on each side of a sign face, as measured under Section 1210.
- C. Sign, Externally Illuminated. A sign that only has lights shining onto the sign from the outside of the sign.
- D. Sign, 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.
- E. Sign Height. 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 Ordinance when attached to a tower or spire of a place of worship.
  - F. Sign, Internally Illuminated. A sign with a face of translucent material with artificial lighting located behind the sign face.
  - G. Sign, Off-Premise. A sign which directs attention to an object, product, service, place, activity, person, institution, organization, or business that is primarily offered or located at a location other than the lot upon which the sign is located.
  - H. Sign, Projecting. A sign that is attached to a building wall and extends from that wall by more than 18 inches.
  - I. Sign, Temporary. A sign that meets the requirements of Article 12 and that is intended to be kept in view of the public for less than 60 total days in any 365 day period, unless a more restrictive time period is provided for that type of sign in Article 12.
  - J. Sign, Wall. 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.
  - K. Sign, Window. 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.

Single and Separate Ownership. The ownership of a lot by one or more persons, partnerships or corporations, which ownership is separate and distinct from that of any abutting or adjoining lot.

Site Alterations. This term shall include one or more of the following activities:

- A. Filling of lakes, ponds, marshes or floodplains or alteration of watercourses;
- B. Clearing and regrading of more than one-half acre, other than selective thinning of existing vegetation or trees.

Slope. The face of an embankment or cut section; any ground whose surface makes an angle with the plane of the horizon. Slopes are usually expressed in a percentage based upon vertical difference in feet per 100 feet of horizontal distance.

Solar Energy Collection System. Mechanisms and/or devices used to capture the energy of the sun for use for electricity, hot water or similar purposes.

Solar Farm. Solar energy collection systems whose purpose is to generate, collect, convert, invert, store, and/or produce energy or the byproducts of energy (heat, batteries, etc.) in order to offer said items for sale and/or off-site use. Solar energy collection systems may be classified as solar farms whether in use as an accessory or primary use. All items ancillary, accessory, or appurtenant to a solar farm are also considered part of the solar farm. "Solar farm" shall not include solar energy collection systems primarily intended and customarily installed for accessory, on-site, residential or commercial use.

Solid Waste-to-Energy Facility. An area where municipal solid waste and similar materials are incinerated or otherwise processed to result in usable energy for off-site use.

Solid Waste Landfill. An area where municipal solid waste and similar materials is deposited on land, compacted, covered with soil and then compacted again, and which has a permit from DEP to operate as a sanitary landfill.

Solid Waste Transfer Facility. Land or structures where solid waste is received and temporarily stored, at a location other than the site where it was generated, and which facilitates the bulk transfer of accumulated solid waste to a facility for further processing or disposal. Such facility may or may not involve the separation of recyclables from solid waste. Such facility shall not include a junkyard, leaf composting, clean fill, or septage or sludge application.

Special Exception. A use allowed in a particular Zoning District pursuant to Articles VI and IX of the MPC. A special exception use shall need approval from the Zoning Hearing Board, following a public hearing, provided the use complies with the conditions and standards required by this Ordinance. See Section 1416.

Specified Sexual Activities. One or more of the following:

- A. Human male genitals in a visible state of sexual stimulation.
- B. Acts of human masturbation, sexual intercourse, oral sex or sodomy.
- C. Fondling or other erotic touching of human genitals. See definition of 'Adult Use.'

Spot Zoning. In general, a type of zoning map amendment that results in closely similar properties being placed in different zoning districts without proper justification.

State. The Commonwealth of Pennsylvania and its agencies.

Story. A level of a building routinely accessible to humans having an average vertical clearance from floor to ceiling of 6 feet 8 inches or greater shall be considered a full story, except as follows: If the floor of a basement level is more than 6 feet below the finished grade level for more than 50 percent of the total building perimeter, it shall not be regulated as a story. Any level of a building having an average vertical clearance from floor to ceiling of less than 6 feet 8 inches shall be considered a "half-story."

Street. A cartway used primarily for motor vehicle traffic, and which may also serve pedestrians and bicyclists and which may include on-street parking. The term street applies regardless of whether a street is named as a road, avenue, boulevard or highway, but does not include an alley or a driveway. The terms "street" and "road" have the same meaning.

Street, Collector. A major street or highway which carries traffic from minor streets to arterial streets, including the principal entrance streets of a residential development and the streets for circulation within such a development.

Street, Cul-de-Sac. See Cul-de-sac.

Street, Dead-End. A street with a single common ingress and egress.

Street, Major Arterial. A street with access control, channelized intersections, restricted parking, and that collects and distributes traffic to and from minor arterials.

Street, Minor Arterial. A street with signals at important intersections and stop signs on the side streets and that collects and distributes traffic to and from collector streets.

Street, Paper. A street that has never been built shown on an approved plan, subdivision plat, tax maps, or official map.

Street, Private. A legally established right-of-way other than a public street, and which has not accepted for municipal ownership and maintenance.

Street Grade. The officially established grade of the street upon which a lot fronts or in its absence the established grade of other streets upon which the lot abuts, at the midpoint of the frontage of the lot thereon. If there is no officially established grade, the existing grade of the street at such midpoint shall be taken as the street grade. Includes established grade.

Street Line. The dividing line between the street and the lot, also known as right-of-way line.

Street Width. The distance between street lines measured at right angles to the center line of the street.

Structure. Any man-made object having a stationary location on, below or in land or water, whether or not affixed to the land. Any structure shall be subject to the principal or accessory setbacks of this Ordinance, as applicable, unless specifically exempted or unless a specific setback is established for that particular type of structure by this Ordinance. For the purposes of this Ordinance, utility poles, stormwater basins, water supply wells, U.S. mailboxes, paving, and on-lot septic systems shall not be considered structures, and shall not be subject to minimum zoning setback requirements, unless stated otherwise.

Subdivision. The following definition shall apply unless a different definition is enacted within the Township Subdivision and Land Development Ordinance: The division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development.

Subdivision Ordinance or Subdivision and Land Development Ordinance (SALDO). The Township of East Hanover Township Subdivision and Land Development Ordinance, as amended.

Swale. A low lying stretch of land characterized as a depression used to carry surface water runoff.

Swimming Pool, Household or Private. A man-made area with walls of man-made materials intended to enclose water at least 24 inches deep for bathing or swimming and that is intended to serve the residents of only one dwelling unit and their occasional guests. See Section 603.

Swimming Pool, Non-Household. A man-made area with walls of man-made materials intended to enclose water at least 24 inches deep for bathing or swimming and that does not meet the definition of a "household" swimming pool.

Tattoo Parlor. A commercial use that applies permanent words or designs using ink on to human skin.

Tavern. A use that primarily sells alcoholic beverages, as opposed to primarily selling food, and which is regularly open to the public after midnight, and which does not allow customers to enter the premises after 2 AM or to occupy the premises after 2:30 AM. This use shall not include a "Nightclub" unless the requirements for a Nightclub are also met.

Temporary Shelter. The use of a building to house persons who would otherwise be homeless or who are seeking a refuge from domestic abuse. This use shall not include a Criminal Halfway House, unless the requirements for such use are also met.

Theater. A building or part of a building devoted to the showing of motion pictures or theatrical or performing arts productions as a principal use, but not including an outdoor drive-in theater or adult movie theater.

Tire Storage, Bulk. The outdoor storage of more than 5 used motor vehicle tires on a residential lot or more than 20 used tires on a vacant or non-residential lot, except that a lawful tire retail store may include the temporary storage of used tires while they are actively offered for sale or while they are awaiting regularly scheduled pickup, without being regulated by this term. See "Outdoor Storage" in Section 603.

Townhouse. See "Dwelling Types."

Township. East Hanover Township, Dauphin County, Pennsylvania.

Trade/Hobby School or Trade School. A facility that: a) is primarily intended for education of a work-related skill or craft or a hobby, and b) does not primarily provide State-required education to persons under age 16. Examples include a dancing school, martial arts school, cosmetology school, or ceramics school.

Tradesperson. A person involved with building trades, such as but not limited to: plumbing, electrical work, building construction, building remodeling, and roofing.

Transferable of Development Rights (TDR). The attaching of development rights to specified lands which are desired by a municipality to be kept undeveloped, but permitting those rights to be transferred from those lands so that the development potential which they represent may

occur on other lands where more intensive development is deemed to be appropriate. See Section 508.

Treatment Center. A use involving one or more of the following:

- A. A use (other than a prison or a hospital) providing housing for 3 or more unrelated persons who need specialized housing, treatment and/or counseling because of current addiction to a controlled substance that was used in an illegal manner or alcohol.
- B. A Methadone Treatment Facility, which shall be defined as an out-patient facility licensed by the Pennsylvania Department of Health to use the drug methadone in the treatment, maintenance or detoxification of persons with drug addictions.
- C. A use involving the lawful sale and distribution of marijuana products for medicinal purposes.

See standards in Section 602. Also, a group home that exceeds the number of residents allowed by this Ordinance within a Group Home shall be regulated as a Treatment Center. See the modification provisions of Section 1411.D.5.

Unit for Care of Relative. A dwelling unit that: a) is especially created for and limited to occupancy by a close "relative" of the permanent residents of the principal dwelling unit, b) is necessary to provide needed care and supervision to such relative, and c) meets the requirements for such use in Article 6.

Unlicensed Vehicle. See any regulations that may exist in any Township Property Maintenance Code.

Use. The purpose, activity, occupation, business or operation for which land or a structure is designed, arranged, intended, occupied or maintained. Uses specifically include but are not limited to the following: activity within a structure, activity outside of a structure, any structure, recreational vehicle storage, or parking of commercial vehicles on a lot.

Variance. The granting of specific permission under the provisions of Articles VI and IX of the MPC by the Zoning Hearing Board to use, construct, expand, or alter land or structures in such a way that compliance is not required with a specific requirement of the Zoning Ordinance. See Section 1411.

Wall. See "Fence."

Warehousing or Storage. A building or group of buildings primarily used for the indoor storage, transfer, and distribution of products and materials, but not including retail uses or a trucking company terminal unless such uses are specifically allowed in that Zoning District and are approved. This use may also include sorting operations.

Watercourse. A channel or conveyance of surface water having a defined bed and banks, which was not clearly man-made, and which may have perennial or intermittent flow.

Water Service, On-Lot. Water supply service to a building that does not meet the definition of

**Central**

Water Service, such as but not limited to, an individual on-lot well.

Water Service, Public. Central water service by a system owned and/or operated by a municipality or a municipal authority.

Wetland. An area of land and/or water meeting one or more definitions of a "wetland" under Federal and/or Pennsylvania law and/or regulations.

Yard. An area unobstructed from the ground to the sky between a structure and a property line and that is on the same lot as the subject structure or use. Each required yard shall be measured inward from the abutting "lot line" or existing street right-of-way (as exists after completion of any subdivision or land development). Regulations of each District prohibit principal and accessory structures within the specified minimum yards.

- A. See yard/setback exceptions in Section 1303.
- B. Private Streets. For a yard measured from a private street, the distance shall be measured from the existing street right-of-way/easement or 15 feet from the center of the cartway, whichever is more restrictive.

Yard, Front. A "yard" measured from the closest front wall of a principal structure to the street right-of-way line (as exists after the completion of any subdivision or land development). In the event that the front lot line is not a street right-of-way line, the front yard shall be measured from such front lot line. Such yard shall extend the full width of the lot from side lot line to side lot line.

- A. The front yard shall be on a side that faces towards a public street, whenever one public street abuts the lot. If a lot abuts two streets, the front yard shall be whichever side is the predominant front yard for neighboring properties. If no side is predominant, then the applicant may choose which is the front yard.
- B. See Section 1303 concerning yards along corner lots.
- C. No accessory or principal structure shall extend into the required front yard, except as provided in this Ordinance.
- D. Every lot shall include at least one front lot line.

Yard, Rear.

- A. A "yard" which is the space extending the full width of the lot and which is measured from along the rear line and which is located between a subject structure and the rear lot line, and which stretches between the side lot lines parallel to the rear lot line.
- B. A principal building shall not extend into the required rear yard for a principal building, and an accessory structure shall not extend into the required rear yard for an accessory structure, except as provided in this Ordinance.
- C. Every lot shall include a rear lot line and a rear yard.

Yard, Side.

- A. A "yard" which is the space between a subject structure and each side lot line, and which is

- measured from along the entire length of the side lot line, and which extends from the front setback line to the rear lot line.
- B. A structure shall not extend into the applicable minimum side yard, except as provided for in this Ordinance.
  - C. See "Corner Lot" provision in Section 1303.
  - D. A triangular lot shall include one side yard. All other lots shall include at least 2 side yards, except for a corner lot.

Yard Sale. Shall have the same meaning as "Garage Sales", which is defined in this Section.

Yield Plan. A method of determining the maximum number of permitted dwelling units that would be allowed in a conventional subdivision, based upon a layout plan in accordance with current Township development regulations, and showing proposed lots, streets, rights-of-way and other pertinent features to scale.

Zero Lot Line. The location of a building on a lot in such a manner that one or more of the building's sides rest directly on a lot line.

Zoning. A police power measure, enacted primarily by general purpose units of local government, in which the community is divided into districts or zones within which permitted and special uses are established as well as regulations governing lot size, building bulk, placement and other development standards.

Zoning District. A section of a municipality designated in the Zoning Ordinance text and delineated on the Zoning Map, in which requirements for the use of land and building and development standards are prescribed.

Zoning Map. The Official Zoning Map of East Hanover Township, Dauphin County, Pennsylvania.

Zoning Officer. The person charged with the duty of administering and enforcing the provisions of the Zoning Ordinance, and any officially designated assistant.

Zoning Ordinance. The East Hanover Township Zoning Ordinance, as amended.

Zoning Permit. A permit issued by the Zoning Officer that allows a use, activity or improvement that is authorized under this Ordinance. At the option of the Township, a portion of a Construction Permit may be allowed to serve as a Zoning Permit.