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:

1. Turn to the Table of Contents 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.

2. Consult the Zoning Map at the end of this Zoning Ordinance to determine the zoning district your lot is in.

3. Turn to Section 306, 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 119), or
   C. By condition (the Board of Supervisors must approve the use after review by the Planning Commission as described in Section 118).

4. Turn to Section 307, 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.

5. Regularly refer to the Definitions in Article II 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 Section 306, 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 or can be sold. See Section 806 -"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 402 and the "accessory uses" (which are secondary uses, such as very small businesses in a home) are listed in alphabetical order in Section 403. For example, additional regulations are listed for sheds, garages and other structures typically found on a residential lot under "Residential Accessory Structures" in Section 403.

Turn to the following parts of the Zoning Ordinance if your lot may be flood-prone or steeply sloped:

1. If your lot is low-lying or near a creek or drainage channel, study the Floodplain Map in the Township Building. This map shows areas expected to flood in an
average 100-year period (called the "100-Year Floodplain"). If a tract is within the 100-year Floodplain, the regulations of Article X need to be met. An applicant also should consult a professional to determine whether any Wetlands are present on the tract. If so, Federal and State wetland regulations must be complied with if the wetlands are to be altered or filled in any manner.  
2. If your lot is partly or entirely steeply sloped, see Section 505. Turn to the following sections for regulations concerning parking, signs and buffer yards:  
3. Many uses must provide minimum numbers of off-street Parking spaces under Section 601 of this ordinance. The parking standards are listed in a table.  
4. If Signs are proposed within public view, Article VII must be met. This article lists the types, heights and sizes of signs that are permitted.  
5. Certain uses are required to provide an open Buffer Yard with Evergreen Screening to buffer nearby homes and adjacent residentially zoned land from nuisances. See Section 803.  
The following two major considerations should be kept in mind when using this Ordinance:  
1. 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 Section 111, 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".  
2. 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, and then the requirements and approval procedures of the Township Subdivision and Land Development Ordinance will also apply. This is a separate ordinance available at the Township Building.
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ARTICLE I
ADMINISTRATION

101. PURPOSES AND OBJECTIVES.

A. This Ordinance is hereby adopted: 1) in accordance with the requirements and purposes (including Section 604 or its successor section, which is included by reference) of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended by Act 170 of 1988, and as may be further amended, 2) in accordance with the community development goals and objectives (which are included by reference) of the Upper Macungie Township Comprehensive Plan of 1992 (as may be amended), which constitutes an overall program, 3) in consideration of the character of the Township, its various parts and the suitability of the various parts for particular uses and structures, and 4) to assist in carrying out the purposes and provisions of the Constitution of the Commonwealth of Pennsylvania (especially Article I, Section 27), the PA. Floodplain Management Act, PA. Storm Water Management Act, PaDEP regulations on erosion and sedimentation control, PA. Dept. of Transportation regulations on highway access control and other relevant Federal and State laws, regulations, official policies and relevant Court decisions.

B. Wellhead Protection. This Ordinance is also intended, through the designation of Wellhead Protection Areas 1, 2 and 3 and other wellhead protection provisions, to serve the following purposes:

1. To recognize that the ground water underlying the Township is a major source of existing and future water supply, including drinking water;
2. To recognize that ground water aquifers are integrally connected with, recharged by and flow into springs and surface waters, which provide a major source of drinking water for the region;
3. To recognize that accidental spills and discharges of toxic and hazardous materials may threaten the quality of ground water supplies and surface waters and thereby pose potential public health and safety hazards;
4. To recognize that unless preventative measures are used to control the discharge and storage of toxic and hazardous materials, that spills and discharges of such materials would predictably occur, and that such hazards would increase as the amount of nonresidential development and traffic increases; and
5. To protect the quality of ground water to ensure a future supply of safe and healthy drinking water for residents and local employees, and thereby protects public health and safety, through careful controls of land uses, physical facilities and other activities that threaten water quality.
102. **APPLICABILITY.**

A. Any activity regulated by this Ordinance shall only occur in such a way that conforms to the regulations of this Ordinance. (See Section 107.A.)

B. This Ordinance regulates matters authorized by Section 603 "Ordinance Provisions" of the PA. Municipalities Planning Code, or its successor.

C. All readers maintain the responsibility to procure the latest amendments to this Ordinance.

103. **ENFORCEMENT, VIOLATIONS AND PENALTIES.** The enforcement, violations and penalty provisions of the PA. Municipalities Planning Code, as amended, shall apply (as of 1994, these provisions were in Sections 617.1, 617.2 and 617.3 of such Act).

104. **FILING FEES AND COSTS.** The Board of Supervisors has established by resolution a schedule of fees and a collection procedure relating to all applications filed pertaining to this Ordinance. No application or appeal shall be considered filed until all fees are paid.

105. **INTERPRETATION AND SIMILAR USES.**

A. **Minimum Requirements.** The provisions of this Ordinance shall be interpreted as the minimum requirements to promote public health, safety and general welfare. Where more than 1 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.** If a use clearly is not permitted by right, by condition or by special exception by this Ordinance within any Zoning District, the use is prohibited, except as may be permitted as a "similar use" under a specific provision of this Ordinance.

C. **Sketches.** Sketches in this Ordinance are for illustrative purposes only and are not regulatory.

D. **Interpretation of Ordinance Text and Boundaries.** The Zoning Officer shall apply the wording of this Ordinance and the location of all District boundaries to particular applications. In case of uncertainty by the Zoning Officer, he/she shall request an interpretation of the specific uncertainty by the Zoning Hearing Board, with the applicant not liable for the application fee for that particular request. The Zoning Officer may also request an advisory opinion from the Township Solicitor or the Zoning Hearing Board Solicitor. See Section 111 and the Township fee schedule concerning appeals by an applicant.

E. **Definitions.** See Section 201.

106. **GENERAL PROCEDURE FOR PERMITS**

A. After receiving a proper application, the Zoning Officer shall either 1) issue the permit under this Ordinance or 2) refuse the Permit indicating the reason. If specifically requested in writing by an applicant, reasons for a refusal shall then be stated in writing.
B. **Reviews.** Certain activities require review and/or approval of the Zoning Hearing Board and/or of the Board of Supervisors, and/or the recommendations of the Planning Commission. See Sections 116 and 118.

C. **Appeal.** See Section 111 concerning appeals of actions of the Zoning Officer to the Zoning Hearing Board. (Note - In most cases under State law, such appeals must be made within 30 days of the action.)

D. After the permit under this Ordinance has been received by the applicant, the applicant may undertake the action permitted by the permit under this Ordinance, within 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.

107. **PERMITS AND CERTIFICATES.**

A. **Applicability.** Any of the following activities or any other activity regulated by this Ordinance shall only be carried out after receipt of any required approval or permit and in compliance with this Ordinance:

1. Erection, construction, movement, placement or extension of a structure, building or sign,

2. Change of the type of use, tenant or expansion of the use of a structure or area of land, and/or

3. Creation of a lot or alteration of lot lines.


B. **Repairs and Maintenance.** Ordinary repairs and maintenance to existing structures that do not infringe upon a required setback may be made without a permit under this Ordinance, if such work does not involve a change in use or an expansion, construction or placement of a structure and does not involve any other activity regulated by this Ordinance. However, such work may require a permit under the Township Building Code.

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 it meets all of the requirements of this Ordinance, including any specific additional requirements listed for that use in Sections 402 and 403.

2. **Special Exception Use or Application Requiring a Variance.** A permit under this Ordinance for a use requiring a Special Exception or Variance shall be issued by the Zoning Officer only upon the written order of the Zoning Hearing Board after a hearing.

3. **Conditional Use.** A permit under this Ordinance for a Conditional Use shall be issued by the Zoning Officer only upon the written order of the Board of Supervisors, after the Planning Commission has been given an opportunity to review the application.

D. **Applications.**
1. Any request for a decision, interpretation or variance by the Zoning Hearing Board or for a permit under this Ordinance shall be made in writing on a form provided by the Township. Such completed application, with any required fees, and with any required site plans or other required information, shall be submitted to a Township employee responsible for processing such application. The applicant is responsible to ensure that a responsible Township official notes the date of the official receipt on the application.

2. Two copies of a site plan shall be submitted. Such site plan shall be drawn to scale.

3. Any application to the Zoning Officer or Zoning Hearing Board shall include the following information, unless the Zoning Officer determines that a site plan or such information is unnecessary to determine compliance with this Ordinance:
   a. The location and dimensions of the lot,
   b. Locations, dimensions and uses of existing and proposed structures, parking and loading areas, and locations of existing and proposed uses of areas of land.
      1) The dimensions of all buildings from lot lines and from other buildings shall be shown.
   c. Name and address of the applicant, or appellant,
   d. Name and address of the owner of the affected property,
   e. A description of the proposed use of the property,
   f. Such additional information that the Zoning Officer may determine is reasonably necessary to determine compliance with this Ordinance.
   g. The locations of any trees or forested areas with a trunk diameter of 6 inches or greater measured 1 foot above the average surrounding ground level that may be impacted in any way by the proposal (with trees identified with a trunk diameter over 20 inches) and
   h. All other applicable information listed on the official Township application form.
   i. Survey. An applicant shall provide a survey (As-Built) by a registered surveyor stating that any new principal buildings are located in accurate locations in compliance with the submitted site plan. Such survey shall occur approximately at the time foundations of the buildings or the bases of all structures have actually been constructed, but prior to construction beyond that point. The Township may require the removal of any building or structure that is in violation of this Ordinance.

4. Submittals to the Board - In addition to the information listed in part "3." above, an application requiring a site plan and action by the Zoning Hearing Board shall also include the following information, unless the Zoning Officer determines that such information is unnecessary for determination of whether the proposal complies with this Ordinance:
   a. The present zoning district and major applicable lot requirements,
b. 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,
c. If a non-residential use is proposed within close proximity to dwellings, a description of hours of operation,
d. A listing of any sections of this Ordinances being appealed, with the reasons for any appeal.

5. Other Laws - The Zoning Officer may withhold issuance of a permit under this Ordinance if there is clear knowledge by him or her that such a use would violate another Township, State or Federal law or regulation, until such time as the applicant proves compliance.

6. Ownership - No person other than a landowner or their specifically authorized agent or a tenant or lessee with written permission of the landowner shall submit a zoning application (see definition of "landowner" in Article 11).

7. The Zoning Officer may submit a copy of any plan and application to any appropriate agencies and/or individuals (such as the Planning Commission or Township Engineer) for review and comment. The cost of such additional review or comment shall be funded by the applicant.

E. Issuance of Permit.

1. At least three (3) copies of any permit application required under this Ordinance shall be made.
2. One (1) copy of any such permit shall be retained in Township files and one copy shall be retained by the applicant. A copy of any such permit shall be shown by the applicant to the Zoning Officer upon the Zoning Officer's request.
3. Where applicable, a State Highway Occupancy Permit shall be required prior to issuance of a Township Building Permit.

F. Revocation of Permits. The Zoning Officer shall revoke a permit or approval issued under the provisions of the Zoning Ordinance in case of:

1. Any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based (The Pennsylvania Criminal Code provides for penalties for providing false information to a municipal employee in the carrying out of his/her duties.) or
2. Upon violation of any condition lawfully imposed upon a special exception or conditional use or
3. Any work being accomplished or use of land or structures in such a way that does not comply with this Ordinance or an approved site plan or approved permit application.
4. For any other just cause set forth in this Ordinance or
5. For violation of any other applicable Township Ordinance.
G. **Temporary Permit for Temporary Uses and Structures.**

1. A temporary permit may be issued by the Zoning Officer for any of the following:
   
a. Any temporary use that meets the requirements of this Ordinance;

b. Customary, routine and accessory short-term special events, provided that:
   
   1) Only a well-established nonprofit organization or a lawful place of worship proposing a temporary use to clearly primarily serve a charitable, public service or religious purpose shall be eligible to receive approval for a commercial use in a district where that use is not permitted, and
   
   2) The Zoning Officer shall establish a reasonable limit on the duration of the use;

c. Temporary construction-related trailers, structures and uses as provided for in Section 306.E.1.

2. **Removal.** Prior to the issuance of a permit for a temporary use or structure, the Zoning Officer may require an applicant to present a statement from the owner of record of the land recognizing the application and accepting responsibility to ensure that the use or structure is removed once the permit expires. Any temporary structure or use shall be removed completely upon expiration of the permit without cost to the Township. If the structure or use is not removed in a timely fashion after proper notification, the Township may remove the use or structure at the cost of the person who owns the land upon which the structure or use is located.

H. **Changes to Approved Plans.**

1. After the issuance of a permit and/or approval of a site plan under this Ordinance by the Township, such approved application and/or site plan shall not be changed without the written consent of the Zoning Officer.

2. Changes to a site plan approved by the Zoning Hearing Board as a special exception use or by the Board of Supervisors as a conditional use shall require re-approval of the changes by such bodies if the Zoning Officer determines that such changes significantly affect matters that were within their approval. Such approval by the Hearing Board or the Supervisors is not required for minor technical adjustments or corrections of information that do not affect the significant features of the site plan and the intensity of the use, as determined by the Zoning Officer.

108. **AMENDMENTS TO THIS ORDINANCE.**

A. With the requirements of the PA. Municipalities Planning Code, the Board of Supervisors may amend, challenge, or repeal any or all portions of this Ordinance on

1. Its own motion or
2. Upon agreeing to hear a written request of any person, entity or the Planning Commission.

B. Before voting on the enactment of an amendment, the Board of Supervisors shall hold a public hearing thereon, following the procedural requirements of the PA. Municipalities Planning Code, including public notice.

C. Review of Amendments.

1. In the case of an amendment other than that prepared by or under the direction of the Planning Commission, the Board of Supervisors shall submit each such amendment to the Planning Commission at least 30 days prior to the hearing on such proposed amendment and permit the Commission an opportunity to provide recommendations.

2. Lehigh Valley Planning Commission (LVPC) Review. The Township shall submit the proposed amendment to the LVPC for recommendations at least 30 days prior to the hearing on such proposed amendment. No action shall be taken by the Board of Supervisors until any LVPC comments are received, unless 30 days pass without such comments being received.

D. Changes after a Hearing. If, after any public hearing held upon an amendment, the proposed amendment is revised, or further revised, to include or exclude land previously not affected by it, the Board of Supervisors shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.

E. Application for Ordinance Amendment. Any request for amendment of the Zoning Ordinance (including supplement, change or repeal) by any person or entity (other than the Township Staff, Planning Commission, Board of Supervisors or committee appointed by the Board of Supervisors or under the direct oversight of such entity) shall include the following:

1. A statement of why the change would be in the best interests of the Township;
2. A statement of how the proposal will relate to the Township Comprehensive Plan;
3. A statement addressing any adverse affects on adjacent residences;
4. A statement addressing any major traffic access or congestion concerns;
5. A map showing the proposed boundaries of any proposed map changes, the existing zoning of the land and of adjacent lands and the current uses of adjacent lots;
6. A statement explaining proposed extensions and major improvements, if needed, of public water and sewer systems to serve the land area; and
7. Payment of required fees to the Township as provided in the Township Fee Schedule for Rezoning or Curative Amendments which may be amended by resolution, and which shall include but not be limited to reimbursement to the Township for the costs of all legal advertisements.

F. Traffic Impacts of Zoning Amendments. The Planning Commission or the Board of Supervisors may require an applicant for a zoning amendment to fund and provide a traffic impact study following standard methods and completed by a qualified traffic engineer. Such a study shall take into account the entire land area proposed for a change, with an emphasis on the net projected traffic increases from the
proposed amendment compared to the existing zoning, based upon reasonable assumptions about the intensity and type of development. The applicant shall then reimburse the Township for reasonable costs for the review of such study by a Township consultant.

G. Notification of Proposed Zoning Map Amendment. If a zoning map amendment is requested by a private entity and is not considered at the same public hearing as zoning map amendments proposed by Township officials, then at least 10 days prior to the hearing on the proposed change, the applicant shall send or have delivered in person written notice of the proposed change including the hearing date and time and a Township official to contact for more information. Such notice shall be provided to all owners of record of all property proposed to be rezoned (other than the applicant) and all property directly abutting the land to be rezoned.

109. CURATIVE AMENDMENTS.
A. Submittal. A landowner who desires to challenge on substantive grounds the validity of this Ordinance which prohibits or restricts the use or development of land in which he has an interest, may submit a curative amendment to the Board of Supervisors with a written request that this challenge and proposed amendment be processed in accordance with the applicable provisions of the PA. Municipalities Planning Code.
B. Curative Fees. For a curative amendment request, the applicant shall pay the Township all fees required under the applicable Township fee schedule which may be amended by resolution, and at a minimum, shall compensate the Township for all actual expenses for legal advertising.
C. Municipal Curative Amendments. The applicable provisions of the PA. Municipalities Planning Code shall apply.

110. ZONING OFFICER.
A. Appointment. The Zoning Officer(s) shall be appointed by the Board of Supervisors. The Zoning Officer(s) shall not hold any elective office within the Township, but may hold other appointed offices.
B. Duties and Powers. The Zoning Officer shall:
1. Administer the Zoning Ordinance;
2. Receive and examine all applications required under the terms of this Ordinance, and issue or refuse permits within this Ordinance;
3. Receive complaints of violation of this Ordinance, and issue a written notice of violation to any person violating any provision of this Ordinance;
4. Keep records of applications, permits, certificates, written decisions and interpretations issued, of variances granted by the Board, of complaints received, of inspections made, of reports rendered, and of notice or orders issued; and make all required inspections and perform all other duties as called for in this Ordinance;
5. Not have the power to permit any activity which does not conform to this Ordinance, or all other Ordinances of the Township.

111. ZONING HEARING BOARD ACTIONS AND VARIANCES.
A. **Membership of Board.** The existing Zoning Hearing Board shall be continued and shall consist of 5 residents of the Township appointed by resolution by the Board of Supervisors. The terms of office shall be 3 years and shall be so fixed that the term of office of at least 1 member shall expire each year. Members of the Board shall hold no other office in the Township. The Board of Supervisors may appoint alternate members of the Zoning Hearing Board within the applicable provisions of the PA. Municipalities Planning Code.

B. **Vacancies.** The Board shall promptly notify the Board of Supervisors of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of a term.

C. **Removal of Members.** Any Board member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the Board of Supervisors which appointed the member, taken after the member has received 15 days advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

D. **Organization.** The applicable provisions of the PA. Municipalities Planning Code, as amended shall apply.

E. **Zoning Hearing Board 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 the appellant (a person affected or any agency of the Township) that the Zoning Officer has failed to follow prescribed procedures, or has misinterpreted or misapplied any valid provision of this Ordinance.
   b. See time limitations for appeals in Section 111.F.

2. **Challenge to the Validity of the Ordinance or Map.** The applicable provisions of the PA. Municipalities Planning Code, as amended, shall apply.

3. **Variance.**
   a. The Board shall hear requests for variances filed with the Board in writing by any landowner (or any tenant with the permission of such landowner).
   b. Standards. The Board may grant a variance only within the limitations of State law. The Municipalities Planning Code 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. The Board may also grant a variance that is needed for a physical improvement needed to comply with the Americans with Disabilities Act. See Section 306.E.1. regarding handicapped ramps.

e. Use Variance. A variance shall not be granted to allow a use that is not permitted in the applicable district unless the applicant proves to the satisfaction of the Zoning Hearing Board that one of the following is true: a) the proposed use is not addressed in any district in this Ordinance or b) the property is not suitable for any of the uses permitted in that district because of the property’s unique characteristics. In addition, a use variance shall meet other applicable variance standards.

4. Special Exception.

a. The Board shall hear and decide requests for all special exceptions filed with the Board in writing by any landowner (or any tenant with the permission of such landowner), as provided in this Ordinance and in accordance with such standards and criteria contained in this Ordinance and the procedures in Section 119.

b. Conditions. In granting a special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards, in addition to those expressed in the Ordinance, as it may deem necessary to implement the purposes and intent of this Ordinance.

5. Hearings. See Section 112.

6. Records and Reports. The staff to the Board shall keep full public records of its business.

F. Time Limitations for Appeals. The applicable provisions of the PA. Municipalities Planning Code, as amended, shall apply.

G. Stay of Proceedings. The Stay of Proceedings provisions of the PA. Municipalities Planning Code, as amended, shall apply. The provisions of the PA.
Municipalities Planning Code, as amended, regarding substantive challenges to the Zoning Ordinance by a landowner or persons aggrieved shall apply.

H. Time Limitations on Permits and Variances.

1. After a variance is approved or approval is officially authorized under this Ordinance, then a permit shall be secured by the applicant within six (6) months after the date of such approval or authorization. Such action under such permit shall then begin within 6 months of the issuance of the permit.

2. Township Approvals. If the applicant submits complete plans for a required site plan review or subdivision or land development approval or special exception or conditional use approval that is related to the variance or issuance of a permit under this Ordinance within the above time limits, then such time limits shall begin after the last such approval or permit is granted.

3. Federal or State Approvals. If an application requires a Federal or State permit or approval, than the time limits of this Section may apply from the date of such issuance or approval, provided that: a) the applicant applied for such permit or approval during the Township approval process, and b) the applicant continues to diligently seek such approval or permit.

4. For good cause the Zoning Officer may, upon application in writing stating the reasons therefore, extend in writing the above application and construction initiation periods up to a maximum total of 30 months.

5. If an applicant fails to obtain the necessary permits or begin construction within the above time periods, or allows interruptions in substantial construction of longer than 6 months, it shall be conclusively presumed that the applicant has waived, withdrawn or abandoned approvals, variances and permits under this Ordinance, and all such approvals, variances and permits become null and void.


112. BOARD HEARINGS AND DECISIONS. The Board shall conduct hearings and make decisions in accordance with the following:

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 of the Municipalities Planning Code. The notice shall state the time and place of the hearing and the particular nature of the matter to be considered.

2. Posting. Notice of such hearing shall be conspicuously posted on the affected tract of land by the Township at least one week prior to the hearing. It is the responsibility of the applicant to ensure that such notice remains posted until the hearing.

3. Persons Given Notice. Written notice shall be given to the Applicant and the Zoning Officer. Notice should be given to the Planning Commission, Board of Supervisors and owners of record of property abutting and
directly across the street from the lot lines of the subject property. 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 mailed or delivered by a Township representative to the last address known to the Township. Such notice should be intended to be received at least 5 days prior to the hearing date.

4. **Adjacent Municipalities.** In any matter which relates to a property which lies within 250 feet of the boundary of another municipality, except boundaries separated by a perennial river, and which the Township staff determines may have a significant impact on that municipality, the Township staff should transmit to the offices of the adjacent municipality a copy of the official notice of the public hearing on such matter at least 7 days prior to the hearing date. Representatives of such adjacent municipality shall have the right to appear and be heard at the public hearing.

5. **Fees.** The Board of Supervisors may, by resolution, establish a reasonable fee schedule, based on cost, to be paid by: a) the Applicant for any notice required by this Ordinance and b) those persons requesting any notice not required by this Ordinance.

B. **Parties in Hearings.**

1. The parties to a hearing shall be the Township, any person affected by the application who has made timely appearance of record before the Board, and any other person including civic or community organizations permitted to appear by the Board.

2. The Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.

3. The Board shall have the authority to determine who has standing for an appeal.

C. **Oaths and Subpoenas.** The chair of the Board or Hearing Officer shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents reasonably needed by and requested by the parties.

D. **Representation by Counsel.** The parties shall have the right to be represented by legal counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on relevant issues.

E. **Evidence and Record.** Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded. The Board or the hearing officer, as applicable, shall keep a record of the proceedings as required by State law.

F. **Communications Outside of Hearings.**
1. The Board shall not meet with, visit the site with or directly communicate specifically on the matter with the applicant or any officially protesting party or their representatives in connection with any issue involved, except if opportunity is provided for the applicant and any officially protesting party to participate.

2. The Board shall not take notice of any communication, reports, staff memoranda, or other materials unless the parties are afforded an opportunity to examine and contest the material so noticed. This restriction shall not apply to advice from the Board's solicitor.

G. Advisory Reviews. The Zoning Hearing Board may request that the Planning Commission, County Conservation District, Township Staff, Township Engineer, Fire Commissioner or other professional provide an advisory review on any matter before the Board. Any costs associated with such reviews shall be paid by the applicant.

H. 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. A request for a hearing by an applicant shall not be accepted prior to submission of a duly filed application.

I. Decision/Findings.

1. The Board shall render a written decision or make written findings (when no decision is called for) 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. Any conclusion based on any provision of the PA. Municipalities Planning Code or of this Ordinance shall contain a reference to the provision relied on.

J. Notice of Decision. A copy of the final decision or a copy of the findings (when no decision is called for), shall be personally delivered or mailed to the applicant or his or her representative or their last known address not later than the time limit by the PA. Municipalities Planning Code.

113. APPEALS TO COURT. The provisions for appeals to court that are stated in the PA. Municipalities Planning Code, as amended, shall apply.

114. LIMITED PUBLIC UTILITY EXEMPTIONS. See Section 619 of the PA. Municipalities Planning Code.

115. LIMITED TOWNSHIP AND MUNICIPAL AUTHORITY EXEMPTION. The minimum lot area and minimum lot width requirements of this Ordinance shall not apply to uses or structures owned by Upper Macungie Township or by municipal authorities created solely by Upper Macungie Township, for uses and structures that are intended for a legitimate governmental, recycling, public utility or public health and safety purpose.
116. SITE PLAN REVIEW PROCEDURES FOR CERTAIN USES.

A. When Site Plan Required. A site plan review by the Planning Commission and Board of Supervisors is required for any of the following uses if the physical layout of the use will not be required to be submitted as: a) a conditional use, b) a subdivision or c) a land development.

1. Any expansion of more than 2,000 square feet in the floor area of a structure of one of the following types:
   a. Any non-residential principal building, other than solely for crop farming, or
   b. Raising of livestock as a principal use. *

2. Any new or expanded paved area of greater than 10,000 square feet.

3. Conversion of a non-residential principal building to a new non-residential principal use, but not including routine changes between closely similar uses as determined by the Zoning Officer.

4. Any change from one non-residential principal use to a different non-residential principal use that would require the addition of 15 or more off-street parking spaces beyond what would have been previously required.

B. Site Plan Procedures. The following procedures shall be followed for any use required to be reviewed under this Section:

   *Note - A raising of livestock use is not required under this Ordinance to submit detailed topography unless such is necessary to determine compliance with storm water regulations.

1. Submission. A minimum of 3 complete copies of any required site plan shall be submitted to the Township. The Zoning Officer shall refuse to accept an application if it does not contain sufficient information to determine compliance with this Ordinance. A minimum of 1 copy shall be retained in Township files. The Site Plan shall include the information listed in Section 117. The Zoning Officer shall seek a review by the Township Engineer if engineering matters are involved.

2. Prior to or within 3 working days after submittal to the Township, the applicant shall distribute 1 copy to each of the following as applicable, unless waived by the Zoning Officer as unnecessary: a) the Township Engineer, b) the Sewage Authority Engineer, c) the County Conservation District, d) the Joint Planning Commission (if required under the Regional Storm Water Ordinance), and e) the Lehigh County Authority. The applicant shall notify the Township in writing that such submittals were completed.

3. Time. The Planning Commission and Board of Supervisors shall be given an opportunity to review the site plan and provide any advisory comments in writing to the Zoning Officer within the time limit stated in Section 116.8.4. below.

4. The Zoning Officer shall review the site plan and determine its compliance or noncompliance with this Ordinance, based upon his/her
review and any comments of the Board of Supervisors and Planning Commission. The Zoning Officer shall make such determination within 90 days after the first scheduled Planning Commission regular meeting after the receipt of a complete site plan submission, unless the applicant grants a written time extension.

5. A Site Plan under this Section may be reviewed at any legally advertised, regular or workshop meeting of the Board of Supervisors and Planning Commission.

C. Compliance with Approved Plan - See Section 107.H.

117. SUBMISSION REQUIREMENTS FOR SITE PLAN REVIEW.

A. The following information, as applicable, shall be submitted by the applicant for any conditional use or any use required to submit a site plan under Sections 116 or 118, except for information waived by the Zoning Officer as not applicable or necessary:

1. A statement describing the proposed use.
2. Layout. A site layout drawn to scale (preferably 1"=50') showing the location, dimensions and area of each lot; the location, dimensions and height of proposed and any existing structures; the required setback areas; the proposed density of residential uses; the location and width of proposed or abutting streets; and the proposed areas to be used for different purposes within the development, including outdoor storage or display areas. If the plan involves one phase of what eventually may be a larger development, then the inter-relationships of those phases shall be shown.
3. Landscaping. The width of any buffer yard and the height, spacing and general species of plants to be used for screening and the general number, locations and types of landscaping to be provided in off-street parking lots, along streets and in other areas.
4. Parking. The locations and numbers of parking spaces; the location and widths of aisles; the location and sizes of off-street loading areas. The method of calculating the off-street parking requirement, based upon Section 601.
5. Lighting and Signs. The height, location and approximate intensity of exterior lighting. The sign area, height, location and general method of lighting of signs.
6. Sidewalks. The location of any proposed sidewalks (with width) and curbing.
7. Utilities. Note stating general proposed method of providing wastewater treatment and water supply (such as "Public Water and Public Sewage Services").
8. Nuisances and Safety. A description of any proposed industrial or commercial operations or storage in sufficient detail to indicate potential nuisances and hazards regarding noise, large trucks, glare, air pollution, odors, dust, fire or toxic or explosive hazards or other hazards to the public
health and safety; together with proposed methods to control such hazards and nuisances.

a. Hazards of the proposed use shall be described by an expert in language that can be understood by lay persons.

b. See the Township Fire Protection Act.
c. See Section 501.A. "Statement Required".
d. See section 506 regarding “Wellhead Protection”.

9. *Grading and Stormwater. Show existing and proposed contours if earth disturbance is required and identify all slopes between 15% and 25% and greater than 25% and proposed method of managing storm water runoff. See steep slope provisions in Section 505 and the Township's Act 167 Storm water Ordinances and delineation of any floodplains from the Official Federal Emergency Management Agency Floodplain Maps.

10. A location map showing the relation of the project to surrounding streets. Approximate lot lines of abutting lots within 50 feet of the project, with identification of abutting land uses.

11. Zoning district and major applicable requirements.

12. Name and address of the person who prepared the Site Plan, the applicant and the owner of record of the land.

13. Such other data or information as the Zoning Officer deems is reasonably necessary to determine compliance with Township ordinances.

* This information is not required on a zoning site plan if such information will be submitted on a subdivision or land development plan for the use.

118. CONDITIONAL USE PROCESS.

A. Applicability. Certain uses that are permitted by this Ordinance as "Conditional Uses" shall be required to follow the review and zoning approval procedures described in this Section.

B. Procedure.

1. A conditional use submission shall not be considered officially accepted for review until any needed zoning variance(s) or special exception approval that is directly relevant to the site layout and nature of the use is granted. The applicant may request an informal review by the Planning Commission of a site plan prior to requesting variances or a special exception.

2. Submission. A minimum of 3 complete copies of any required site plan meeting the requirements of Section 117 shall be submitted to the Township. The Zoning Officer shall refuse to accept an incomplete application which does not provide sufficient information to determine compliance with this Ordinance.

3. Applicant's Distribution.

a. Prior or within 3 working days after submittal to the Township, the applicant shall submit one (1) copy to each of the following as applicable, unless waived by the Zoning Officer:

1) The Township Engineer,
2) The Sewage Authority Engineer,
3) The County Conservation District,
4) The Lehigh Valley Planning Commission (if required under the Regional Storm Water Ordinance),
5) The Lehigh County Authority (if intended to be served by water service by such agency).

b. The applicant shall notify the Township in writing that such submittals were completed.

4. Township Distribution. The Township shall distribute copies of the site plan to the Planning Commission and the Board of Supervisors. A minimum of 1 copy shall be retained in the Township files. The Township Fire Services should be given an opportunity for review, if deemed appropriate by the Zoning Officer.

5. Zoning Officer Review. The Zoning Officer shall report in writing or in person to the Planning Commission or Board of Supervisors stating whether the proposal complies with this Ordinance. The Zoning Officer may request a review by the Township Engineer.

6. Planning Commission. The Planning Commission has been designated by the Board of Supervisors as the entity that will conduct the required public hearing on the conditional use application. The Planning Commission shall submit a recommendation to the Board of Supervisors.

7. The Board of Supervisors shall not act to approve or deny a conditional use application, Unless:
   a. The Supervisors have received the reports of the Zoning Officer and the Planning Commission or
   b. Unless a period of 60 days has passed from the date of the application.

8. The Board of Supervisors shall approve, conditionally approve or disapprove the conditional use submission within a maximum of 90 days from the date of the first scheduled Planning Commission regular meeting following the submission of a complete and proper application, unless the applicant has agreed to a written time extension. In granting a conditional use, the Board of Supervisors 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.

9. The decision of the Board of Supervisors shall be in writing and shall be directly communicated to, delivered to or mailed to the last known address of the applicant or his/her representative.

C. Approval of Conditional Uses. The Board of Supervisors shall approve any proposed conditional use if they find adequate evidence that the proposed use will meet:

1. Any specific standards for the proposed use listed in Sections 402 or 403.
2. Other applicable sections of this Ordinance.
3. Comply with the Subdivision and Land Development Ordinance, as applicable. Engineering details regarding compliance with such
Ordinance may be addressed as part of a subsequent approval under such Ordinance.

4. Comply with all of the following standards:

   a. Other Laws. Will not clearly be in conflict with other Township Ordinances or State or Federal laws or regulations known to the Township.
   b. Traffic. The applicant shall show that the use will not result in or significantly add to a significant traffic hazard or significant traffic congestion at the nearest intersection in all compass directions.
   c. Safety. The applicant shall show that the use will not create a significant public safety hazard, including fire, toxic or explosive hazards.
   d. Storm Water Management. Will follow adequate, professionally accepted engineering methods to manage storm water. Storm water shall not be a criteria of a decision under this Ordinance if the application clearly would be subject to a separate engineering review and an approval of storm water management by the Board of Supervisors under the Subdivision and Land Development Ordinance and under plans adopted pursuant to the PA. Storm Water Management Act.
   e. Neighborhood. Will not significantly negatively affect the desirable character of an existing residential neighborhood, such as causing heavy truck traffic through a residential neighborhood, or a significant odor or noise nuisance or very late night/early morning hours of operation.
   f. Site Planning. Will involve adequate site design methods, including plant screening and setbacks as needed to avoid significant negative impacts on adjacent uses. The use shall meet the landscaping and buffer requirements of the Subdivision and Land Development Ordinance.
   g. Performance Standards. The applicant shall show that the use will not have a serious threat of inability to comply with the performance standards of this Ordinance, as stated in Article V.

119. 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. All applicants for a special exception use shall submit 1 set of Site Plans for the proposed use to the Secretary of the Zoning Hearing Board together with a written application. The Zoning Officer may waive the site plan requirement for home occupations that are not intense and other uses not involving new buildings or additional off-street parking. Photographs of the existing site or buildings may also be requested to be presented by the applicant.
2. All Site Plans shall contain the information required in Section 107.D.
3. A minimum of 1 copy shall be retained in the Township files.
4. The Zoning Officer should, prior to the next Zoning Hearing Board meeting where the application will be discussed, review the Plan to determine compliance with this Ordinance and report these findings to the Zoning Hearing Board. The Board may request an advisory review by the Planning Commission or the Township Engineer.
5. The Board shall hear and decide such request for a special exception use under the procedures of Article I and the PA. Municipalities Planning Code. The Board shall schedule the first hearing within 60 days of submittal of a proper application, unless granted a written extension by the applicant. The Board shall issue a decision within 45 days after the conclusion of the final hearing on the matter.
6. The decision of the Board shall be in writing and shall be communicated to the applicant or their representative in accordance with Article I.
7. A site plan review by the Planning Commission and the Board of Supervisors may also be required for certain uses. See Section 116.

C. Approval of Special Exception Uses. The Zoning Hearing Board shall approve any proposed special exception use if they find adequate evidence that any proposed use will meet:
1. All of the standards listed in Section 118.C.4
2. Specific standards for the proposed use listed in Sections 402 and 403.
3. All other applicable requirements of this Ordinance.

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 is necessary to implement the purposes of this Ordinance. Conditions imposed by the Zoning Hearing Board shall automatically become conditions of the construction permit issued pursuant thereto, and any failure to comply with said conditions shall be a violation of this ordinance.

120. SITE PLANNING GUIDELINES. The following advisory guidelines are intended to assist applicants and the Township in developing well planned developments.

A. Natural Features. Seek to minimize grading changes and removal of mature trees. Seek to preserve the natural beauty of highly visible areas. Seek to preserve land along creeks and steep hillsides.
B. Circulation. Seek to separate pedestrian circulation from major routes of vehicle traffic. Minimize the number of access points along major roads. Avoid parking spaces backing into through traffic routes. Ensure adequate capacity of driveways and drive-thru lanes to avoid traffic backing onto streets.
C. Utilities. Seek to place as many utility lines as possible underground.
D. Signs. Seek to minimize the lighting intensity of signs. Seek to avoid signs with overly bright, less attractive colors. Consider use of ground-mounted or wooden signs.
E. **Compatibility.** Seek to locate noisier and less compatible uses (such as loading docks) as far away from homes as possible. Seek to screen out views of less attractive activities from streets and homes.

121. **LIABILITY.**

A. Neither the approval nor the granting of any review, issuance of permit or approval related to construction, activity within the floodplain, site plan review, subdivision or land development approval, erosion control, wetland delineation review, storm water runoff, activity on steep slopes or any other review or permit of this Ordinance, by an officer, employee, consultant or agency of the Township, shall constitute a representation, guarantee or warranty of any kind by the Township, or its employees, officials, 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 public body, official, consultant nor employee 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 for valid cause shown.
ARTICLE II
DEFINITIONS

201. 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. The singular shall include the plural and vice-versa. The masculine gender shall include the feminine and neuter, and vice-versa.
F. If a word is not defined in this Ordinance, but is defined in the Township Subdivision and Land Development Ordinance, as amended, the definition in that Ordinance shall apply. If a word is defined in both this Ordinance and another township ordinance, each definition shall apply to the provisions of each applicable Ordinance.
G. Any word or term not defined in this Ordinance or in the Township Subdivision and Land Development Ordinance, as amended, shall have its plain and ordinary meaning within the context of the Section. A standard reference dictionary should be consulted.
H. 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.

202. 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:

Abut. Areas of contiguous lots that share a common lot line, except not including lots entirely separated by a street or a perennial waterway. See definition of "adjacent."

Access Drive or Accessway. A privately-owned, constructed and maintained vehicular access roadway accessing more than 1 dwelling unit or more than 1 commercial, institutional or industrial principal use. See also "driveway."

Access Point. One combined entrance/exit point, or one clearly defined entrance point separated from another clearly defined exit point. This term shall not include accessways or driveways that are strictly and clearly limited to use by only emergency vehicles; such accesses are permitted by right as needed.
Accessory Building. A building (such as a private garage, private tool shed, children's playhouse or non-commercial greenhouse) which is subordinate and accessory to a principal building on the same lot and which is used for purposes that are clearly customarily incidental to the use of the principal building. A portion of a principal building used for an accessory use shall not be considered an accessory building.

Accessory Structure. A structure, such as a private garage or private swimming pool, serving a purpose customarily incidental to the use of the principal building and located on the same lot as the principal 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 or building.

Acre. 43,560 square feet.

Adjacent. Includes contiguous lots that share a common lot line or that are separated only by a street or waterway.

Adjacent Dwelling. A dwelling that is on a different lot from the subject lot and which is directly abutting the subject lot or is only separated by a street or waterway.

Adult Bookstore. A use with a significant portion of the market value of or total number of items for sale or rent being books, films, magazines, video tapes, coin- or token-operated films or video tapes, paraphernalia, novelties or other periodicals 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 Day Care Center. A use providing supervised care and assistance primarily to persons who are over age 60, mentally retarded and/or physically handicapped who need such daily assistance because of their limited physical abilities, Alzheimer’s disease or mental retardation. This use shall not include persons who need oversight because of behavior that is criminal or violent. 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.

Adult Live Entertainment Facility. A use including live entertainment involving persons (which may include waiters, waitresses, dancers, clerks, bartenders, contractors or others) displaying uncovered male or female genitals or nude or almost nude female breasts or engaging in simulated or actual "specified sexual activities" related to some form of monetary compensation paid to a person, company or organization operating the use or to persons involved in such activity.

Adult Movie Theater. A use involving the presentation typically to 3 or more persons at one time of motion pictures, video tapes or similarly reproduced images distinguished or characterized by an emphasis on depiction of "specified sexual
activities" for observation by patrons therein and that is related to some form of monetary compensation by the persons viewing such matter.

**Adult Use.** This shall include only the following: Adult Bookstore, Adult Movie Theater, Massage Parlor or Adult Live Entertainment Facility use.

**After Hours Club.** A commercial use or membership club that permits the consumption of alcohol and is routinely open between the hours of 2 a.m. to 4 a.m., in addition to any other hours. See State Act 219 of 1990, which generally prohibits this use.

**Agricultural Operations.** For the purposes of the wellhead protection provisions of this Ordinance, shall mean those operations which include tilling, cultivation and raising of livestock and which qualify as earthmoving pursuant to PaDEP Chapter 102 Rules and Regulations.

**Agriculture.** Shall mean "crop farming", "plant nursery" and "raising of livestock". See definition of each.

**Airport.** An area of land or water or a surface of a building which is designated, used or intended to be used for the landing and take-off of motorized aircraft (other than 1 person ultra light aircraft, which are not regulated by this Ordinance) that carry people, and any related aircraft support facilities such as for maintenance, refueling and parking. A "public airport" shall be one that does not meet the definition of a "private airport." A "private airport" shall be one that is limited to a maximum total of 15 flights and/or take-offs in any 7-day period and that is not available for use by the general public.

**Alley.** A right-of-way providing secondary access to the side or rear on 1 or more lots which has a maximum right-of-way width of 20 feet and a minimum cartway width of 12 feet.

**Alteration.** Any change or rearrangement in the structural parts or in the existing facilities of a building or structure, or any enlargement thereof, whether by extension on any side or by an increase in height, or the moving of such structure from one location to another.

**Amateur Radio Antenna.** A device, partially or wholly exterior to a building, that is used for receiving any type of electronic signals (other than a satellite dish antennae which is treated separately) or for transmitting short-wave or citizens band radio frequencies. This shall include antennas used by an amateur ham radio operator or by a contracting business or utility to communicate with its employees, but shall not include a "Commercial Communications Antennae." This includes any accessory supporting structures.

**Animal Cemetery.** Land or buildings used for the internment or burial of the remains of non-cremated non-human animals. This term shall not include the
following, which shall be permitted by right accessory uses in any district: a) the burial of 1, 2 or 3 animals on a lot of less than 20 acres, b) the burial of up to 9 animals on a lot of 20 or more acres and c) the spreading of remains of animals cremated in a sanitary fashion.

Animal Hospital. Shall have the same meaning as “Veterinarian Office”.

Apartment. See "Dwelling Types."

Apartment for Care of Relative. A dwelling unit especially created for and limited to occupancy by a close relative of the permanent residents of the principal dwelling unit to provide needed care and supervision to such relative.

Applicant. The person(s), company, partnership, profit or non-profit corporation or trust responsible for a particular application for an approval or permit under this Ordinance, and his/her heirs, successors and assigns.

Attic. That part of a building which is immediately below and wholly or partly within the roof framing.

Auditorium, Commercial. A commercial area or structure involving indoor or outdoor space for exhibits, meetings, live performances or sports events, but not a use that meets the definition of a movie theater, adult live entertainment use or standard or fast-food restaurant.

Auto, Boat and/or Mobile/Manufactured Home Sales. A building or area, other than a street, used for the outdoor or indoor display, sale or rental of one or more of the following in operable condition: motor vehicles, recreation vehicles, boat trailers, farm machinery, motorcycles, trucks, utility trailers, construction vehicles or 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 or a junkyard.

Auto Repair Garage. A building and/or land 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, any 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 a "auto service station" is also permitted as part of an "auto repair garage," such as a "convenience store." This use shall not include a use meeting the definition of a "truck stop."

Auto Service Station. A building and/or land where gasoline is sold, 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. This use may include a
"convenience store." An accessory use providing only motor fuel to vehicles operated by that business shall not be considered to be a gasoline service station. This use shall not include a use meeting the definition of a "truck stop." See storage limits in Section 402.

**Basement.** An enclosed floor area partly or wholly underground, other than a building which is completely underground. A basement shall be considered a "story" if a) the majority of the basement has a clearance from floor to ceiling of 6 feet or greater and b) the top of the foundation of the building is an average of 4 or more feet above the finished grade of the front side of the building that faces onto a street.

**Bed and Breakfast Use.** The use of a single family detached dwelling and/or accessory structure which includes the rental of overnight sleeping accommodations and bathroom access for a maximum of 10 temporary guests at any one time, and which does not provide any cooking facilities or provision of meals for guests other than breakfast. This use shall only include a use renting facilities for a maximum of 7 days in any month to any person(s) and shall be restricted to transient visitors of the area.

**Betting Use.** A use where lawful gambling activities are conducted, including but not limited to off-track pari-mutual betting. This term shall not include betting under the State Lottery programs or betting under the "Small Games of Chance" provisions of State law, which shall instead be regulated under the regulations applicable to the principal use of the property (such as a "membership club").

**Billboard.** A type of "off-premise sign" with any total sign area greater than 50 square feet. See definition of "Off-premise sign."

**Blast or Blasting.** The explosion of dynamite, black powder, fuse, blasting cap, detonators, electric squibs or other explosives.

**Board of Supervisors.** The Board of Supervisors of Upper Macungie Township.

**Boarding House or "Rooming House".** A residential use in which: a) 2 or more individual rooms that do not meet the definition of a 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, life care center, personal care center, bed and breakfast use, group home or nursing home. A college fraternity or sorority house used as a residence shall be considered a type of boarding house. A boarding house may either involve or not involve the providing of meals to residents. This use shall only involve renting living accommodations for minimum periods of 5 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.

**Building.** Any structure having a permanent roof and 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.

**Building Coverage.** The percentage obtained by dividing: a) the maximum horizontal area in square feet of all principal and accessory buildings and attached structures covered by a permanent roof on a lot by b) the total lot area of the lot upon which the buildings are located.

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

**Building Length.** The horizontal measurement between the two most distant portions, other than portions measured diagonally, of any 1 building or of attached buildings.

**Building Line or Building Setback Line.** See "Setback Line."

**Building Width.** The horizontal measurement between 2 structural walls that are generally parallel of 1 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 wall and from the outside of any exterior wall. For a single family detached dwelling, 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 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."

**Bulk Storage.** Storage beyond what is reasonably needed for customary use on-site. This includes storage of substances intended to be sold or re-sold for use off-site.

**Campground.** A use that is primarily recreational in nature that involves the use of tents or sites leased for recreational vehicles for transient and seasonal occupancy by persons recreating or travelers, or the use of tents or cabins for
seasonal occupancy by organized groups of persons under age 18 and their counselors.

**Carbonate Bedrock.** Limestone or dolomite rock formations formed by carbonate deposition in shallow sea waters.

**Carport.** A roofed building intended for the storage of 1 or more motor vehicles, but which is not enclosed on all sides by walls or doors. If any portion of a carport is attached to a principal building, it shall be considered to be part of that building.

**Cartway.** The paved portion of a street designed for vehicular traffic and on-street parking, but not including the shoulder of the street.

**Cemetery.** Land or buildings used for the burial of deceased humans, but not animals. The internment or scattering of remains of properly cremated humans is not regulated by this ordinance.

**Chairperson.** Includes chairman, chairwoman, chair and acting chairperson (when applicable).

**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 of trees from November 15 to December 30 that were produced on the premises.

**Closed Depression.** In a Karst area, a distinctive bowl-shaped depression in the land surface. It is characterized by internal drainage, varying magnitude and an unbroken ground surface.

**Clear Cutting.** A logging method that removes all trees or the vast majority of all trees from a tract of land or a portion thereof.

**Clear Sight Triangle.** See "Sight Distance Triangle."

**Commercial Communications Tower or Antennae.** A structure, partially or wholly exterior to a building, used for transmitting or retransmitting electronic signals, and that does not meet the definition of an "amateur radio antennae." Commercial communications antennae include, but are not limited to, antenna used for transmitting commercial radio or television signals, or to receive such signals for a cable system or for retransmitting cellular telephone communications.

**Commercial District.** The HC and NC Zoning Districts.

**Commercial Forestry.** See Forestry, Commercial.

**Commercial Outdoor Recreation.** An use that a) has a total building coverage of less than 15%, b) is used principally for active or passive recreation (such as a driving range) and c) is used for a profit-making purpose.
Commercial Racetrack. See Racetrack.

Commercial Use. Includes retail sales, offices, personal services, auto sales, auto repair garages and other uses of a similar nature. The sale of goods or services from a vehicle on a lot shall also be considered to be a commercial use.

Commission. The Planning Commission of Upper Macungie Township.

Common Open Space. See "Open Space, Common."

Community Center. A noncommercial use that exists solely to provide leisure and education activities and programs to the general public or certain age groups. The use also may include the noncommercial preparation and/or provision of meals to low-income elderly persons. This shall not include residential uses or a "treatment center."

Composting. The collection and processing of vegetative material to allow it to biologically decompose under controlled anaerobic or aerobic conditions to yield a humus-like product.

Comprehensive Plan. The document entitled the Upper Macungie Township Comprehensive Plan, or any part thereof, adopted by the Board of Supervisors, as amended.

Conditional Use. A use which is allowed or denied by the Board of Supervisors within the provisions of Article 1, after review by the Planning Commission.

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 was created under the Pennsylvania Unit Property Act of 1963 or is/was created under the Pennsylvania Uniform Condominium Act of 1980, as amended.

Cone of Depression. The area surrounding a pumping well within which the water table elevation has been lowered due to ground water withdrawal.

Conference Center. A complex of one or more buildings or statutes located on a tract or contiguous tracts of land associated by Condominium Agreement wherein there may be day and night time meetings or conference accommodations as well as indoor and outdoor areas available for scheduled uses by identified persons or groups who may be charged or who may charge a fee for attendance at such affairs or events.

A conference center shall include a hotel: provide facilities such as meeting and conference rooms: displays, exhibits and show rooms as well as banquet and food service facilities. It may also include one of the following uses: retail sales shops associated with and related to permitted conference center uses; areas for live
entertainment, sports events, stage and screen performances and restaurants and cocktail lounges which may be separate ownership and/or management either by condominium, leases or written recorded agreements, there shall be coordination of the activities which shall be scheduled to be held within the physical components of the complex, with the hotel either being a free-standing structure or integrated within the conference center structure.

The permitted uses as herein set forth shall not include an after hours nightclub or adult entertainment or parlor betting, gaming or gambling. The uses permitted within the convention facilities shall not include flea markets, exhibits or retail sales not associated with and related to such permitted uses.

The conference center complex shall have not less than five hundred (500) feet of frontage on a major arterial street with the access point for entry to the conference center to be located not more than two thousand (2,000) feet from the center of an interchange or intersection with another expressway or major arterial street as identified by the Township Street Classification Map.

**Conservation Design Development.** A residential development meeting all of the requirements of Article IX.

**Conservation District.** The Lehigh County Conservation District.

**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. To meet a requirement of a Township ordinance, such easement shall run for a minimum period of 99 years, unless a longer period is specified. Such easement shall be recorded in the Recorder of Deeds Office in Lehigh County. At a minimum, any conservation easement established to meet a requirement of a Township ordinance shall restrict uses of the land in a manner closely similar to all of the following:

A. The vast majority of the land shall be preserved in a near-natural or landscaped state or for agricultural uses,

B. No new principal buildings may be constructed on the lot, other than for non-commercial recreation or as necessary to support on-site agricultural activities,

C. The land shall not be used for any mineral extraction, commercial or industrial activities, other than agriculture or the growing of trees and plants for re-planting or for Christmas Tree sales,

D. The land affected by the Conservation Easement shall not be further subdivided, and

E. Currently forested areas shall be maintained as forests, with only carefully selective cutting of trees in such a way as to preserve the character of such lands as forested lands, without any clear cutting.
**Conservation Plan.** An Erosion and Sedimentation Control Plan prepared for agricultural properties as required by Chapter 102 of the PaDEP Rules and Regulations and as reviewed and approved by the Conservation District.

**Construction.** Includes the placing of construction materials in permanent position and fastening in a temporary or permanent position and/or the demolition of a pre-existing building.

**Convenience Store.** A use that primarily sells routine household goods, groceries, prepared ready-to-eat foods and similar miscellaneous items to the general public, but that is not primarily a restaurant, and that includes a building with a floor area of less than 4,000 square feet. A convenience store involving the sale of gasoline shall be regulated as an "auto service station."

**Conversion.** To change or adapt land or structures to a different use.

**County.** The County of Lehigh, Commonwealth of Pennsylvania.

**County Planning Commission.** The Lehigh Valley Planning Commission.

**Crop Farming.** The cultivating, raising and harvesting of products of the soil and the storage of these products produced on the premises. The definition of crop farming shall also include orchards and Christmas tree farms, but shall not include animal husbandry, commercial forestry, riding academies or kennels. If a crop farming lot includes more than 15 acres, it may also include the keeping of up to 10 additional animals as a permitted accessory use, in addition to what is permitted under the "keeping of pets" in Section 403.

**Crop Storage, Commercial.** A use involving the bulk storage of crops grown by numerous farmers as a wholesale use.

**Cultural Center.** A building and/or land open to the public which primarily contains exhibits of clearly artistic or cultural interest, such as a museum, library, art gallery or indoor nature study area. This shall not include uses that are primarily commercial in nature.

**Curative Amendment.** A proposed zoning amendment made to the Board of Supervisors by any landowner who desires to challenge on substantive grounds the validity of an ordinance which prohibits or restricts the use or development of land in which they have an interest.

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

A. **Child Day Care Center, as an Accessory Use.** A type of "day care" use that provides care for 6 or fewer children at one time who are not relatives of the care giver. See Section 403.

B. **Child Day Care Center, as a Principal Use.** A type of "day care" use that provides care for 7 or more children at any one time who are not relatives of the primary operator. See Section 402.

**Days.** Calendar days.

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

**Detached Building.** A building that is surrounded on all sides by open yards and that is not attached to any other building.

**Detention Pond.** A basin designed to retard storm water runoff by temporarily storing the runoff and releasing it at a predetermined rate through a defined outlet structure.

**Development.** Construction, erection or expansion of a structure or mining, dredging, filling, grading, paving, excavation or drilling operations. The term also includes any activities defined as "land development" under the Upper Macungie Township Subdivision and Land Development Ordinance.

**Distribution.** The processing of materials so as to sort out which finished goods are to be transported to different locations, and the loading and unloading of such goods. This use usually involves inventory control, material handling, order administration and packaging. This term shall not include a "trucking company terminal."

**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 principal or accessory building that includes residential areas occupied exclusively by faculty or students of an accredited college or university or State licensed teaching hospital or accredited public or private primary or secondary school.

**Driveway.** A privately owned, constructed, and maintained vehicular access from a street or access drive to only 1 dwelling unit, commercial unit, institutional or industrial principal use. See also "access drive."
**Dump.** Any area used for solid waste disposal that does not operate under a valid solid waste permit issued by PaDEP and that is not a permitted junkyard under this Ordinance.

**Dwelling.** A building used as non-transient living quarters, but not including a boarding house, hotel, motel, hospital, nursing home or dormitory. A dwelling may include a use that meets the definition of a "sectional home." This Ordinance categorizes dwellings into the following types:

A. **Conversion Apartment.** A new dwelling unit created within an existing building within the standards of Article IV and where permitted by Article III and meeting the floor area requirements of Article VIII.

B. **Low-Rise Apartments (Garden Apartments).** Three or more dwelling units within a building that are separated by only horizontal floors or by a combination of horizontal floors and vertical walls (see definition of townhouses). This shall include buildings with a maximum height of 3-1/2 stories or 35 feet, whichever is lesser. The individual dwelling units may be leased or sold for condominium ownership.

C. **Mid-Rise Apartments.** Three or more dwelling units within a building that is higher than 35 feet or 3-1/2 stories.

D. **Sectional or "Modular" Home.** A type of dwelling that meets a definition of single family detached dwelling, single family semi-detached dwelling, townhouse or garden apartment that is substantially but not wholly produced in two or more major sections off the site and then is assembled and completed on the site, and that does not meet the definition of a "mobile/manufactured home" and that is supported structurally by its exterior walls and that rests on a permanent foundation.

E. **Single Family Detached Dwelling.** One dwelling unit in 1 building accommodating only 1 family and having open areas on all sides.

   1. **Mobile/Manufactured Home.** A type of single family detached dwelling that meets all of the following requirements: a) is transportable, b) is designed for permanent occupancy, c) contained in a single piece, or two substantial pieces designed to be joined into one integral unit capable of again being separated for repeated towing, d) which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, e) is constructed so that it may be used with or without a permanent foundation, f) is not a "Recreation Vehicle," and g) includes a minimum of 300 square feet of interior floor space. The terms "mobile home" and "manufactured home" have the same meaning. See the above definition of "Sectional home."

F. **Single Family Semi-Detached Dwelling.** One dwelling unit accommodating 1 family that is attached to and completely separated by a vertical unpierced fire resistant wall to only 1 additional dwelling unit. One side yard shall be adjacent to each dwelling unit. This use is commonly known as one-half of a duplex or one-half of a "twin home." Each unit may or may not be on a separate lot.
G. **Townhouse.** 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. Townhouses are also commonly referred to as "row houses" or "single family attached dwellings."

H. **Two-Family Detached Dwelling.** Two dwelling units accommodating one family each, with both dwelling units within a single building on a single lot, and without the dwelling units being completely separated by a vertical wall. The building shall have 2 side yards.

**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. No dwelling unit shall include a separate living area that is completely separated by interior walls so as to prevent interior access from the remainder of the living area.

**Easement.** Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of the owner's property.

**Emergency Services Station.** A building for the housing of fire, emergency medical or police equipment and for related activities. A Membership Club may be included if it is a permitted use in that District. This may include housing for emergency personnel while on-call.

**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.

**Environmental Hazard Survey Form.** A document authorized by the Pennsylvania Worker and Community Right-to-Know Act which, if required by the Department of Labor and Industry for a facility, describes the hazardous substances emitted, discharged or disposed of from the workplace.

**EPA.** The U.S. Environmental Protection Agency, or its successor agency or department.

**Essential 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. See standards in Section 306. 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.
Exercise Club. A facility that offers indoor or outdoor recreational facilities, such as the following: weight rooms, exercise equipment, non-household pool and racquetball courts.

Family. One or more persons living in a single dwelling unit and functioning as a common household unit. A family shall include a maximum of 4 persons who are not "related" to each other (see definition in Article II). See the "Group Home" provisions of Section 402, which allows a greater number of unrelated persons in certain circumstances. A "Treatment Center" shall not be considered a "Family" or a "Group Home." For a use involving greater numbers of unrelated persons, see "Boarding House" or "Institutional Group Home."

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. Man-made barriers constructed principally of masonry, concrete, cinder block or similar materials shall be considered a "wall." The term "wall" does not include engineering retaining walls, which are permitted uses as needed in all Districts. The terms "fence" and "wall" do not include hedges, trees or shrubs.

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

Floodplain (100-Year). See definitions in Article X of this Ordinance entitled "Floodplain Regulations."

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 specifically shall not include the following: a) elevator shafts, b) common stairwells or c) unenclosed porches, decks or breezeways.

Forestry, Commercial. The harvesting of more than 25 live trees with a trunk width of 6 inches or more at a height 4.5 feet above the average ground level on any tract or lot within a calendar year. This term shall not apply to the following, which are permitted by right uses in all districts: 1) routine "thinning of woods" involving dispersed selective cutting of trees that involve less than 20 percent of all trees on 1 or more abutting lots with a trunk width of greater than 6 inches, 2) cutting of trees with a trunk width less than 6 inches, 3) cutting of fewer than 25 such trees in a calendar year, 4) Christmas tree farms or 5) clearing of portions of a lot that is clearly the minimum necessary for construction.
Fracture Trace. Linear features in bedrock caused by erosion along fractures or zones of fractures and readily visible on aerial photographs.

Fraternity or Sorority. A type of "boarding house," regulated as such, which is occupied by organized groups of higher education students, and which is officially recognized as a fraternity or sorority by such institution.

Garage, Private or Household. An enclosed building for the storage of 1 or more motor vehicles. No business, occupation or service shall be conducted in a private garage that is accessory to a dwelling, except as may be allowed as a home occupation. The rental to a person who does not reside on the property of storage space that would accommodate more than 2 cars or for commercial purposes shall be regulated as a business use.

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 403.

Garden Apartment. See under "Dwellings."

Ghost Lakes. Transient surface water bodies formed in sinks and closed depressions after heavy precipitation, due to poor internal drainage. This poor drainage may be due to residual clay remaining after solution of limestone minerals.

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

Golf Course. An outdoor area used for the game of golf, with a minimum of 9 holes each requiring a player to hit a ball at least 100 feet. This use may also include a clubhouse, swimming pools, tennis courts, golf equipment sales and similar facilities as accessory uses.

Government Facility, Other than Township-Owned. A use owned by a government, government agency or government authority for valid governmental purpose, and which is not owned by Upper Macungie Township. This shall not include uses listed separately in the table of uses in Article III, such as "publicly-owned recreation."

Grade. The mean curb level, unless otherwise noted. When a curb level has not been established, grade shall mean the average finished ground elevation adjoining the buildings.

Gross Lot Area. See "Lot Area, Gross."

Group Home. The use of any lawful dwelling unit which meets all of the following criteria:
A. Involves the care of the maximum number of persons permitted by the "group home" standards of Section 402, and meets all other standards of such section.

B. Involves persons functioning as a common household unit.

C. Involves providing non-routine support services and oversight to persons who need such assistance to avoid being placed within an institution, because of physical disability, old age, mental retardation or other "handicap" as defined by applicable Federal law.

D. Does not meet the definition of a "treatment center."

E. Does not involve the housing or treatment of persons who could reasonably be considered a threat to the physical safety of others.

* NOTE: As of 1992, the Federal Fair Housing Act 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."

* NOTE: For a use that would include more than the number of residents permitted under a "Group Home," see "Institutional Group Home," which is a distinct use.

Hazardous Material. A product or waste, or combination of substances that because of the quantity, concentration, physical, chemical 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 the air, surface waters, ground water resources and the subsurface environment which includes the soil and all subsequent materials located below. Such hazardous material includes, but is not limited to, materials which may be included on one or more of the following lists, or their successor lists:

A. Occupational Safety and Health Act, 29 CFR, Part 1910, Subpart Z - Extremely Hazardous Substance List;

B. American Conference of Governmental Industrial Hygienists, Threshold Limit Values for Chemical Substances and Physical Agents in the Work Environment (latest edition);

C. National Toxicology Program, Annual Report on Carcinogens (latest edition);

D. International Agency for Research on Cancer Monographs (latest edition);

E. Commonwealth of PA. Department of Labor and Industry, Hazardous Substance List (latest edition);

F. "Hazardous Substances" defined pursuant to Section 311 of the Federal Clean Water Act;
G. "Toxic Materials" defined pursuant to Section 307 of the Federal Clean Water Act;

Hazardous Substance Survey Form. A document required by the Pennsylvania Worker and Community Right-to-Know Act which provides a listing of all hazardous substances found in the workplace.

Height. The vertical distance measured from the average elevation of the average proposed ground level along the front of the building to the highest point of a structure. For a building with a roof, such height shall be measured to the highest point of the structural roof. See exemptions for certain types of structures in Section 802. For height of signs, see Article VII entitled "Signs."

Heliport. An area used for the take-off and landing of helicopters, together with any related support facilities such as for maintenance, refueling and storage. This Ordinance is not intended to regulate the non-routine emergency landing and take-off of aircraft to pick-up seriously injured or ill persons.

A. Public Heliport. A heliport that does not meet the definition of a Private Heliport.
B. Private Heliport. A heliport limited to a maximum total of 15 flights or take-offs in any 7-day period and that is not available for use by the general public. This is also known as a helistop.

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 that:

A. Is conducted primarily by a permanent resident of the dwelling;
B. Meets the definition, standards and limitations of a "general home occupation" or a "light home occupation" within the following definitions and Section 403;
C. Only include uses that are clearly incidental and secondary to the principal residential use; and
D. Does not include any retail or wholesale sales on the premises (other than over the phone and through the mail) nor any industrial use (other than custom crafts and sewing).
E. See list of prohibited home occupations in Section 403.

1. General Home Occupation. A type of "home occupation" that:
   a. Only involves persons working on the premises who are permanent residents of the dwelling plus a maximum of 1 non-resident working on the premises at any one point in time,
   b. Does not meet the definition and standards of a "Light Home Occupation," and
c. Meets the standards of Section 403.

(Note: This use typically requires approval by the Zoning Hearing Board under Article III.)

2. **Light Home Occupation.** A type of "home occupation" that:
   a. Only involves persons working on the premises or routinely operating from the premises who are permanent residents of the dwelling,
   b. Does not involve more persons regularly visiting the premises for business purposes than specified in Section 403, but instead primarily involves the operator visiting clients at their home or business,
   c. Is limited to only the following types of activities:
      1) Office-type work (such as writing, editing, drafting, tax preparation, computer programming and computer data inputting),
      2) Clerical work (such as typing, stenography, addressing and sending mail),
      3) Custom sewing and fabric crafts,
      4) Creation of visual arts (such as painting, sculpture or wood carving)
      5) Sales and surveys over the phone.
      6) Meets the standards of Section 403.

(Note: This use typically does not require Zoning Hearing Board approval under Article III.)

**Hospice.** A facility that provides support services for terminally ill persons, but that does not primarily involve highly skilled medical care. Such use may occur within a hospital, personal care center or group home. However, if the use involves care of persons with illnesses that can be contagious through the air or casual conduct, the use shall be limited to within a hospital or nursing home.

**Hospital.** A use involving the diagnosis, treatment or other medical or care of humans that includes, but is not limited to, care requiring stays overnight. A medical care use that does not involve stays overnight shall be considered a "Medical Office or Clinic." 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 professions. A "hospital" may include a hospice for care of the terminally ill.

**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 30 days shall be considered a "boarding house" and shall meet the requirements of that use. See
also “Bed and Breakfast” use. A hotel or motel may include a restaurant, nightclub, newsstand or tavern, provided that such uses are clearly accessory to the principal use of overnight accommodations.

**Impervious Coverage.** The total area of all "impervious surfaces" on a lot (including building coverage) divided by the total lot area.

A. Areas being voluntarily dedicated as common open space may be included in the acreage for determining impervious coverage of an adjoining lot.

B. The non-impervious coverage may be partially or wholly met by land that abuts the use, even if such land is in a different zoning district, an adjoining municipality and/or an abutting lot, if such land will be deed restricted as permanent open space and be so clearly stated on official recorded plans. In such case, such land shall be properly maintained by the abutting use.

**Impervious Surface.** Area covered by roofs, concrete, asphalt or other man-made cover which has a coefficient of runoff of 0.7 or higher. The Township Engineer shall decide any dispute over whether an area is "impervious."

**Industrial Districts.** Includes the LI, LI(L), GI and RT Districts.

**Industrial Use.** Includes manufacturing, distribution, warehousing and other operations of an industrial and not primarily of a commercial, institutional or residential nature.

**Injection Well, Underground.** A bored, drilled, driven or dug well for the emplacement of fluids into the ground, but not including: a) drilling muds and similar materials used in well construction or b) a routine heat pump or electric heat exchange system serving a building.

**In-Patient Alcohol Treatment Center.** A use that treats persons who primarily need such treatment because of addictions to alcohol, and not because of criminal activity. This use shall be primarily for in-patient care but may include outpatient care as a clearly accessory use.

**Institutional Group Home.** A use which would otherwise meet the definition of a Group Home except that it includes more residents than permitted by the Group Home standards of Section 402. Such use may or may not occur within a dwelling unit.

**Junk.** Any discarded, unusable, scrap or abandoned man-made or man-processed material or articles, such as the following types: metal, furniture, appliances, motor vehicle parts, aircraft, glass, plastics, machinery, equipment, containers and building materials other than materials permitted under Section 306.E. Junk shall not include: a) solid waste that is temporarily stored as is customary in an appropriate container that is routinely awaiting-collection and disposed of in a manner consistent with State regulations, b) toxic wastes, c) grass
clippings, leaves or tree limbs, or d) items clearly awaiting imminent recycling at an approved recycling use.

**Junk Vehicle.** Includes any vehicle or trailer that meets any of the following conditions:

A. Cannot be immediately moved under its own power, in regards to a vehicle designed to move under its own power, other than a vehicle clearly needing only minor repairs,
B. Cannot be immediately towed, in regards to a vehicle designed to be towed,
C. Has been demolished beyond repair,
D. Has been separated from its axles, engine, body or chassis, and/or
E. Includes only the axle, engine, body parts and/or chassis, separated from the remainder of the vehicle.

**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 1 or more of the following types:
   1. "Junk." (see definition).
   2. A greater number of junk vehicles than is permitted under Section 604 that are partly or fully visible from an exterior lot line, dwelling and/or public street. This shall not apply to such vehicles allowed to be stored within the specific requirements of an auto repair garage or auto service station.
   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 and shall be regulated as a warehouse.

**Karst.** A type of topography characterized by closed depressions or sinkholes, caves, rock pinnacles and underground drainage, resulting from solution of limestone and dolomite bedrock.

**Kennel.** The keeping of a greater number of dogs or cats on a lot or within a dwelling unit beyond that number permitted under the "Keeping of Pets" or the "Crop Farming" provisions of this Ordinance. A non-profit animal shelter is a type of kennel.

**Landowner.** The owner of a legal or equitable interest in land, including the holder of a written, signed and active option or contract to purchase or a person leasing the property (if authorized under the lease to exercise the right of the landowner and if such lease is for a remaining period of at least 12 months) or authorized officers of a partnership or corporation that is a "landowner." A person who has clearly received formal notarized powers of attorney relating to a
landowner or the executor of an estate that is the landowner may act in the capacity of the landowner, if legally authorized.

**Large Volume Subsurface Sewage Disposal System.** A sewage disposal facility which is designed to discharge directly to the soil profile, whether natural or enhanced, and which has a design capacity in excess of 10,000 gallons per day.

**Large Volume Spray Irrigation Sewage Disposal System.** A sewage disposal facility which is designed to treat wastewater with ultimate disposal of effluent being to the land surface via a spray mechanism and which is designed for more than 2,000 gallons per day.

**Library.** See "Cultural Center."

**Life Care Center.** A residential use designed and operated exclusively for adults of 55 years of age or older and/or physically handicapped persons that includes a nursing home and certain limited support facilities intended specifically to serve the needs of these residents.

**Light Industry.** For the purposes of the Wellhead Protection provisions of this Ordinance, shall mean the following: industrial, commercial, public or retail establishments which engage in manufacturing, fabrication or service activities and which appear on the following list:
- Bulk Agricultural Products Dealers and Distributors
- Mining Quarrying
- Highway Deicing Material Storage
- Textile and Apparel Products; Lumber and Wood Preserving
- Printing & Publishing
- Chemical Products
- Leather Products
- Mineral Products: Glass and Cement
- Metal Products
- Machine Shops
- Electronics and Electronic Equipment
- Transportation Maintenance
- Scrap Trade and Metal Container Recyclers
- Chemical and Petroleum Storage and Sales
- Automotive Repair, Services and Related Parking
- Personal Services: Laundry, Pest Control and Photofinishing
- Repair Services: Furniture, Welding and Septage Services
- Amusement and Recreation
- Educational, Medical and Engineering Laboratories

**Lighting, Diffused.** Illumination that passes from the source through a translucent cover or shade.
**Limited Business Conversion.** The conversion of an existing single family detached dwelling into a light business use, as specified in the standards for such use in Section 402.

**Line, Street.** The street right-of-way line. This shall be the future street right-of-way line, if one is required to be established.

**Livestock, Raising of or "Animal Husbandry."** The raising and keeping of livestock, poultry or insects for any commercial purposes or the keeping of any animals for any reason beyond what is allowed under the "Keeping of Pets" section of Section 403 and beyond what is allowed within the definition of "crop farming." For the purposes of this Ordinance, the "keeping of livestock" shall have the same meaning as "animal husbandry." Raising of livestock shall not include a slaughterhouse nor a stockyard used for the housing of animals awaiting slaughter.

**Lot.** A contiguous separate parcel of land that is recorded or that will be recorded after Township final subdivision approval in the office of the County Recorder of Deeds. A parcel under common ownership that is completely separated into two parts by a public street shall be considered to be one tract but two lots.

**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. A lot abutting upon a curved street or streets shall be considered a "corner lot" if the tangent to the curve at the points beginning within the lot or at the points of intersection of the side lot lines with the street lines intersect at an angle of less than 135 degrees.

**Lot, Flag.** An irregularly shaped lot characterized by an elongated extension from a street to the principal part of the lot. The flag shape of the lot is normally intended to provide for access to an otherwise landlocked interior parcel. See Section 801.

**Lot, Interior.** A lot other than a corner lot.

**Lot, Merged.** A lot which has resulted from the merger of 2 or more abutting non-conforming parcels of land that were held under single ownership. See Section 806 which restricts such parcels from being sold separately.

**Lot, Reverse Frontage.** A lot that abuts two approximately parallel streets, but only has access onto one street.

**Lot, Through.** A lot that abuts 2 approximately parallel streets.

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

1. Areas within the "future" or "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 1 lot (Note - proposed streets are not required to be excluded in determining density of apartments or townhouses under Section 402); and
2. Areas that are currently or will be required to be dedicated as common open space on a separate lot (Note - proposed common open spaces are not required to be excluded in determining density of apartments or townhouses under Section 402).

B. For lots for single family detached or single family semi-detached dwellings, 50 percent of the areas within rights-of-way intended for overhead electrical lines of 35 kilovolts or higher capacity shall not be counted towards the minimum lot area. For townhouses and apartments, see Section 402.

Lot Area, Gross. The total land area contained within the lot lines of all lots within a proposed development, not including existing legal rights-of-way of existing public streets.

Lot Depth. The average horizontal distance between the front and the rear lot lines, measured through the approximate center of the lot.

Lot Lines. The property lines bounding the lot. Wherever a property line borders a public street, the lot line shall be considered to be the existing street right-of-way.

**SAMPLE LOT CONFIGURATIONS: NUMBERS CORRESPOND TO THE FOLLOWING DEFINITIONS**

1. Front Lot Line (Street Line). A lot line separating the lot from the future street right-of-way.
2. Rear Lot Line. A lot line opposite and most distant from the front lot line. (A three (3) sided lot has no rear lot line.)
3. Side Lot Line. Any lot line other than a front or rear lot line.
4. **Lot Width.** The horizontal distance between the side lot lines measured at the minimum prescribed front yard setback line, unless otherwise stated. In the event of a curved lot line, the lot width shall be measured using a straight line from end to end.

Lumber Yard. The wholesale of lumber products such as dimensional lumber, sheathing materials, wooden beams, posts, trim and finish products such as windows, doors, hardwood flooring and handrails. Also offered for sale may be fasteners such as screws, nails, truss plates and similar items. A Lumber Yard may also include planing, milling, cutting and shaping of wood and wood products for use in construction including the assembly of floor and roof trusses. Outdoor storage of lumber and lumber products shall be permitted as provided for in Section 403.D.9 of this Ordinance.

Manufacture. The making, with substantial use of machinery, of some physical product for sale, and/or associated assembly, fabrication, cleaning, testing, processing, recycling, packaging, conversion, production, distribution and repair, with substantial use of machinery, of products for sale. This term shall not include the following: retail sales, personal services, solid waste disposal facility, trucking company terminal, mineral extraction, or petroleum or kerosene refining or distillation.

Major Surface Waters. Any natural body of water having a tributary area greater than 100 acres.

Massage. The performance of manipulative exercises using the hands and/or a mechanical or bathing device on a person(s) skin other than the face or neck by another person(s) that is related to certain monetary compensation, and which does not involve persons who are related to each other by blood, adoption, marriage or official guardianship.

Massage Parlor. An establishment that meets all of the following criteria:

A. "Massages" are conducted.
B. The person conducting the massage is not licensed as a health care professional or a licensed massage therapist by the State.
C. The massages are not conducted within a licensed hospital or nursing home or an office of a medical doctor or chiropractor.
D. The massages are conducted within private or semi-private rooms.
E. The use is not clearly a customary and incidental accessory use to a permitted exercise club or to a high school or college athletic program.

Medical Clinic. A facility comprised of professional offices, for the examination and treatment of persons as outpatients by physicians, dentists or other licensed medical specialists, in which said medical practitioners work in cooperative association. Said clinics may provide medical services customarily available at hospitals, excluding over-night care of patients and 24 hour emergency service.

Medical Office. A use involving the treatment and examination of patients by State-licensed physicians or dentists, provided that no patients shall be kept overnight on the premises. This use may involve the testing of tissue, blood or other human materials for medical or dental purposes. A clinic primarily involving the performance of abortions shall not be permitted within a residential district or within 200 feet of a dwelling.

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 are 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. This use shall not include a target range for outdoor shooting, boarding house, a tavern, a restaurant, retail sales or an auditorium unless that particular use is permitted in that District and the requirements of that use are met. See also "After Hours Club."

A. Membership Club, General. A type of "Membership Club" that does not meet the definition of a "Light Membership Club".
B. Membership Club, Light. A type of "Membership Club" that is only used as a meeting place, and is not routinely used for banquets or for social events by non-members and which is designed to have a maximum capacity of 200 persons if located in a permitted residential district.

Mineral Extraction. The removal from the surface or beneath the surface of the land of bulk mineral resources using significant machinery. "Mineral extraction" includes but is not limited to the extraction of sand, gravel, topsoil, limestone, sandstone, 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.

Mini-Market. See "Convenience Store."
**Mobile Home Lot.** A parcel of land in a mobile/manufactured home park that is improved with the necessary utility connections and other features necessary for the development thereon of a single mobile/manufactured home.

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

**Mobile/Manufactured Home Park.** A parcel of land under single ownership which has been planned and improved for the placement of 3 or more mobile/manufactured homes for non-transient residential use. The individual manufactured homes may be individually owned. A development of mobile/manufactured homes that is subdivided into individual lots shall be regulated in the same manner as a subdivision of site-built homes, and shall not be considered to be a "mobile home park."

**Motel.** See "Hotel."

**Motor Freight Terminal.** See "Trucking Company Terminal."

**Municipalities Planning Code or State Planning Code.** The Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended by Act 170 of 1988, and as may be further amended.

**Nature Preserve.** A noncommercial preservation of land for providing wildlife habitats, forests or scenic natural features that involves no buildings other than a nature education and/or study center and customary maintenance buildings.

**Night Club.** A tavern or restaurant that has a primary or substantial portion of the total trade in the sale of alcoholic beverages, which frequently charges admission or cover charges for entertainment or music for dancing and which has a capacity of more than 250 persons for such entertainment or dancing. See the definition of an “After-Hours Club.”

**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 is legally established through the granting of a variance by the Zoning Hearing Board, and which is not abutted by other undeveloped land owned by the same owner.

**Nonconforming Structure.** A structure or part of a structure manifestly not designed to comply with the applicable lot area, dimensional and other provisions in this Ordinance, as amended, where such structure lawfully existed prior to the enactment of such Ordinance or applicable amendment. Such nonconforming structures include but are not limited to signs.

**Nonconforming Use.** A use, whether of land or of a structure, which does not comply with the applicable use provisions in this Ordinance or amendments.
heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of this Ordinance or applicable amendment.

* See Section 806, which requires the burden of proof for non-conforming status to be upon the applicant.

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

Nutrient Management Plan. A document applicable to agricultural properties which describes the storage, handling and application of fertilizers, including manure, related to agricultural production.

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 or dental offices, clinics or laboratories, photographic studios and/or television or radio broadcasting studios.

Official Map. Any Official Map that may be adopted or amended by the Board of Supervisors in accordance with the Municipalities Planning Code.

Official Street Classification Map. The map as adopted by the Board of Supervisors classifying the streets of the Township. See definition of "Street Classification." This map may be amended by resolution of the Board of Supervisors.

Official Zoning Map. The map as adopted by the Board of Supervisors which designates the location and boundaries of zoning districts.

Open Space, Common. A parcel or parcels of land within a tract which meets all of the following standards:

A. Is designed, intended and suitable for active or passive recreation by residents of a development or the general public,
B. If not intended to be publicly owned, is covered by a system for perpetual maintenance,
C. Will be deeded to the Township and/or deed restricted to permanently prevent uses of land other than "common open space" and non-commercial recreation and
D. Does not use any of the following areas to meet minimum open space requirements: 1) existing or future street rights-of-way, 2) vehicle access drives providing access to other lots, 3) buildings (other than accessory buildings and pools clearly intended for noncommercial recreation), 4) off-street parking (other than that clearly intended for noncommercial recreation), 5) any area needed to meet a requirement for an individual lot, 6) any area deeded over to an individual property owner for his/her own
use or 7) land with rights-of-way or easements intended for overhead electrical transmission of 35 kilovolts or greater capacity.

Open Space Preservation – Maintaining the natural environment whereby relief will be provided from built up areas and wherein areas of scenic beauty which are not naturally suited for development will be preserved which will provide land for active and passive recreation and habitats for birds, fish and wildlife.

Ordinance. This. - The Upper Macungie Township Zoning Ordinance, including the Official Zoning Map and Official Street Classification Map, as amended.

PA. State of Pennsylvania.

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

Patio. An outdoor area that is not covered by a permanent roof and that is used as an accessory recreation area by the occupants of a building.

Paved Area. All areas covered by gravel and/or impervious surfaces, other than areas covered by buildings, bicycle paths and pedestrian sidewalks.

PaDEP. The Pennsylvania Department of Environmental Protection, or its successor, and its subparts.

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

Permit. A document issued by the proper Township authority authorizing the applicant to undertake certain activities.

A. Zoning Permit. A permit issued indicating that a proposed use, building or structure is, to the best knowledge of the Township Staff, in accordance with this Ordinance and which authorizes an applicant to proceed with said use, building or structure, within all other applicable laws and regulations. For the purposes of this Ordinance, a zoning permit or "a permit under this Ordinance" shall mean the applicable portions of a construction permit, unless a specific system of zoning permits has been established.

B. Construction Permit. A permit indicating that a proposed construction, alteration, or reconstruction of a structure is, to the best knowledge of the Township Staff, in accordance with the provisions of the Building Code which may be adopted by the Township.

C. Occupancy Permit. A permit that may be required by the Township that is issued upon completion of the construction of a structure, or change in use of a structure or parcel of land, or reoccupancy of a structure or land indicating that the premises, to the best knowledge of the Building and
Zoning Officers, comply with the provisions of Township Ordinances. This shall have the same meaning as a "Certificate of Use and Occupancy."

**Permitted By Right Uses.** Uses that do not have to be approved as uses by the Zoning Hearing Board or the Board of Supervisors. (A site plan review by the Planning Commission and the Board of Supervisors is required for certain permitted by right uses to ensure that the use would comply with all Township ordinances.) A "nonconforming use" shall not be considered to be a "permitted use."

**Person.** An individual, association, public or private corporation for profit or not for profit, partnership, firm, trust, estate, department, board, bureau or agency of the Commonwealth, political subdivision, municipality, district authority or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

**Personal Care Home or Center.** A residential use providing residential and support services primarily to persons who are over age 60, physically handicapped and/or developmentally disabled and that is licensed as a Personal Care Center by the Commonwealth of Pennsylvania. See also "Hospice".

**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, shoe repair shops, household appliance repair shops, and other similar establishments, but shall not include any "adult uses."

**Pesticide Management Plan.** A document applicable to agricultural properties which describes the storage, handling and application of products to control pests and undesirable vegetation related to agricultural production.

**Pets, Keeping of.** The keeping of domestic animals 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.

**Picnic Grove, Private.** An area of open space and pavilions that is not publicly owned and which is rented for picnics and outdoor recreation.

**Places of Worship.** Buildings, synagogues, churches, religious retreats, monasteries, seminaries and shrines used primarily for religious and/or spiritual worship and that are operated for nonprofit and noncommercial purposes. A place of worship may include 1 dwelling unit as an accessory use. If a religious use is primarily residential in nature, it shall be regulated under the appropriate "dwelling type."
Planning Commission. The Planning Commission of the Upper Macungie Township.

Plant Nursery. The indoor and/or outdoor raising of trees, plants, shrubs or flowers for sale, but not primarily including commercial forestry for lumber. A plant nursery may include the growth of trees for sale for internal decoration of homes, such as a Christmas tree farm.

Pollution Incident Prevention (PIP) Plan. An environmental emergency response document authorized by Chapter 101 of the PaDEP Rules and Regulations which is applicable to facilities which handle materials with the potential for accidental pollution of the waters of the Commonwealth. Specific requirements for a PIP plan are contained in "Guidelines for the Development and Implementation of Environmental Emergency Response Plans," PaDEP, September 1990.

Preparedness, Prevention and Contingency Plan (PPC), An environmental emergency response document required by the Federal Resource Conservation and Recovery Act (as amended by the Hazardous and Solid Waste amendments of 1984), the PA. Solid Waste Management Act and the PaDEP Hazardous Waste Regulations (Chapters 260 to 270) that is applicable to facilities which generate, store, treat or dispose of hazardous wastes. Hazardous wastes are those defined within PaDEP regulations or other wastes which meet specific characteristic tests.

Power Transmission Lines. Overhead high voltage electrical transmission lines that are suspended from towers.

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

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

Printing. Shall include printing, publishing, lithographing, photocopying, bookbinding and similar uses.

Professional. A person who, by education, experience, certification or licensure, has a demonstrated expertise in a particular field.

Property Line. Has the same meaning as "lot line."

Protected Public Water Supply Well. Any well used or intended to be used as a ground water supply source as part of a public water supply system for which Wellhead Protection Areas have been established.

Publicly-Owned Recreation. Land and/or facilities that are owned by a government agency or the Township and are available for use by the general public for leisure and recreation.

Race Track. A use primarily involving competitive driving of motor vehicles involving speeds routinely exceeding 30 miles per hour, other than driving upon a public street.

Recreation, Private. Non-commercial leisure-time uses that are only open to members, guests or some specific groups.

Recreation, Commercial. Leisure-time uses that are principally operated for commercial purposes.

Recreational Vehicle. A vehicle which is designed primarily to transport a person for primarily recreational instead of transportation purposes, or a vehicle that serves as a mobile, temporary dwelling. This may include a vehicle that is self-propelled, towed or carried by another vehicle, but shall not include camper cabs that fit over pickup trucks. This term shall also include the following: watercraft with a hull longer than 15 feet, motor homes, travel trailers, all-terrain vehicles and snowmobiles.

Recreational Vehicle Storage Area. An outdoor area used for the storage of 3 or more recreational vehicles. Retail sales or major repair work shall only be allowed if those uses are permitted in that zoning district.

Recycling Center. Bulk. See "Bulk Recycling Center."

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, an emergency services station or a college or university.

Related or Relative. Persons who are closely related by blood, marriage, adoption or formal foster relationship to result in one of the following relationships: brother, sister, parent, child, grandparent, great-grandparent, grandchild, great-grandchild, uncle, aunt, niece, nephew, sister-in-law, brother-in-law, parent-in-law or first cousin. This term shall not include relationships such as second, third or fourth cousins.

Repair Service. Shops for the repair of appliances, watches, guns, bicycles and other household items.
Residential Accessory Building, Structure 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, Volleyball Court, Gazebo, Storage Shed, Greenhouse, Children's Playhouse and Children's Play Equipment. For skateboard ramps, see Residential Accessory Structure Standards in Section 403.

Residential District. The RU3, RU1.5, R1, R2, R3, R4, R5 and OSP Zoning Districts.

Residential Lot Lines. The lot line of a lot that:
A. Contains an existing dwelling on a lot of less than 5 acres 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. A restaurant may include the accessory sale of alcoholic beverages. However, if such sale is a primary or substantial portion of the total trade, the requirements of a "tavern" or nightclub as applicable must be met.
C. A restaurant shall not include a use meeting the definition of a "nightclub" or an "after-hours club."

Restaurant with Drive-Thru Service. A "restaurant" that allows customers to place orders and receive their orders while seated in their own vehicles. Such restaurant may or may not also include indoor service.

Retail Sales of Agricultural Products Grown Primarily on the Premises. A market where only horticultural or agricultural products are sold, and where a minimum of 50 percent of the products were produced by the operator of the market. See Section 403.

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.

Retention Pond. A basin designed to retard storm water runoff, by temporarily storing the runoff, which does not have a defined outlet.
structure and which empties through a combination of evaporation, transpiration and infiltration.

Retirement Community. A residential development limited exclusively to persons aged 55 years and older and their spouses.

Right-of-Way. Land reserved for the public or others for use as a street or other purpose. Unless otherwise stated, "right-of-way" shall mean the existing street right-of-way line.

A. Right-of-Way, Existing or Legal. The line separating a lot from the established official street right-of-way that either the Township or the Commonwealth will own after the completion of any proposed subdivision, land development or development of a use under this Ordinance.

B. Right-of-Way, Future or Ultimate. Land that is dedicated or is required to be defined or reserve for future dedication for use as a street and for related public improvements. The terms "ultimate right-of-way", "right-of-way reserved for future dedication" and "future right-of-way" shall have the same meaning. See Section 805. If a future right-of-way is not required to be defined, then future right-of-way shall have the same meaning as existing right-of-way.

Riparian Buffer. A riparian buffer is a permanent area diverse native trees, shrubs and vegetation located adjacent to streams, lakes, ponds and wetlands.

Sanitary Landfill (or Solid Waste Landfill). A type of "Solid Waste Disposal Area" involving the depositing of solid waste on land, compacting the waste, covering the waste with soil and then compacting the soil, and which has a permit to operate as a sanitary landfill from the State.

SARA. Federal Superfund Amendments and Reauthorization Act, as amended.

A. SARA Title III Off-Site Plan. A document required by SARA which applies to employers who have extremely hazardous substances in the workplace. The document identifies the transportation routes of extremely hazardous substances, describes the workplace and provides a risk analysis of the operation to the surrounding community.

B. SARA Title III Tier I & Tier II Reports. Documents required by SARA which apply to employers who have extremely hazardous substances in the workplace. The Tier I document lists the amounts and locations within the workplace of extremely hazardous substances by type of hazard (such as fire, explosion and acute health hazard). The Tier II document provides a listing of each specific extremely hazardous substance in the workplace and each specific hazardous substance exceeding 10,000 pounds on site at any one time.

Satellite Dish Antenna or "Satellite Antenna." A ground or wall mounted reflector usually parabolic in shape, that receives electronic signals from a satellite and that does not meet the definition of a "Commercial Communications Antennae." This term shall also include any pedestal or attached structure.
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" (such as privately operated schools of trade, vocation or business).

Screening. Year-round plant material of substantial height and density designed to buffer one use from view or from a less intense use. See requirements in Section 803.D.

Self-Storage Facility. 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.

Septage. Materials pumped from a residential on-lot septic treatment system that was installed and is maintained in compliance with PaDEP regulations.

Setback Line.
A. The line within a lot defining the required minimum distance between any structure to be erected or use to be developed and the adjacent future street right-of-way or exterior lot line (when the property is not abutted by a right-of-way). Such line shall be measured at right angles from and parallel to the front lot line.
B. Any building setbacks shall be measured from the foundation, exterior wall or other component of a structure that is closest to the right-of-way line or lot line from which the setback is being measured. See exceptions for eaves and cornices in Section 803.B.
C. Unless otherwise stated, setback distances are for both accessory and principal structures.
D. Private Streets - For a building setback measured from a private street, the setback shall be measured from the existing right-of-way of such a street, if a right-of-way exists. If a private street does not have a right-of-way, the setback shall be measured from the edge of the cartway.

Sewage Disposal System. A system to collect, treat and dispose of sewage. No such system shall be permitted that does not comply with local, State and Federal requirements.
A. Public Sewer Service, Service at the time of occupancy of a use by a central sewage treatment plant that is owned by a municipality or a municipal or county authority.
B. On-Lot or Non-Public Sewer Service. Any form of sewage service permitted under local, State and Federal law that does not meet the definition of "public sewer service."

Sewage. Any substance that contains any of the waste products or excrement or other discharge from the bodies of human beings or animals and any noxious
or deleterious substances being harmful or inimical to the public health, or to animal or aquatic life, or to the use of water for domestic water supply or for recreation, or which constitutes pollution under the Act of June 22, 1937 (P.L. 1987 No. 394), known as "The Clean Streams Law," as amended.

**Sewage Enforcement Officer (SEO).** The official appointed by the Township to issue and review sewage system disposal permits and conduct such inspections and investigations as are necessary to implement the provisions of the Pennsylvania Sewage Facilities Act.

**Sewage Sludge or "Sludge."** The coarse screenings, grit and dewatered or air-dried products of sewage treatment, septic and holding tank pumpings and any other residues from sewage collection and treatment systems which require disposal.

**Sewage Sludge, Land Application of.** The spreading on land of the coarse screenings, grit and dewatered or air-dried sludge, septic and holding tank pumpings and other residue from municipal and residential sewage collection and treatment systems. See the separate Township Ordinance on the land application of sewage sludge.

**Shopping Center.** A use involving 5 or more retail or personal service uses or establishments and that primarily involves retail sales. If 2 or more abutting lots each include 5 or more retail sales uses and are developed under common or closely related ownership, then those lots shall together be considered as 1 shopping center. A shopping center may also include a mix of permitted personal service, office and/or commercial recreation uses. For the purposes of this Ordinance, the term "Shopping Center" shall only include the following:

A. **Community Shopping Center.** A shopping center involving a total of between 125,000 and 225,000 square feet of total leasable floor area, including all detached buildings.

B. **Neighborhood Shopping Center.** A shopping center involving a total of between 50,000 and 125,000 square feet of total leasable floor area, including all detached buildings.

C. **Convenience Shopping Center.** A shopping center involving a total of less than 50,000 square feet of total leasable floor area, including any detached buildings.

**Sight Distance Triangle.** An area required to be kept free of certain visual obstructions to traffic. See Section 803.

**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. See definitions of types of signs in Sections
711 and 703. This shall not include displays that only involve symbols that are clearly and entirely religious in nature, and which do not include advertising.

**Sign Area.** See Section 711.

**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. See also "Billboard."

**Single and Separate Ownership.** The ownership of a lot by one (1) or more persons, partnerships or corporations, which ownership is separate and distinct from that of any abutting or adjoining lot.

**Sinkhole.** A closed, generally circular, depression in the land surface of variable depth and width, characterized by a distinct breaking of the ground surface, and formed by solution of carbonate bedrock and downward movement of soil into bedrock voids or by collapse of underlying caves.

**Site Plan Review.** Review of a site plan by the Planning Commission and/or the Board of Supervisors that is required for certain uses under Section 121.

**Slaughter House.** A use involving the killing of animals for the production of food or some other commercial product. A commercial stockyard or similar facility that primarily involves the bulk storage or transferring of animals on the way to slaughter shall also be considered a slaughter house. This shall not include a custom "butcher shop" that does not involve killing of animals (which is a retail sales use).

**Slope.** The vertical change of an area of land divided by the horizontal change, measured in percent.

**Solicitor.** Unless otherwise stated, shall mean the appointed Solicitor to the Upper Macungie Township Board of Supervisors.

**Solid Waste.**

A. Any garbage, refuse, sewage sludge or other discarded material, including solid, liquid, semi-solid or contained gaseous material resulting from industrial, institutional, public, household, commercial or mining activities.

B. For the purposes of this Ordinance, the following materials shall not be considered to be solid waste: 1) portions of trees or shrubs, leaves, mulch and rocks, 2) substances legally disposed of into the air or water through a Federal or State pollution discharge permit, 3) customary residual wastes from a permitted mineral extraction use or 4) materials of a character such as paper, plastic, aluminum and metal that have been separated from the waste stream for recycling.
Solid Waste Facility.

A. Land or structures where solid waste is processed, incinerated or disposed of. This shall only include the following facilities, each of which shall be required to have all permits required by the State in place prior to initiation of the use: sanitary landfill, solid waste transfer facility or solid waste-to-energy facility.

B. The following uses for the purposes of this Ordinance shall not be considered to be a solid waste disposal facility: junkyard, recycling collection center, leaf composting, clean fill or septage or sludge application.

Solid Waste-to-Energy Facility. A type of "Solid Waste Disposal Facility" that utilizes waste (such as trash, sludge or any other nonhazardous commercial, residential or industrial materials) as a fuel to produce usable energy (such as steam or electricity) in bulk to be marketed for reuse to offset disposal costs. Also see the definitions of each of these terms in Title 25 of PA. DER regulations.

Solid Waste Transfer Facility. A type of "Solid Waste Disposal Facility" which receives and temporarily stores solid waste at a location other than the generation site, and which facilitates the bulk transfer of accumulated solid waste to a facility for further processing or disposal, and which may or may not involve the separation of recyclables from solid waste. Also see the definitions of each of these terms in Title 25 of PA. DER regulations.

Special Exception. A use for which the Zoning Hearing Board may grant permission following a public hearing and findings of fact consistent with this Ordinance, provided the use complies with the conditions and standards required by this Ordinance. See Section 119.

Specified Sexual Activities. One or more of the following:

A. Human male genitals in an 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.

Spill Prevention Control and Countermeasure (SPCC) Plan. An environmental emergency response document required by the Federal Clean Water Act for facilities which handle hazardous substances as defined in the Clean Water Act. (Note - The plan requirements are virtually the same as for a PIP Plan.)

Spill Prevention Response (SPR) Plan. An environmental emergency response document required by the PA. Storage Tank and Spill Prevention Act (STSPA) for facilities with an "aboveground storage tank" exceeding a volume of 21,000 gallons. The plan requirements are specified in Sections 902 and 903 of the STSPA. A downstream notification requirement applies to regulated tanks adjacent to surface waters.
Stable, Non-household. Keeping of more than 2 horses, which may include a commercial or private riding club. The housing of 1 or 2 horses shall be considered an accessory use under the "Keeping of Pets" (see Section 403).


State Planning Code. See "Municipalities Planning Code."

Storage Shed. An enclosed accessory building maintained primarily for the convenience of the occupant(s) of the principal building on the lot and which is not used for the housing of a motor vehicle.

Storage Tank, Aboveground. A tank that: a) contains substances regulated under the Storage Tank and Spill Prevention Act (STSPA), b) is stationary, c) has 250 gallons or more of capacity and d) has greater than 90 percent of its capacity aboveground. See specific exceptions to this definition within the STSPA.

Storage Tank, Underground. A tank that: a) contains substances regulated under the STSPA, b) has 110 gallons or more of capacity and c) has 10 percent or more of its capacity beneath the ground surface. See specific exceptions to this definition in the STSPA.

Story (and Half-Story). A level of a building routinely accessible to humans having an average vertical clearance 6 feet or greater shall be considered a full story, except as provided for in the definition of "basement." Any level of a building having an average vertical clearance from floor to ceiling of less than 6 feet shall be considered a "half-story."

Street. A public or private thoroughfare which provides the principal means of vehicle access to two or more abutting lots or that is an expressway, but not including an alley or a driveway. The terms "street", "highway" and "road" have the same meaning and are used interchangeably.

Street Center Line. The center of the existing street right-of-way or, where such cannot be determined, the center of the traveled cartway.

Street Classification. The functional classification of streets into the following types, as shown on the Official Street Classification Map at the end of this Ordinance for existing streets and as determined by the Township Engineer for future streets:

A. Expressway. Designed for large volumes and high speed traffic with access limited to grade separated intersections.
B. Major Arterial Street. Designed for large volumes and high speed traffic with access to abutting properties restricted.
C. Minor Arterial Street. Designed to carry a moderate volume of fast moving traffic from collector and local streets to major arterial streets.
D. **Collector Street.** Designed to carry a moderate volume of traffic to intercept local (residential) streets, to provide routes to minor arterial streets and to community facilities and to provide access to the abutting properties.

E. **Local Street.** Designed to provide access to the abutting properties and a route to collector routes.

F. **Marginal Access Street.** A local street which is parallel to and adjacent to an expressway, major arterial street or minor arterial street, and which provides access to abutting properties and protection from through traffic.

G. **Cul-De-Sac Street.** A local street intersecting another street at one end, and terminating in a vehicular turn-around at the other.

Street, Proposed. A street which is planned in a proposed subdivision or land development plan or approved within a subdivision or land development plan, but not yet open to traffic.

Structure. Any man-made object having an ascertainable stationary location on, below or in land or water, whether or not affixed to the land, subject to the following specific standards:

A. The following specifically shall be considered to be structures: buildings, signs, stadiums, platforms, communications towers, walkways, porches or decks that are covered by a permanent structure; swimming pools (whether above or below ground); storage sheds, carports, and garages.

B. 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.

Subdivision. See the definition in the Township Subdivision and Land Development Ordinance.

Subdivision Ordinance or Subdivision & Land Development Ordinance (SALDO). The Upper Macungie Township Subdivision and Land Development Ordinance, as amended.

Swimming Pool, Household or Private. A man-made area with walls of man-made materials intended to enclose water at least 30 inches deep for bathing or swimming and that is intended to serve the residents of only 1 dwelling unit and their occasional guests.

Swimming Pool, Non-Household. A man-made area with walls of man-made materials intended to enclose water at least 30 inches deep for bathing or swimming and that does not meet the definition of a “household” swimming pool. This includes:

1. A “semi-public” pool that serves only the residents of a development or members of a club and the occasional guests.
2. A "public" pool intended to serve the general public. See also the provisions for "Recreational Facilities" limited to use by employees of a
use or residents of a development as an accessory use, which may include a swimming pool, at the end of Section 306.

**Tavern.** A place where alcoholic beverages are served as a primary or substantial portion of the total trade and which does not meet the definition of a "nightclub" or an "after-hours club." The sale of food may also occur, also see the definition of restaurant.

**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.

**Theater, Outdoor Drive-In.** An outdoor area devoted primarily to the showing of motion pictures or theatrical productions to patrons seated in motor vehicles or outdoors.

**Tire Storage, Bulk.** The storage of more than 250 tires on a lot, except for manufacture or wholesale or retail sales of new tires.

**Townhouse.** See "Dwelling Types."

**Township.** Upper Macungie Township, Lehigh County, Pennsylvania.

**Tract.** In certain zoning districts, the tract is the minimum amount of adjacent land area (which may be separated by alleys, streets or waterways) within the Township that is required to be approved as part of an overall preliminary subdivision or land development plan in order to allow either certain types of uses or to allow the creation of lots smaller than a certain specified lot area. An area of land shall meet the following requirements in order to be considered a "tract."

A. Shall only include lands within an approved preliminary plan that includes a well-defined internal circulation system, maximum coordination between lots and carefully limited points of vehicular access onto streets exterior to the tract, and

B. Shall only include lands that at the time of the approval of the preliminary plan have one "landowner" (as defined by Article II), unless the applicant proves to the satisfaction of the Zoning Officer that there is a legally binding commitment between two or more "landowners" to coordinate the access and development of the tract as shown in the approved preliminary plan.

**Trade School.** A facility that is primarily intended for education of a work-related skill or craft or a hobby and that does not primarily provide State-required education to persons under age 16. This shall include a dancing school, martial arts school or ceramics school.
**Treatment Center.** A use (other than a prison or a permitted accessory use in a "hospital") providing housing facilities for persons who need specialized housing, treatment and/or counseling for stays of less than 1 year and who need such facilities because of:

A. Criminal rehabilitation, such as a criminal half-way house or a treatment/housing center for persons convicted of driving under the influence of alcohol,
B. Addiction to alcohol and/or a controlled substance, or
C. A type of mental illness or other behavior that could cause a person to be a threat to the physical safety of others.

See also "In-Patient Alcohol Treatment Center."

**Truck Stop.** A commercial use that primarily involves providing fuel and other services to tractor trailer trucks. This use may also involve providing repair services, sale of gifts and various household items, a restaurant, showers and a motel.

**Trucking Company Terminal.** A use involving a large variety of materials, including materials owned by numerous corporations, being transported to a site to be unloaded primarily from tractor-trailer trucks and reloaded onto tractor-trailer trucks. A use that primarily involves either loading materials from tractor-trailers onto smaller trucks or loading materials from smaller trucks onto tractor-trailers shall be considered a "distribution" use.

**Underground Injection Well.** A bored, drilled, driven or dug well for the emplacement of fluids into the ground (except drilling mud and similar materials used in well construction).

**Unregistered Vehicle.** Any vehicle or trailer that does not display a license plate with a current registration sticker and does not have a valid State safety inspection sticker. This term shall not apply to vehicles (such as licensed antique cars) for which State regulations do not require an inspection sticker. The term also shall not include vehicles displaying licenses or inspection stickers that have expired less than 90 days previously.

**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 building, activity outside of a building, any structure, recreational vehicle storage or parking of commercial vehicles on a lot.

**Variance.** The granting of specific permission 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. Any variance shall only be granted within the limitations of the PA Municipalities Planning Code.
Veterinarian Office. A building routinely used for the treatment of animals and related accessory housing or boarding of sick animals. Treatment of "Large Animals" includes all types of animals including horses, cows and pigs. Housing primarily healthy animals shall be considered a "kennel" and shall meet the requirements of that use.

Wall. See "Fence."

Warehouse. 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 truck terminal, unless such uses are specifically permitted in that zoning district.

Waste. Garbage, refuse and other discarded materials including, but not limited to, solid and liquid materials resulting from municipal, industrial, commercial, institutional, agricultural and residential activities.

Watercourse. Any natural channel or conveyance of surface water having defined bed and banks with perennial or intermittent flow.

Water System. A system designed to transmit water from a source to users, in compliance with the requirements of the appropriate state agencies and the Township.

A. Central Water Service. Service by a central water system that is owned and operated by a) a municipality, b) a municipal or county authority or c) a water company regulated by the State Public Utility Commission, and which transmits water from a common source to more than 30 dwellings or principal uses.

B. "Public" Water Service. Central water service by a system owned by a municipality or a municipal or county authority.

C. On-Lot or Non-Public Water Service. Service by a water system that does not meet the definition of a "central water service." In most cases, this would involve an individual well serving an individual lot, but may also include a common well or another duly approved system.

Wellhead Protection Area 1 - Wellhead Zone (WHZ). That area of the land surface within a calculated one week groundwater time of travel of a protected public water supply well.

Wellhead Protection Area 2 - Zone of Influence (Z01). That area of the land surface which represents the cone of depression associated with a protected public water supply well.

Wellhead Protection Area 3 - Zone of Contribution (ZOC). That area of the land surface which, through recharge or other means, provides water to sustain the yield of a protected public water supply well.
Wetlands. An area of land and/or water meeting one or more definitions of a "wetland" under Federal and/or Pennsylvania law and/or regulations.

(NOTE: As of 1993, the following was the official U.S. Army Corps of Engineers' definition of wetlands: "Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas." Wetlands are technically defined on the basis of types of vegetation and soils and the level of the water table below the surface.

Wholesale. Sales that primarily involve transactions with other businesses and their agents and no, to the general public.

Yard. An area not covered by buildings and that is on the same lot as the subject structure or use. Regulations of specific districts prohibit principal and accessory structures within specified required minimum yards.

Yard, Front. A "yard" between the front lot line (which is the future street right-of-way line where it abuts a street) and the closest portion of the subject structure or use that extends the full width of the lot from side lot line to side lot line.

A. The front yard shall be that portion of a lot that faces towards a public street, whenever a public street abuts the lot.
B. When a lot abuts onto 2 or more public streets, each yard abutting a street shall be considered a front yard.
C. No accessory or principal structure shall extend into the required front yard, except as provided in this Ordinance.

Yard, Rear. A "yard" extending the full-width of the lot and situated between the rear line and the closest portion of the subject structure, and stretching between the side lot lines parallel to the rear lot line. A property with only three (3) lot lines shall not have a rear yard.

Yard, Side. A "yard" situated between the closest portion of the subject structure and the entire length of the side lot line, and extending from the front lot line to the rear lot line.

Zoning Map. The Official Zoning Map of Upper Macungie Township, Lehigh County, Pennsylvania.

Zoning Officer. The administrative officers charged with the duty of enforcing the provisions of the Zoning Ordinance, or his or her officially designated assistant(s).
Zoning Ordinance. The Upper Macungie Township Zoning Ordinance, as amended.
ARTICLE III
ZONING DISTRICTS

301. DESIGNATION OF DISTRICTS AND PURPOSES.
A. For the purpose of this Ordinance, Upper Macungie Township is hereby divided into the following zoning districts:

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
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<tbody>
<tr>
<td>RU3</td>
<td>Rural - 3 District</td>
</tr>
<tr>
<td>RU1.5</td>
<td>Rural - 1.5 District</td>
</tr>
<tr>
<td>R1</td>
<td>Rural Residential District</td>
</tr>
<tr>
<td>R2</td>
<td>Low Density Residential District</td>
</tr>
<tr>
<td>R3</td>
<td>Medium Low Density Residential District</td>
</tr>
<tr>
<td>R4</td>
<td>Medium Density Residential District</td>
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<td>R5</td>
<td>Medium High Density Residential District</td>
</tr>
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<td>OSP</td>
<td>Open Space Preservation</td>
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<tr>
<td>HC</td>
<td>Highway Commercial District</td>
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<tr>
<td>NC</td>
<td>Neighborhood Commercial District</td>
</tr>
<tr>
<td>LI</td>
<td>Light Industrial Park District</td>
</tr>
<tr>
<td>LI(L)</td>
<td>Limited Light Industrial Park District</td>
</tr>
<tr>
<td>GI</td>
<td>General Industrial District</td>
</tr>
<tr>
<td>RT</td>
<td>Research Technology District</td>
</tr>
</tbody>
</table>

B. For the purposes of this Ordinance, the zoning districts named in Section 301.A. shall be of the number, size, shape and location shown on the "Official Zoning Map." Any use of the abbreviations listed in Section 301.A. shall mean the district name that is listed beside the abbreviation.

C. Floodplain. The Floodplain Area, as defined by Article X "Floodplain Area" of this Ordinance, shall serve as an overlay area to all of the underlying districts.

D. Purpose of Each District. The purposes of each zoning district are summarized below:

1. **RU3 DISTRICT.** Provide for development only at very low intensity within areas that are very environmentally sensitive or that have inadequate road access and seek to preserve the water quality of important creeks. Recognize areas that include significant amounts of wetlands, high water table soils and flood-prone areas and direct development toward areas of the Township that are more environmentally suitable.

2. **RU1.5 DISTRICT.** Provide for development only at a very low intensity in areas where public water and sewer service are less likely to be able to be efficiently provided and encourage the preservation of
farmland by directing growth to occur at higher densities in areas where central utilities can be efficiently provided and seek to minimize conflicts between agricultural and residential uses.

3. **R1 DISTRICT.** Provide for the orderly expansion of neighborhoods of single family detached houses at a rural residential density and carefully protect these areas from incompatible uses.

4. **R2 DISTRICT.** Provide for the orderly expansion of neighborhoods of single family detached houses at a low density and carefully protect these areas from incompatible uses. Recognize areas where public water and sewage service can be most efficiently extended and encourage similar development next to existing neighborhoods.

5. **R3 DISTRICT.** Provide for the orderly expansion of areas that offer residential neighborhoods at a medium low density and carefully control the types of housing to ensure compatibility with existing houses and protect these areas from incompatible uses.

6. **R4 DISTRICT.** Provide for the orderly expansion of areas that offer residential neighborhoods at a medium density and recognize older residential areas of the Township. Provide for a selected variety of housing types and carefully protect these areas from incompatible uses.

7. **R5 DISTRICT.** Provide for a full variety of carefully designed housing types at medium high densities and make sure that varied housing types are compatible with any existing single family detached houses. The street system of the Township and other community facilities and services are fully able to handle moderate density growth and work to encourage affordable housing, especially for young families, senior citizens and non-traditional types of households. Allow for flexible site layouts to allow for open space and parking to be placed next to expressways and to provide for townhouses and apartments where both public water and public sewer service are available.

8. **OSP DISTRICT.** Provide for maintaining the natural environment and relief from built up areas; preserve acres of scenic beauty which are not naturally suited for development; provide land for active and passive recreation and habitats for birds, fish and wildlife.

9. **NC DISTRICT.** Provide for a carefully controlled selection of small, light "convenience" commercial uses that will be compatible with adjacent residences and historic areas. Recognize that many of these areas include a mix of homes and businesses.
10. **HC DISTRICT.** Provide for a wide range of needed commercial uses in locations that are less likely to involve conflicts with existing residences and that have excellent access to major highways. Utilize special care and control on access onto arterial and collector streets to avoid traffic hazards and avoid very large commercial developments that are likely to attract high amounts of new traffic from outside of the Township. Provide for highway commercial uses in key locations dispersed between a few different areas of the Township.

11. **LI DISTRICT.** Provide sufficient space in appropriate locations to meet current and anticipated future regional needs for light industries, offices and limited types of related commercial development and carefully control the uses to protect the public health and safety. Maintain an attractive physical environment with a campus-like setting that will aid in attracting new businesses and encourage development that follows an overall plan with common design and landscaping. Seek a unified and well-planned system for providing vehicular access to avoid many individual unplanned driveways entering onto collector and arterial streets and encourage industries to develop within industrial parks with owner-established deed restrictions.

12. **LI(L) DISTRICT.** To serve the same general purposes of the LI district. To seek to avoid the types of uses most likely to cause very high amounts of heavy truck traffic in areas that would require the trucks to pass through historic or residential areas or where roads are clearly inadequate.

12. **GI DISTRICT.** To provide for a wide variety of industrial uses in areas that are less likely to impact upon existing neighborhoods. To control the operations of these uses to prevent nuisances and to protect the public health and safety.

13. **RT DISTRICT.** Provide for uses involving research, development and support of new and existing technology in a campus setting. A mixture of uses may be permitted on a single parcel whereby compatibility and integration with existing uses on the site can be demonstrated. Facilities shall be within a single integrated development while preserving the important natural features of the subject site. There shall be ample setbacks of structures and activities from any neighboring residences.

302. **APPLICATION OF DISTRICT REGULATIONS.**

   A. The regulations set by this Ordinance shall apply uniformly to each class or kind of structure or land, except as provided for in this Ordinance.

   B. No structure or land shall hereafter be erected, used, constructed, reconstructed or structurally altered and no structure or part thereof shall hereafter be used or occupied unless it is in conformity with the regulations herein specified for the use and district in which it is located.

   C. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth
herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

D. Annexation. Any territory which may hereafter be annexed to the Township shall be classified as the zoning district of Upper Macungie Township that is most similar to the previous zoning of such territory before annexation (as determined by the Zoning Hearing Board) until or unless such territory is otherwise classified by the Board of Supervisors.

303. ZONING MAP.

A. A map entitled "Upper Macungie Township Zoning Map" accompanies this Ordinance and is declared a part of this Ordinance. The Official Zoning Map, which should bear the adoption date of this Ordinance and the words "Official Zoning Map," shall be retained in the Township Building.

B. Map Changes. Changes to the boundaries and districts of the Official Zoning Map shall only be made in conformity with the amendment procedures specified in the PA. Municipalities Planning Code. All changes should be noted by date with a brief description of the nature of the change, either on the map or within an appendix to this Ordinance.

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

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

A. District boundary lines are intended to follow or be parallel to the center line of street rights-of-way, streams and railroads, and lot lines as they existed on a recorded deed or plan of record in the County Recorder of Deeds' office at the time of the adoption of this ordinance. Unless such district boundary lines are fixed by dimensions as shown on the Official Zoning Map.

B. Where a district boundary is not fixed by dimensions and where it approximately follows lot lines, such boundary shall be construed to follow such lot lines unless specifically shown otherwise.

C. The location of a district boundary on un-subdivided land or where a district boundary divides a lot shall be determined by the use of the scale appearing on the maps unless the same is indicated by dimensions.

D. Interpretation of Boundaries. See Section 105.D.

E. Where a municipal boundary divides a lot, the minimum lot area shall be regulated by the municipality in which the principal use(s) are located, unless otherwise provided by applicable case law.
305. SETBACKS ACROSS MUNICIPAL BOUNDARIES.

A. Intent - to continue the objective of compatible land uses across municipal boundaries.
B. This Ordinance requires additional setbacks and the provision of buffer yards when certain uses would abut an existing dwelling or a residential zoning district.
C. These same additional setback and buffer yard provisions shall be provided by uses propose within Upper Macungie Township regardless of whether such abutting existing dwelling or principally residential zoning district is located in an abutting municipality and/or in Upper Macungie Township.

306. TABLE OF PERMITTED USES BY DISTRICT.

A. For the purposes of this Section 306, the following abbreviations shall have the following meanings:

- **P** Permitted by right (Decision by Zoning Officer)
- **C** Conditional use (Decision by the Board of Supervisors with review by Planning Commission)
- **SE** Special Exception use (Decision by Zoning Hearing Board)
- **N** Not Permitted
- **(S. 402)** See Additional Requirements in Section 402
- **(S. 403)** See Additional Requirements in Section 403
- **(SW)** Public sewer & public water service both required
- **(S)** Public sewer service required
- **(W)** Public water service required

B. Unless otherwise provided by law or specifically stated in this Ordinance (including Section 105.B.), any land or structure shall only be used or occupied for a use specifically listed in this Ordinance as permitted in the zoning district where the land or structure is located. Such uses shall only be permitted if the use complies with all other requirements of this Ordinance, including but not limited to the "Environmental Protection" requirements of Article V.
The following table of permitted uses is divided into two parts: Residential Districts and Business Districts. As a general guide, see the Index of Uses at the end of this document:

<table>
<thead>
<tr>
<th>TYPES OF USES</th>
<th>RESIDENTIAL DISTRICTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>(See Definitions in Article II)</td>
<td>RU3</td>
</tr>
<tr>
<td><strong>AGRICULTURAL USES</strong></td>
<td></td>
</tr>
<tr>
<td>Crop Farming</td>
<td>P</td>
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<tr>
<td>Crop Storage, Commercial as Principal Use (S. 402) (other than uses occurring on the same lot as a principal crop farming use)</td>
<td>SE</td>
</tr>
<tr>
<td>Commercial Forestry (S. 402)</td>
<td>P</td>
</tr>
<tr>
<td>Composting (S. 403) (principal or accessory use)</td>
<td>P</td>
</tr>
<tr>
<td>Raising of Livestock (S. 403)</td>
<td>C</td>
</tr>
<tr>
<td>Retail Sales of Agricultural Products Grown Primarily on the Premises (S. 403)</td>
<td>P</td>
</tr>
<tr>
<td>Sale or Mixing of Agricultural Fertilizers, Seeds or Animal Feed with a 3 acre minimum lot area as an accessory to a principal crop farming use (not involving bulk manufacturing for sale)</td>
<td>C</td>
</tr>
<tr>
<td>Sewage Sludge, Land Application of (S. 402)</td>
<td>C</td>
</tr>
<tr>
<td><strong>RESIDENTIAL USES</strong></td>
<td></td>
</tr>
<tr>
<td>Single Family Detached Dwelling (including manufactured/mobile home) (S. 402)</td>
<td>P</td>
</tr>
<tr>
<td>Conservation Design Development within the requirements of Article IX</td>
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</tr>
<tr>
<td>Single Family Semi-Detached Dwelling (Twin) (SW)</td>
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<tr>
<td>Boarding House (SW) (S. 402)</td>
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</tr>
<tr>
<td>Conversion Apartments (SW) (other than one accessory apartment within an existing Single Family Detached Dwelling) (S. 402)</td>
<td>N</td>
</tr>
<tr>
<td>Low-Rise Apartment (SW) (S. 402)</td>
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</tr>
<tr>
<td>Group Home within a permitted dwelling unit, not including a Treatment Center (S. 402)</td>
<td>P</td>
</tr>
<tr>
<td>Manufactured/Mobile Home Park (SW)</td>
<td>N</td>
</tr>
<tr>
<td>Townhouse (SW) (S. 402)</td>
<td>N</td>
</tr>
<tr>
<td><strong>COMMERCIAL &amp; INDUSTRIAL USES</strong></td>
<td></td>
</tr>
<tr>
<td>All commercial and industrial uses not specifically listed in this table as permitted in the applicable residential district</td>
<td>N</td>
</tr>
<tr>
<td>Airport, Private (S. 402)</td>
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<tr>
<td>Bed and Breakfast (S. 402)</td>
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### COMMERCIAL & INDUSTRIAL USES

<table>
<thead>
<tr>
<th>Use Description</th>
<th>RU3</th>
<th>RU1.5</th>
<th>R1</th>
<th>R2</th>
<th>R3</th>
<th>R4</th>
<th>R5</th>
<th>OSP</th>
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<tbody>
<tr>
<td>Campground (S. 402)</td>
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<td>Communications Tower, Commercial</td>
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<td>Funeral Home (S. 402)</td>
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<td>Golf Course (S. 402) with a minimum lot area of 35 acres, not including miniature golf</td>
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<td>P</td>
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<td>P</td>
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<td>Limited Business Conversion abutting a major arterial street (S. 402)</td>
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<td>C</td>
<td>C</td>
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<td>Medical Office Building located on the same lot as an approved existing hospital</td>
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<td>Picnic Grove, Private</td>
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<td>Plant Nursery with Retail Sales limited to items grown on the premises (S. 402), but with a 2 acre minimum lot area for any commercial indoor greenhouse.</td>
<td>P</td>
<td>P</td>
<td>P</td>
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<td>Plant Nursery which may include Retail on-site sales of items not grown on the premises (S. 402)</td>
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<td>Stable, Non-household (S. 402)</td>
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<tr>
<td>Target Range Firearms, completely indoor and enclosed as part of a permitted membership club or school</td>
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<td>Target Range Firearms, not completely indoor and enclosed as part of a permitted membership club or school</td>
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<td>Any principal use that is not listed specifically listed in this table</td>
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### INSTITUTIONAL USES

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<tr>
<td>College or University with educational and support buildings</td>
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<td>SE</td>
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<td>SE</td>
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<tr>
<td>Community Center or Library</td>
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<td>P</td>
<td>P</td>
<td>P</td>
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<td>P</td>
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<tr>
<td>Cultural Center or Museum, Non-Commercial</td>
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<td>SE</td>
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<td>Dormitory as an accessory use to an approved College, University or Primary or Secondary School</td>
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<td>Membership Club, Light</td>
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<td>P</td>
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<td>School, Public or Private, Primary or Secondary (SW) (S. 402)</td>
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### PUBLIC, SEMI-PUBLIC

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<th>R3</th>
<th>R4</th>
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<tr>
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<td>C</td>
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<td>Government Facility, other than: offices, municipal owned uses, public schools and other uses listed separately</td>
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<td>Nature Preserve</td>
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<td>P</td>
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<td>Publicly-Owned Recreation</td>
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<td>P</td>
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<td>Public Utility Facility except as: exempted by section 103 or permitted by Section 306.E</td>
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<td>Swimming Pool, Non-household (SW) (S.402)</td>
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<td>Township-Owned Uses</td>
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<td>P</td>
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<td>P</td>
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<tr>
<td>U.S. Postal Service Facility or property leased for such use</td>
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### ACCESSORY USES

<table>
<thead>
<tr>
<th>Accessory Use</th>
<th>RU3</th>
<th>RU1.5</th>
<th>R1</th>
<th>R2</th>
<th>R3</th>
<th>R4</th>
<th>R5</th>
<th>OSP</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accessory Apartment, One within an existing Single Family Detached Dwelling or Single Family Semi-Detached dwelling (Twin) (S. 403)</td>
<td>N</td>
<td>N</td>
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<td>N</td>
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<td>SE</td>
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<tr>
<td>Apartment for the Care of a Relative</td>
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<td>SE</td>
<td>SE</td>
<td>SE</td>
<td>SE</td>
<td>SE</td>
<td>SE</td>
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<tr>
<td>Any Care Center accessory to and on the same lot as an existing lawful Place of Worship with a minimum lot area of 1.5 acres</td>
<td>P</td>
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<td>P</td>
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<tr>
<td>Home Occupation, General (S. 403)</td>
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<td>SE</td>
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<tr>
<td>Home Occupation, Light (S.403)</td>
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<td>P</td>
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<tr>
<td>Injection Well, Underground</td>
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<td>N</td>
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<tr>
<td>Overnight parking of a commercial vehicle other than the following: vehicles of less than 12,000 pounds rated gross vehicle weight that are needed by residents of the principal dwelling on the lot to travel to and from work.</td>
<td>N</td>
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<tr>
<td>Any accessory use that is not specifically listed permitted in this table or in sections 306.C and D or elsewhere in this Ordinance and that would be accessory to a dwelling.</td>
<td>N</td>
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</tbody>
</table>

- **P** Permitted by Right (Zoning decision by Zoning Officer)
- **C** Conditional Use (Decision by Board of Supervisors with review by Planning Commission)
- **SE** Special Exception Use (Decision by Zoning Hearing Board)
- (S. 402) See Additional Requirements in Section 402
- (S. 403) See Additional Requirements in Section 403
- (SW) Public Sewer and Public Water services required
- (asterisk)* Provided that the lot is adjacent to an Arterial Street
## Types of Uses

(See Definitions in Article II)

<table>
<thead>
<tr>
<th>AGRICULTURAL USES</th>
<th>BUSINESS DISTRICTS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tbody>
</table>

### Crop Farming
- **P**

### Crop Storage, Commercial as Principal Use (S. 402) (other than uses occurring on the same lot as a principal crop farming use)
- **P**

### Commercial Forestry (S. 402)
- **P**

### Composting (S. 403) (principal or accessory use)
- **P**

### Raising of Livestock (S. 403)
- **N**

### Retail Sales of Agricultural Products Grown Primarily on the Premises (S. 403)
- **P**

### Sale or Mixing of Agricultural Fertilizers, Seeds or Animal Feed with a 3 acre minimum lot area as an accessory to a principal crop farming use (not involving bulk manufacturing for sale)
- **P**

### Sewage Sludge, Land Application of (S. 402)
- **N**

### Residential Uses

| Single Family Detached Dwelling (including manufactured/mobile home) (S. 402) | **P**
| Single Family Semi-Detached Dwelling (Twin) (SW) | **P**
| Townhouse (SW) (S. 402) | **P**
| Low-Rise Apartment (SW) (S. 402) | **P**
| Manufactured/Mobile Home Park (SW) | **P**
| Boarding House (SW) (S. 402) | **P**
| Group Home within a permitted dwelling unit, not including a Treatment Center (S. 402) | **P**
| Residential Conversion Apartments (SW) (other than one accessory apartment within an existing Single Family Detached Dwelling) (S. 402) | **SE**

### Commercial Uses

| Adult Bookstore, Adult Movie Theater, Adult Live Entertainment Use or Massage Parlor (S. 402) | **N**
| After Hours Club - prohibited by State Act 219 of 1990 | **N**
| Airport, Private (S. 402) | **N**
| Airport, Public (S. 402) | **N**
| Auditorium, Commercial or Nightclub (S. 402) | **N**
| Auto Repair Garage (S. 402) | **N**
| Auto Service Station, other than a Truck Stop (S. 402) | **N**
| Auto, Boat or Mobile/Manufacturing Home Sales (S. 402), which may include outdoor storage and display of vehicles for sale or rental | **N**

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<table>
<thead>
<tr>
<th>COMMERCIAL USES</th>
<th>NC</th>
<th>HC</th>
<th>LI</th>
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<tr>
<td>Bakery</td>
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<td>Bed and Breakfast (S. 402)</td>
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<td>Betting Use (S. 402)</td>
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<td>Business Services</td>
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<td>Bus Terminal (S. 402)</td>
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<td>Commercial Outdoor Recreation (including miniature golf course, golf driving</td>
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<td>range, amusement park and similar uses)</td>
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<td>Commercial Indoor Recreation (includes bowling alley, roller or ice skating,</td>
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<tr>
<td>Flea market/Commercial Auction House</td>
<td>N</td>
<td>P</td>
<td>N</td>
<td>N</td>
<td>N</td>
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</tr>
<tr>
<td>Funeral Home</td>
<td>N</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
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</tr>
<tr>
<td>Heliport as a principal use (S. 402)</td>
<td>N</td>
<td>N</td>
<td>C</td>
<td>N</td>
<td>C</td>
<td>N</td>
</tr>
<tr>
<td>Kennel (S. 402)</td>
<td>N</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
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</tr>
<tr>
<td>Laundry/Laundromat, Commercial or Industrial (SW)</td>
<td>N</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
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</tr>
<tr>
<td>Lumber Yard</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
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</tr>
<tr>
<td>Medical Office or Clinic</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
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</tr>
<tr>
<td>Motel or Hotel (S. 402)</td>
<td>N</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>N</td>
</tr>
<tr>
<td>Office</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>C6</td>
</tr>
<tr>
<td>Personal Services (includes tailoring, custom dressmaking, haircutting/styling</td>
<td>P</td>
<td>P</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
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<tr>
<td>dry-cleaning, shoe repair and closely similar uses) (See also as accessory use</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>in this table)</td>
<td></td>
<td></td>
<td></td>
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<td></td>
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</tr>
<tr>
<td>Plant Nursery with Retail Sales limited to items grown on the premises (S.</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
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</tr>
<tr>
<td>402), but with a 2 acre minimum lot area for any commercial indoor greenhouse.</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Race Track (S. 402)</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>C</td>
<td>N</td>
</tr>
<tr>
<td>Repair Service</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>N</td>
</tr>
<tr>
<td>Restaurant with drive-thru service and/or that primarily involves delivery of</td>
<td>N</td>
<td>P</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
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<tr>
<td>ready-to-eat food. (SW) (S. 402)</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Restaurant , other than above (SW)</td>
<td>P</td>
<td>P</td>
<td>C4</td>
<td>C4</td>
<td>N</td>
<td>C6</td>
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<tr>
<td>Retail Store (not including commercial uses listed individually in this table</td>
<td>P</td>
<td>P</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>and not including a shopping center)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Shopping Center, Convenience</td>
<td>P</td>
<td>P</td>
<td>N</td>
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### COMMERCIAL USES

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<th>GI</th>
<th>RT</th>
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<tr>
<td>Shopping Center, Neighborhood</td>
<td>P</td>
<td>P</td>
<td>N</td>
<td>N</td>
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<tr>
<td>Shopping Center, Community</td>
<td>N</td>
<td>P</td>
<td>N</td>
<td>N</td>
<td>N</td>
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<td>Stable, Non-household (S. 402)</td>
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<td>P</td>
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<td>Target Range, Completely Indoor and Enclosed (S. 402)</td>
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<td>P</td>
<td>N</td>
<td>P</td>
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<tr>
<td>Target Range, Not Completely Indoor and Enclosed (S. 402)</td>
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<td>N</td>
<td>N</td>
<td>N</td>
<td>C</td>
<td>N</td>
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<td>Taxi Headquarters</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>N</td>
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<tr>
<td>Tavern</td>
<td>N</td>
<td>P</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
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<tr>
<td>Theater, Indoor</td>
<td>N</td>
<td>P</td>
<td>N</td>
<td>N</td>
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<tr>
<td>Theater, Outdoor Movie (S. 402)</td>
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<td>N</td>
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<tr>
<td>Trade School</td>
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<td>P</td>
<td>P</td>
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<td>Truck Stop (S. 402)</td>
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<tr>
<td>Veterinarian Office (S. 402)</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
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</tr>
</tbody>
</table>

1. Provided the use has access within a coordinated interior street system and provided that any convenience store in the LI district is a minimum of one (1) mile from any other convenience store in the Township.

2. If such dwelling exists prior to the adoption of this ordinance.

3. In the NC District, residential uses shall be permitted under the same standards, limitations, lot and setback requirements as the R-4 District.

4. Provided the use has access through a coordinated interior road system.

5. The applicant shall prove that the location and proposed intensity of the use will not cause substantial amounts of tractor-trailer truck traffic that will adversely affect residential neighborhoods; and with a maximum of 20,000 sq.ft. of total distribution and/or warehouse floor area per lot and per building.

6. Permitted if such use is an integrated part of the primary use on a lot of 100 acres or more. See Sections 402 & 404 for conditions whereby specific proposed uses within the RT district shall be permitted.

### INDUSTRIAL USES

<table>
<thead>
<tr>
<th>Use</th>
<th>NC</th>
<th>HC</th>
<th>LI</th>
<th>LI(L)</th>
<th>GI</th>
<th>RT</th>
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</thead>
<tbody>
<tr>
<td>Assembly of Materials Manufactured Elsewhere</td>
<td>N</td>
<td>N</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>C6</td>
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<tr>
<td>Asphalt Plant</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>C</td>
<td>N</td>
</tr>
<tr>
<td>Beverage Bottling (SW)</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>C</td>
<td>N</td>
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<tr>
<td>Building Supplies, Wholesale Sales of</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
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<tr>
<td>Distribution as a principal use (other than Trucking Company Terminal)</td>
<td>N</td>
<td>N</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>N</td>
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<tr>
<td>Finishing of previously prepared Resin, Vinyl, Polymer or Rubber Products</td>
<td>N</td>
<td>N</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>N</td>
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<tr>
<td>Flexible Building including 2 or more different compatible principal uses listed in this table as permitted by right, conditional or special exception in the applicable district (other than a permitted shopping center)</td>
<td>N</td>
<td>N</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C6</td>
</tr>
<tr>
<td>Industrial Equipment Sales, Rental and Service, other than vehicles primarily intended to be operated on public streets</td>
<td>N</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
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## INDUSTRIAL USES

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<tr>
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<th>LI</th>
<th>LI(L)</th>
<th>GI</th>
<th>RT</th>
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</thead>
<tbody>
<tr>
<td>Junk - outdoor storage, display or processing of, other than</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
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<tr>
<td>within an approved junkyard or solid waste disposal area</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Junk Yard (S. 402)</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>SE</td>
<td>N</td>
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<tr>
<td>Liquid Fuel Storage for off-site distribution and use, other</td>
<td>N</td>
<td>N</td>
<td>C</td>
<td>N</td>
<td>C</td>
<td>N</td>
</tr>
<tr>
<td>than: auto service station, propane distributor, pre-</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>packaged sales or fuel tanks for company vehicles</td>
<td></td>
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</tbody>
</table>

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

<table>
<thead>
<tr>
<th></th>
<th>NC</th>
<th>HC</th>
<th>LI</th>
<th>LI(L)</th>
<th>GI</th>
<th>RT</th>
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</thead>
<tbody>
<tr>
<td>Agricultural Chemicals, Fertilizers or Pesticides</td>
<td>N</td>
<td>N</td>
<td>C</td>
<td>C</td>
<td>P</td>
<td>N</td>
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<tr>
<td>Animal feed, bulk manufacture for off-site use</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
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<tr>
<td>Apparel, Textiles, Shoes &amp; Apparel Accessories</td>
<td>N</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
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<tr>
<td>Cement, actual manufacture of</td>
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<td>N</td>
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<td>C</td>
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<tr>
<td>Cement, Gypsum, Concrete or Plaster Products, other than</td>
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<td>N</td>
<td>N</td>
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<td>C</td>
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<tr>
<td>actual manufacture of cement</td>
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<td></td>
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<tr>
<td>Ceramics Products</td>
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<td>N</td>
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<td>P</td>
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<tr>
<td>Chemicals, Bulk Manufacture or Bulk Storage of Highly Hazardous</td>
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<td>N</td>
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<td>N</td>
<td>N</td>
<td>N</td>
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<tr>
<td>or Toxic Chemicals</td>
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<tr>
<td>Chemical Products that are not highly hazardous or toxic,</td>
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<td>N</td>
<td>C</td>
<td>C</td>
<td>C</td>
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</tr>
<tr>
<td>other than fertilizers or pesticides</td>
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<td></td>
<td></td>
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<tr>
<td>Coke or Potash Work, including Coke Oven</td>
<td>N</td>
<td>N</td>
<td>N</td>
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<td>Creosote, including Treatment with</td>
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<tr>
<td>Electrical and Electronic Machines, Supplies and Equipment</td>
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<tr>
<td>Fabricated Metal Products (except Ammunition or Explosives)</td>
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<td>Food products (not including uses listed individually in this</td>
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<td>P</td>
<td>P</td>
<td>P</td>
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<tr>
<td>table) (SW)</td>
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<td>Glass and Glass Products</td>
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<tr>
<td>Incineration, Reduction, Distillation, Storage or Dumping of</td>
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<td>Slaughterhouse Refuse, Rancid Fats, Garbage, Bones, Dead</td>
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<td>Animals or Offal (other than within an approved solid waste</td>
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<tr>
<td>facility)</td>
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<td>Jewelry and Optical Goods</td>
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<td>Leather, Clay and Pottery products</td>
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<td>Manufactured or Modular Housing</td>
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<td>Metal Products, Primary</td>
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<td>Microelectronic Components (for solid state devices</td>
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<td>involving use of toxic substances, see below</td>
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<td>Oilcloth</td>
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<td>Paper and Cardboard Products (not including manufacture</td>
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<td>or raw paper pulp</td>
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<td>Paper, Raw Pulp</td>
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<td>Paving or Roofing Materials, other than bulk manufacture of</td>
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### INDUSTRIAL USES

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<td>Plastics, Polymers, Resins or Vinyl</td>
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<tr>
<td>Products from previously manufactured materials such as:</td>
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<tr>
<td>glass, leather, plastics, cellophane, textiles, rubber or synthetic rubber</td>
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<td>Rubber, Natural or Synthetic</td>
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<td>C</td>
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<tr>
<td>Scientific, Electronic and other Precision Instruments</td>
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<td>Solid State Devices involving use of toxic substances</td>
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<td>C</td>
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<td>Soaps, Detergents, Paints varnishes or Enamels</td>
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<td>Tar including Tar Distillation</td>
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<td>Outdoor Storage and Display involving more than 65% of the lot area other</td>
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<td>than storage and display of vehicles for sale or rental (S. 403)</td>
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<td>Photo Processing, Bulk</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
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<td>Printing and Bookbinding</td>
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<td>P</td>
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<td>N</td>
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<td>facility)</td>
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<tr>
<td>Research and Development, Engineering or Test facility or Laboratory,</td>
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<td>N</td>
<td>P</td>
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<td>which may include limited manufacturing of prototype of one-of-kind products</td>
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<td>or models within the enclosed building, but not involving manufacture of</td>
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<td>toxic substances or toxic chemicals</td>
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<tr>
<td>Sawmill/Planing Mill</td>
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<td>N</td>
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<td>P</td>
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<td>Self-Storage Development (S. 402)</td>
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<td>P</td>
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<td>Slaughterhouse or Stockyard (S. 402)</td>
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<tr>
<td>Solid Waste Facility/Sanitary Landfill (S. 402)</td>
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<tr>
<td>Solid Waste Facility/Permitted Facilities other than Sanitary Landfill</td>
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<td>N</td>
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<tr>
<td>Trucking Company Terminal (S. 402)</td>
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<td>N</td>
</tr>
<tr>
<td>Warehousing (other than truck terminal) not including storage of</td>
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<td>N</td>
<td>C</td>
<td>C</td>
<td>C</td>
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</tr>
<tr>
<td>explosives, fireworks, ammunition or gunpowder, except within a</td>
<td></td>
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<tr>
<td>government-owned facility (S. 402)</td>
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<tr>
<td>Wastewater Treatment Plant, Central</td>
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<tr>
<td>Welding</td>
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<td>Wholesale Sales</td>
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<td>P</td>
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</tr>
</tbody>
</table>

All uses that would have a serious threat of being unable to comply with the performance standards of this ordinance, especially including the "environmental Protection" requirements of Article V.
INDUSTRIAL USES

Other Uses Not Specifically Listed in this section 306.B, except the Zoning Hearing Board may permit a use if an applicant specifically proves to the satisfaction of the Zoning Hearing Board that the use would meet all of the following standards:

1) The use would clearly be less intensive in external impacts and nuisances than uses permitted in that district.
2) The applicant demonstrates that the proposed use is closely similar in impacts and character to uses permitted in that district.
3) The use can meet the general standards listed in section 118 entitled "Standards for Decisions".
4) The use is not specifically prohibited in the district.

<table>
<thead>
<tr>
<th>INDUSTRIAL USES</th>
<th>NC</th>
<th>HC</th>
<th>LI</th>
<th>LI(L)</th>
<th>GI</th>
<th>RT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Animal Cemetery (S. 402)</td>
<td>N</td>
<td>N</td>
<td>SE</td>
<td>SE</td>
<td>SE</td>
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<tr>
<td>Cemetery without Crematorium</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
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<tr>
<td>Crematorium</td>
<td>N</td>
<td>N</td>
<td>N</td>
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<tr>
<td>College or University with educational and support buildings</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>C6</td>
</tr>
<tr>
<td>Community Center or Library</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
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<tr>
<td>Cultural Center or Museum</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
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<tr>
<td>Dormitory as an accessory use to an approved College, University or Primary or Secondary School</td>
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<tr>
<td>Dormitory as an accessory use to an approved College, University or Primary or Secondary School</td>
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<td>N</td>
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<tr>
<td>Golf Course (S. 402)</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
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<tr>
<td>Hospital (S. 402) (SW)</td>
<td>P</td>
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<td>P</td>
<td>P</td>
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<tr>
<td>In-Patient Alcohol Treatment Center (S. 402)</td>
<td>N</td>
<td>SE</td>
<td>SE</td>
<td>SE</td>
<td>SE</td>
<td>N</td>
</tr>
<tr>
<td>Institutional Group Home</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>SE</td>
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</tr>
<tr>
<td>Membership Club, Light or General, other than an &quot;After Hours Club&quot; or &quot;Tavern&quot;</td>
<td>P</td>
<td>P</td>
<td>C</td>
<td>C</td>
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<tr>
<td>Nursing Home or Personal Care Home (SW) (S. 402)</td>
<td>P</td>
<td>P</td>
<td>P</td>
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<td>N</td>
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<tr>
<td>Place of Worship (S. 402)</td>
<td>P</td>
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<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Picnic Grove, Private (S. 402)</td>
<td>P</td>
<td>P</td>
<td>P</td>
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</tr>
<tr>
<td>School, Public or Private, Primary or Secondary (SW) (S. 402)</td>
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<td>P</td>
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<tr>
<td>Treatment Center</td>
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<td>N</td>
<td>N</td>
<td>N</td>
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INSTITUTIONAL USES

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<thead>
<tr>
<th>INSTITUTIONAL USES</th>
<th>NC</th>
<th>HC</th>
<th>LI</th>
<th>LI(L)</th>
<th>GI</th>
<th>RT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Animal Cemetery (S. 402)</td>
<td>N</td>
<td>N</td>
<td>SE</td>
<td>SE</td>
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<tr>
<td>Cemetery without Crematorium</td>
<td>P</td>
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<td>P</td>
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<tr>
<td>Crematorium</td>
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<td>N</td>
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<td>P</td>
<td>P</td>
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</tr>
<tr>
<td>Community Center or Library</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
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<tr>
<td>Cultural Center or Museum</td>
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<td>Day Care Center, Adult as a principal use (S. 402)</td>
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<tr>
<td>Day Care Center, Child (S. 402) (See also as Accessory Use)</td>
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<td>Dormitory as an accessory use to an approved College, University or Primary or Secondary School</td>
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<td>Golf Course (S. 402)</td>
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<td>Hospital (S. 402) (SW)</td>
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<tr>
<td>In-Patient Alcohol Treatment Center (S. 402)</td>
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<td>Institutional Group Home</td>
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<td>Membership Club, Light or General, other than an &quot;After Hours Club&quot; or &quot;Tavern&quot;</td>
<td>P</td>
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<td>Nursing Home or Personal Care Home (SW) (S. 402)</td>
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<td>Place of Worship (S. 402)</td>
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<td>Picnic Grove, Private (S. 402)</td>
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<td>Treatment Center</td>
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PUBLIC/SEMI-PUBLIC

<table>
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<td>Emergency Services Station</td>
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<td>Government Facility, other than: offices, municipal owned uses, public schools and other uses listed separately</td>
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<td>Nature Preserve</td>
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<td>Publicly-Owned Recreation</td>
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### PUBLIC/SEMI-PUBLIC

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<td>Public Utility Facility except as: exempted by section 103 or permitted by Section 306.E</td>
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<td>Swimming Pool, Non-household (SW) (S.402)</td>
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<td>Township-Owned Uses</td>
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<td>U.S. Postal Service Facility or property leased for such use</td>
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### ACCESSORY USES

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<tbody>
<tr>
<td>Accessory Apartment, One within an existing Single Family Detached Dwelling or Single Family Semi-Detached dwelling (Twin) (S. 403)</td>
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<tr>
<td>Day Care Center accessory to a Place of Worship with a minimum lot area of 2 acres</td>
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<td>Home Occupation, General (S. 403)</td>
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<td>Home Occupation, Light (S. 403)</td>
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<td>P</td>
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<tr>
<td>Housing limited to persons visiting a use for business reasons or for transient employees that are engaged in work on the premises, provided that maximum of 25 persons shall be accommodated.</td>
<td>N</td>
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<td>N</td>
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</tr>
<tr>
<td>Injection Well, Underground</td>
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<td>C</td>
<td>C</td>
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<td>C</td>
<td>C6</td>
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<tr>
<td>Outdoor Storage and Display, other than storage of vehicles for sale or rent involving up to 25% of total lot area. (S. 403)</td>
<td>P</td>
<td>P</td>
<td>P</td>
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<td>C6</td>
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<tr>
<td>Outdoor Storage and Display, other than storage of vehicles for sale or rental, involving more than 25% but less than 65% of total lot area. (S. 403)</td>
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<tr>
<td>Retail Sales and/or Personal Services limited to 5% or 5,000 sq.ft., whichever is less, of Building Floor Area of an Industrial or Office Building and that are clearly primarily intended to: 1) serve workers within that building, 2) serve persons visiting offices in that building and/or 3) sell items produced within that building or adjacent buildings operated by the same company.</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>C6</td>
</tr>
</tbody>
</table>

1. Provided the use has access within a coordinated interior street system and provided that any convenience store in the LI district is a minimum of one (1) mile from any other convenience store in the Township.
2. If such dwelling exists prior to the adoption of this ordinance.
3. In the NC District, Residential uses shall be permitted under the same standards, limitations, lot and setback requirements as the R-4 District.
4. Provided the use has access through a coordinated interior road system.
5. The applicant shall prove that the location and proposed intensity of the use will not cause substantial amounts of tractor-trailer truck traffic that will adversely affect residential neighborhoods; and with a maximum of 20,000 sq.ft. of total distribution and/or warehouse floor area per lot and per building.
6. Permitted if such use is an integrated part of the primary use on a lot of 100 acres or more. See Sections 402 & 404 for conditions whereby specific proposed uses within the RT district shall be permitted.
306 C. **Permitted Accessory Uses in All Districts.** An accessory use of a dwelling is only permitted if such use is customarily incidental to the residential use and is specifically permitted by this Ordinance. The following are permitted by right as accessory uses to a permitted by right, special exception or conditional principal use in all districts, within the requirements of Section 403 and all other requirements of this Ordinance:

2. Adult Day Care Center as an accessory use, including care during a portion of the day of up to 4 persons.
3. Amateur Radio Antennae, including antennae used by contractors to communicate with their own vehicles.*
4. Basketball backboard, which may be within a required setback area, provided it is a minimum of 2 feet from any lot line of an abutting residence.
5. Crop Storage as an Accessory Use to Crop Farming.
6. Day Care Center as an accessory use, within the limits on number of children in Section 403 *
7. Fence* or Wall*
8. Flag Pole
9. Garage, Household
10. Garage Sale*
11. Indoor Storage that is customarily accessory to a permitted use.
12. Keeping of Pets* 
13. Loading, Off-Street, only to serve a use that is permitted in that district.
14. Parking, Off-Street, only to serve a use that is permitted in that district.
15. Recreational Facilities, non-commercial, limited to use by employees of a lot or a development and their occasional invited guests.
16. Recreational Facilities, non-commercial, limited to use by residents of a development and their occasional invited guests.
17. Recycling Collection Center as an accessory use.
18. Recreational Vehicle, Storage of One or Two* 
19. Residential accessory structure (see definition in Article II) (includes standards for skateboard ramps) *
20. Satellite Antennae* 
21. Signs, as permitted by Article VII 
22. Solar Energy System 
23. Stable, Household* (up to 2 horses) (see "Keeping of Pets") 
24. Swimming Pool, Household* 
25. Tennis/Racquetball Court 
26. Volleyball Court 
27. Windmill* (see setback requirements that relate to height in Section 403) 
28. 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. For a skateboard ramp, see "Residential Accessory Structures" in Section 403.

* See standard for each in Section 403.

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

1. Amusement machines, coin or token operated as accessory uses
2. Food, beverage and toy machines, coin operated
3. Newspaper sales machines, coin operated
4. Telephones, coin operated
5. Storage of fuels for on-site use or to fuel company vehicles (See the Township Fire Prevention Code.)
6. The following accessory uses, provided that the use is clearly limited to employees, patients, residents and families of employees of the use and their occasional invited guests:
   a. Standard or fast-food restaurant without drive-thru service,
   b. Day care center,
   c. Noncommercial recreational facilities or
   d. Meeting facilities.

E. Permitted Essential Services. The following are "Essential Services" that are permitted by right as a principal or as an accessory use in all districts:

1. Essential Services Exempt from Lot Area and Setback Requirements. The following essential services are not required to meet the accessory or principal structure setback, lot area or other lot requirements of this Ordinance, except that any newly created lot shall meet the applicable lot requirements if future building or subdivision of the lot would reasonably be possible for a different use.
   a. Oil pipelines and natural gas transmission and distribution lines and accessory compressing stations.
   b. Electrical transformers as an accessory use to dwellings.
   c. Electrical, telephone and street light poles.
   d. Electrical transmission and distribution lines and meters.
   e. Wells, standpipes, water transmission lines, cisterns and meters.
   f. Sewage pumping stations, but not including a central sewage treatment plant, provided that such use shall be setback a minimum of 75 feet from any dwelling or any residential lot line.
   g. Cable television and telephone lines.
   h. Storm water pipes, outfalls, detention basins, swales and catch basins.
   i. Shelters and benches for buses that transport school children or that are owned, operated or financed by a public transit authority, and that do not include off-premise signs.
j. U.S. mailboxes.
k. Boxes for receiving individual newspapers.
l. Railroad lines.
m. Fire hydrants and emergency call boxes.
n. Engineered retaining walls that are clearly necessary to hold back slopes.
o. Sidewalks and curbs.
q. Ramps primarily intended for handicapped access.
r. For ground level porches, see Section 803.B.
s. Steps leading into the entrance of a building. See Section 803.B.
t. On-lot septic disposal systems.
u. Construction. Temporary storage of vehicles and materials and/or construction office trailers that are clearly needed and being actively used for current construction on the same or an adjacent lot or within the same subdivision, provided such items are removed from the site within 30 days of completion of the portion of the construction that they relate to. These vehicles and materials shall only be stored on a lot while the related Township construction permit is actively still in effect.

2. **Essential Services Required to Comply with Lot Area and Setback Requirements.** The following are permitted essential services that are required (except within Section 106) to meet all of the applicable requirements of this Ordinance:

a. Electrical substations and bulk industrial or commercial transformers that are not an accessory use to dwellings. Electric substations involving outdoor structures at least 10 feet in height shall be required to provide evergreen screening within the requirements of Section 803 on sides that are within 150 feet of a dwelling, undeveloped residentially zoned land or an expressway or an arterial street.

b. Water towers (see height exemption in Section 802), water filtration plants and pressure stations.

c. Emergency and other electrical generators and compressors.

d. Solid waste bulk dumpsters and bulk compactors.

e. Telephone switching stations.

f. Industrial or commercial central air conditioning equipment.

g. Central sewage treatment facility meeting all Pennsylvania DEP and Township regulations.
307. **TABLE OF LOT AND SETBACK REQUIREMENTS BY DISTRICT**

A. For the purposes of this Section 307, the following abbreviations shall have the following meanings:

- **sq. ft.** Square feet
- **ft.** Linear feet
- **SFD** Single family detached dwelling
- **Public Sewer** Service at the time of occupancy by "public sewage service" as defined in Article II
- **Central Water** Service at the time of occupancy by "central water service" as defined in Article II
- **NA** Not applicable.

B. The following requirements shall apply for each respective district, unless a more restrictive requirement is listed for a particular use in Sections 402 or 403 or elsewhere in this Ordinance. For a "Conservation Design Development" which is an option allowing smaller lots in certain residential districts, see Article IX. See also the steep slope regulations of Section 505 which may require larger lots in areas of 15 percent or greater slope.

1. **Table of Lot and Setback Requirements for the RU3, RU1.5, R1, R2 and OSP Districts (see also Conservation Design Option in Article IX):**

<table>
<thead>
<tr>
<th>Type of Requirement</th>
<th>RU3 District</th>
<th>RU1.5 District</th>
<th>R1 District</th>
<th>R2 District</th>
<th>OSP District</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Minimum Lot Area (sq.ft.) (per dwelling unit)</td>
<td>3 acres</td>
<td>65,000</td>
<td>43,560</td>
<td>43,560</td>
<td>435,600</td>
</tr>
<tr>
<td>1) SFD without either public water or sewer</td>
<td>130,680</td>
<td>65,000</td>
<td>43,560</td>
<td>43,560</td>
<td>435,600</td>
</tr>
<tr>
<td>2) SFD with public sewer but not public water</td>
<td>130,680</td>
<td>65,000</td>
<td>30,000</td>
<td>30,000</td>
<td>435,600</td>
</tr>
<tr>
<td>3) SFD with public water but not public sewer</td>
<td>130,680</td>
<td>65,000</td>
<td>39,000</td>
<td>39,000</td>
<td>435,600</td>
</tr>
</tbody>
</table>
## Type of Requirement
(See Definition of Terms in Article II)

<table>
<thead>
<tr>
<th>Type of Requirement</th>
<th>RU3 District</th>
<th>RU1.5 District</th>
<th>R1 District</th>
<th>R2 District</th>
<th>OSP District</th>
</tr>
</thead>
<tbody>
<tr>
<td>4) SFD with both public sewer and public water</td>
<td>130,680</td>
<td>43,560</td>
<td>20,000</td>
<td>16,000</td>
<td>435,600</td>
</tr>
<tr>
<td>5) Other Permitted Principal Uses</td>
<td>130,680</td>
<td>65,000</td>
<td>43,560</td>
<td>43,560</td>
<td>435,600</td>
</tr>
</tbody>
</table>

### b. Minimum Lot Width at the Minimum Front Yard Building Setback Line (ft.)

<table>
<thead>
<tr>
<th>Requirement Description</th>
<th>RU3 District</th>
<th>RU1.5 District</th>
<th>R1 District</th>
<th>R2 District</th>
<th>OSP District</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) Lot required to be one (1) acre or larger</td>
<td>250</td>
<td>175</td>
<td>130</td>
<td>130</td>
<td>500</td>
</tr>
<tr>
<td>2) Lot permitted to be less than one (1) acre</td>
<td>NA</td>
<td>150</td>
<td>100</td>
<td>90</td>
<td>NA</td>
</tr>
</tbody>
</table>

#### 3) Exceptions

- a) On the curve of a cul-de-sac street, this minimum width may be reduced by 40%.
- b) On the outside of curves over 300 ft radius but less than 600 ft. radius, this minimum lot width may be reduced by 10%.
- c) On the outside of curves of up to 300 ft. radius, this minimum lot width may be reduced by 20%.

### c. Minimum Lot Width at the Street Right-of-Way line (ft.) - After Development

<table>
<thead>
<tr>
<th>Requirement Description</th>
<th>RU3 District</th>
<th>RU1.5 District</th>
<th>R1 District</th>
<th>R2 District</th>
<th>OSP District</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) For a lot granted preliminary subdivision approval after the adoption of this Ordinance that will have direct vehicle access onto an Arterial Street</td>
<td>200</td>
<td>200</td>
<td>150</td>
<td>150</td>
<td>500</td>
</tr>
<tr>
<td>2) For any other lot (may be 30 feet minimum for a lot on the curve of a cul-de-sac street)</td>
<td>50</td>
<td>50</td>
<td>50</td>
<td>50</td>
<td>NA</td>
</tr>
</tbody>
</table>

### d. Minimum Width and Length of Dwelling

<table>
<thead>
<tr>
<th>Requirement Description</th>
<th>RU3 District</th>
<th>RU1.5 District</th>
<th>R1 District</th>
<th>R2 District</th>
<th>OSP District</th>
</tr>
</thead>
<tbody>
<tr>
<td>20</td>
<td>20</td>
<td>20</td>
<td>20</td>
<td>20</td>
<td></td>
</tr>
</tbody>
</table>

### e. Minimum Building Setback for Principal Structure (ft.)

<table>
<thead>
<tr>
<th>Requirement Description</th>
<th>RU3 District</th>
<th>RU1.5 District</th>
<th>R1 District</th>
<th>R2 District</th>
<th>OSP District</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) Front Yard</td>
<td>35</td>
<td>35</td>
<td>35</td>
<td>30</td>
<td>45</td>
</tr>
<tr>
<td>2) Side Yard - Each of Two Sides</td>
<td>20</td>
<td>20</td>
<td>20</td>
<td>15</td>
<td>30</td>
</tr>
<tr>
<td>3) Rear Yard</td>
<td>35</td>
<td>35</td>
<td>35</td>
<td>25</td>
<td>35</td>
</tr>
<tr>
<td>4) For any yard adjacent to a Public Street</td>
<td>35</td>
<td>35</td>
<td>35</td>
<td>30</td>
<td>45</td>
</tr>
<tr>
<td>5) From a dwelling to an industrial zoning district boundary, for lots granted preliminary approval after the adoption of this Ordinance</td>
<td>75</td>
<td>75</td>
<td>75</td>
<td>75</td>
<td>75</td>
</tr>
<tr>
<td>6) From a dwelling to the existing right-of-way of an expressway, for lots granted preliminary approval after the adoption of this Ordinance</td>
<td>75</td>
<td>75</td>
<td>75</td>
<td>75</td>
<td>75</td>
</tr>
<tr>
<td>7) For any permitted non-residential principal structure to a &quot;residential lot line,&quot; (see definition in Article II)</td>
<td>50</td>
<td>50</td>
<td>50</td>
<td>50</td>
<td>50</td>
</tr>
</tbody>
</table>

### f. Minimum Building Setback for Accessory Structures (ft.)

<table>
<thead>
<tr>
<th>Requirement Description</th>
<th>RU3 District</th>
<th>RU1.5 District</th>
<th>R1 District</th>
<th>R2 District</th>
<th>OSP District</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) Within required front yard building setback for principal buildings</td>
<td>Not Permitted</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2) Side Yard</td>
<td>10</td>
<td>10</td>
<td>10</td>
<td>10</td>
<td>20</td>
</tr>
<tr>
<td>3) Rear Yard</td>
<td>10</td>
<td>10</td>
<td>10</td>
<td>10</td>
<td>20</td>
</tr>
</tbody>
</table>

Accessory Structures shall not be located within a corner lot front yard setback required by Section 803.B.3 or within an active utility easement.
<table>
<thead>
<tr>
<th>Type of Requirement</th>
<th>RU3 District</th>
<th>RU1.5 District</th>
<th>R1 District</th>
<th>R2 District</th>
<th>OSP District</th>
</tr>
</thead>
</table>
g. Maximum Height (ft.) (See exceptions in Section 802) |              |               |            |            |             |
| 1) Principal Building                           | 45           | 45            | 40         | 40         | 45          |
| 2) Accessory Building                           | 25"          | 25"           | 25"        | 25"        | 25"         |
|h. Maximum Number of Stories                    |              |               |            |            |             |
| 1) Principal Building                           | 2.5          | 2.5           | 2.5        | 2.5        | 2.5         |
| 2) Accessory Building                           | 1"           | 1"            | 1"         | 1"         | 1"          |
i. Maximum Building Coverage                    | 15%          | 20%           | 25%        | 25%        | 15%         |
j. Maximum Impervious Coverage for lots with permitted non-residential principal uses | 25%          | 25%           | 40%        | 50%        | 25%         |

*Plus an additional non-habitable floor that shall be restricted to storage.

**Or not greater than the maximum height of the principal building, whichever is more restrictive.

2. Table of Lot and Setback Requirements for the R3, R4 and R5 Districts for uses other than Townhouses, Low-Rise Apartments or Manufactures/Mobile Home Parks (for those uses see Section 402):

| Type of Requirement                              |  | R3 District | R4 District | R5 District |
|------------------------------------------------| |            |            |             |
a. Minimum Lot Area (sq.ft.) (per dwelling unit) | | 43,560     | 43,560     | 43,560     |
<p>| 1) SFD without neither public water nor sewer | | 30,000     | 30,000     | 30,000     |
| 2) SFD with public sewer but not public water | | 39,000     | 39,000     | 39,000     |
| 3) SFD with public water but not public sewer | | 14,000     | 12,000     | 8,000      |
| 4) SFD with both public sewer and public water | | 8,000      | 6,000      | 5,000      |
| 5) Single Family Semi-Detached Dwelling (Twin) | | 43,560     | 43,560     | 43,560     |
| 6) Other Permitted Principal Uses              | |            |            |             |
| b. Minimum Lot Width at the Minimum Front Yard Building Setback Line (ft.) | | 130        | 130        | 130        |
| 1) Lot required to be one (1) acre or larger. | | 85         | 80         | 75         |
| 2) Lot permitted to be less than one (1) acre other than a single family semi-detached dwelling (twin). | |            |            |             |
| 3) Single Family Semi-Detached Dwelling (twin) - per dwelling unit. | | 50         | 40         | 30         |
| 4) Exceptions²                               | |            |            |             |
| a) On the curve of a cul-de-sac street, this minimum width may be reduced by 40%. | |            |            |             |
| b) On the outside of curves over 300 ft radius but less than 600 ft. radius, this minimum lot width may be reduced by 10%. | |            |            |             |
| c) On the outside of curves of up to 300 ft. radius, this minimum lot width may be reduced by 20%. | |            |            |             |</p>
<table>
<thead>
<tr>
<th>Type of Requirement</th>
<th>R3 District</th>
<th>R4 District</th>
<th>R5 District</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>c. Minimum Lot Width at the Street Right-of-Way line (ft.) - After Development</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1) For a lot granted preliminary subdivision approval after the adoption of this Ordinance that will have direct vehicle access onto an Arterial Street.</td>
<td>150</td>
<td>150</td>
<td>150</td>
</tr>
<tr>
<td>2) For any other lot (may be 30 feet minimum for a lot on the curve of a cul-de-sac street)</td>
<td>40</td>
<td>40</td>
<td>40</td>
</tr>
<tr>
<td><strong>d. Minimum Width and Length of a Dwelling (ft.)</strong></td>
<td>20</td>
<td>14</td>
<td>14</td>
</tr>
<tr>
<td><strong>e. Minimum Building Setback for Principal Structure (ft.)</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1) Front Yard</td>
<td>25</td>
<td>25</td>
<td>25</td>
</tr>
<tr>
<td>2) Side Yard - Each of Two Sides</td>
<td>10</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>3) Rear Yard</td>
<td>25</td>
<td>25</td>
<td>25</td>
</tr>
<tr>
<td>4) For any yard adjacent to a Public Street</td>
<td>25</td>
<td>25</td>
<td>25</td>
</tr>
<tr>
<td>5) From a dwelling to an industrial zoning district boundary, for lots granted preliminary approval after the adoption of this Ordinance.</td>
<td>75</td>
<td>75</td>
<td>75</td>
</tr>
<tr>
<td>6. From a dwelling to the existing right-of-way of an expressway, for lots granted preliminary approval after the adoption of this Ordinance.</td>
<td>50</td>
<td>40</td>
<td>40</td>
</tr>
<tr>
<td><strong>f. Minimum Building Setback for Accessory Structures (ft.)</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1) Within required front yard building setback for principal buildings.</td>
<td>Not Permitted</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2) Side Yard</td>
<td>10</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>3) Rear Yard</td>
<td>10</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td><strong>g. Maximum Height (ft.) (See exceptions in Section 802)</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1) Principal Building</td>
<td>35</td>
<td>35</td>
<td>35</td>
</tr>
<tr>
<td>2) Accessory Building</td>
<td>25&quot;&quot;</td>
<td>25&quot;&quot;</td>
<td>25&quot;&quot;</td>
</tr>
<tr>
<td><strong>h. Maximum Number of Stories</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Principal Building</td>
<td>2.5</td>
<td>2.5</td>
<td>2.5</td>
</tr>
<tr>
<td>2. Accessory Building</td>
<td>1’</td>
<td>1’</td>
<td>1’</td>
</tr>
<tr>
<td><strong>i. Maximum Building Coverage</strong></td>
<td>35%</td>
<td>35%</td>
<td>35%</td>
</tr>
<tr>
<td><strong>j. Maximum Impervious Coverage for lots with permitted non-residential principal uses.</strong></td>
<td>50%</td>
<td>60%</td>
<td>60%</td>
</tr>
</tbody>
</table>

*Plus an additional non-habitable floor that shall be restricted to storage.

**Or not greater than the maximum height of the principal building, whichever is more restrictive.
3. Table for Lot and Setback Requirements for the NC, HC, LI, LI(L), GI & RT Districts.

<table>
<thead>
<tr>
<th>Type of Requirement</th>
<th>NC District</th>
<th>HC District</th>
<th>LI &amp; LI(L) District</th>
<th>GI District</th>
<th>RT District</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Minimum Lot Area (sq.ft.) (per dwelling unit)</td>
<td>43,560</td>
<td>43,560, except 5 acres for a hotel or motel.</td>
<td>87,000</td>
<td>87,000</td>
<td>100 Acres²</td>
</tr>
<tr>
<td>b. Minimum Lot Width at the Minimum Front Yard Building Setback Line (ft.)</td>
<td>100</td>
<td>125</td>
<td>150</td>
<td>150</td>
<td>100²</td>
</tr>
<tr>
<td>c. Minimum Lot Width at the Post Development Street Right-of-Way line (ft.)</td>
<td>200</td>
<td>250</td>
<td>250</td>
<td>250</td>
<td>250</td>
</tr>
<tr>
<td>1) For a lot granted preliminary subdivision approval after the adoption of this Ordinance that will have a direct vehicle access involving left-hand turns onto or off of an arterial street.</td>
<td>30</td>
<td>30</td>
<td>30</td>
<td>30</td>
<td>30</td>
</tr>
<tr>
<td>2) For any other lot.</td>
<td>30</td>
<td>30</td>
<td>30</td>
<td>30</td>
<td>30</td>
</tr>
<tr>
<td>d. Minimum Building Setback for Principal Structure (ft.)</td>
<td>50³</td>
<td>50³</td>
<td>50³</td>
<td>50³</td>
<td>100²</td>
</tr>
<tr>
<td>1) Front Yard</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2) Side Yard - Each of Two (2) Sides</td>
<td>10</td>
<td>15</td>
<td>30</td>
<td>30</td>
<td>100²</td>
</tr>
<tr>
<td>3) Rear Yard</td>
<td>30</td>
<td>30</td>
<td>30</td>
<td>30</td>
<td>100²</td>
</tr>
<tr>
<td>4) For any yard adjacent to a Public Street</td>
<td>50³</td>
<td>50³</td>
<td>50³</td>
<td>50³</td>
<td>100²</td>
</tr>
<tr>
<td>e. Minimum Building Setback for Accessory Structures (ft.)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1) For a portion of a building used for manufacturing or an area routinely used for the parking, storage or loading/ unloading of tractor-trailer trucks or refrigerated trucks to an abutting: a) residential lot line (see definition in Article II) b) lot line of a primary or secondary school.</td>
<td>150⁶</td>
<td>150⁶</td>
<td>150⁶</td>
<td>150⁶</td>
<td>150²,6</td>
</tr>
<tr>
<td>2) For any non-residential principal structure other than a portion of a building used for manufacturing to an abutting lot line of: a) a residential lot line (see definition in Article II) b) a primary or secondary school.</td>
<td>50</td>
<td>60</td>
<td>75</td>
<td>75</td>
<td>100 for a business use</td>
</tr>
<tr>
<td>f. Minimum Building Setback for Principal Structure (ft.)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1) Front Yard</td>
<td>Not Permitted</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2) Side Yard - Each of Two (2) Sides</td>
<td>5</td>
<td>5</td>
<td>20</td>
<td>20</td>
<td>100</td>
</tr>
<tr>
<td>3) Rear Yard</td>
<td>5</td>
<td>5</td>
<td>20</td>
<td>20</td>
<td>100</td>
</tr>
<tr>
<td>4) For any side or rear yard adjacent to a Public Street.</td>
<td>20</td>
<td>20</td>
<td>50³</td>
<td>50³</td>
<td>100</td>
</tr>
<tr>
<td>Type of Requirement</td>
<td>NC&lt;sup&gt;1&lt;/sup&gt; District</td>
<td>HC&lt;sup&gt;4&lt;/sup&gt; District</td>
<td>LI &amp; LI(L) District</td>
<td>GI District</td>
<td>RT&lt;sup&gt;2&lt;/sup&gt; District</td>
</tr>
<tr>
<td>-------------------------------------------------------------------------------------</td>
<td>--------------------------</td>
<td>-------------------------</td>
<td>--------------------</td>
<td>-------------</td>
<td>--------------------------</td>
</tr>
<tr>
<td>5) For a non-residential structure to an abutting: 1) residential lot line (see definition in Article II) 2) lot line of a primary or secondary school.</td>
<td>30</td>
<td>30</td>
<td>100</td>
<td>100</td>
<td>100</td>
</tr>
<tr>
<td>g. Maximum Height (ft.) (See exceptions in Section 802)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1) Principal Building</td>
<td>35</td>
<td>35&lt;sup&gt;5&lt;/sup&gt;</td>
<td>50&lt;sup&gt;5&lt;/sup&gt;</td>
<td>50&lt;sup&gt;5&lt;/sup&gt;</td>
<td>35&lt;sup&gt;5&lt;/sup&gt;</td>
</tr>
<tr>
<td>2) Accessory Building</td>
<td>25</td>
<td>25</td>
<td>50</td>
<td>50</td>
<td>35</td>
</tr>
<tr>
<td>h. Maximum Number of Stories</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1) Principal Building</td>
<td>2.5</td>
<td>3</td>
<td>4</td>
<td>4</td>
<td>3</td>
</tr>
<tr>
<td>2) Accessory Building</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>i. Maximum Building Coverage</td>
<td>35%</td>
<td>35%</td>
<td>40%</td>
<td>35%</td>
<td>15%</td>
</tr>
<tr>
<td>j. Maximum Impervious Coverage</td>
<td>75%</td>
<td>75%</td>
<td>75%</td>
<td>75%</td>
<td>40%</td>
</tr>
<tr>
<td>k. Maximum Ratio of Total Floor Area to Total Lot Area for:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1) a shopping center</td>
<td>NA</td>
<td>0.3</td>
<td>0.3</td>
<td>NA</td>
<td>NA</td>
</tr>
<tr>
<td>2) a building that primarily includes offices and has more than one (1) story.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>l. Minimum Setbacks from all lot lines (ft.)</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td></td>
</tr>
</tbody>
</table>

1 In the NC district, principal and accessory residential uses shall be permitted under the same regulations as in the R-4 district and not under the regulations of the NC district.

2 Except 2 acre minimum lot area, 150 feet minimum lot width at the building setback line and 40 feet minimum front, 20 feet side and 50 feet rear for principal building setbacks and 10 feet side and rear accessory structure setbacks and 35 feet maximum building height for any of the following permitted uses: school, place of worship or Township-owned use. Single family detached dwellings and their accessory uses in the RT district shall be permitted under the same regulations as the RU1.5 district instead of the regulations of the RT district.

3 Except 30 feet if there will be no vehicle parking between the face of the building and the adjacent existing street right-of-way line.

4 See additional standards in Section 402 for shopping centers.

5 The maximum building height may be exceeded provided that all yard setbacks are increased 2.5 feet in the RT District and 1 foot in the other applicable districts for each 1 foot of height above the stated maximum - up to a maximum of 75 feet. However, in no case shall a portion...
of a building within 100 feet of an existing dwelling be greater than 30 feet in height. In the HC district, this height exception shall only apply to offices.

See also the earth berm requirements of Section 803 along a school or residential lot line.

Except 43,560 for a lot that is permanently deed restricted to non-industrial uses.

Except 130,000 for any conditional or special exception industrial use.

C. See also additional Requirements in the following sections:

1. Additional Requirements for Specific Types of Principal Uses - Section 402
2. Additional Requirements for Specific Types of Accessory Uses - Section 403
3. Off-Street Parking - Article VI (including paved area setbacks in Section 603)
4. Signs - Article VII
5. Buffer Yards - Section 803
6. Steeply Sloped Areas - Section 505
7. Environmental Protection - Article V
8. Temporary Structures - Section 807
10. Outdoor Storage and Display as an accessory use - Section 403
11. Exceptions to Setbacks - See Section 803
12. Contingency Plans for Hazardous and Toxic Substances - See Section 506.D.
ARTICLE IV
ADDITIONAL REQUIREMENTS FOR SPECIFIC USES

401. APPLICABILITY.
A. This Article establishes additional specific requirements for certain uses. Wherever requirements may conflict, the stricter requirement shall apply.

B. For uses allowed within a specific Zoning District as "Special Exception" or "Conditional Uses," see the procedures and general standards in Sections 118 and 119. These Sections 402 and 403 list a set of additional standards to be used in determining whether a proposed special exception or conditional use should be approved.

402. ADDITIONAL REQUIREMENTS FOR SPECIFIC PRINCIPAL USES. Each of the following uses shall meet all of the following requirements for that use:

A. Adult Use. (This is limited to the following: Adult Bookstore, Adult Movie Theater, Massage Parlor or Adult Live Entertainment Use)
   a. No such use shall be located within 500 lineal feet of the lot line of any primary or secondary school, place of worship, public park, day care center, child nursery, library, existing dwelling, or any site marked as a proposed future park location on any Township Official Map.
   b. No such use shall be located within 1,000 lineal feet of any existing "adult use."
   c. A 30 feet buffer yard shall be provided, regardless of zoning district, along the side and rear lot lines in accordance with Section 803, but with plantings of an initial minimum height of 5 feet.
   d. No pornographic material, displays or words shall be placed in view of persons who are not inside of the establishment. Definite precautions shall be made to prohibit minors from entering the premises.
   e. No such use shall be used for any purpose that violates any Federal, State or Township law.
   f. See Section 709, Prohibited Signs.
   g. No such use shall be allowed in combination with the sale of alcoholic beverages.
   h. The use shall not include the sale or display of "obscene" materials, as defined by State law, as may be amended by applicable Court decisions.
   i. These uses are specifically prohibited in all Districts except where specifically permitted by Article III.
   j. A minimum lot area of 2 acres is required.
   k. For public health reasons, private or semi-private viewing booths of any kind are prohibited. This specifically includes, but is not limited to, booths for viewing adult movies or nude dancers. No room of any kind accessible to customers shall include less than 150 square feet.
   l. No use may include live actual or simulated sex acts or any sexual contact between entertainers or between entertainers and customers.
m. Only "lawful" massages as defined by State court decisions shall be performed in a massage parlor.

n. All persons within any adult use shall wear non-transparent garments that cover their genitals and the female areola, except within a permitted lawful adult live entertainment use.

o. Unless the Zoning Officer agrees in advance to send such notices, the applicant shall provide a written affidavit stating that he/she has mailed or delivered a written notice of the proposed hearing date to all property-owners of record within 500 feet of the subject property at least 10 days prior to the hearing date.

p. Any application for such use shall state the names, home addresses and home phone numbers of: a) all individuals intended to have more than a 5 percent ownership in such use or in a corporation owning such use and b) an on-site manager responsible to ensure compliance with this Ordinance. Such information shall be updated twice a year in writing to the Zoning Officer.

2. Adult Day Care Center.
   a. Shall be fully licensed by the State, if required by the State.
   b. Shall include constant supervision during all hours of operation.
   c. Shall not meet the definition of a "treatment center."

3. After Hours Club. See State Act 219 of 1990, which generally prohibits this use.

4. Airport or Heliport.
   a. Minimum lot area for airport- 25 acres for a private airport and 50 acres for a public airport.
   b. Minimum lot area for heliport- 2 acres in an industrial district and 15 acres in any other District.
   c. Airplane runways shall be oriented to minimize the hazards and disturbance posed by aircraft during takeoff and landing.
   d. The site and its design shall be approved by the PA. Bureau of Aviation and the Federal Aviation Administration.
   e. The proposed expected flight paths shall be designed to minimize noise hazards to existing residences or approved residential developments.
   f. The end of any runway shall be a minimum of 1,000 feet and the landing pad of a heliport shall be a minimum of 300 feet from the lot line of any existing dwelling which the applicant for the airport or heliport does not own or have an agreement of sale. Any portion of a runway or heliport shall be 100 feet from any other lot line.
   g. Conditions. The Zoning Hearing Board may place such necessary and reasonable conditions on the use to carry out the objectives of this Ordinance. These include limiting the types and sizes of aircraft, the hours of operations, the numbers of flights and the general direction of
approach. However, such board shall not place any conditions on the use that will seriously interfere with the safety of the operations.

5. **Animal Cemetery.**
   a. All the regulations for a "cemetery" in this Section shall apply.
   b. The applicant shall prove to the satisfaction of the Zoning Hearing Board that the use will be conducted in such a manner that the public health and groundwater quality will not be threatened.
   c. Any crematorium shall be setback a minimum of 250 feet from any "residential lot line."
   d. The applicant shall prove that there will be a long-term system to ensure perpetual maintenance.

6. **Auditorium, Commercial or Nightclub.**
   a. A 40 feet buffer yard shall completely separate the structure and all off-street parking and from any lot line of any residential lot line.
   b. A commercial auditorium shall have a minimum lot area of 2 acres for each 150 seats.
   c. The structure of a commercial auditorium or nightclub with a capacity of 250 or more persons shall be setback a minimum of 250 feet from the lot line of any residential use or residential district.

7. **Auto Repair Garage.**
   a. All paint work shall be performed within a building, with a fume collection and ventilation system that directs fumes away from any adjacent dwellings. Outdoor major repairs (such as body work and grinding) and outdoor welding shall not occur within 250 feet of a "residential lot line."
   b. All reasonable efforts shall be made to prevent or minimize noise, odor, vibration, light or electrical interference to adjacent lots. See standards in Article V.
   c. Outdoor storage of autos and other vehicles shall not be within a paved area setback required by Section 603 nor closer than 20 feet from a lot line of an existing dwelling.
   d. Overnight outdoor storage of "junk" other than junk vehicles shall be prohibited within view of a public street or a dwelling.
   e. An individual "junk vehicle" (as defined by Article II) shall not be stored within view of a public street or a dwelling for a total of more than 20 days. No junk vehicles shall be stored within 20 feet of an existing street right-of-way line. A maximum of 6 junk vehicles may be parked on a lot outside of an enclosed building at any one time. Any junk vehicle stored outside overnight shall be screened from view of adjacent dwellings.
   f. Service bay doors shall not face directly towards an abutting dwelling, not including a dwelling separated from the garage by a street.
   g. See also a "Truck Stop".

8. **Auto, Boat or Manufactured Home Sales.**
a. No vehicle or home on display shall occupy any part of the existing or future street right-of-way or required customer parking area or any paved area setback required by Section 603.
b. See light and glare standards in Section 511.

9. **Auto Service Station.**

   a. See definition in Article II, and definition of "Auto Repair Garage."
   
   b. All activities except those to be performed at the fuel or air pumps shall be performed within a building.
   
   c. Fuel pumps shall be at least 25 feet from the existing street right-of-way.
   
   d. Overnight outdoor storage of "junk" shall be prohibited within view of a public street or dwelling. Any junk vehicle stored outside overnight shall be screened from view of adjacent dwellings.
   
   e. An individual "junk vehicle" (as defined by Article II) shall not be stored within view of a public street or a dwelling for more than a total of 20 days. No junk vehicles shall be stored within 20 feet of an existing street right-of-way. No more than 3 junk vehicles shall be stored on the lot outside of an enclosed building at any point in time.
   
   f. There shall be the ability for a minimum of 4 vehicles to be serviced at each cluster of gasoline pumps or to be lined up behind cars being serviced, without obstruction of access into or out of the driveways from public streets.
   
   g. See also a "Truck Stop".
   
   h. The use may include a "convenience store" if the requirements for such use are also met.

10. **Bed and Breakfast Use.**

   a. Within a residential district, no more than 4 rental units shall be provided, no more than 4 persons may occupy one rental unit and no more than a maximum of 10 guests total may occupy the facility at one point in time. In any case, uses involving 20 or more guests shall be considered a hotel or motel.
   
   b. One off-street parking space shall be provided for each rental unit. The off-street parking spaces for the bed and breakfast shall be located either to the rear of the principal building or screened from the street and abutting dwellings by evergreen screening.
   
   c. At least one bathroom shall be provided for every 3 rental units, plus 1 bathroom for the operators.
   
   d. There shall not be any signs, show windows or any type of display or advertising visible from outside the premises, except for a single non-illuminated sign with a maximum sign area of 4 square feet on each of 2 sides and with a maximum height of 8 feet.
   
   e. The use shall have a residential appearance and character.
   
   f. The use shall be operated by permanent residents of the lot.
   
   g. There shall not be separate cooking facilities in any guest room. Food shall only be served to guests who are staying overnight.
h. No guest shall stay for more than 7 days in any month.
i. The use of any amenities provided by the bed and breakfast, such as swimming pool or tennis court, shall be restricted in use to the clientele and permanent residents of the establishment and their occasional invited guests.
j. The applicant shall prove that any existing on-lot septic system is sufficient in size and that there is no visible sign of failure of the system.
k. Shall be restricted to buildings that existed prior to January 1, 1940.
l. Shall have a minimum setback from all residential lot lines of 10 feet.

11. Betting Use.
   a. Shall be located abutting an arterial or collector street, as defined by the Official Street Classification Map.
   b. Minimum lot area - 3 acres.
   c. Minimum building setback from the lot line of any place of worship or residential zoning district - 300 feet.
   d. The applicant shall prove to the satisfaction of the Zoning Officer that the use will provide adequate on-site parking.

   a. Minimum lot area- 1.5 acres
   b. Minimum setback from all lot lines- 50 feet
   c. Minimum lot width- 200 feet
   d. Maximum density- 3 bedrooms or 6 persons per acre.
   e. Each sleeping room shall be limited to 2 persons each.
   f. A 20 feet wide buffer yard with screening meeting Section 803.D., shall be provided between any boarding house building and any abutting single family detached dwelling that is within 100 feet of the proposed boarding house building.
   g. Interior Space- A minimum of 400 square feet of interior floor space per resident.
   h. Maximum number of residents: 20.
   i. See also standards for "personal care home" which is a separate use.
   j. Signs shall be limited to 2 wall signs with a maximum of 2 square feet each.
   k. Rooms shall be rented for a minimum period of 5 consecutive days.

13. Bus Terminal, Inter-City. - for regular scheduled service between metropolitan areas; bus stations and bus stops for local bus service and school buses are not regulated by this Ordinance.
   a. Street access from the bus station to an arterial street or an expressway shall not require driving on a local street that is primarily residential.
   b. Shall provide an area for the loading and unloading of buses separate from required off-street parking areas, and a separate area for pick-up and drop-off of persons from private vehicles.
c. May be an accessory use to a permitted shopping center or restaurant, provided that the applicant proves to the Zoning Officer that there is adequate room for movements by the bus on the site or an adequate street shoulder for stops.

   a. Any sleeping quarters or tent sites shall not be within the 100-year floodway.
   b. For each acre of total lot area, there shall be a maximum average of: a) 2 recreational vehicle sites, b) 5 tent sites or c) cabin sleeping capacity for 6 persons. Such sites may be clustered in portions of the tract.
   c. Maximum impervious coverage – ten (10%) percent.
   d. Any store shall be limited to sales of common household and camping items to persons camping on the site.
   e. A commercial campground shall include at least one gravel or paved entrance road from a public street, with a minimum width of 20 feet.
   f. Minimum lot area – 8 acres.
   g. All campsites and recreational vehicle sites shall be setback a minimum of 100 feet from all residential lot lines.
   h. All parking, interior driveways, developed recreation areas, recreational vehicle parking areas, cabins, tent sites and similar activity areas shall be setback a minimum of 150 feet from "any residential lot lines". Any existing healthy trees within such setback shall be preserved, except at needed perpendicular crossings.

15. Car Wash.
   a. Traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets.
   b. On-lot traffic circulation channels and parking areas shall be clearly marked.
   c. Adequate provisions shall be made for the proper and convenient disposal of refuse. For a truck wash, the applicant shall provide evidence that adequate measures will be in place to prevent pollutants from being washed into the groundwater or waterways.
   d. Water used in the operation shall be collected and recycled, and shall not flow into any storm sewers or waterways or the groundwater outside of an on-lot septic system.
   e. Water from the car wash operation shall not flow onto sidewalks or streets, to prevent hazards from ice.
   f. Any car wash that is located within 250 feet of an existing dwelling shall not operate between the hours of 9:00 p.m. and 7:00 a.m.
   g. Any chemicals that may be hazardous to aquatic life shall be stored within an area that will completely contain any leaks or spills.

   a. Minimum lot area- 2 acres.
b. A crematorium, where allowed, shall be setback a minimum of 250 feet from all lot lines of existing dwellings and all undeveloped residentially zoned lots.

c. All structures and graves shall be setback a minimum of: 30 feet from the lot line of an abutting dwelling or any undeveloped residentially zoned lot, 20 feet from the future right-of-way of any public street and 10 feet from the cartway of an internal driveway.

d. No grave sites shall be located within the 100-year floodplain.

e. The use shall include an appropriate system to ensure perpetual maintenance.


18. Communications Tower or Antennae, Commercial.
   a. A commercial communications tower shall be setback a minimum distance equal to its height from all lot lines and existing street right-of-way lines.
   b. A freestanding commercial communications tower with a height greater than 50 feet above the natural ground level shall not be located in a residential district.
   c. The base of a freestanding tower shall be surrounded by a secure fence with a minimum height of 8 feet.
   d. Any freestanding tower that is higher than 50 feet and is within 100 feet of a public street or dwelling shall be surrounded (except at the driveway crossing) by evergreen screening or preserved woods meeting the requirements of Section 803.D.
   e. In the RT district, a commercial communications tower shall not exceed 120 feet in height above the average surrounding ground elevation, whether freestanding or attached to a building.

   a. Any indoor storage shall not occur in ways that threaten a serious explosive hazard.
   b. Indoor crop storage structures shall be setback a minimum of 100 feet from a residential line.
   c. In a residential district, shall have a maximum building coverage of 15 percent.

20. Cultural Center/Community Center. - No developed active outdoor recreation area shall be located closer than 25 feet to any lot line.

21. Day Care Center, Child. - as a principal use
   a. See also day care center as an accessory use in Section 403.
   b. The use shall comply with any applicable county, state and federal regulations, including having an appropriate PA. Department of Public Welfare registration certificate or license.
   c. Convenient parking spaces within the requirements of Article VI shall be provided for persons delivering and waiting for children.
d. In residential districts, where permitted as a principal use, shall have a minimum lot area of 20,000 square feet and a minimum setback of 15 feet from an abutting "residential lot line."

e. Shall include adequate measures to ensure the safety of children from traffic or other nearby hazards. This shall include a secure fence around any outdoor areas abutting streets that are routinely used for outdoor play.

f. Outside play areas in Residential Districts shall be limited to use between 8:00 a.m. and 8:00 p.m. if located within 200 feet of an abutting dwelling.

g. Outdoor play areas of a day care center involving the care of 25 or more children at any one time shall be setback a minimum of 25 feet from the exterior walls of an abutting existing occupied dwelling.

h. This use shall not be conducted in a dwelling that is physically attached to another dwelling that does not have a common owner.

i. In residential districts, any permitted day care center shall maintain an exterior appearance that resembles and is compatible with any existing dwellings in the neighborhood.

j. A day care center may occur in a building that also includes permitted or non-conforming dwelling units.

k. See also the standards for a "Place of Worship" in this Section, which allows a day care center as an adjunct use.

22. Dormitory.

   a. Shall have a minimum lot area of 15 acres, which may include other permitted educational uses.
   b. Shall be setback a minimum of 400 feet from a residential lot line.

23. Emergency Services Station. The applicant shall show that the proposed location will have safe access towards arterial and collector streets, will be well-located to serve the service area and is designed in coordination with the facility needs and services of other emergency service providers.


25. Financial Institution. - Any drive-in window(s) and waiting lanes shall be located and have capacity for sufficient numbers of vehicles to ensure that traffic conflicts and hazards are avoided within the site and along the streets and highways adjoining the use. The stacking capacity shall be sufficient to serve the number of vehicles that can reasonably be expected to be served and waiting for service at the same time during the most busy 15 minute period in any average week.

26. Forestry, Commercial. (Excluding Plant Nursery)

   a. See definition in Article II.
   b. A Forestry Management Plan shall be prepared and followed for any commercial forestry involving more than 2 acres. This Plan shall be prepared by a professional forester.
d. Clear cutting shall be prohibited except on tracts of less than 2 acres. This provision shall not apply to State Game Lands where clear cutting is done to benefit the natural habitat.
e. On tracts larger than 2 acres, at least 25 percent of the forest cover (canopy) shall be kept and the residual trees shall be well distributed. At least 25 percent of these residual trees shall be composed of higher value species as determined by a professional forester.
f. An Erosion and Sedimentation Control Plan shall be submitted to the County Conservation District for any review and recommendation.
g. The Forestry Management Plan shall include an appropriate method to ensure re-forestation, except for areas approved for a permitted use.
h. Commercial forestry is prohibited on areas with slopes greater than 25 percent or within the 100-year floodway.

27. Funeral Home. - Minimum lot area - 4 acres. Funeral Homes in residential districts shall provide no fewer than 50 parking spaces or the number of spaces required in Table 6.1, whichever is greater.

28. Garden Apartments. - See "Townhouses and Garden Apartments"

29. Golf Course.
   a. The course shall be designed so that golf balls are unlikely to routinely enter public streets or property that is not part of the golf course.
   b. A clubhouse, retail sales of golf supplies and/or restaurant may be permitted as an accessory use if located a minimum of 250 feet from any "residential lot line".
   c. Minimum lot area - 35 acres in a residential district.
   d. Any outdoor lighting shall be located and designed in such a way that it does not generate more light onto residential properties than what is customary in a residential neighborhood.
   e. Maximum building coverage - 5%.
   f. Maximum impervious coverage - 10%.
   g. Fairways and greens shall be setback a minimum of 40 feet from the lot line of any existing dwelling.
   h. Any building shall be setback a minimum of 100 feet from the lot line of an abutting dwelling.
   i. Parking. See Section 601.
   j. A golf course may include a driving range, if the area occupied by the users is setback a minimum of 250 feet from any "residential lot line".

30. Group Home.
   a. See definition in Article II.
   b. Supervision. There shall be adequate supervision as needed by an adequate number of person(s) trained in the field for which the group home is intended.
c. Certification. Any group home involving 5 or more unrelated persons living in a dwelling unit or that is otherwise required to be licensed or certified under an applicable State, County or Federal program shall be certified or licensed, as applicable, as a condition of Township approval. A copy of any such license or certification shall be filed with the Township, and shall be required to be shown to the Zoning Officer in the future upon request. The group home shall notify the Township in writing within 14 days if there is a change in the type of clients, the sponsoring agency, the maximum number of residents or if an applicable certification or license expires, is suspended or is withdrawn.

d. Registration. The group home shall register its location, general type of treatment care, maximum number of residents and sponsoring agency with the Township. Such information shall be available for public review upon request.

e. Counseling. Any medical or counseling services provided on the lot shall be limited to residents and a maximum of 3 nonresidents per day.

f. Parking. One off-street parking space shall be provided for each employee on duty at any one time, and every 2 residents of a type reasonably expected to be capable of driving a vehicle. Off-street parking areas of more than 4 spaces shall be buffered from adjacent existing single family dwellings by a planting screen meeting the requirements of Section 803.

g. The use shall not meet the definition in Article II of a "treatment center." A group home shall not house persons who can reasonably be considered to be a physical threat to others.

h. Appearance. If the group home is within a residential district, the building shall be maintained and/or constructed to ensure that it is closely similar in appearance, condition and character to the other residential structures in the area. No exterior signs shall identify the type of use.

i. The following maximum number of persons shall reside in a group home, not including bona fide employees who are needed in the group home to supervise and care for residents:

1) Single Family Detached Dwelling with minimum lot area of 15,000 square feet and minimum building setbacks from all lot lines of 15 feet: 5 persons.

2) Single Family Detached Dwelling with minimum lot area of 30,000 square feet and minimum building setbacks from all lot lines of 25 feet: 8 persons.

3) In a GI District, where permitted: 20 persons, provided there is a minimum of 125 square feet of habitable interior floor area per person.

4) Any other lawful dwelling unit: 4 persons.
j. Septic. If a group home will use an on-lot septic system and will involve 6 or more persons routinely on the premises at any one time, the septic system shall be required to be reviewed by the Township Sewage Enforcement Officer to determine if it is adequate.

k. Employees of the group home shall be prohibited from having visitors on the premises, unless such visitation is necessary for the operation of the group home and except for emergencies.

l. The use shall provide illuminated "exit" signs, emergency battery-powered lighting and a minimum of 2 "ABC" rated fire extinguishers.

31. **Heliport.** See Airport or Heliport in this Section.

32. **Hospital.**
   
   a. A hospital (other than a hospice) use shall be served by at least 2 access ways or driveways with a minimum width of 20 feet. One of these accesses shall be from an arterial or collector street.
   
   b. Minimum lot area - 20 acres for a hospital, except 2 acres for a use limited to hospice.
   
   c. See definition in Article II.
   
   d. A hospital may include a heliport for emergency medical transportation.
   
   e. A maximum total of 75,000 square feet of medical and dental office space shall be permitted on the lot of a hospital, in addition to administrative offices of the hospital itself.

33. **Hotel/Motel.**
   
   a. Recreational facilities limited to guests of the use and a standard restaurant may be permitted accessory uses to a hotel or motel.
   
   b. See definition in Article II, which distinguishes between a hotel/motel and a boarding house.
   
   c. Minimum lot area - 5 acres.

34. **In-Patient Alcohol Treatment Center.**
   
   a. The use shall provide temporary treatment which shall not routinely exceed 6 months, and shall not be a long-term residential use.
   
   b. Shall be restricted to treatment of persons who clearly primarily need the treatment for addiction to alcohol, and not criminal activity.
   
   c. Shall have a minimum lot area of 3 acres.
   
   d. Shall be setback a minimum of 200 feet from any "residential lot line".
   
   e. All buildings shall include a maximum height of 2 stories, and have a residential appearance, including a pitched roof.

35. **Institutional Group Home.** All of the requirements for a "group home" shall apply except the maximum number of residents shall be 30 and there shall be a 150 feet minimum building setback from all residential lot lines.

36. **Junk Yard.** (includes automobile salvage yard)
a. Storage of garbage or biodegradable material is prohibited, other than what is customarily generated on-site and routinely awaiting pick-up.
b. Outdoor storage of junk shall be at least: a) 100 feet from any residential lot line and b) 50 feet from any other lot line and the existing right-of-way of any public street.
c. The site shall contain a minimum of 2 exterior points of access, each of which is not less than 20 feet in width. One of these accesses may be limited to emergency vehicles. Cleared driveways shall be provided throughout the entire use to allow access by emergency vehicles. Adequate off-street parking areas shall be provided for customers.
d. Outdoor storage shall be completely enclosed (except at approved driveway entrances) by a 40 foot wide buffer yard which complies with Section 803, unless such storage is not visible from an exterior lot line or street. 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 of vehicles or junk is prohibited.
f. See the noise or dust regulations of Article V.
g. All gasoline and oil shall be drained from all vehicles and properly disposed of. All batteries shall be removed from vehicles and properly stored in a suitable area on an impervious, properly drained surface.
h. Lot area - 3 acres minimum; 20 acres maximum.
i. Tires - see the "Outdoor Storage and Display" standards in Section 403.
j. See the Township Junk Dealer, Junk, Salvage and Scrap Yard Ordinance (Chapter 13, Section 301, Part 3).

37. Kennel.

a. All buildings in which animals are housed and all runs shall be located at least 200 feet from all "residential lot lines."
b. Buildings shall be adequately soundproofed so that sounds generated within the buildings cannot routinely be heard within any adjacent dwelling.
c. No animal shall be permitted to use outdoor runs from 8 p.m. to 8 a.m. that are within 300 feet of an existing dwelling. Runs for dogs shall be separated from each other by visual barriers a minimum of 4 feet in height, to minimize dog barking.
d. See State law regulating kennels.
e. A kennel may be used for breeding.
f. Minimum lot area - 2 acres.

38. Limited Business Conversion

a. Shall only apply to single family detached houses that existed prior to January 1, 1992 and that abut a major arterial street.
b. The use shall have a maximum of 10 employees on the premises at any point in time. No more than 2 medical doctors or chiropractic doctors shall work on the premises at any point in time.

c. The use may include one principal commercial use, limited to the following types: child day care center (within the regulations of such use), adult day care center (within the regulations of such use), office or personal service use.

d. A limited business conversion is allowed in all Districts.

e. The use shall not involve a structural expansion of the building except for such alterations needed for safety.

f. The use shall prove it will have adequate sight distance based upon PennDOT standards.

g. The use shall only have a single exterior commercial sign, which may have a maximum sign area of 15 square feet on each of 2 sides.

39. Livestock, Raising of. ("Animal Husbandry")

a. Minimum lot area - 7 acres.

b. Any newly developed indoor area used for the keeping of animals or indoor or outdoor manure storage areas or feeding areas that are part of a raising of livestock use shall be located a minimum of 300 feet from the following: lot lines of existing dwellings (except the dwelling of the operator of the livestock use), undeveloped residentially zoned lots, existing restaurant and existing office uses and a minimum of 150 feet from all other exterior lot lines.

c. Any additions to an existing indoor area used for the raising of livestock or indoor or outdoor manure storage areas or feeding areas that are part of raising of livestock use shall be located a minimum of 200 feet from the lot lines of existing dwellings (except the dwelling of the operator of the livestock use) and undeveloped residentially zoned lots.

d. Any area used for the keeping of animals as part of a raising of livestock use that is not regulated by the standards b. and c. above shall be separated by a fence or wall and setback 50 feet from any lot line of an existing dwelling or an undeveloped residentially zoned lot.

e. The keeping of minks or garbage-fed pigs shall be setback a minimum of 300 feet from all lot lines.

40. Mineral Extraction.

a. The activities and residual effects shall not create conditions that are significantly hazardous to the health and safety of neighboring residents.

b. After areas are used for mineral extraction, they shall be reclaimed in phases to a nonhazardous and environmentally sound state permitting some economically productive future use.

c. A 75 feet wide buffer with natural vegetative ground cover (except at approved driveway crossings) shall be required along all exterior lot lines that are within 250 feet of an area of excavation or within 250 feet of machinery that is greater than 35 feet in height. This buffer yard shall include an earthen berm averaging a minimum of 6 feet in height and
an average of 1 shade tree for each 50 feet of distance along the lot lines. Such shade trees shall be planted outside of any berm and/or fence and shall meet the size and type requirements of Section 603.

d. The following minimum setbacks shall apply for the excavated area of a mineral extraction use from property that is not owned by the owner of the mineral extraction use:

1) 100 feet from the existing right-of-way of public streets and from all exterior lot lines of the property,
2) 150 feet from a commercial or industrial building, unless released by the owner thereof,
3) 250 feet from a "residential lot line", other than an abandoned dwelling,
4) 150 feet from the lot line of a publicly owned recreation area that existed at time of the application for the use or expansion,

e. 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.

f. Fencing. The Board may require secure fencing in locations where needed to protect public safety.

g. Noise and Performance Standards. See Article V.

h. County Conservation District. A soil erosion and sedimentation plan shall be prepared by the applicant and found to be acceptable to the County Conservation District.

i. Hours of Operation. The Board may reasonably limit the hours of operation of the use and of related trucking and blasting operations to protect the character of adjacent residential areas.

j. Additional Reviews. The applicant shall submit at least 14 days prior to the initial Zoning Hearing Board hearing a complete copy of all application materials and a site plan to the Board of Supervisors and to the Planning Commission for advisory review. The application shall be sent to the Township Engineer or an alternate Engineer appointed by Board of Supervisors for a review, with the reasonable costs of such review paid by the applicant.

k. The applicant shall also submit a copy to the Zoning Officer of all materials submitted by the applicant to State agencies regarding an application for this project. The use shall comply with all applicable State regulations as a condition of Township approvals under this Ordinance, such Township approval may be revoked for violation of this condition.

l. Preemption. It is not the intent of this Section to unlawfully preempt any Federal or State law or regulation. Unless a preemption of this Ordinance would exist, the most strict and least permissive requirements shall be in effect where a conflict might exist.

m. Application Requirements. Each application for a Mineral Extraction use involving an excavation of more than 1 acre shall include the following:

1) Present uses of the site.
2) A scaled map, prepared by a professional engineer, showing the locations of:
   a) The proposed area to be excavated (and maximum depth);
   b) Other land to be affected including but not limited to: (i) storage sites for overburden, (ii) access and haulage streets, (iii) storage sites for equipment, and (iv) offices and other accessory structures;
   c) Lot lines of adjacent lots, and owners and existing uses of these lots;
   d) Watercourses, bodies of water, street rights-of-way, buildings and publicly-owned recreation areas within 250 feet of the boundaries of land to be affected by the mineral extraction operation;
   e) Any wetlands and forested areas to be removed or protected and preserved as part of the use.

3) A detailed land reclamation plan of the area to be excavated showing:
   a) Proposed reclaimed use and topography of the land following the mineral extraction;
   b) Actions to be taken during mining to conserve and replace topsoil removed during mining operations;
   c) Reasonable assurances that the applicant will be capable of reclaiming the land in accordance with the plan within a reasonable time after completion of the Mineral Extraction operations to be covered by the requested permit.

n. Maximum Acreage Actively Used for Mineral Extraction

1) To ensure that large areas of land will be reclaimed in compliance with State and Township regulations, the Board may establish a maximum number of acres which may be "affected by mineral extraction" at any one time on any lot or any series of lots owned by one applicant or closely related applicants.

2) Land "affected by mineral extraction" shall mean all total land area at any point in time that is currently under active mineral extraction, that is not adequately reclaimed or backfilled following prior extraction operations and/or that contains waste or spoil piles from existing or prior mining activities.

41. Mobile/Manufactured Home. On an individual lot or within a mobile/manufactured home park.

   a. Construction. Any mobile/manufactured home placed on any lot after the adoption of this Ordinance shall be constructed in accordance with the Safety and Construction Standards of the U.S. Department of Housing and Urban Development. These Federal standards supersede the Pennsylvania Uniform Construction Code for the actual construction of the home itself. Each home shall be equipped with a
minimum of one smoke detector and a UL approved portable fire extinguisher labeled as suitable for A, B and C fires.

b. Each site shall be graded to provide a stable and well-drained area.

c. Each home shall have hitch mechanism removed. It is recommended, but not required, that the wheels and axles be removed and stored under the home.

d. Installation. A system of securing the home to the ground shall be installed that will prevent shifting, overturning or uneven settling of the home and to provide a secure base for installation of tie-downs. This shall involve the following method, unless the applicant proves to the satisfaction of the Zoning Officer that another method will be used that is recommended by the manufacturer of the home or by the manufacturing housing industry.

1) The foundation system shall consist of concrete piers, or concrete footings perpendicular to the main longitudinal frame, or equivalent and shall be installed from ground level to below the frost line (36 inches minimum). The piers or footings shall be a minimum of 4 inches greater in width than the concrete blocks used to support the home. Concrete blocks shall have a minimum width of 8 inches. This foundation system shall be placed on approximately 8 feet centers (unless another distance is specifically recommended in writing by the manufacturer) along each of the two main longitudinal frames for each section of the home, with no more than 3 feet overhang at each end of the section.

a) The Township Building Official may review and approve other foundation options such as concrete trench piers placed perpendicular to the main longitudinal frame, concrete slabs under the entire home footprint or equivalent foundation systems.

b) Any optional foundation system shall be approved as part of the subdivision and land development plan.

2) One-half inch diameter by 12 inch long eyebolts, or approved equivalent u-shaped bars that shall be cast in place at each corner and at two midpoints in the concrete piers, concrete footing, slab or equivalent foundation. Concrete blocks shall be used to support the home on the foundation system and metal or masonry shims may be used for final leveling. The concrete support blocks shall not be wider than the support foundation.

3) Each mobile/manufactured home shall be securely anchored or tied down with cable and turn buckles or equivalent connecting the frame to the cast in place eyebolts on at least 4 corners and two midpoints. The tie-down shall also be in accordance with the manufacturers' recommendations furnished with each home.

4) Mobile homes shall not be placed more than 4 feet above the supporting ground area.
5) As part of the construction standards for each mobile home, the U.S. Housing and Urban Development Department requires that each unit be built to meet certain windstorm protection requirements.

e. Skirting. The space between the bottom of the home and the ground and/or home pad shall be enclosed using either:
   1) Industry-approved skirting material compatible with the home or,
   2) If a concrete foundation is used, masonry walls shall be constructed underneath the home with soil backfill to result in the surrounding ground level being no more than 3 steps in height below the first floor elevation. If this alternative is used, an access area with lower grade through the masonry area shall be installed, with 24 inches minimum height that allows convenient access by humans for service.

f. Homes shall have a pitched instead of a flat roof.

g. Homes on individual lots, outside of a mobile/manufactured home park, shall be located with the longest side facing any boundary public street.

h. Permit, each mobile home shall require a Township building permit prior to placement on a site, within the inspection procedures established by the Township.

42. Mobile/Manufactured Home Park.

   1) Plans shall be submitted and reviewed by the Township for all mobile/manufactured home parks in compliance with all of the provisions of the Subdivision and Land Development Ordinance that apply to a land development, including the submission, approval and improvements provisions, other than specific provisions altered by this Section.
   2) Land development plans for a mobile home park shall divide the tract into a space for each home. Such spaces are not required to be individually surveyed and shall not require individual meets and bounds descriptions or monuments for a mobile home park. Such plans shall show proposed building locations and orientations to allow Township review of the site layout.
   3) Permit. The mobile home park shall require a Township building permit prior to construction, within the inspection procedures established by the Township for any public improvements. All public improvements and required semi-public improvements shall be subject to inspection by the Township to insure compliance with approved plans.

b. Minimum tract size of 14 contiguous acres, which shall be under single ownership.

c. Density - The maximum average overall density shall be 4 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 100 year
floodway or that has natural slopes of 15 percent or greater shall not be included.

2) Phases. If an existing mobile home park is to be expanded into an area not previously part of that mobile home park, the maximum density and minimum common open space for the new area shall be considered separately from the previously approved areas of the mobile home park. All expansions to an existing park shall also meet all other provisions of this and other applicable ordinances.

d. Buffer Yard - Shall have a 25 feet buffer yard with screen plantings meeting the requirement of Section 803 around the perimeter of the site. Such buffer yard and screen plantings shall not be required between adjacent mobile home park developments. This buffer yard shall be 50 feet wide abutting existing single family detached dwellings. The same area of land may count towards both the buffer yard and the setback requirements.

e. Minimum separation between dwellings, including any attached accessory building, shall be 25 feet.

f. Minimum separation between homes and edge of interior street cart way or parking court cart way shall be 25 feet.

g. Minimum principal and accessory building setbacks from exterior/boundary lot lines shall be:

1) 100 feet if an adjacent lot includes an existing single family detached dwelling, except that such setback line shall not apply between manufactured homes within 2 abutting mobile home parks.

2) 50 feet from any other exterior lot line, other than an abutting mobile home park, and

3) 50 feet from the future right-of-way of any public street.

h. Each home shall comply with the requirements for Mobile/Manufactured Homes in Section 402.

i. Accessory Structures.

1) Detached accessory structures may be attached to each other or immediately adjacent to each other.

2) A detached accessory structure shall be setback a minimum of 25 feet from any dwelling units which the accessory structure is not accessory to. For safety reasons, a detached accessory shed or garage shall be setback a minimum of 10 feet from the dwelling unit it is attached to.

3) A detached accessory structure shall not be located in a front yard between a dwelling unit and a street or parking court.

j. Common Open Space for a Mobile Home Park

1) A minimum of 25 percent of the total lot area of the entire mobile home park shall be set aside as common open space for the residents. Because mobile home parks are required to provide their own common open space, a mobile home park shall not be subject to additional common open space or recreation fee requirements
under the Township Subdivision and Land Development Ordinance, as amended.

2) Areas within the required buffer yards, boundary set back areas and within the 100 year floodplain may count towards the minimum common open space, except for areas that specifically are not permitted to be counted by part "3)" below.

3) The following areas shall not be permitted to be counted towards the minimum required common open space:
   a) That would not be accessible to pedestrians,
   b) That would be within a storm water basin, unless the applicant proves to the satisfaction of the Zoning Officer that such area could be routinely and safely usable for recreation and as accessible open space,
   c) That would be within 15 feet of any principal building, other than a recreation building or
   d) That would have a minimum width of less than 20 feet.

4) A minimum of 25 percent of the required common open space shall include contiguous tracts of greater than one half acre.

5) Common open space - See Section 42.c.2) and 42.j.2) regarding phases of development.

6) A minimum of 30 percent of the required common open space shall be developed for recreation. Such areas may include children's play equipment (if the development is not restricted to senior citizens), paths, benches and picnic areas. Other facilities may include, but not be limited to, multi-purpose, basketball, shuffleboard or other courts - based upon a review by the Township Recreation Commission.

k. Additional Uses in a Mobile Home Park:
   1) A mobile/manufactured home park may include a recreation center for residents, a rental/management office, maintenance buildings for the park, swimming pool and the sale of mobile/ manufactured homes that will be placed on the tract.
   2) A mobile home park shall not include the sale of homes for placement off the tract - except for routine re-sale of existing homes.

l. Parking in a Mobile Home Park
   1) An average minimum of 3 off-street parking spaces shall be provided per dwelling unit. No more than 6 off-street parking spaces shall be installed along any road without a 20 feet wide minimum lawn/planting island.
   2) A minimum of 2 such spaces shall be provided adjacent to the dwelling they serve.
   3) The remaining required spaces (the 3rd space per dwelling) shall be located within 200 feet of the dwellings they serve - primarily for guest parking. This guest parking requirement may be provided on
streets if the required minimum cart way widths are widened by 8 feet to accommodate safe and sufficient on-street parking.

4) The required parking spaces shall not be used for the parking of recreational vehicles and boats of residents, except for loading and preparation of immediate use. This type of parking space, if provided, shall be located in one central and screened area.

m. Streets.

1) Access to individual mobile home spaces shall be from interior parking courts, access drives or private streets and shall not be from public streets exterior to the development.

2) Streets within the mobile home park that provide access to reach 20 or more dwellings shall have a minimum paved cart way of 24 feet, and other local private streets shall have a minimum paved cart way of 20 feet.

3) Curbs and sidewalks are not required on the private streets, but all private streets shall meet all other Township cart way construction standards. Curbs may be required by the Township at selected locations if needed for storm drainage control.

n. Walks.

1) Individual walks - a minimum of 30 inch wide hard surfaced walks shall be provided between the home and the required two parking spaces for each individual dwelling.

2) Common walks - a minimum of 3 feet wide hard surfaced walks or pathways shall provided to connect major activity centers within the park and to provide access to boundaries of the park with major adjacent pedestrian destinations. This may be a sidewalk on one side of major streets or an internal walk/pathway system acceptable to the Township.

o. Storm Water Management. All mobile home park developments or expansions shall be in accordance with Township regulations for storm water facilities and management.

p. Solid Waste Disposal. All solid waste disposal including individual home containers shall be in accordance with any applicable Township standards. In addition see Section 512 for dumpsters.

q. All mobile home spaces shall have underground electric and telephone service and, if provided, cable television service shall be underground.

1) All underground electrical service shall be installed and grounded in accordance with all applicable PP&L standards, the National Electric Code and Township regulations. Minimum service shall at individual or group meter panel risers shall be 120/240 volts AC, 100 amperes per home.

r. Water Supply and Distribution
1) Where public water service is readily available it shall be used. If the water distribution system within the park is to remain private and is to be connected to public water service, a master water meter shall be installed where the connection is made to the public water supply.

2) Where a non-public water supply system is proposed, it shall be capable of supplying 150 gallons per day per home and providing fire protection in accordance with PaDEP requirements and all applicable Township requirements.

3) If a public water distribution system is proposed, it shall be in accordance with the Lehigh County Authority specifications for water system construction.

4) If a non-public water distribution system is proposed, it shall be in accordance with any applicable PaDEP and Township requirements and the following provisions:
   a) The system shall be designed and maintained to provide a pressure of 20 pounds per square inch under normal operating conditions and during fire flows of 1,500 gallon per minute for one hour. Water mains may be constructed of PVC, Schedule SDR 21 piping with 200 psi rating.
   b) All water mains shall be installed and bedded below frost levels in accordance with applicable Township requirements.
   c) Individual water riser pipes shall be located immediately within the mobile home pad or adjacent to the pad, shall have a minimum 3/4 inch pipe size, terminating at least 2 inches above the ground, capped when the lot is vacant and have adequate provisions for protection from freezing.

5) Fire hydrants shall be in accordance with applicable Township requirements and be spaced so that all homes and other structures are within 300 feet of a hydrant.

6) For each dwelling unit, a water supply shut off valve shall be located outside the skirting adjacent to the dwelling and below the frost line.

s. Sanitary Sewage Service.

1) Where public sanitary sewage service is reasonably available, it shall be used. If the collection system within the park is to remain private then a sewage flow meter shall be installed prior to its connection to the public system.

2) Where private sewage service is proposed, it shall be in accordance with PaDEP requirements and all applicable Township requirements.

3) If public sewage service is proposed it shall be in accordance with the Upper Macungie Township Authority condensed standard specifications for the construction of sanitary sewers.

4) If a private central sewage system is proposed it may be constructed of PVC Schedule 35 piping and shall be installed and bedded in accordance
with any applicable PaDEP and Township requirements and the following provisions:

a) Each home shall be provided with a four inch inside diameter sewer riser pipe located within the mobile home pad, extending a minimum of four inches above surrounding grade, the home shall be connected to the riser pipe with a semi-rigid furnco type coupling and PVC piping, with provisions for capping the riser pipe when the lot is vacant. Surface water shall be diverted away from the riser pipe. All clean-outs and in-ground house traps shall be located outside the skirting.

5) No building shall be constructed over any portion of an existing septic system.

t. Fuel Supply and Storage

1) All natural gas systems shall be installed in accordance with the International Fire Code.
2) All propane, gas or oil systems shall be installed in accordance with the International Fire Code.
3) No tank shall be installed under any home or additions thereto.
4) All supply lines shall be installed in accordance with the International Fire Code.

u. Park Management and Operation

1) The owner of the park to whom the license is issued shall operate the park in compliance with this and other applicable Township ordinances and shall provide adequate supervision and maintenance to ensure that the facilities and equipment are kept in good repair and safe operating condition.
2) The management of the park shall supervise the installation of all mobile homes, foundation systems and utility connections.
3) The management of the park shall report all arrivals of adult residents to the Township Tax Collector within 30 days and notify the Township Tax Collector prior to any proposed adult resident departures.
4) The management of park shall provide reasonable access to the Township or its representatives for periodic inspections of the park and its common facilities.

43. Nursing Home.

a. Licensing - See definition in Article II.
b. A minimum of 20 percent of the lot shall be suitable and developed for passive recreation. This area shall include outdoor sitting areas and pedestrian walks.
c. The density shall not exceed more than one resident or bed per 250 square feet of total lot area.
d. Setback. Principal and accessory buildings shall be setback a minimum of 50 feet from a "residential lot line."

44. Personal Care Home. - The standards for nursing homes in this section shall apply.

45. Picnic Grove, Private.
   a. All parking and activity areas shall be a minimum of 250 feet of an existing dwelling. The use shall not operate between the hours of 11 p.m. and 7 a.m.
   b. See noise and glare standards in Article V.
   c. Minimum lot area - 10 acres.

46. Place of Worship.
   a. Minimum lot area- 1.5 acres.
   b. Weekly religious education rooms and meeting rooms are permitted accessory uses provided that such uses are of such a character and intensity that they would be clearly customary and incidental to the place of worship. A primary or secondary school and/or a child or adult day care center are permitted on the same lot as a place of worship as long as requirements for such uses are also met. Noncommercial buses used primarily to transport persons to and from religious services or a permitted school on the lot may be parked on the lot.
   c. One dwelling unit may be accessory to a place of worship on the same lot.
   d. The use of any building for worship by a maximum of 6 persons who are not related at any point in time is not regulated under this ordinance, and is permitted by right in all districts.

47. Plant Nursery.
   a. Evergreen screening and buffer yards are not required around the outdoor storage of trees or shrubs.
   b. The only retail sales that shall be permitted shall be of trees and plants that were primarily grown upon the lot and clearly customary and accessory sales of closely related items (such as mulch, topsoil and tools) unless retail sales or a "retail store" are specifically permitted in the District.
   c. Minimum lot area - 1.5 acres if there is any retail sales.

48. Race Track.
   a. See the performance standards of Article V, especially regarding noise.
   b. Any area used for the testing, warm-up or racing of vehicle engines shall be setback a minimum of 300 feet from any "residential lot line."
   c. Minimum lot area- 20 acres.
   d. A buffer yard meeting Section 803 shall be provided around the perimeter of the lot. The Board of Supervisors may allow clustering of plants and variations in the types of plants.
e. All tracks and driving courses shall be paved in asphalt, concrete or closely similar dust-free surface.

49. Recycling Collection Center.

a. This use shall not be bound by the requirements of a Solid Waste Disposal Facility.

b. All materials shall be kept in appropriate containers, with appropriate sanitary measures and frequent enough emptying to prevent the attraction of insects or rodents and to avoid fire hazards.

c. Adequate provision shall be made for movement of trucks if needed and for off-street parking.

d. A 20 feet buffer yard with screening as described in Section 803 shall be provided between this use and any abutting "residential lot line."

e. This use may be a principal or accessory use, including being an accessory use to a commercial use, an industrial use, a public or private primary or secondary school, a place of worship or a Township-owned use, subject to the limitations of this section.

f. Materials to be collected shall be of the same character as the following materials: paper, fabric, cardboard, plastic, metal, aluminum and glass. No garbage shall be stored as part of the use, except for that generated on-site and that accidentally collected with the recyclables. Only materials clearly being actively collected for recycling may be stored on site.

g. The use shall only include the following operations: collection, sorting, baling, loading, weighing, routine cleaning and closely similar work. No burning or land filling shall occur. No mechanical operations shall routinely occur at the site other than operations such as baling of cardboard.

h. The use shall not include the collection or processing of pieces of metal that have a weight greater than 50 pounds, except within an industrial district.

i. The use shall include the storage of a maximum of 50 tons of materials on the site if the use is within a residential district and within 500 feet of an existing dwelling.

50. Residential Conversions, (not including development of one accessory apartment within a single family detached dwelling)

a. Applicable State fire safety requirements shall be met.

b. Sewer Service. Any on-lot septic system shall be recertified if the sewage flows will expand.

c. The following regulations shall apply to the conversion of an existing single-family detached dwelling into a greater number of dwelling units:

1) The building shall maintain the appearance of a single-family detached 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 placement of an exterior stairway on the front of the building, or would require
the placement of more than 3 off-street parking spaces in the required front yard.

e. A previously residential building shall maintain a clearly residential appearance, except as may be necessary for restoration of a historic building.

f. Separate cooking and sanitary facilities shall be provided for each dwelling unit.

g. Off-street parking lots with 4 or more spaces shall be buffered from abutting dwellings by evergreen screening meeting the requirements of Section 803.

h. Dumpster Screening - See Section 512.

i. See, if applicable, requirements for "Accessory Apartment within an Existing Single-Family Detached Dwelling" within Section 403.

j. A site plan shall be submitted to the Zoning Officer.

k. Each dwelling unit shall include a minimum of 600 square feet of habitable heated indoor floor area.

l. The lot shall include a minimum of 4,000 square feet per dwelling unit.

51. Restaurant.

a. Dumpster Screening and Waste Containers - See Section 512.

b. Outdoor menu board signs for drive-thru service - See Section 704.

c. Traffic circulation onto, within and off of the lot shall be clearly marked. A drive-thru 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. The stacking capacity shall be sufficient to serve the number of vehicles that can reasonably be expected to be served and waiting for service at the same time during the most busy 15 minute period in any average week.

d. A proposed restaurant building that is not attached to a shopping center and which includes drive-thru service shall be setback a minimum of three-hundred (300) feet from any other restaurant building that:

1) Exists or has been approved.

2) That is not attached to a shopping center.

3) Includes drive-thru service, the 300 feet setback shall not apply if the Board of Supervisors determines that the restaurants would be served by a fully coordinated and safe traffic access system that minimizes driveways involving left-hand turns onto arterial streets, except at a signalized intersection.

4) Notwithstanding the setback requirement, a restaurant with drive thru service may not be located on a parcel of land unless it has direct driveway access onto major arterial street.

52. School, Public or Private, Primary or Secondary

a. Minimum lot area - 3 acres if less than 300 students, 5 acres if 300 students or over.
b. No children's play equipment, basketball courts or illuminated recreation facilities shall be within 25 feet of a residential lot line.
c. The use shall not include a dormitory unless specifically permitted in the District.
d. The use shall be served by public water and public sewage service.

53. Self-Storage Development.
   a. All storage units shall be fire-resistant and water-resistant.
   b. Outdoor storage shall be limited to recreational vehicles, boats and trailers. No “junk vehicles” shall be stored within view of a public street or a dwelling.
   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. Nothing shall be stored in interior traffic aisles, required off-street parking areas, loading areas or access ways.
   e. Major body work on vehicles shall not be permitted. The use shall not include a commercial auto repair garage unless that use is permitted in the district and the use meets those requirements.
   f. Adequate lighting shall be provided for security, but it shall be directed away or shielded from any adjacent residential uses.
   g. Any areas of the use that are within 200 feet of the existing right-of-way of an expressway, arterial street or collector street shall be separated from that street by a buffer yard with screening under Section 803.
   h. Maximum building length- 250 feet.
   i. Minimum separation between buildings- 20 feet.

54. Sewage Sludge, Land Application of.
   a. Shall have a minimum lot area of 5 contiguous acres.
   b. Setback. No septage or sludge shall be applied within 250 feet of an existing dwelling other than that of the applicant or within 250 feet of a well or within 250 feet of an existing office or restaurant use or within 300 feet of a perennial creek or river.
   c. Setback from Future Construction. A condition of any special exception approval shall be that a 250 foot setback shall apply from any dwelling, well, office or commercial use that is constructed in the future. In these areas, the application of sludge or sewage shall not become a nonconforming use.
   d. Shall comply with the Township Ordinance regulating Land Application of Sewage Sludge.

55. Shopping Center.
   a. The parking requirements of this use shall only be met by parking spaces located in the same district in which the shopping center is permitted.
   b. If two or more shopping centers are located or to be located on two abutting or adjacent lots, a maximum total of 450,000 square feet of total
leases retail sales floor space shall be permitted within the Township, based upon the amounts in those two shopping centers added together.

56. Slaughter House.
   a. Minimum lot area- 10 acres
   b. The building(s) where slaughtering takes place shall not be located closer than 250 feet from all exterior lot lines, and no closer than 500 feet from a "residential lot line."

57. Solid Waste Facility. (Including a sanitary landfill, solid waste-to-energy facility or solid waste transfer facility) - See definition in Article II.
   a. All solid waste storage, disposal and incineration shall be at least 200 feet from the following: public street right-of-way, exterior lot line, 100 year floodplain, edge of a surface water body (including a water filled quarry) or wetland of more than 2 acres in area.
   b. All areas to be used for the storage, disposal or incineration of solid waste shall be a minimum of 500 feet from any residential district or publicly-owned park or any existing dwelling that the applicant does not have an agreement to purchase or the banks of any perennial creek or river.
   c. The use shall be served by a minimum of 2 paved access roads, each with a minimum cart way width of 24 feet. One of these roads may be restricted to use by emergency vehicles.
   d. Any burning or incineration shall be carried out in a completely enclosed incinerator approved by the PaDEP. Any material to be incinerated that is to be stored for more than 3 hours shall be stored in an enclosed structure.
   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.
   h. In cooperation with PaDEP requirements, an appropriate double liner and a system to collect and treat leachate and methane is very strongly encouraged for any sanitary landfill.
   i. 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.
   j. A chain link or other approved fence with a minimum height of 8 feet shall surround active solid waste disposal areas to prevent the scattering of litter and to keep out children, unless the applicant proves to the satisfaction of the Board of Supervisors that this is unnecessary. The Board shall require earth berms, evergreen screening and/or shade trees as needed shall be used to prevent landfill operations from being visible from an expressway, arterial streets or dwellings. A minimum total lot area
of 20 acres (which may include land in an adjoining municipality) is required for any solid waste facility other than a solid waste-to-energy facility or a solid waste transfer facility. For a solid waste-to-energy facility or solid waste transfer facility, a minimum lot area of 5 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 750 tons per day.

k. A minimum total lot area of 20 acres (which may include land in an adjoining municipality) is required for any solid waste facility other than a solid waste-to-energy facility or a solid waste transfer facility. For a solid waste-to-energy facility or solid waste transfer facility, a minimum lot area of 5 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 750 tons per day.

l. Health Hazards. Any facility shall be operated in such a manner to prevent the attraction, harborage or breeding of insects, rodents or vectors.

m. Attendant. An attendant shall be present during all periods of operation or dumping.

n. Gates. Secure gates, fences, earth mounds and/or dense vegetation shall prevent unauthorized access.

o. 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.

p. Under authority granted to the Township under Act 101 of 1988, the hours of operation shall be limited to between 7 a.m. and 9 p.m.

q. Tires. See "Outdoor Storage and Display" in Section 403.

r. Litter. The operator shall regularly police the area of the facility and surrounding streets collect litter that may escape from the facility or trucks.

s. 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.

t. Staging. No total area(s) larger than 50 acres shall be used as a disposal area for a sanitary landfill in any calendar year.

u. The applicant shall provide sufficient information for the Township to determine that the requirements of this Ordinance will be met.

v. 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 PaDEP at the same time as they are submitted to PaDEP.

w. The operator shall enter into an agreement with the Township specifying the types and frequencies of environmental monitoring that will be put into place while a solid waste-to-energy or sanitary landfill is underway and for a minimum of 3 years after any landfill is closed.
x. A leachate treatment system may be an accessory use to a landfill, and a recycling collection center and/or bulk recycling center are permitted in combination with any permitted solid waste disposal facility.
y. For any transfer facility or waste-to-energy 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.
z. At least a portion of the solid waste disposal facility shall be within 1.5 miles by street of a ramp of an expressway.

aa. The applicant shall provide a professional analysis of the expected impacts of the facility on air quality, groundwater quality and surface water quality, and expected health hazards to humans.

58. Stable, Nonhousehold. (See also "Keeping of Pets in Section 403")
a. Minimum lot area - 4 acres for 3 to 9 horses, plus 1 acre for every 3 additional horses beyond the first 9 horses.
b. Any horse barn, corral, fenced-in area or stable shall be a minimum of 50 feet from any lot line and 200 feet from any residential lot line.

c. Drainage. A proper method shall be provided for drainage of the water from the pool that will not overload or flood any: a) on-lot septic system or b) portion of a building or property not owned by the owner of the pool. A pool shall not be located so as to interfere with the operation of a well or on-lot septic system. The Township Engineer shall certify that the proposed drainage of the pool is adequate and will not interfere with the public water or public sewer system or with public streets.
f. Water Service. Any inlet from a central water system shall be above the overflow level of the pool.
g. Nuisances. A pool shall not include illumination of adjacent residential properties beyond what is customary in a residential neighborhood. A pool
shall also not include the playing of a radio or recorded music at a volume louder than is necessary for the convenient hearing of persons at the pool.

60. Target Range.
   a. All target ranges shall have a barrier behind the target area which is of sufficient height and thickness to adequately protect the public safety. This barrier shall be made of earth for an outdoor firearms range.
   b. An outdoor firearms target range shall comply with National Rifle Association standards and other applicable Federal, State and local regulations.
   c. An outdoor firearms target range shall be located a minimum of 250 feet from the lot line of any existing residential use or undeveloped residentially zoned land, unless within a completely enclosed sound-resistant building.
   d. An outdoor firearms target range shall be fenced and be properly posted.
   e. The applicant shall show that the noise limits of Article V will be met.
   f. An indoor firearms target range shall be adequately ventilated to allow the building to remain completely enclosed.

61. Theater, Outdoor.
   a. Shall be on a lot abutting an arterial street or collector street (as defined on the Official Street Classification Map).
   b. Shall have a lot area of at least 8 acres.
   c. The face of the movie screen cannot be visible from a public arterial or collector street.
   d. The movie screen and any building shall be located at least 100 feet from any dwelling.
   e. A playground and/or snack shop is permitted as accessory uses.
   f. Pornographic, obscene, sexually explicit films or other films that do not permit entrance to persons under age 18 shall not be shown.
   g. An outdoor theater for musical shows and similar events is permitted without additional regulation within a publicly-owned recreation area.

62. Townhouses and Low-Rise Apartments.
   a. Maximum Number of Dwelling Units Within Any Building or Within Attached Buildings - 16 for any building including low-rise apartments, 8 for any other building(s)
   b. Density. The permitted maximum density for townhouses and low-rise apartments shall be based upon the amount of buildable area as follows:
      1) The following shall be subtracted from the total "lot area" of the "tract" (as defined in Section 202) to determine the "buildable area":
         a) Areas within the future rights-of-ways of pre-existing or previously approved streets;
b) Areas with natural slopes greater than 15 percent, except such areas shall not be deleted if the applicant establishes a conservation easement protecting all such areas;

c) Seventy Five (75%) percent of areas within the 100 year floodplain as defined by Federal floodplain maps, except only 25 percent of such areas shall be subtracted if the applicant establishes a conservation easement (as defined in Article II) protecting all such areas.

2) The following areas are not required to be deleted from the "buildable area" – provided that they do not include areas that are specifically required to be deleted under the standards in part "1" above:

a) Rights-of-way of streets that do not exist or that were not previously approved;

b) Areas of land voluntarily dedicated to and accepted by the Township or State for a street improvement that would not otherwise be required by the Township or State and that are not necessary for providing internal access for the development may be included as buildable area;

c) Storm water detention basins;

d) Areas that will be dedicated as common open space; and

e) Power line rights-of-ways (see setbacks in Section 803.B.9).

3) The "buildable area" as determined above shall be divided by the following amount of square feet per dwelling unit to determine the maximum permitted number of dwelling units within the tract.

   R-3 District 8,000 square feet
   R-4 District 6,500 square feet
   R-5 District 5,500 square feet for townhouses, 4,500 square feet for low-rise apartments.

   Note - A fee simple minimum lot area is not required for each individual townhouse.

4) The permitted number of dwelling units may be placed at any appropriate locations within the tract, provided that all other requirements of this Ordinance are met and provided that no single net acre of land includes more than 15 dwelling units, once street rights-of-ways and common open spaces are deleted.

5) If a townhouse or low-rise apartment development will clearly be permanently restricted to persons age 55 or older and/or the physically handicapped, then the permitted number of dwelling units on the tract may be increased by 15 percent.

6) Areas of land that are capable of additional development shall not be used towards calculating the allowable density unless those lands are deed restricted against further development.
c. Variety in Design. Developments of more than 50 dwelling units should include a variety of complimentary designs and colors between buildings or clusters of buildings to avoid extreme repetition. Extreme design and color variations on different parts of the same building are discouraged. Variation in roof lines of structures is strongly encouraged.

d. Changes in Facade. For every attached grouping of townhouses, a minimum of 2 changes in the front wall plane shall be provided. Such change shall involve a minimum variation or offset of 4 feet. This requirement may be met by differing setbacks between an attached garage and a dwelling, or differing setbacks among different dwellings or differing setbacks along the front of a dwelling.

e. Buffer Yard - A 20 feet wide buffer yard with screening shall be provided by the developer of the townhouses or garden/low-rise apartments, as described in Section 803.D., between any townhouse or garden apartment principal buildings and:

1) Any abutting existing single family detached dwelling within 100 feet or
2) The right-of-way of an expressway within 100 feet or
3) The right-of-way of an arterial street that abuts the rear of the townhouse units and is within 100 feet.

f. Lot Requirements.

1) Maximum Building Length - 200 feet.
2) Maximum Building Height - 35 feet and 3 1/2 stories for a principal building; 25 feet and 1 story for an accessory structure.
3) Minimum Tract Width and Depth - 150 feet each.
4) Floor Area - See Section 801.
5) Minimum Tract Area - 2 acres for townhouses and 3 acres for low-rise apartments.
6) Maximum Tract Area for Low-Rise/Garden Apartments - 10 acres in the R-3 and R-4 districts.

g. Building Setback and Separation.

1. Minimum Setback for townhouse and low-rise apartment buildings, whichever is most restrictive:

a) For principal buildings from all exterior lot lines (other than that of a single family detached dwelling) and from all existing street rights-of-ways (other than expressways) exterior to the tract - 50 feet.

b) For principal buildings from the lot lines of an existing single family detached dwelling or the existing right-of-way of an expressway - 75 feet.

c) For principal buildings from an existing right-of-way of a street constructed within the tract - 25 feet*.

d) For accessory structures in the side or rear yard along an existing street right-of-way constructed within the tract - 25 feet*. 
e) For accessory structures from all lot lines exterior to the tract other than existing street rights-of-way - 25 feet.

f) For accessory structures from all existing street rights-of-way exterior to the tract and from all front lot lines along a street - 50 feet.

g) All principal and accessory structures shall be set back at least five (5) feet from any easement. This shall apply in addition to any required setback.

* or from the cart way of a private street if a right-of-way does not exist.

2. Separation. Each principal building shall be separated by a minimum of 20 feet from any other principal building.

a) Any area of 4 adjacent net acres that includes an average of 12 dwelling units or more an acre shall be separated by a minimum of 10,000 square feet of vegetated usable common open space from any other townhouses or low-rise apartments.

h. See Section 403 and 306 for regulations on specific accessory uses. To avoid incompatible structures in a higher density environment, townhouse developers are strongly encouraged to establish deed restrictions or homeowner association regulations controlling the general types and materials of attached decks, fences and accessory structures that may be added or constructed in the future.

i. Minimum Width of Townhouses. Each townhouse dwelling unit shall have a minimum width of 18 feet, except the minimum width shall be 26 feet for any townhouse that: 1) has 2 or more off-street parking spaces located within 20 feet of the front of the townhouse or 2) has garage door(s) for 2 or more motor vehicles facing onto the front of a townhouse.

j. Minimum Private Area.

1) For each townhouse, there shall be a yard, balcony, patio or other outdoor area other than a driveway immediately adjacent to the front, back or side of each dwelling of not less than 200 square feet for the exclusive use of the occupants of that dwelling.

2) If townhouses are subdivided into individual lots, the minimum lot area shall be the building footprint plus the 200 square feet.

3) Design measures shall be used to seek an appropriate level of privacy in any rear yards, such measures might include landscaped screening, compatible fencing or earthen berm. The intent is to avoid the placement of incompatible fencing by individual land owners in the future.

4) Storage. If the maintenance of grass yards in front of or behind a townhouse would be the responsibility of an individual homeowner, a small storage area suitable for storing lawn maintenance equipment shall be provided with appropriate outside access.

1) Architectural Renderings. Preliminary architectural renderings, models or photos are requested for any low-rise apartment or townhouse development of more than 25 units.

m. Paved Area Setback - All off-street parking spaces, except spaces on driveways immediately in front of carport or garage entrance, shall be setback a minimum of 10 feet from any dwelling.

n. 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.

o. Mailboxes. Any mailboxes provided within the future 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 specifically discouraged.

p. 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.

q. Common Open Space.

1) For any low-rise apartment or townhouse development involving 25 or more dwelling units, a minimum of 10 percent of the total land area shall be dedicated as common open space. This common open space shall be in addition to any other requirements of this Ordinance or common open space or fees-in-lieu of open space requirements of the Subdivision and Land Development Ordinance. Common open spaces are encouraged to be used as a buffer against any abutting major roads.

2) For any development that will not be limited to residents 55 years and older, at least 50 percent of the required common open space shall: a) be contiguous, b) have slopes of less than 10 percent and c) be planted in grass and trees. If such development includes over 100 dwelling units, then part of the required common open space shall include approved types of children's playground equipment located over an appropriate soft surface and an open "pick-up" recreation field of less than 6 percent slope forming a rectangle of at least 200 feet length and 100 feet width.
3) For any development limited to persons 55 years and older, the required common open space shall be suitable for passive recreation, with appropriate landscaping, benches and paths or trails.

4) The applicant shall prove to the satisfaction of the Zoning Officer, upon advice of the Board of Supervisors, that there will be an adequate permanent method in place to maintain the common open space.

5) Areas within 25 feet of a principal building shall not be used to count towards the required amount of common open space.

r. Re-subdivision. No lots of less than 2 acres that have previously been granted preliminary or final subdivision or land development approval and were subdivided to meet the standards of single family detached dwellings shall be combined or re-subdivided to allow the construction of townhouses or low-rise apartments.

s. Condominiums. See Section 814 concerning condominiums and homeowner association agreements. The division of land into individual lots is not required, but instead condominium ownership may be used.

63. Treatment Center. (See also "In-patient Alcohol Treatment Center")

a. The applicant shall provide a written description of all types of residents the use is intended to include over the life of the permit. Any future additions or modifications to this list shall require approval of the Zoning Hearing Board as a special exception.

b. The applicant shall prove to the satisfaction of the Zoning Hearing Board that such use will involve adequate supervision and security measures to protect public safety.

c. The Zoning Hearing Board may place conditions on the use as necessary to protect public safety, including conditions on the types of residents and security measures.

d. A treatment center may occur as a special exception accessory use to a permitted and approved hospital that has a minimum lot area of 30 acres.

64. Trucking Company Terminal.

a. Minimum lot area- 10 acres.

b. All tractor-trailer truck parking, outdoor storage and/or loading/unloading areas that are visible from beyond the exterior lot lines of the use shall be screened by a 50 feet wide buffer yard. This buffer yard shall meet the following conditions:

1) Include evergreen screening meeting the provisions of Section 803.

2) Include the planting of deciduous shade trees, which shall meet the following requirements:

   a) Meet provisions of the Subdivision and Land Development Ordinance that concern types and initial sizes of shade trees,
b) Shall be placed abutting streets as required by the Subdivision and Land Development Ordinance and along every 60 feet of lot perimeter that does not abut a public street (such trees are not required to be planted at regular intervals, but may be clustered),

c) Shall be of types selected to be resistant to diesel exhaust,

d) Be planted on the exterior side of any required berm (or any wall that might be permitted in place of such berm), any wall used for screening, any fence and any evergreen screening,

e) Shall not be planted on the top of any berm, in order to provide effective screening, and

f) May be planted within the future street right-of-way.

3. May include same land as the paved area setback area required by Article VI.

c. The use shall not be required to meet Township requirements requiring landscaped areas to be placed in the center of paved areas.

d. Any entrance for trucks, loading/unloading area, outdoor storage or truck parking area shall be a minimum of 250 feet from any dwelling.

e. The use shall have its main access point(s) within 2 miles of at least 1 ramp of an expressway.

f. The use shall include an appropriate system to contain and properly dispose of any fuel, grease, oils or similar pollutants that may spill or leak where such substances are stored or where vehicles are fueled, repaired or maintained.

g. Any tractor-trailer truck parking, outdoor storage and/or loading/unloading areas that are visible from and are within 250 feet of the exterior lot lines of the use shall be separated from such lot lines by an earthen berm. Such berm shall meet the following conditions:

1) Average a minimum of 5 feet in height above the adjacent average ground level (disregarding any drainage channel) on the outside of the berm;

2) Not have one completely continuous height, but instead shall vary in height by 1 or 2 feet in places;

3) Have a maximum side slope of 3 horizontal to 1 vertical; and

4) Be covered by a well-maintained all season natural ground cover, such as grass.

65. Truck Stop.

a. The use shall comply with the same provisions as an "Auto Repair Garage" in this Section 402.

b. Minimum lot area - 3 acres.

c. All areas used for the repairing or fueling of trucks shall be setback a minimum of 250 feet from any "residential lot line".

d. The use shall not include a Trucking Company Terminal unless such use is also permitted and the requirements for both uses are met.
66. **Veterinarian Office** (includes Animal Hospital)

   a. A minimum lot area of at least 1.5 acres shall be required for those animal hospitals treating small domestic animals (such as cats, dogs, birds, rabbits or snakes). A minimum lot area of at least 3 acres shall be required for those offices routinely treating large animals (such as cattle, horses or pigs).

   b. Any structure in which animals are treated or housed shall be a minimum of 100 feet from any residentially zoned undeveloped lot or any lot line of a primarily residential use. Buildings shall be adequately soundproofed so that sounds generated within the buildings cannot routinely be perceived within any adjacent dwellings.

   c. Outdoor animal runs may be provided for small animals for use between 8 a.m. and 8 p.m., provided the runs are at least 150 feet from any existing dwelling and provided that the runs for dogs are separated from each other by visual barriers a minimum of 4 feet in height, to minimize dog barking.

   d. A commercial kennel shall only be an accessory and not a principal use, unless a kennel is permitted in that district and the applicable requirements are met.

67. **Warehouse or Wholesale Sales.**

   a. See off-street loading requirements in Section 605.

   b. No storage of garbage (other than is routinely produced on-site and awaiting regular collection) shall be permitted. See the Township Fire Protection Ordinance.

   c. Uses that would involve the entrance to the use of an average of more than 100 tractor-trailers per weekday shall be required to meet the additional site development standards in this section 402 for a trucking company terminal.

   d. See requirements in Section 403 for "Outdoor Storage or Display".

403. **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 conditional use are permitted by right, except as is provided for in 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.

C. **Front Yard Setback.** No accessory structure, use or building shall be permitted in a required front yard in any district, unless specifically permitted by this Ordinance. See the list of "Essential Services" in Section 306.

D. **Special Standards.** Each accessory use shall comply with all of the following standards listed for that use:
1. **Accessory Apartment, One.** Within an Existing Single-Family Detached Dwelling or Within an Existing Single-Family Semi-Detached Dwelling (half of a twin dwelling)

   a. Any on-lot septic system shall be recertified if the sewage flows will increase.
   b. The building shall maintain the appearance of a single-family detached dwelling or a single family semi-detached 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.
   c. The conversion shall not be permitted if it would require the placement of an exterior stairway on the front of the building, or would require the placement of 4 or more off-street parking spaces in the required front yard.
   d. Separate cooking and sanitary facilities shall be provided for each dwelling unit.
   e. Any off-street parking lot including 4 or more spaces shall be buffered from abutting dwellings by evergreen screening meeting the requirements of Section 803.
   f. One of the dwelling units shall be owner-occupied or occupied by a "relative" of the owner for a minimum period of 36 months following the conversion.
   g. The dwelling as it pre-exists shall have a total minimum floor area of 1,500 square feet and the principal dwelling unit shall retain a minimum floor area of 800 square feet.
   h. A maximum of 2 total dwelling units are permitted.

2. **Amateur Radio Antenna.**

   a. Height. No amateur radio antenna, including its supporting structure, shall have a total height above the average surrounding ground level of greater than 65 feet in a residential district or 75 feet in any other district.
   b. Anchoring. Any amateur radio antenna shall be properly anchored to resist high winds.

3. **Apartment for Care of Relative.**

   a. See definition in Article II.
   b. Shall be restricted to occupancy by a "relative" (see definition in Article II) of a permanent resident of the principal dwelling unit on the property. A maximum of 2 persons shall inhabit such apartment.
   c. Such relative shall need care and supervision because of old age, disability, handicap or illness.
   d. Such dwelling unit shall be designed and installed in such a way that it can easily be reconverted into part of the principal dwelling unit after such relative no longer lives within it. Once such unit is no
longer occupied by such relative, the dwelling shall be reconverted into part of the principal dwelling unit or be completely removed.
e. The occupants of the principal dwelling unit shall report any change in adults residing in such dwelling.
f. Once an apartment under this Section is required to be removed, there shall be no physical evidence visible from exterior lot lines that such apartment existed.
g. The dwelling as it pre-exists shall have a total minimum floor area of 1,500 square feet and the principal dwelling unit shall retain a minimum floor area of 800 feet.
h. Such apartment shall not generate rental income. The Township may require the recording of a covenant running with the land to assure compliance.

4. **Composting.**
   a. Shall be limited to the composting of biodegradable vegetative material, including grass clippings, trees, shrubs, leaves and vegetable waste. The composting shall not include animal wastes or fats.
   b. Shall be conducted in such a way that a fire, rodent or disease-carrying insect hazard or noxious odors are not created.
   c. Composting areas of greater than 1.5 acre shall be setback 75 feet from lot lines of abutting residential lot lines. In addition, at a minimum, areas of grass clippings composting shall be setback a minimum of 30 feet from any adjacent dwelling.
   d. Commercial bulk composting of manure for off-site use (other than routine sale of manure produced by farm animals on the lot) shall only occur within a completely enclosed building as a conditional use in the LI district, and shall be a minimum of 500 feet from any "residential lot line" and shall require that the applicant prove that the odor regulations of this Ordinance will be complied with.

5. **Day Care Center as Accessory Use to a Residential Use.**
   a. The following shall be the maximum number of children under age 15 that may be cared for in any dwelling unit:
      1) In a single family detached dwelling with a minimum lot area of 10,000 square feet and a 10 feet setback from all existing dwellings: maximum of 6 children who are not "related" (see definition in Article II) to a permanent resident of the dwelling.
      2) In any other dwelling unit: maximum of 3 children, beyond those children who are "related" to a permanent resident of the dwelling.
   b. The dwelling shall retain a residential appearance with no change to the exterior of dwelling to accommodate the use, other than cosmetic improvements.
c. Any day care center involving 7 or more children shall be considered a principal use and meet the standards of Section 402 for such use, if permitted.

d. The use shall be actively operated by a permanent resident of the dwelling.

e. If 4 to 6 children who are not related to a permanent resident of the dwelling are cared for, then the following requirements shall be met:

1) Smoke detectors shall be provided throughout the building, a fire extinguisher shall be provided, and exit lights shall be provided at outdoor exits and at least 1 exit window shall be provided with an opening within 6 feet of the adjacent exterior grade level.

2) A minimum of 100 square feet of safe exterior play area shall be available.

6. Fences and Walls.

a. Fences and walls are permitted by right in all Districts. Any fence or wall shall be constructed of durably constructed and well-maintained. Fences that have deteriorated shall be replaced or removed. A zoning permit is required for all fences and walls other than seasonal temporary snow fences and temporary fences around active construction sites. Such temporary fences may have a maximum height of 8 feet in a residential district.

b. Sight Distance, Storm water and Easements. No fence, wall or hedge shall obstruct the sight distance requirements of Section 803.C. nor obstruct safe sight distance within an alley. No fence or wall shall obstruct the flow of storm water, except if approved as of a Township-approved storm water system. No fence or wall shall be constructed with an active utility easement in such a way that it would inhibit use and maintenance of the easement for its intended purpose.

c. Fences -

1) Front Yard. Any fence located in the required front yard of a lot in a residential district shall: a) be an open-type of fence (such as picket or split rail) with a minimum ratio of 1:1 of open to structural areas, b) not exceed 4 feet in height and c) be constructed entirely of wood (plus any required fasteners and any wire mesh attached on the inside of the fence), or wrought iron or other material that closely resembles wood or wrought iron.

2) A fence shall not be required to comply with minimum setbacks for accessory structures. The fence shall not be located within an existing or dedicated future street right-of-way. See Section 6.b. above concerning easements.

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, except:
a) A maximum of height of 10 feet is permitted to enclose a tennis or racquet sport court or a non-household swimming pool or an electric substation provided that such fence is setback a minimum of 10 feet from all lot lines or

b) If an applicant clearly proves in writing to the satisfaction of the Zoning Officer that a higher fence is needed to protect public safety around a specific hazard.

4) Setbacks. No fence shall be built within the following distances of the existing right-of-way of a street: 5 feet in a residential district and 10 feet in any other district. A fence of a dwelling may be constructed on any other lot line in a residential district. A fence for a non-residential use shall be setback a minimum of 5 feet from any abutting lot line of an existing dwelling or an undeveloped residentially zoned lot. No fence shall be located within the paved area setback required under Section 603.

5) Any fence that has one side that is smoother and/or more finished than the second side shall place that smoother and/or more finished side so that it faces away from the area that is enclosed, unless the fence abuts a business-use.

6) Fence materials. Barbed wire shall not be used as part of fences around dwellings. Electrically charged fences shall only be used to contain farm animals, and shall be of such low intensity that they will not permanently injure humans. No fence shall be constructed out of fabric, junk, junk vehicles, appliances, tanks or barrels.

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.

2) No wall of greater than 3 feet shall be located in the required front yard in a residential district, except as a backing for a permitted sign at an entrance to a development.

3) A wall in a residential district outside of a required front yard shall have a maximum height of 3 feet if it is within the minimum accessory structure setback and 6 feet if it is not.

4) Walls that are attached to a building shall be regulated as a part of that building, and the regulations of this Section shall not apply.

e. Gates. All fences, walls or continuous hedges more than 4 feet in height shall be equipped with gates or other suitable passageways at intervals of not more than 250 feet.


a. See definition in Article II. A garage sale shall not include wholesale sales, nor sale of new merchandise of a type typically found in retail stores.

b. No garage sales shall be held on a lot during more than 4 days total in any 3 consecutive months.
c. The use shall be clearly accessory to the principal use.

8. Home Occupation. (See definitions in Article II)

a. The following standards shall apply to both "Light" and "General" Home Occupations:

1) The burden of proof shall be upon the applicant to prove that the standards of this Section will be met, especially regarding possible nuisances and truck traffic. Based upon the potential nuisances of a proposed home occupation, the Zoning Hearing Board may determine that a particular type or intensity of use is unsuitable to be a home occupation or that the proposed lot area or setbacks are not sufficient.

2) The home occupation shall be conducted completely indoors, and may be within a principal or accessory residential building. The total amount of floor area of all buildings used for a home occupation shall not be greater than 25% of the total floor area of the principal dwelling unit.

3) There shall be no outdoors operations or outdoors storage of materials, products or equipment.

4) Signs and Displays. There shall be no use of show windows, business display or advertising visible from outside the premises, except as is specifically permitted for a General Home Occupation.

5) Truck Traffic - The use shall not require the parking, storage or regular servicing by a vehicle with an aggregate gross vehicle weight of more than 12,000 pounds, except for deliveries a maximum of two times per day. The use shall not involve the parking or storage of more than 2 trucks of any type on the lot or on adjacent streets at any period of time. The use shall not need servicing by, storage of, deliveries by or parking of tractor-trailer trucks.

6) Uses permitted as a home occupation include but are not limited to: art studio, office, custom sewing, tax preparation, catering for off-site consumption, installation of auto accessories that are not part of the drive-train or musical instruction.

7) The following uses shall not be permitted as a home occupation: veterinarian office; non-household stable; kennel; funeral home; retail store (other than occasional sale of custom crafts and art produced on the premises); restaurant; mechanical auto repair or body work (except farm equipment repair is permitted as accessory to an agricultural use); spray painting of vehicles; trucking company terminal; welding; pesticide company; hotel or motel; manufacturing (other than custom crafts such as ceramics); or boarding house.

8) Nuisances. No machinery or equipment shall be permitted that produces noise, noxious odor, vibration, glare, electrical interference or radio or electromagnetic interference beyond the boundary of the property. Only general types and sizes of machinery that are typically found in dwellings for hobby or domestic purposes shall be permitted.
No use shall generate noise or glare in excess of what is typical in a residential neighborhood.

9) The use shall also comply with all environmental and nuisance control regulations of this Ordinance, including Article V.

10) Parking and Loading - In any case, a home occupation shall include an absolute minimum of 1 off-street parking space (which may include a space for the dwelling). The applicant shall prove to the satisfaction of the Zoning Hearing Board in the case of a General Home Occupation and the Zoning Officer in the case of a Light Home Occupation that the use will include adequate off-street parking and loading spaces.

a) The Board shall determine the maximum number of vehicles expected to be at the premises at any period of time, including overlapping customers. The amount of parking in the front yard should be held to a minimum to maintain a residential character.

b) Therefore, the Board may allow appropriate, safe on-street areas to be used to meet a portion of parking needs, considering the paved width of the street.

c) If additional parking is needed beyond what can be accommodated using appropriate on-street spaces and a residential-style driveway, then the Board may require that such parking be provided in the rear of the home if practical and may deny the use if such rear parking cannot be accommodated.

d) Any required off-street spaces shall be conveniently located to reach the door of the home occupation.

11) Building Appearance - The exterior of the building and the lot shall not be changed in such a way as to decrease its residential appearance, except for permitted parking spaces and the permitted sign.

12) Hours - A home occupation shall not be conducted in a way that is perceptible in external effects (such as but not limited to noise, odors, traffic) from beyond the lot line between the hours of 9:00 p.m. and 7:30 a.m. This time limit shall also apply to any loading or unloading of vehicles on the property or on a street that causes noise to adjoining residents.

13) Hazardous Substances - The use shall not involve the storage or use of hazardous, flammable or explosive substances, other than types and amounts commonly found in a dwelling. The use shall not involve the use or storage of toxic substances.

14) Advertising - The address of the home occupation shall not be advertised in such a way that would encourage customers or salespersons to come to the property without an appointment.

15) Law or Medical Office - the main office of a medical doctor, chiropractor, dentist or attorney shall only be allowed as a home occupation if the property abuts an arterial street and has a minimum lot area of 10,000 square feet.
16) Hazardous Substances - The applicant shall demonstrate to the satisfaction of the Township that the intended method of handling and disposal of hazardous materials will comply with all Federal and State laws and regulations.

b. General Home Occupation - In addition to the standards in part "a." above, the following shall apply to a General Home Occupation:

1) Only the following sign shall be permitted: 1 non-illuminated sign with a maximum sign area of 1 square feet on each of two sides, with a maximum height of 8 feet. Such sign shall not be located within the existing right-of-way of a street, unless it is attached to a mailbox.
2) Number of Employees - A total maximum of 1 person shall work on the premise who is not a permanent resident of the dwelling, except a barber or beauty shop may not include any non-resident employees.
3) Instruction - Any instruction or tutoring shall be limited to a maximum of: 1 student on the property at any one time and 6 students on the property on any day.
4) Barber/Beautician - Any barber, beautician, hair stylist or similar personal service use shall only be permitted as a home occupation if: 1) only 1 person may work on the premises, who must be a permanent resident of the dwelling, 2) there is a 15 feet minimum building setback from all residential lot lines and 3) if the property abuts a collector or arterial street.
5) If the home occupation involves work occurring on a vehicle(s), such vehicle(s) shall not be parked on the lot or on abutting streets overnight.
6) Traffic - The use shall not routinely involve the arrival at the property for bus purposes of more than 10 vehicles per day or the parking of more than 4 vehicles of non-residents at any one time.
7) The Zoning Hearing Board may determine that a proposed type of home occupation is significantly more intense than the average home occupation, and that the intensity creates a need for a larger than average setback. Such finding may be sufficient to deny an application.

c. Home Occupation, Light- In addition to the standards in part "a." above, the following standards shall apply to a Light Home Occupation:

1) Traffic - The use shall not routinely involve the arrival at the property for business purposes of more than 4 vehicles per day. The use shall not require a need for parking beyond what is typically provided for a dwelling.
2) Only persons who are permanent residents of the dwelling shall work on the premises.
3) No sign shall identify the business.

9. Outdoor Storage and Display. Commercial or Industrial as a Principal or Accessory Use.
a. Location. Outdoor storage or display shall not occupy any part of any of the following: the existing or future street right-of-way, sidewalk or other area intended or designed for pedestrian use, required parking area or required paved area setback (see Section 703 G.).
b. No such storage or display shall occur on areas with a slope in excess of 15% or within the 100 year floodway.
c. Screening. See Section 803.D. "Buffer Yards."
d. Tires. If more than 250 tires are stored on a lot, each stack shall be a maximum of 20 feet high, and cover a maximum of 400 square feet. Each stack shall be separated from other stacks by a minimum of 75 feet.
e. No commercial or industrial outdoor storage or display shall occur within a required front yard, except: 1) vehicles for sale or rent and 2) trees, shrubs and plants for sale.
f. Also see this use listed under the "Accessory Use" portion of Section 307.

10. Pets, Keeping of. (NOTE: This does not apply to "raising of livestock" which is regulated by Section 402 nor to keeping of animals permitted as an accessory use under the definition of "Crop Farming" in Article II).

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 or on a leash under full control of the owner.
c. The total number of dogs and cats shall be a combined maximum of 6, except:

1) A maximum of 12 may be kept if the animals are regularly kept a minimum of 200 feet from a residential lot line.
2) If no dogs are kept on a lot, then a maximum of 8 cats may be kept, these numerical restrictions shall not apply to cats and dogs of less than 3 months age, although commercial breeding shall only be permitted as an accessory use to a dwelling under the "General Home Occupation" regulations.

d. The keeping of 3 or more total pigeons (except as may be preempted by the State Carrier Pigeon Law), chickens, ducks, geese and/or similar fowl shall require a minimum lot area of 2 acres. A maximum of 12 such fowl shall be permitted under this "Keeping of Pets" section. Such animals shall be kept on the property of the applicant. If there are 3 or more such fowl on a lot, they shall be kept a minimum of 75 feet from any dwelling other than that of the owner of the animals.
e. Rabbits may be kept provided that they do not create unsanitary conditions or noxious odors for neighbors.
f. In any zoning district it is permitted to maintain up to 2 horses on a lot of 2 acres or more. Any horse barn, corral, fenced-in area or stable shall be a minimum of 50 feet from any abutting lot line (other than a street right-of-way) and 150 feet from any existing dwelling other than that of the owner of the horses.
g. Keeping of more than the specified number of cats or dogs shall be considered a kennel.
h. Keeping of more than the specified number of pigeons or fowl shall be considered "keeping of livestock."
i. Keeping of more than the specified number of horses shall be considered a stable.
j. 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, gerbils, lizards and fish but do not include bears, goats, wolves, wolf-dog hybrids, cows, venomous snakes that could be toxic to humans, pigs (other than miniature breeds) or sheep.
k. Any area used for the outdoor keeping of bees shall be setback a minimum of 150 feet from all lot lines.

11. Recreational Vehicle, Storage. A maximum of 2 uninhabited recreational vehicles in transportable condition may be stored on a lot outside of an enclosed building within the following limitations:
   a. A recreational vehicle longer than 25 feet shall not be stored for more than 3 days in any 7 day period within a required front yard setback.
   b. A recreational vehicle stored on the lot of a single family detached house other than within an approved mobile home park shall be setback a minimum of 5 feet from the lot line of an abutting single family detached house.
   c. Any recreational vehicle that is required to be registered or licensed under State law to be operated and is not registered or licensed shall be kept out of view from any public street or existing dwelling (other than that of the owner).
   d. A recreational vehicle shall not be used as a permanent dwelling unit.
   e. A recreational vehicle shall not be parked within 5 feet inside from the curb of a public street or within 5 feet from the cart way of an uncurbed public street.
   f. The recreational vehicle provisions of this subsection 11 shall not apply within a manufactured/mobile home park.

12. Residential Accessory Structure. (See definition in Article II)
   a. Accessory structures and uses (other than fences) shall not be within the required accessory use setback as stated in Article III, unless specifically exempted by this Ordinance.
   b. Accessory buildings on a lot with a lot area of 2 acres or less in a residential district shall meet the following requirements:
1) Maximum total floor area of all accessory buildings - 1,000 square feet.
2) Maximum of 2 accessory buildings per lot.

c. Children's swing sets, sliding boards, sandboxes and similar traditional children recreational structures and devices (other than a skateboard ramp or similar device) be located a minimum of 10 feet from any "residential lot line" and shall not be located in the required front yard.

d. Any structure or device located outside of an enclosed building used for non-commercial recreational or amusement purposes (including but not limited to a skateboard ramp, but not including uses listed in subsection "c." above) shall:

1) Be located within the rear yard outside of the required side yard,
2) Be located a minimum of 15 feet from any street right-of-way or "residential lot line",
3) Meet the requirements of Article V (particularly Section 508 "Noise"),
4) Require the applicant to provide prior written notice to abutting property owners and
5) Maximum length of 15 feet and a maximum height of 10 feet.

e. Height. See Article III, unless a more restrictive height is stated elsewhere.


a. The use shall be an accessory use incidental to a crop farming or raising of livestock use.
b. The only retail sales shall be of agricultural products. See limitations on percentage of products that are required to be produced by the operator in order to meet the definition in Article II.
c. Off-street parking shall be provided in compliance with the provisions of Article VI. No parking shall be permitted in such a way that it creates a safety hazard.
d. All buildings erected for this use that are not clearly permanent in nature shall be disassembled during seasons when products are not offered for sale.
e. Signs. See Section 709.
f. No stand shall be located closer than: 50 feet from a lot line of an existing dwelling, 25 feet from any other lot line or 100 feet from the closest intersecting point of street rights-of-ways at an intersection.
g. A maximum of 800 square feet of building floor area may be used for such use.
h. The use may occur as an accessory use within an existing dwelling or barn. Any stand shall be maintained in good condition.

a. Intent. To provide for reception of satellite communications, while assuring that such uses will not detract from the character of any area or adversely affect property values. To recognize that the solidness and visibility of satellite antennas can create a very strong visual impact on a neighborhood compared to most other noncommercial antenna.
b. Satellite antenna shall be a permitted by right accessory use in all Districts for all uses subject to the restrictions in this sub-section.
c. Location and Number.
   1) In a residential district, a satellite antenna shall neither be located within the required front yard of a residential use.
   2) A satellite antenna shall comply with the accessory setback requirements of the applicable district.
   3) A satellite antenna may be placed on the roof of a structure in a residential district only if less than 1/3 of such antenna would be visible from a public street. An antenna may be roof-mounted in any other district, without limitations on visibility.
   4) A maximum of 1 satellite antenna shall be permitted on any lot in a residential district.
d. Size and Height.
   1) A satellite antenna shall have a maximum diameter of 11 feet in a residential district. No maximum shall apply within other districts.
   2) A ground-mounted satellite antenna shall have a maximum possible height of 15 feet above the average ground level in a residential district.
e. Screening. Any satellite antenna in a residential district that is ground-mounted and visible from a public street shall be screened by appropriate evergreen plantings with a minimum height of 3 feet between the antenna and any public street, unless the applicant proves to the satisfaction of the Zoning Officer that screening in such a location would make it impossible to receive the electronic signals.
f. Colors. Earth tones are strongly encouraged.
g. Large Lot Exemption. If a satellite antenna is to be located a minimum of 200 feet from all exterior lot lines, the size, height and placement requirements of this section shall not be binding.
h. Mobile Stands. Satellite antenna on mobile stands are prohibited except as may be initially needed to determine the best location for an antenna.
i. Transmission. No satellite antenna provided for under this section shall be used for the transmission of commercial electronic signals within a residential district.
j. Wind Resistance. Any satellite antenna shall be properly secured so that it will be resistant to high winds.

15. Swimming Pool, Household. (Referred hereafter as "pool")

a. The pool shall not involve any commercial use.
b. Enclosure Around In-Ground Pools. A new or existing in-ground pool shall be completely surrounded by a secure fence, wall, portion of a building and/or similar structure in accordance with the Pennsylvania Uniform Construction Code.

c. Enclosure Around Above Ground Pool. Any existing or new above ground pool shall include a secure fence, wall or other enclosure in accordance with the Pennsylvania Uniform Construction Code.

d. Location. A pool and any deck or shelter that is elevated above the average surrounding ground level shall meet the applicable setback requirement for an accessory structure. Patios around pools that are level with the average surrounding ground level are not required to meet setbacks. Where practical, a pool shall be located to the rear of a dwelling. A pool is not permitted within a required front yard. The structural walls of a pool shall be setback a minimum of 15 feet from any lot line.

e. Drainage. A proper method shall be provided for drainage of the water from the pool that will not overload or flood any: a) on-lot septic system or b) portion of a building or property not owned by the owner of the pool. A pool shall not be located so as to interfere with the operation of a well or on-lot septic system.

f. The Township does not assume responsibility for guaranteeing to the public that all new and existing pools fully comply with these provisions.

g. Water Service. Any inlet from a central water system shall be above the overflow level of the pool. If the water for a pool is supplied by a private water system, there shall be no crossed connection with the central water system.

h. Nuisances. A pool shall not include illumination of adjacent residential properties beyond what is customary in a residential neighborhood. A pool shall also not include the playing of a radio or recorded music at a volume louder than is necessary for the convenient hearing of persons at the pool.

i. When a pool is proposed to be located in an area where the underlying geology may not have adequate bearing quality or in a suspected karst area, the Zoning Officer may require the report of a Professional Geologist or Professional Engineer prior to the issuance of a permit. The cost of such professional shall be the responsibility of the applicant.

16. Tennis or Racquetball Court.

a. A tennis or racquetball court shall not be located in the front of a dwelling and shall not be located within any required accessory yard areas. A tennis or racquetball court shall not be located within 20 feet of an abutting lot line of an existing dwelling. See also the requirements for "fences and walls" in this subsection.

b. No lighting shall shine directly beyond a boundary of the lot where the tennis court is located.

c. A tennis or racquetball court shall not be located over a drainage field of an on-lot sewage disposal system.
17. **Windmill.**
   a. All windmills that could be climbed upon by children shall be surrounded by a fence at least 5 feet in height which is located at least 5 feet from the base of such windmill.
   b. A windmill shall not have a vane, sail, or rotor blade passing within 8 feet of the ground.
   c. A freestanding windmill shall be set back a distance from all lot lines equal to its total height plus 5 feet.
   d. All electrical wiring leading from a windmill shall be located underground.

404. **ADDITIONAL REQUIREMENTS FOR USES IN THE RT ZONING DISTRICT.**

1. **Assembly of Materials Manufactured Elsewhere.** This shall include only products of an electronic or technical nature. Consumer electronics shall be limited to items weighing less than ten (10) pounds. Scientific or medical equipment not available to the general public shall not be limited in size or weight.

2. **Child Day Care.** In addition to the other requirements of the Zoning Ordinance, the users of this facility will be limited to on-site employees or those who pass this site on their normal route to employment, thus generating no additional traffic on public roads.

3. **College or University without Dormitories.** This shall be limited to class rooms for technical or scientific training and education. The use may include science, research and engineering subjects for degree programs and training in the use of scientific equipment and instruments. The use shall not include other student services such as bookstores, student lounges, dormitories or social organizations. Related offices shall be limited to faculty and an office to administer on-site activities.

4. **Conference Center.** A conference center shall be limit to use by or for tenants of the property. Presentations and events shall not include sporting activities, entertainment, sale of goods or services or any other presentation or event open to the general public. Presentations or events shall be conducted primarily indoors.

5. **Flexible Building.** Uses deemed to be in conformance with the campus concept by the Township shall not constitute multiple uses within the same building.

6. **Manufacture of Electronic Machines, Supplies and Equipment.** This shall include only products of an electronic or technical nature. Consumer electronics shall be limited to items weighing less than ten (10) pounds. Scientific or medical equipment not available to the general public shall not be limited in size or weight.

7. **Office.** Limited to operations associated with permitted research, development and manufacturing operations. Office operations providing technical support, product support and engineering services shall also be permitted.

8. **Restaurant.** To provide food service for employees and visitors of businesses located on site. This could include utilization of kitchen facilities for instruction of
culinary school students and preparation of food to be served off-premise, commonly known as a catering business. There shall be no sign visible from a public road and no advertising to solicit business outside of campus employees. Events that are part of culinary school program shall be limited to friends and family of students that shall visit the site by invitation only.
ARTICLE V
ENVIRONMENTAL PROTECTION

501. PERFORMANCE STANDARD PROCEDURE.
A. Statement Required. An applicant for a principal commercial or industrial use shall include with a Zoning Permit application a statement acknowledging understanding of the performance standards of this Article and affirming their agreement to conduct such use at all times in full conformance with these standards.
B. Additional Information Required. If the Zoning Officer or Board of Supervisors, in consideration of any advice of the Township Engineer or Planning Commission, has reason to believe that an existing or proposed use may create a hazard to the public health and safety, then the Zoning Officer or Board of Supervisors may require an applicant or use to substantiate that necessary measures will be put into avoid such hazards. In such case, the following shall be provided at a minimum:
1. Detailed written descriptions of processes, equipment, operations and/or hazardous substances involved. The Township may agree that specific portions of such submittal be returned after the review or be reviewed in the company's offices to protect proprietary information; and
2. An accident Preparation Prevention Contingency Plan (PPC), in detail and scope that is satisfactory to the Township.
C. Professional Review. Where the evaluation and assessment of how the proposed processes, operations and/or hazardous substances may threaten the public health and safety requires knowledge of technologies and scientific disciplines beyond the familiarity of the Township or of volunteer advisers who may readily be available to the Township, then the applicant or use may be required by motion of the Board of Supervisors to provide an independent objective expert outside consultant to provide a review to the Township. The qualifications of such expert shall be provided in advance of the report. Such consultant’s review and report shall be funded by the applicant or use. Such report shall review potential public health and safety hazards from the use, and suggest methods to minimize such hazards. The major conclusions of such report shall be written so as to be understood by a layperson.
D. Burden of Proof. Where Section 501.B. applies, the burden of proof shall be upon an applicant to prove that the use will not create hazards to the public health and safety.

502. NUISANCES AND HAZARDS TO PUBLIC SAFETY.
A. No land owner, tenant nor lessee shall use or allow to be used land or structures in a way that results or threatens to result in any of the following conditions:
1. A physical hazard to the public or a physical hazard that could be an attractive nuisance that would be accessible by children.

2. Pollution to ground waters or surface waters, other than as authorized by a State or Federal permit.

3. Risks to public health and safety, such as but not limited to explosion, fire or biological hazards to toxic substances. (See Section 506 "Wellhead Protection; Storage of Hazardous and Explosive Substances" and the Township Fire Prevention Code.)

B. It is the responsibility of every property owner to ensure that their activities and property do not directly or indirectly threaten public health or safety. Property-owners shall be obligated to take prompt remedial action to resolve or remove hazards to the public health and safety. This shall include, but is not limited to, removal, securing or restoration of structures that are structurally unsound structures or damaged by fire.

C. All approvals and permits of the Township are conditioned upon compliance by the applicant with all applicable Federal, State and Township laws and regulations. The Zoning Officer may suspend or revoke a permit under this Ordinance where there is continuing failure by a use, applicant, property owner, business or leasee to remedy or remove a hazard to the public health and safety or other violation of this Article V, unless the applicant can show good cause why such action should not be taken.

D. Township Removal of Physical Hazards. If the Zoning Officer becomes aware of a serious threat to the public health and safety from a physical hazard, the Zoning Officer may, but is not required to, order the property owner to resolve the hazard. If the hazard is not resolved within a reasonable specified period of time after such notice, such as 30 days or less, the Township may, at the option of the Board of Supervisors, remove the hazard or contract for its removal. In such case, the property owner shall be required to compensate the Township for all such expenses for such work and any reasonable accompanying legal and administrative costs. However, the Township does not accept the responsibility to identify or resolve all hazards.

E. Former Landfills and Hazardous Dumps. Prior to development approval of former solid waste landfills or sites that the Township believes may be contaminated by hazardous or toxic wastes, the Zoning Officer shall require that the applicant provide written evidence that proves to the satisfaction of the Zoning Officer that such conditions have been addressed in order to ensure the health and safety of future occupants of the development. The applicant shall also provide such materials to the Township Engineer, Board of Supervisors and Planning Commission for their review and comment.

1. The applicant's proof in such cases should include, but not necessarily be limited to both groundwater and soil testing. Evidence shall be provided that landfilled areas proposed for building sites will provide stable foundations. Where outstanding violations of Federal or State environmental regulations exist, or in the event of any pending action regarding such alleged violation, then the Township may delay any development approvals and Township permits until such time that the applicant proves that such issues have been
resolved or that such issues would not in any way negatively impact upon the proposed use.

503. WETLANDS.

A. It shall be the expressed responsibility of each applicant to unequivocally determine whether land areas proposed for alteration meet the State or Federal definition of a "wetland" before any official submittal of development plans to the Planning Commission or Board of Supervisors for official action. Sufficient supporting information may be required to be submitted, to prove the extent of the wetlands to the satisfaction of the Township Engineer. Where the Zoning Officer or Township Engineer have doubt about the extent of wetlands, the Zoning Officer shall require the applicant to provide a study by a qualified professional delineating the locations of wetlands on the site. However, the Township does not automatically accept the responsibility to identify all wetlands or to warn all parties of such possibilities.

B. All permits of the Township are issued on the condition that the applicant comply with Federal and State wetlands regulations, and such permits may be revoked, delayed or suspended by the Zoning Officer until an applicant proves compliance with such regulations. In addition, no permit shall be issued that permits earth disturbance or placement of any structure within 10 feet of a wetland.

504. SETBACKS FROM SURFACE WATERS.

A. Purposes. To protect the quality and purity of surface waters, preserve physical access to surface waters in case of future public or semi-public acquisition, minimize erosion and sedimentation, preserve the natural storm water drainage system of the area, conserve sensitive wildlife and aquatic habitats, preserve vegetation along waterways so as to retard soil erosion and reduce pathways for pollutants, and provide for setbacks that can be used as required yard areas for a land use.

B. Setbacks From Major Surface Waters.

1. No building, off-street parking or commercial or industrial storage or display area shall be located within 50 feet of the top of bank of a major surface water or the edge of the 100 year floodplain, whichever is greater. See the Township floodplain map in case a wider area is regulated under the Floodplain Ordinance. The exact location of the top of bank shall be determined by the topographic survey. The edge of the floodplain shall be as established by the Flood Insurance Rate Map. The area within the 50 feet from the top of bank or the 100 year floodplain shall be planted with trees and vegetation so as to establish a riparian buffer.

2. Major surface waters are defined as an established river or creek that regularly conducts surface water and that serves as an important part of the area's ecological system. The major surface waters shall be the Little Lehigh Creek, Schaeffer Run Creek, Hassen Creek and Iron Run Creek.
C. **Exemption.** The setbacks of this Section shall not apply to public utility facilities or publicly-owned recreational facilities.

D. **Setback Areas and Construction.** During any filling, grading or construction activity, all reasonable efforts shall be made to leave the setback areas of this section undisturbed, except at approved waterway crossings.

505. **STEEP SLOPES.**

A. If an area of a lot including slopes of 15% or greater is proposed for construction of a new principal building, streets or driveways or non-agricultural grading, then the applicant shall submit a steep slope site plan to the Zoning Officer. These submittal requirements may be met by including the required information on subdivision and land development plans.

B. A steep slope site plan shall meet the following requirements:

1. Show detailed slope contours for all areas that are intended to be or that potentially may be disturbed and/or constructed upon,
2. Separately identify all areas of 15% to 20%, 20% to 25% slope, and all areas of greater than 25% slope using 2 foot contour intervals. Isolated areas or pockets of 500 square feet or less in size shall be considered as part of the surrounding slope area.
3. Be to scale (such as 1 inch = 50 ft.),
4. Show substantial massed areas of trees over 6 inches in trunk width (measured at 4.5 feet in height) and other dense vegetation proposed to be removed or preserved prior to, during or immediately subsequent to the development of the use,
5. Be stamped by a professional surveyor, professional engineer, engineer-in-training registered landscape architect or registered architect,
6. Show proposed locations of driveways**, on-lot septic fields** and streets, and provide evidence that such features will meet applicable Township and PaDEP maximum slope regulations,
7. State the maximum slope of proposed driveways and streets and
8. Show the area defined by the required front, side and rear yard setbacks, the area within which is normally known as the "building envelope area".

a. At the option of the applicant, the plan may specify the proposed locations of principal building(s)*. In such case, the provisions of this Section shall apply to the entire building envelope area unless the applicant restricts by covenant that the principal building will be limited to specified portions of the building envelope area.

1) For a new single family detached dwelling, the proposed building area or building envelope area shall have a minimum area of 3,500 square feet. The 3,500 square feet area shall be a minimum of 40 feet in depth by 70 feet in width. In addition to the above minimum dimensions, there shall be an area designed to accommodate accessory structures or uses. This may be an enlargement of the minimum
dimensions or the creation of a separate area that will contain 700 square feet.

2) If the proposed principal building would have a building coverage of larger than 2,800 square feet, then such larger building coverage area shall apply.

* If the exact location of the principal building is not definitely determined at the time of plan submittal, then the plan shall designate the exact outer limits of areas where the principal building will potentially be located. Once a lot is approved, the proposed building may only be placed outside of the approved location if: a) the applicant proves to the Zoning Officer that the revised location would still meet the requirements of this Section 505 or b) the Zoning Hearing Board grants a variance, within the standards of State law.

** If the exact location of the driveways and on-lot septic systems are not known, then the exact outer limits shall be shown where those facilities will potentially be located. Once a lot is approved, the locations of such features shall only be changed if the applicant proves to the Township that the new locations would meet all Township and PaDEP requirements.

C. 15 to 25% - If the proposed location or building envelope area for a new principal building includes areas with slopes between 15% to 25%, the following regulations shall apply, unless more restrictive regulations are stated elsewhere in this Ordinance:

1. See provisions regarding proposed building location in Section 505.B. above.
2. The proposed principal building location or building envelope area, as applicable, shall only be deemed to be in conformance with the Ordinance if a maximum of 60% of the principal building location or building envelope area contains slope area of 15% to 20% or less. No more than one half of the remaining principal building location or building envelope area shall have slopes greater than 25%.

D. Greater than 25% - If a proposed principal building or building envelope area, as applicable, includes slopes greater than 25%, then the Zoning Officer shall not permit the construction of such principal buildings within these areas and areas of greater than 25% slope shall not be regraded for principal uses, except for isolated areas as provided in 505.B.2

E. Streets, Driveways and Septic Systems. See applicable slope standards in the Township Subdivision and Land Development Ordinance. See also PaDEP regulations on slopes of on-lot septic systems.

F. Erosion. If 15% or greater slopes are to be disturbed, a Sedimentation and Erosion Control Plan shall be submitted to the Township and shall be put into effect. The Zoning Officer may require the applicant to submit such plan to the County Conservation District.

G. Grading. No grading shall occur in such a way that would circumvent the requirements of this Ordinance, such as prior to submittal for a zoning or building permit or subdivision or land development approval. The steep slope requirements shall apply based on the slope of land at the time of the adoption of this Ordinance.
H. **Man-Made Slopes.** This section shall not apply to man-made slopes that naturally were not 15% or greater slope.

*If a proposed principal building and its building envelope area is larger than 2,800 square feet than such larger building envelope area shall be required.*

506. **SEWAGE DISPOSAL.**

A. All methods of wastewater disposal shall meet requirements of PaDEP, the Township Sewer Authority and the Official Township Sewage Facilities Plan, as amended, as applicable.

B. **Recertification of On-Lot Systems.** Any septic system is required to be reviewed and/or tested by the Sewage Enforcement Officer for adequacy if a change of use or expansion of use would cause an increase in sewage flows, or if there would be an increase in dwelling units.

C. **Back-Up System.** Any lot using an on-lot septic system that is to be granted final subdivision approval after the adoption of this section shall include a second open unpaved land area suitable for an alternate septic system location. Such site shall be tested by the Township Sewage Enforcement Officer and found to meet State and Township requirements. This requirement for the alternate system location shall not apply if the applicant proves to the
satisfaction of the Zoning Officer that public sewage service can reasonably be expected to serve the lot within 5 years from the date of occupancy.

D. On-Lot Systems and Lot Area. A more restrictive minimum lot area may be established by the Sewage Enforcement Officer based upon PaDEP regulations.

E. Non-Residential Septic Systems. A non-residential use served by an on-lot septic absorption field shall not generate more average wastewater flow into such system than would be equal in flow to an average of one equivalent dwelling unit per acre of lot area.

508. NOISE.

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

<table>
<thead>
<tr>
<th>LAND USE OR ZONING DISTRICT RECEIVING THE</th>
<th>HOURS/DAYS</th>
<th>MAXIMUM SOUND LEVEL</th>
</tr>
</thead>
<tbody>
<tr>
<td>At any Lot Line of a Lot in a Residential District or at an Existing or an Approved Location of a Principal Hospital Building</td>
<td>1) 7 a.m. to 9 p.m. other than Sundays, Christmas Day, Thanksgiving Day, New Years Day, Labor Day and Memorial Day 2) 9 p.m. to 7 a.m. plus all day Sundays, Christmas Day, Thanksgiving Day, New Years Day, Labor Day and Memorial Day</td>
<td>1) 70 dBA 2) 65dBA</td>
</tr>
<tr>
<td>At any Lot Line of a Lot in a Industrial District</td>
<td>All times and days</td>
<td>75 dBA</td>
</tr>
<tr>
<td>At any Lot Line Not Listed Above</td>
<td>All times and days</td>
<td>70 dBA</td>
</tr>
</tbody>
</table>

Note - dBA means "A" weighted decibel.

B. For any source of sound which emits a pure tone and/or one of continuous unvarying intensity, the maximum sound level limits set forth in the above table shall be reduced by 5 dBA.

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

1. Sound needed to alert people about an emergency.
2. Repair or installation of utilities or construction of structures, sidewalks or streets between the hours of 7 a.m. and 8 p.m., except for clearly emergency repairs which are not restricted by time.
3. Household power tools and lawnmowers between the hours of 8 a.m. and 9 p.m.
4. Agricultural activities, including permitted raising of livestock, but not exempting a commercial kennel.

5. Railroads and aircraft.

6. Public celebrations specifically authorized by the Board of Supervisors or a County, State or Federal Government agency or body.

7. Unamplified human voices, a radio or recorded music player being played by 1 household between the hours of 8 a.m. and 9 p.m. or the sounds of a one or two animals.

8. Routine ringing of bells and chimes by a place of worship or municipal clock.

9. Vehicles operating on a public street, if such noise is regulated by the State Motor Vehicle Code.

509. VIBRATION. No use shall generate vibration that is perceptible to an average person through his/her senses, without the use of measuring instruments, on private property beyond the exterior lot line of the use generating the vibration. This requirement shall not apply to occasional non-routine blasting that may be necessary during construction of streets, structures and utilities.

510. ODORS, DUST AND AIR AND WATER POLLUTION.

A. Odors and Dust. No use shall generate toxic odors or toxic dust. No use shall generate odors or dust that is offensive beyond the boundaries of the subject lot. This restriction shall not apply to non-toxic odors or non-toxic dust created by permitted agricultural uses that are using "normal farming practices" within: a) the provisions of Act 133 of 1982, as amended, the State "Right to Farm Act" or b) an official Agricultural Security Area. This odor restriction shall apply to uses that do not follow the normal farming practices referenced in those State laws, such as if manure is not plowed under within a normal and reasonable period of time.

B. Air and Water Pollution. All uses shall fully comply with Federal, State and any other applicable air and water pollution regulations as a condition of any Township permit. See also Section 506.

511. LIGHT, GLARE AND HEAT CONTROL.

A. Street Lighting Exempted. This Section 511 shall not apply to street lighting that is owned, financed or maintained by the Township or the State.

B. All uses, signs and other sources shall be designed and operated to reasonably minimize: a) the heat or glare they generate beyond lot lines of such source and b) the light they generate at night onto adjacent dwellings.

C. Height of Lights. No luminaire, spotlight or other light source that is within 200 feet of a dwelling or residential district 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 or lights intended solely to illuminate an architectural feature of a building.

D. Diffused. All light sources, including signs, shall be properly diffused as needed with a translucent or similar cover to prevent exposed bulbs from being directly visible from streets, public sidewalks, dwellings or adjacent lots.
E. **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 adjacent dwellings or undeveloped residentially-zoned areas and to prevent the lighting from shining into the eyes of passing motorists.

F. **Maximum Candlepower.** No lighting source, including signs, shall not spillover a lot line in such a way as to cause an illumination of greater than the following amounts, measured at night on the surface of the receiving lot:

1. 0.3 foot candle spillover at any point 10 feet or more inside a residential lot line between the hours of 10 p.m. and 6 a.m.
2. 1 foot candle spillover at any point 10 feet or more inside a residential lot line between the hours of 7 p.m. and 10 p.m.

G. **Flickering.** Flashing, flickering or strobe lighting are prohibited, except for non-advertising seasonal lights between October 25th and January 10th.

H. **Measurement.** The maximum illumination levels of this Section shall be measured with a photoelectric photometer having a spectral response similar to that of the human eye. A foot-candle is defined as a unit of measurement equaling the illumination on a surface 1 square foot in area where there is a distribution of light having a candlepower of 1 candela.

512. **FILLING, EXCAVATION, AND GRADING.**

A. **Grading and Erosion Plans.** All activities other than crop farming which involve soil disturbance (including grading, filling and excavating) over an area greater than 0.5 acre or that will create finished slopes greater than 3:1 shall submit appropriate sedimentation and erosion control and grading plans to the Township and obtain a zoning permit prior to the start of such work, unless such work was previously approved by the Township under the Subdivision and Land Development Ordinance. These plans may be subject to reviews by the Township Engineer and the County Conservation District.

B. **Erosion.** All Township permits are granted on the condition that State erosion and sedimentation regulations and any officially submitted erosion and sedimentation plan are complied with. Failure to comply with such regulations or plan shall be cause for suspension of Township permits.

C. **Unstable Slopes.** Slopes that would have the serious threat of instability, in the determination of the Township Engineer, shall not be created. The Zoning Officer may require that the applicant provide certification from a Professional Engineer that finished slopes greater than 4:1 will be stable.

D. **Drainage.** The ground adjacent to a building shall be graded so that surface water will be drained away from such building. Drainage shall be directed and controlled as specified in the approved subdivision or land development plan for the lot.

E. Grading shall not be completed in such a way that neither soils, rocks or other debris are left in an unsightly fashion nor in a fashion that interferes with drainage, streets or utilities.

F. **Fill.** Materials used for fill as a future base for construction shall be non-biodegradable, well compacted and provide a suitable and secure base. The
Zoning Officer, upon the advice of the Township Engineer, may require that an applicant fund appropriate underground testing of a proposed building site if there is reasonable doubt in the opinion of the Township Engineer that the subsurface is suitable and secure for the proposed use.

G. Dumping. Outdoor dumping of junk or solid waste in other than an approved solid waste disposal facility, composting facility or junkyard is prohibited.

513. PLACEMENT AND SCREENING OF WASTE CONTAINERS AND OUTDOOR MACHINERY AND FENCING OF STORAGE.

A. Placement. Whenever reasonable, commercial, industrial and institutional outdoor machinery that could create a noise nuisance shall be placed towards a side of a building that does not face an abutting existing dwelling, residential district, school or other noise sensitive use.

B. Safety. General types of toxic, biological, electrical and other significant hazards involving stationary outdoor machinery and storage shall be marked with signs.

C. Solid Waste Containers.

1. Screening. All trash dumpsters shall be screened on 3 of 4 sides (not including the side it is to be emptied from) as needed to screen the dumpster from view from public streets or dwellings on abutting lots. A solid wooden fence, brick wall, evergreen plants or structure designed to be architecturally compatible with the principal building shall be used for such screening.

2. Setback from Dwellings. If physically possible, any solid waste container with a capacity of over 15 cubic feet shall be kept a minimum of 20 feet from a dwelling unit on an abutting lot.

3. Food Sales. Any use that involves the sale of ready-to-eat food for consumption outside of a building shall provide and maintain adequate outdoor solid waste receptacles at convenient locations on the property for customer use.

D. Fencing of Outdoor Storage and Machinery. The following shall be secured by fencing or walls that are reasonably adequate to make it extremely difficult for children under the age of 9 to enter, unless the applicant proves in writing to the satisfaction of the Zoning Officer that such fencing or walls are not needed:

1. Outdoor industrial storage areas involving storage covering more than 5,000 square feet of land.

2. Stationary hazardous machinery and equipment that are outdoors.

3. Outdoor bulk above ground or surface storage of potentially explosive or hazardous liquids, gases or substances.

514. RADIOACTIVITY AND ELECTRICAL DISTURBANCES.

A. No use shall produce ionizing radiation unless:

1. If the source of such radiation is a machine or a radioactive substance regulated by the State, then the facility shall be duly registered with the
PaDEP Bureau of Radiation Protection, with a copy of such registration and/or license submitted to the Zoning Officer; and

2. If the source of such radiation consists of nuclear reactor byproduct material, the facility shall have been duly licensed with the Nuclear Regulatory Commission, with a copy of such license submitted to the Zoning Officer.

B. Information Regarding Development near Power Lines.

1. Purpose. To encourage but not require "prudent avoidance" of high levels of power line radiation, until such time as hazards to humans are further studied and until any State or Federal regulation may be established.

2. Where a subdivision or land development would involve new dwelling units, a day care center or a primary or secondary school within approximately 250 feet of existing overhead electrical transmission lines, the Zoning Officer, after considering the input of other Township officials, may require the applicant to formally request that the applicable electrical utility company measure the maximum and minimum levels of electro-magnetic forces at the nearest proposed sites of such buildings.

C. Interference. No use shall routinely cause electrical disturbances that results in radiated noise and/or electrical interference that exceeds maximum standards of the Federal Communications Commission.

D. X-Ray Machines. Any applicant for a use that will involve an X-ray machine shall provide written evidence to the Township that the applicant has provided written notification and/or a formal application to the applicable State agency for which any applicable State radiological permit or inspection may be needed. Evidence of such notification shall be provided prior to the granting of any required Township occupancy permit for such facility.

515. PRESERVATION OF TREES AND FORESTS. The tree preservation provisions in Part 10 of the Township Subdivision and Land Development Ordinance shall apply not only to subdivisions and land developments, but also by this reference shall apply to the development of a principal use and/or the preparation of a lot for a principal use under this Ordinance.

516. STRIPPING OF TOPSOIL. The permanent stripping and removal of more than 50 percent of the topsoil from any lot is prohibited, except on portions of a lot for which approval has been received to construct a building or paving. This section shall not restrict the temporary stockpiling of topsoil during construction, nor routine crop farming practices.
ARTICLE VI
OFF-STREET PARKING AND LOADING

601. REQUIRED NUMBER OF PARKING SPACES.

A. Overall Requirements.
   1. **Number of Spaces.** Each use that is newly developed, enlarged, significantly changed in type or increased in number of establishments shall provide and maintain off-street parking spaces in accordance with Table 6.1 and the regulations of this Article.
   2. **Uses Not Listed.** Uses not specifically listed in Table 6.1 shall comply with the requirements for the most similar use listed in Table 6.1, unless the applicant proves to the satisfaction of the Zoning Officer that an alternative standard should be used for that use.
   3. **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 may be allowed under Section 601.B.
   4. **Calculation.** Where the calculation of required parking spaces does not result in a whole number, the calculation shall be rounded to the closest whole number.

B. Reduction of Parking Requirements as a Conditional Use
   1. **Purposes.** To minimize impervious surfaces, while ensuring adequate parking; to recognize unique circumstances may justify a reduction in parking.
   2. **The Board of Supervisors may permit a reduction, through the Conditional Use process of Section 118, of the number of parking spaces required to be developed if the Applicant proves to the satisfaction of the Board that less parking spaces are needed.
      a. **Proof.** To prove that less parking spaces are needed, 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.
      b. **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 will reduce the total amount of parking needed because the uses have different peak times of parking need or overlapping customers.
      c. **Reservation of Future Parking Areas.** If a reduction is permitted under this Section, the Board may require as a condition of the conditional use approval that the lot include the reservation, permanently or for a specified number of years, of areas for use if needed in the future for additional parking.
1) Such reservation shall be provided in a legal form acceptable to the Township Solicitor. A legally binding deed restriction is recommended.

2) 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 be designed to meet all Township requirements, including storm water runoff. Such future parking areas shall not be covered by buildings and shall be attractively landscaped unless needed for parking.

3) Such additional parking shall be required to be provided within 1 year by the owner of the lot at that time after the Zoning Officer may determine in writing to such owner that such parking has become needed to meet actual use. Such determination shall be based upon the Zoning Officer's on-site review on at least 3 different days.

### TABLE 6.1
OFF-STREET PARKING REQUIREMENTS
(See definition of employee in Article II)

<table>
<thead>
<tr>
<th>TYPE OF USE</th>
<th>NUMBER OF OFF-STREET PARKING SPACES REQUIRED</th>
<th>PLUS 1 OFF-STREET PARKING SPACE FOR EACH:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A. AGRICULTURAL USES</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Crop Farming or Raising of Livestock</td>
<td></td>
<td>Employee</td>
</tr>
<tr>
<td>2. Kennel (Minimum of 4)</td>
<td>1 per employee</td>
<td>15 animals of capacity</td>
</tr>
<tr>
<td>3. Plant Nursery</td>
<td>1 per employee</td>
<td>250 sq ft of indoor sales floor area and 10,000 sq ft of outdoor sales area</td>
</tr>
<tr>
<td>4. Stable, Non-Household (Minimum of 2)</td>
<td>1 per employee</td>
<td>8 animals of capacity</td>
</tr>
<tr>
<td>5. Seasonal Sale of Agricultural Products (Minimum of 5)</td>
<td>1 per employee</td>
<td>250 sq ft of sales floor area</td>
</tr>
<tr>
<td><strong>B. RESIDENTIAL USES</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Dwelling Unit</td>
<td>2 per dwelling unit, except 1 per 1 bedroom/efficiency conversion apartment</td>
<td>An additional 0.5 per dwelling unit for a development of 10 or more dwelling units that does not abut a street with space for on-street parking on at least 1 side in addition to 2 travel-lanes (this parking may be in overflow lots)</td>
</tr>
<tr>
<td>2. Home Occupation, General</td>
<td>As determined by Zoning Hearing Board</td>
<td>Non-Resident Employee</td>
</tr>
<tr>
<td>3. Home Occupation, Light</td>
<td>No additional spaces required</td>
<td></td>
</tr>
</tbody>
</table>
## TYPE OF USE

<table>
<thead>
<tr>
<th>TYPE OF USE</th>
<th>NUMBER OF OFF-STREET PARKING SPACES REQUIRED</th>
<th>PLUS 1 OFF-STREET PARKING SPACE FOR EACH:</th>
</tr>
</thead>
<tbody>
<tr>
<td>4. Housing Permanently Restricted to Persons 55 Years and Older and/or the Physically Handicapped</td>
<td>0.75 per dwelling/rental unit, except 0.4 per dwelling/rental unit if evidence is presented that the non-physically handicapped persons will clearly primarily be over 70 years old</td>
<td>Non-Resident Employee</td>
</tr>
<tr>
<td>5. Boarding House</td>
<td>1 per rental unit or bed whichever is greater, except for a college fraternity or sorority: 1 per 2 beds plus 1 per 10 non-resident members</td>
<td>Non-Resident Employee</td>
</tr>
<tr>
<td>6. Group Home</td>
<td>See Section 402</td>
<td></td>
</tr>
<tr>
<td>7. Manufactures/Mobile Home Park</td>
<td>See Section 402</td>
<td></td>
</tr>
</tbody>
</table>

### C. INSTITUTIONAL USES

<table>
<thead>
<tr>
<th>TYPE OF USE</th>
<th>NUMBER OF OFF-STREET PARKING SPACES REQUIRED</th>
<th>PLUS 1 OFF-STREET PARKING SPACE FOR EACH:</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Place of Worship or Church</td>
<td>1 per 4 seats in room of largest capacity</td>
<td>Employee</td>
</tr>
<tr>
<td>2. Hospital</td>
<td>1 per 2 beds</td>
<td>1.2 employees</td>
</tr>
<tr>
<td>3. Nursing Home</td>
<td>1 per 6 beds</td>
<td>1.2 employees</td>
</tr>
<tr>
<td>4. Personal Care Home</td>
<td>1 per 4 beds</td>
<td>1.2 employees</td>
</tr>
<tr>
<td>5. Day Care Center</td>
<td>1 per 10 children, with spaces designed for safe and convenient drop-off and pick-up</td>
<td>1.2 employees</td>
</tr>
<tr>
<td>6. School, Primary or Secondary</td>
<td>1 per 4 students aged 16 or older</td>
<td>Employee</td>
</tr>
<tr>
<td>7. Utility Facility</td>
<td>1 per vehicle routinely needed to service</td>
<td></td>
</tr>
<tr>
<td>8. Dormitory</td>
<td>1 per 2 residents aged 16 or older</td>
<td>Non-Resident Employee</td>
</tr>
<tr>
<td>9. College, University or Trade School</td>
<td>1 per 1.5 students not living on campus who attend class at peak times (plus required spaces for on-campus housing)</td>
<td>Employee</td>
</tr>
<tr>
<td>10. Library, Community Center or Cultural Center or Museum</td>
<td>1 per 4 seats (or 1 per 250 sq ft of floor area accessible to patrons and/or users if seats are not typically provided)</td>
<td>Employee</td>
</tr>
<tr>
<td>11. Treatment Center</td>
<td>1 per 2 residents aged 16 years or older plus 1 per non-resident intended to be treated on-site at peak times</td>
<td>Non-Resident Employee</td>
</tr>
<tr>
<td>12. Swimming Pool, Non-Household</td>
<td>1 per 40 sq ft of water surface other than wading pools</td>
<td>Employee</td>
</tr>
</tbody>
</table>

### D. COMMERCIAL USES

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.

<table>
<thead>
<tr>
<th>TYPE OF USE</th>
<th>NUMBER OF OFF-STREET PARKING SPACES REQUIRED</th>
<th>PLUS 1 OFF-STREET PARKING SPACE FOR EACH:</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Auto Service Station or Repair Garage</td>
<td>5 per repair/service bay and 1/4 per fuel nozzle with such spaces separated from access ways to pumps</td>
<td>Employee; plus any parking needed for a convenience store under &quot;retail sales&quot;</td>
</tr>
<tr>
<td>2. Auto, Boat, Recreational Vehicle or Manufactures Home Sales</td>
<td>1 per 15 vehicles, boats, RV’s or homes displayed</td>
<td>Employee</td>
</tr>
<tr>
<td>3. Automatic Transaction Machine</td>
<td>3 per machine, conveniently located</td>
<td></td>
</tr>
<tr>
<td>TYPE OF USE</td>
<td>NUMBER OF OFF-STREET PARKING SPACES REQUIRED</td>
<td>PLUS 1 OFF-STREET PARKING SPACE FOR EACH:</td>
</tr>
<tr>
<td>----------------------------------------------------------------------------</td>
<td>-------------------------------------------------------------------------------------------------------------</td>
<td>-------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>4. Adult Use (including Adult Bookstore, Adult Live Entertainment Use or Massage Parlor) (minimum of 10)</td>
<td>1 per 30 sq ft of total floor area</td>
<td>Employee</td>
</tr>
<tr>
<td>5. Bed and Breakfast Use</td>
<td>1 per rental unit, plus 2 per dwelling unit</td>
<td>Non-Resident Employee</td>
</tr>
<tr>
<td>6. Betting Use</td>
<td>1 per 50 sq ft of total floor area, other than areas meeting the requirements for a restaurant</td>
<td>1.2 Employees</td>
</tr>
<tr>
<td>7. Bowling Alley or Billiards Hall</td>
<td>2 per lane, plus 2 per pool table</td>
<td>1.2 Employees</td>
</tr>
<tr>
<td>8. Bus Station, Inter-City</td>
<td>5 per loading/unloading stall for buses</td>
<td>Employee</td>
</tr>
<tr>
<td>9. Car Wash</td>
<td>2 per washing lane or stall which maybe located in drying or vacuuming area</td>
<td>1.2 Employees</td>
</tr>
<tr>
<td>10. Financial Institution or Bank</td>
<td>1 per 200 sq ft of floor area accessible to customers, plus 3 convenient spaces for ATM's</td>
<td>Employee</td>
</tr>
<tr>
<td>11. Funeral Home</td>
<td>1 per 5 seats in rooms intended to be in use at one time for visitors</td>
<td>Employee</td>
</tr>
<tr>
<td>12. Golf Driving Range</td>
<td>1 per tee</td>
<td>1.2 Employees</td>
</tr>
<tr>
<td>13. Miniature Golf</td>
<td>2 per hole</td>
<td>1.2 Employees</td>
</tr>
<tr>
<td>14. Golf Course</td>
<td>3 per hole (plus spaces required for any membership club building or restaurant)</td>
<td>1.2 Employees</td>
</tr>
<tr>
<td>15. Ice Skating/Roller Skating</td>
<td>1 per 200 sq ft of floor area accessible to users</td>
<td>1.2 Employees</td>
</tr>
<tr>
<td>16. Hair Cutting/Styling</td>
<td>2 per customer seat used for haircutting, styling, washing, manicuring or similar work</td>
<td>1.2 Employees</td>
</tr>
<tr>
<td>17. Hotel/Motel</td>
<td>1 per rental unit plus 1 per 4 seats in any meeting room (plus any required by any restaurant)</td>
<td>1.2 Employees</td>
</tr>
<tr>
<td>18. Laundromat</td>
<td>1 per 3 washing machines</td>
<td>On-Site Employee</td>
</tr>
<tr>
<td>19. Offices or clinic, Medical/Dental</td>
<td>6 per physician, 4 per dentist</td>
<td>1.2 Employees</td>
</tr>
<tr>
<td>20. Office building primarily intended to include medical/dental offices</td>
<td>Requirements shall be split proportionally between #19 and #21 based upon estimate of expected types of tenants</td>
<td>(Note - Employee parking for business offices are already considered in the square footage requirement)</td>
</tr>
<tr>
<td>21. Offices, other than #19 or 20 above (minimum of 2 per establishment)</td>
<td>1 per 225 sq ft of total floor area accessible to people or 1 per employee, whichever is greater</td>
<td>(Note - Employee parking for business offices are already considered in the square footage requirement)</td>
</tr>
<tr>
<td>22. Personal Service Use, other than hair cutting/styling (minimum of 2 per establishment)</td>
<td>1 per 150 sq ft of floor area accessible to customers</td>
<td>Employee</td>
</tr>
<tr>
<td>23. Indoor recreation (other than bowling alley) Membership Club or Exercise Club</td>
<td>1 per 200 sq ft of floor area other than racquetball courts accessible to customers members, plus parking required by an any additional use (such as restaurant) plus 2 spaces per racquetball court</td>
<td>Employee</td>
</tr>
<tr>
<td>TYPE OF USE</td>
<td>NUMBER OF OFF-STREET PARKING SPACES REQUIRED</td>
<td>PLUS 1 OFF-STREET PARKING SPACE FOR EACH:</td>
</tr>
<tr>
<td>------------</td>
<td>---------------------------------------------</td>
<td>-----------------------------------------</td>
</tr>
<tr>
<td>24. Outdoor Recreation (other than uses specifically listed in this table)</td>
<td>1 per 3 persons of capacity (50% maybe on grass overflow areas with major driveways in gravel)</td>
<td>1.2 Employees</td>
</tr>
<tr>
<td>25. Restaurant</td>
<td>1 per 3 seats</td>
<td>1.2 Employees</td>
</tr>
<tr>
<td>26. Retail Sales (other than types separately listed) or Shopping Center (minimum of 5 per establishment, except 10 per video store)</td>
<td>1 per 175 sq ft of floor area of rooms accessible to customers, except 1 per 225 sq ft of total leasable floor area if such is greater than 20,000 sq ft.</td>
<td>(Note - Employee parking is already considered in the square footage requirement)</td>
</tr>
<tr>
<td>27. Retail Sales of only Furniture, Lumber, Carpeting, Bedding or Floor Coverings</td>
<td>1 per 400 sq ft of floor area accessible to customers</td>
<td>(Note - Employee parking is already considered in the square footage requirement)</td>
</tr>
<tr>
<td>28. Tavern or Nightclub</td>
<td>1 per 4 seats, one-half of which maybe met by convenient parking shared with other business uses on the same lot that are typically not routinely open beyond 9:30pm</td>
<td>1.2 Employees</td>
</tr>
<tr>
<td>29. Theater or Auditorium</td>
<td>1 per 4 seats, one-half of which maybe met by convenient parking shared with other business uses on the same lot that are typically not routinely open beyond 9:30pm</td>
<td>1.2 Employees</td>
</tr>
<tr>
<td>30. Veterinarian Office</td>
<td>5 per veterinarian</td>
<td>Employee</td>
</tr>
</tbody>
</table>

E. INDUSTRIAL USES

All industrial uses (including warehousing distribution and manufacturing) | In addition to parking or storage needed for maximum number of vehicles stored, displayed or based at the lot at any point in time, which spaces are not required to meet the stall size and aisle width requirements of this Ordinance. 1 per 1.2 employees based upon the maximum number of employees on-site at peak period of times (including any overlapping shifts) | 1 visitor space for every 10 managers on the site |

Self Storage Development | 1 per 15 storage units | Employee |

602. GENERAL REGULATIONS FOR OFF-STREET PARKING.

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

B. Existing Parking. 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.

C. Change in Use or Expansion. A structure or use in existence at the effective date of this Ordinance that expands or significantly 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 the use expands in total building floor area 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, or
2. If the expansion of the use would increase the number of required parking spaces by less than 20 spaces beyond what was required by the previous size, then an applicant may choose to only add the spaces required by the expansion, or
3. If the change in use would increase the number of required parking spaces by less than 20 spaces beyond what was required by the previous use, then an applicant may choose to only add the additional number of spaces required by the new use compared to the previous use.

D. Continuing Obligation of Parking and Loading Spaces. All required parking spaces and off-street loading spaces shall be available as long as the use or building which the spaces serve still exists 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. 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 permanent method of providing the spaces is available using area of a lot within 250 feet of the entrance of the principal use being served.

603. DESIGN STANDARDS FOR OFF-STREET PARKING.

A. General Requirements.

1. No parking area shall be designed to require or encourage parked vehicles to back into a public street in order to leave a parking space, except for a single family or two-family dwelling with its access onto a local street or parking court.
2. Every required parking space shall be designed so that each motor vehicle may proceed to and from the parking space provided for it without requiring the moving of any other vehicle.
3. Parking areas shall not be within any of the following: a required buffer yard, a future or existing street right-of-way or a required paved area setback.
4. Defined Traffic Ways. All parking areas shall include clearly defined and marked traffic patterns. In any lot with more than 30 off-street parking spaces, raised curbs and landscaped areas shall be used to direct traffic within the lot. Major vehicular routes shall be separated as much as is reasonable from major pedestrian routes within the lot.
5. Separation from Street. 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 raised curb, planting strip, wall or other suitable barrier against unchanneled motor vehicle
entrance or exit, except for necessary and approved vehicle entrances and exits to the lot. All commercial and industrial parking areas approved after the adoption of this Ordinance shall be separated from the street by a grass or landscaped strip of land. See Section 603.G.

6. **Stacking and Obstructions.**
   a. Each lot shall provide adequate area upon the lot to prevent back-up of vehicles on a public street while awaiting entry to the lot or while waiting for service at a drive-thru facility.
   b. Speed bumps, gates and/or guard sheds and other traffic control devices shall not be located where they will cause traffic to back-up onto a public street.
   c. Provide amenities within the warehouse structures such as but not limited to: a lounge for the operators of tractor/trailer motor vehicles, restroom facilities and the dispensing of food and beverages. The size of the lounge shall have a proportionate relationship with the number of loading docks provided for the warehouse operation which shall equate to ten (10%) percent of the number of loading docks, but in any event, no less of an area needed to accommodate five (5) seats. This lounge area facility shall be in addition to similar facilities provided for on-site employees.
   d. There shall be at least one 12 ft. x 80 ft. parking space for each required seat in the lounge area as provided in Subparagraph c. above in addition to any other required parking or loading areas. These parking spaces shall be in a separately defined area located in close proximity to the said lounge.

7. **Shopping Cart Corrals.** If shopping carts are allowed to be taken into parking areas, then appropriate enclosures shall be provided at convenient locations within the parking areas to corral the carts.

B. **Size and Marking of Parking Spaces.** Each parking space shall be a rectangle with a minimum width of 9 feet and a minimum length of 18 feet except:
   1. The minimum length shall be 22 feet for parallel parking.
   2. If a lot includes more than 100 parking spaces, a maximum of 15 percent of the required spaces may be a rectangle with a minimum width of 9 feet and a minimum length of 16 feet, provided that those spaces are marked as "Compact Cars Only" and provided that those spaces are distributed in different portions of the lot and do not include the most desirable spaces in the lot. ("Compact cars" are intended to be those having a length of 15 feet or less.)
   3. All spaces shall be marked to indicate their location, except those of a single family or two-family dwelling.
   4. If a parking area is permitted to not be paved, then a minimum width of 10 feet per space shall be used.
C. **Aisles.**

1. Each aisle providing access to stalls for one-way traffic only shall be at least the minimum aisle width specified as follows:

<table>
<thead>
<tr>
<th>Angle of Parking</th>
<th>Minimum Aisle Width</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parallel or 30 degrees</td>
<td>12 feet</td>
</tr>
<tr>
<td>45 degrees</td>
<td>14 feet</td>
</tr>
<tr>
<td>60 degrees</td>
<td>18 feet</td>
</tr>
<tr>
<td>90 degrees</td>
<td>20 feet</td>
</tr>
</tbody>
</table>

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

3. Maximum length of parking aisle - 250 feet.

D. **Access Drives and Driveways.**

1. Width of Driveway/Access way at Entrance onto Public Street (at the edge of the cart way)

<table>
<thead>
<tr>
<th>Minimum</th>
<th>One Way Use</th>
<th>Two Way Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum</td>
<td>12 feet</td>
<td>20 feet</td>
</tr>
<tr>
<td></td>
<td>25 feet**</td>
<td>40 feet**</td>
</tr>
</tbody>
</table>

* Unless a different standard is required by PennDOT for an entrance to a State road.

** Except 35 and 50 feet respectively if the applicant proves that such width is necessary to permit turning movements of tractor-trailer trucks.

2. **Maximum Grades of Driveway.** See the Township Subdivision and Land Development Ordinance (Section 633.5 as of 1993).

3. **Drainage.** Adequate provisions shall be made to maintain uninterrupted parallel drainage along a public street at the point of driveway or access drive entry.

4. **Separation Between Driveways.** At least 80 feet shall be provided between the centerlines of any 2 access ways or driveways along one street within one lot.

5. **Separation from Intersection.** See the Township Subdivision and Land Development Ordinance (Section 703.3.F)

6. **State Permit.** Where there will be new or intensified access to a State street or other work within the right-of-way of a State street, a State Highway Occupancy Permit shall be obtained, as applicable.

7. **Sight Distance for Driveways.** (See Section 803.C.2)

E. **Paving, Grading and Drainage.**

1. Parking and loading facilities and including driveways shall be graded and adequately drained to prevent erosion or excessive water flow across streets or adjoining properties.
2. Except for landscaped areas, all portions of required parking, loading facilities and driveways shall be surfaced with asphalt or concrete, except that portions or all of parking areas may be left in grass or gravel where the applicant proves to the full satisfaction of the Zoning Officer that: a) the nature and extent of the use of the parking area would not cause any need for paving and b) dust will be adequately controlled on any gravel areas.

F. Lighting of Parking Areas.
   1. Any parking area of 10 or more spaces designed for use during night hours shall be adequately illuminated for security purposes at no cost to the Township.
   2. See also Section 511 "Light, Glare and Heat Control."

G. 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. **Uses Within the Paved Area Setback.**
      a. The paved area setback required by this section, together with any existing or established future street right-of-way area that is not used as a cart way, street shoulder or on-street parking, shall be maintained in natural groundcover (such as grass) and shall not be used for any of the following:
         1. Paving, except for approved driveway or access drive entrances and except any concrete sidewalks or asphalt bike paths of 8 feet wide or less,
         2. Fences
         3. Parking, storage or display of vehicles or items for sale or rent.
      b. A paved area setback may include the following:
         1. Permitted freestanding signs,
         2. Storm water facilities that are primarily vegetated,
         3. Concrete sidewalks or asphalt bike paths of 8 feet wide or less
         4. Approved perpendicular driveway crossings.
   3. **Width of Paved Area and Parking Setbacks.**
      a. In all residential districts, driveways and parking areas shall be setback 20 feet from an existing street right-of-way and 5 feet from all other lot lines, except where applicable buffer yard provisions require a greater distance.
      b. In the LI and LI(L) Districts, parking areas including 5 or more spaces, off-street loading areas and internal driveways (other than perpendicular crossings) shall be setback a minimum of 50 feet from an existing street right-of-way and 20 feet from any other lot line, unless a larger distance is required by applicable buffer yard provisions.
c. In any district other than a "residential district" and other than
the L1 or L1(L) districts, parking areas including 5 or more spaces,
off-street loading areas and internal driveways shall be setback a
minimum of 25 feet from an existing street right-of-way and from all
abutting "residential lot lines," unless a larger distance is required by
applicable buffer yard provisions.
d. Any entrance and exit driveways serving 5 or more parking spaces or a
loading dock shall be setback a minimum of 20 feet from an abutting
"residential lot line," unless the Board of Supervisors approve a closer
location for traffic safety purposes.
e. Within the HC, NC, L1(L), G1 and RRD Districts, the Board of
Supervisors, at their discretion, as a conditional use may approve the
waiving of paving setbacks along side or rear lot lines for the shared use
of interconnecting driveways and parking areas. Where such is
permitted, all other applicable Township Ordinance requirements
shall be met and joint use and maintenance agreements to insure
proper access and operation shall be required.

4. Buffer Areas Between Uses. (See Section 803)
5. Paving/Parking Setback from Buildings.
   a. All paved areas shall be setback a minimum of 5 feet from the
      exterior structural walls of any commercial or industrial building.
      This setback shall not apply to the following: a) concrete sidewalks,
      b) paved walkways to reach doors, c) driveways entering a garage,
      interior parking, loading/unloading area, vehicle service bay or
      carport d) drive-thru pick-up windows. This setback is intended
to allow sufficient area for firefighting, sidewalks and foundation
      landscaping, and to provide safety against vehicles hitting walls.
   b. For apartments and townhouses, see Section 402.

H. Paved Area Landscaping (Parking Lot Trees). The requirements of the Subdivision
   and Land Development Ordinance shall apply. Such landscaping requirements
   shall also apply to any expansion of more than 1 acre in paved area,
   regardless of whether such expansion would be part of a subdivision or land
   development.

I. Parking Lot Screening. (See Section 803)

J. Handicapped Parking.
   1. Number of Spaces. Any lot including 4 or more off-street parking spaces shall
      include a minimum of one handicapped space. The following number of
      handicapped spaces shall be provided, unless a revised regulation is officially
      established under the Federal Americans With Disabilities Act:
<table>
<thead>
<tr>
<th>Total Number of Required Parking Spaces per Lot</th>
<th>Required Minimum Number &amp; Percentage of Handicapped Parking Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>4 - 25</td>
<td>1</td>
</tr>
<tr>
<td>26 - 50</td>
<td>2</td>
</tr>
<tr>
<td>51 - 75</td>
<td>3</td>
</tr>
<tr>
<td>76 - 100</td>
<td>4</td>
</tr>
<tr>
<td>101 - 150</td>
<td>5</td>
</tr>
<tr>
<td>151 - 200</td>
<td>6</td>
</tr>
<tr>
<td>201 - 300</td>
<td>7</td>
</tr>
<tr>
<td>301 - 400</td>
<td>8</td>
</tr>
<tr>
<td>401 - 500</td>
<td>9</td>
</tr>
<tr>
<td>501 - 1000</td>
<td>2% of the number of spaces</td>
</tr>
<tr>
<td>1001 or more</td>
<td>20 plus 1% of required number of spaces over 1000</td>
</tr>
</tbody>
</table>

2. **Location.** Handicapped parking spaces shall be located where they would result in the shortest reasonable accessible distance to a handicapped accessible building entrance. Curb cuts shall be provided as needed to provide access from the handicapped spaces.

3. **Minimum Size.** Each required handicapped parking space shall be 8 by 18 feet. In addition, each space shall be adjacent to a 5 feet wide access aisle. Such access aisle may be shared by two handicapped spaces by being placed between them. However, 1 out of every 8 required handicapped parking spaces shall have an adjacent access aisle of 8 feet width instead of 5 feet.

4. **Slope.** Handicapped parking spaces shall be located in areas of less than 6 percent slope in any direction.

5. **Marking.** All required handicapped spaces shall be well-marked by clearly visible signs or pavement markings. Blue paint is recommended.

604. PARKING AND STORAGE OF JUNK AND UNREGISTERED VEHICLES.

A. **Purpose.** To prevent the character of residential areas from being harmed by nuisances, hazards and visual blight, and to prevent the establishment of junkyards in residential districts.

B. **Storage of Unregistered/Junk Vehicles.**

   1. On lots of less than 2 acres in a residential district, a maximum of 1 "Unregistered Vehicle"*, not including any "Junk Vehicle"*, may be stored or parked in such a way that the vehicle is visible from a public street.
   
   2. The following shall apply on any lot other than a lot of less than 2 acres in a residential district: a total maximum of 2 "Unregistered Vehicles"* or
"Junk Vehicles"* may be stored or parked in such a way that the vehicle is visible from a public street.

* As defined by Article II.

3. This Section 604 shall not apply to a permitted auto sales use, auto service station, junkyard or auto repair garage, provided that the regulations for that use are met.

605. OFF-STREET LOADING.

A. General Requirements.

1. 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.

2. At the time of site plan or land development review, the applicant shall provide evidence to the Planning Commission, who may advise the Zoning Officer, on whether the use will have sufficient numbers and sizes of loading facilities. For the purposes of this Section, the words "loading" and "unloading" are used interchangeably.

B. Design and Layout of Loading Facilities. Off-street loading facilities shall meet the following requirements:

1. Each off-street loading space shall be at least (in feet):

<table>
<thead>
<tr>
<th>Largest Type of Truck Intended</th>
<th>Minimum Width</th>
<th>Minimum Depth</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tractor Trailer</td>
<td>12 (except 11 if more than 10 such spaces on a lot)</td>
<td>50</td>
</tr>
<tr>
<td>Trucks other than Tractor Trailers, Pick-Ups or Vans</td>
<td>10</td>
<td>25</td>
</tr>
<tr>
<td>Pick-Up Trucks or Vans</td>
<td>9</td>
<td>18</td>
</tr>
</tbody>
</table>

2. Each space shall have sufficient maneuvering room to avoid conflicts with parking and traffic movements within and outside of the lot. No facility shall be designed or used in such a manner that it threatens a safety hazard, public nuisance or a serious impediment to traffic off the lot.

3. Each space and the needed maneuvering room shall be located entirely on the lot being served and be located outside of required buffer areas, paved area setbacks and street right-of-ways.

4. An appropriate means of access to a street shall be provided

5. Paving, Grading and Drainage. See Section 603.E.

6. All such facilities shall comply with the lighting requirements of Article VI, the landscaping requirements of the Subdivision and Land Development Ordinance and the noise limitations of Article VIII.
C. **Fire Lanes.** Fire lanes shall be provided where required by State or Federal regulations or other local ordinances. The specific locations of these lanes are subject to review by Township Fire Officials.
ARTICLE VII
SIGNS

701. 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; promote traffic safety by avoiding distractions and sight distance obstructions; protect property values and ensure compatibility with the character of neighboring existing and planned land uses; and assist in carrying out the goals of the Pennsylvania Outdoor Advertising Act, as amended.

B. Permit Required. A permit under this Ordinance shall be required for all signs except for: a) signs meeting the requirements of Section 703 and b) window signs that are not of a permanent nature. Only types, sizes and heights of signs that are specifically permitted by this Ordinance within the applicable District shall be allowed. The Board of Supervisors shall establish fees for sign permits by resolution.

C. Changes on Signs. Any lawfully existing sign (including nonconforming signs) may be painted or repaired or changed in message without a new permit under this Ordinance provided that the changes do not increase the sign area or otherwise result in noncompliance or an increased non-conformity with this Ordinance.

702. NONCONFORMING SIGNS.

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. Any nonconforming sign which is removed for a period of 12 months or more, destroyed or damaged to an extent of 25% or more and not properly repaired or maintained for a period of 12 months or more shall be replaced only with a conforming sign, except as below.

B. An existing non-conforming sign may only be replaced with a conforming sign, except:

1. A lawful non-conforming sign serving a lawful non-conforming principal use may be replaced with a new sign advertising the nonconforming use if the new sign is not more nonconforming in any manner than the previous sign.
### 703. MISCELLANEOUS SIGNS NOT REQUIRING PERMITS

The following signs shall be permitted by right within all zoning districts within the following regulations and shall not be required to have a permit under this Article.

<table>
<thead>
<tr>
<th>TYPE &amp; DEFINITION OF SIGNS NOT REQUIRING PERMITS</th>
<th>MAXIMUM NUMBER OF SIGNS PER LOT</th>
<th>MAXIMUM SIGN AREA PER SIGN* ON LOTS OTHER THAN RESIDENTIAL LOTS OF LESS THAN 2 ACRES</th>
<th>MAXIMUM SIGN AREA PER SIGN* ON LOTS OTHER THAN RESIDENTIAL LOTS OF LESS THAN 2 ACRES</th>
<th>OTHER REQUIREMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agricultural Products Sign - Advertises the sale of agricultural or livestock products clearly primarily produced or raised on the premises of principal agricultural use or seasonal sale of Christmas trees.</td>
<td>2</td>
<td>8</td>
<td>15</td>
<td>Shall only be posted during seasons when such products are actively offered for sale.</td>
</tr>
<tr>
<td>Charitable Event Sign - Advertises a special event held a maximum of 9 days in any calendar year that primarily is held to benefit a U.S. Internal Revenue Service certified tax-exempt nonprofit organization.</td>
<td>2</td>
<td>4</td>
<td>15, for each of 2 or 32 if only a single sign is used.</td>
<td>Shall be placed a maximum of 30 days prior to event and removed a maximum of 7 days after event.</td>
</tr>
<tr>
<td>Contractor's Sign - 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.</td>
<td>2</td>
<td>8</td>
<td>20, except 5 signs with a maximum sign area of 50 sq ft for a project with a total construction cost greater than $5 million</td>
<td>Shall only be permitted while the work is actively underway and sign shall not be illuminated.</td>
</tr>
<tr>
<td>Directional Sign - 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.</td>
<td>No Maximum</td>
<td>3, other than signs painted on pavement</td>
<td>3, other than signs painted on pavement</td>
<td>Directional signs within a residential development shall not be illuminated.</td>
</tr>
<tr>
<td>Flag - a banner or pennant made of fabric or fabric like polymers that is hung in such a way to flow in the wind and that includes some type of commercial message</td>
<td>2</td>
<td>50</td>
<td>50</td>
<td>Governmental flags are not regulated.</td>
</tr>
<tr>
<td>TYPE &amp; DEFINITION OF SIGNS NOT REQUIRING PERMITS</td>
<td>MAXIMUM NUMBER OF SIGNS PER LOT</td>
<td>MAXIMUM SIGN AREA PER SIGN* ON LOTS OTHER THAN RESIDENTIAL LOTS OF LESS THAN 2 ACRES</td>
<td>MAXIMUM SIGN AREA PER SIGN* ON LOTS OTHER THAN RESIDENTIAL LOTS OF LESS THAN 2 ACRES</td>
<td>OTHER REQUIREMENTS</td>
</tr>
<tr>
<td>-------------------------------------------------</td>
<td>---------------------------------</td>
<td>------------------------------------------------------------------------------------------------</td>
<td>------------------------------------------------------------------------------------------------</td>
<td>------------------</td>
</tr>
<tr>
<td>Garage Sale Sign - advertises an occasional garage/yard sale or auction.</td>
<td>2 per event</td>
<td>2 per sign</td>
<td>2 per sign</td>
<td>Shall be placed a maximum of 48 hours before sale or auction begins and removed within 24 hours after event concludes.</td>
</tr>
<tr>
<td>Historic Sign - Historic Sign - memorializes an important historic place, event or person and that is specifically authorized by the Township or a County, State or Federal agency.</td>
<td>Not regulated by this Ordinance.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Holiday Decorations – commemorates a holiday recognized by the Township, County, State or federal Government and that does not include advertising.</td>
<td>Not regulated by this Ordinance.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Home Occupation Sign – advertises a permitted home occupation.</td>
<td>1</td>
<td>2</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Identification Sign – only identifies the name and/or occupation of the resident and name, street address and/or use of a lot, but that does not include advertising.</td>
<td>1</td>
<td>1, except 2 for a principal non-residential use.</td>
<td>6</td>
<td>Maximum height of sign 8 feet.</td>
</tr>
<tr>
<td>Not Visible Sign – not visible from a public street or exterior lot line.</td>
<td>Not regulated by this Ordinance.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Official Sign – erected by the State, County, Township or other legally constituted governmental body or specifically authorized by Township ordinance or resolution and which exists for public purposes.</td>
<td>Not regulated by this Ordinance.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Open House Sign – advertises the temporary and periodic open house of a property for sale or rent.</td>
<td>2 per event</td>
<td>4</td>
<td>4</td>
<td>Shall be placed maximum of 5 days before open house begins and be removed maximum of 24 hours after open house ends. Such sign shall not be posted more than 5 consecutive days.</td>
</tr>
</tbody>
</table>
### Type & Definition of Signs Not Requiring Permits

<table>
<thead>
<tr>
<th>Sign Type</th>
<th>Maximum Number of Signs Per Lot</th>
<th>Maximum Sign Area Per Sign* on Lots Other Than Residential Lots of Less Than 2 Acres</th>
<th>Maximum Sign Area Per Sign* on Lots Other Than Residential Lots of Less Than 2 Acres</th>
<th>Other Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Physically Carried Sign – physically carried by a person</td>
<td></td>
<td></td>
<td></td>
<td>Not regulated by this Ordinance.</td>
</tr>
<tr>
<td>Political Sign - advertises a person or party seeking political office or a political cause or opinion on a referendum or matter of political concern and which relates to a scheduled election or matter of upcoming vote by a governmental body.</td>
<td>1 per candidate</td>
<td>10</td>
<td>20</td>
<td>Shall be placed a maximum of 60 days prior to election, vote or referendum and removed a maximum of 7 days after such election, vote or referendum. Persons posting political signs shall maintain a written list of locations of such signs. Political signs shall not be placed on private property without the prior consent of the owner. If a political sign does not meet these requirements, then it shall be regulated as an “off-premises sign.”</td>
</tr>
<tr>
<td>Proposed Development Sign - announces a proposed subdivision or land development for which a sketch, preliminary or final plan has been submitted to the Township and which would involve a minimum of 10 dwelling units or a nonresidential principal building.</td>
<td>1</td>
<td>8</td>
<td>20</td>
<td>Shall only be placed after the submission of a sketch, preliminary or final subdivision or land development plan to the township. Shall be removed if the plan is rejected or withdrawn, when all residential units are sold or for a nonresidential development when a permanent sign is placed.</td>
</tr>
<tr>
<td>Public Services Sign - advertises the availability of rest rooms, telephone or other similar public convenience.</td>
<td>1 per street the Lots abuts</td>
<td>6</td>
<td>32</td>
<td>Shall only be placed on the property while it is actively for sale, lease or rent.</td>
</tr>
</tbody>
</table>

* Maximum sign area per sign should be calculated based on the specific requirements of the Ordinance.
### TYPE & DEFINITION OF SIGNS NOT REQUIRING PERMITS

<table>
<thead>
<tr>
<th>TYPE OF SIGN</th>
<th>MAXIMUM NUMBER OF SIGNS PER LOT</th>
<th>MAXIMUM SIGN AREA PER SIGN* ON LOTS OTHER THAN RESIDENTIAL Lots of Less Than 2 ACRES</th>
<th>MAXIMUM SIGN AREA PER SIGN* ON LOTS OTHER THAN RESIDENTIAL Lots of Less Than 2 ACRES</th>
<th>OTHER REQUIREMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Real Estate Sign – advertises the availability of property on which the sign is located for sale, rent or lease.</td>
<td>1 per street the lots abuts</td>
<td>6</td>
<td>32</td>
<td>Shall only be placed on the property while it is actively for sale, lease or rent and shall be removed a maximum of 7 days after settlement or start of lease.</td>
</tr>
<tr>
<td>Required Sign – only includes information required to be posted outdoors by a government agency or the Township.</td>
<td></td>
<td></td>
<td></td>
<td>Not regulated by this Ordinance.</td>
</tr>
<tr>
<td>Right-of-Way Sign – posted within the existing right-of-way of a public street and officially authorized by the Township or PennDOT.</td>
<td></td>
<td></td>
<td></td>
<td>Not regulated by this Ordinance.</td>
</tr>
<tr>
<td>Service Organization/Place of Worship Sign – an off-premises sign stating name of a recognized incorporated service organization or place of worship and that states the place and times of meetings or services and/or an arrow directing persons to such location.</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>Maximum of 2 such signs per such organization or place of worship.</td>
</tr>
<tr>
<td>Time &amp; Temperature Sign – with a sole purpose to announce the current time and temperature and any non-profit public service messages.</td>
<td>1</td>
<td>Not Permitted</td>
<td>40</td>
<td></td>
</tr>
<tr>
<td>Trespassing Sign – 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.</td>
<td>No Maximum</td>
<td>1</td>
<td>4</td>
<td></td>
</tr>
</tbody>
</table>

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

### 704. FREESTANDING, WALL AND WINDOW SIGNS.

A. The following are the signs permitted on a lot within the specified districts and within the following regulations, in addition to "Exempt Signs" and "Temporary Signs" permitted in all districts by other provisions of this Article. See definitions of the types of signs in Section 711.
<table>
<thead>
<tr>
<th>ZONING DISTRICT OR TYPE OF USE</th>
<th>MAXIMUM HEIGHT OF FREE-STANDING SIGNS</th>
<th>MAXIMUM AREA OF WALL SIGNS</th>
<th>MAXIMUM AREA OF WINDOW SIGNS</th>
<th>MAXIMUM AREA AND NUMBER OF FREE-STANDING SIGNS</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Residential, OSP and &quot;Rural&quot; Districts for permitted principal non-residential uses</td>
<td>8 feet</td>
<td>A maximum of 10% of the building face or 20 sq. ft., whichever is smaller. One (1) sign is permitted on each side of the building facing a street.</td>
<td>Maybe used in place of a wall sign with the same restrictions</td>
<td>One (1) sign on each street the lot abuts, each with a maximum sign area of 20 sq. ft.</td>
</tr>
<tr>
<td>All Residential, OSP and &quot;Rural&quot; Districts for identifying the name of a development as specified in Section 713</td>
<td>8 feet</td>
<td>Not Permitted</td>
<td>Not Permitted</td>
<td>One (1) sign at one entrance to the development which shall only be permitted abutting a collector street, with a maximum sign area of 32 sq. ft.</td>
</tr>
<tr>
<td>For a permitted Home Occupation See Section 703</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>All R and RU, OSP Districts for non-conforming principal business uses.</td>
<td>8 feet</td>
<td>A maximum of 20 sq.ft. of each side of the building facing a street.</td>
<td>Maybe be used in place of a wall sign with the same restrictions</td>
<td>One (1) sign along each street from which access is gained, each with a maximum sign area of 20 sq.ft.</td>
</tr>
<tr>
<td>In the NC District other than shopping centers or other multi-tenants buildings</td>
<td>25 feet</td>
<td>10% of the area of the building face or 50 sq.ft. whichever is smaller, on each side of the building facing a road or internal access.</td>
<td>Maybe used in place of wall signs with the same restrictions. Windows signs for special promotions may not exceed 25% of the window area if used in addition to a wall sign.</td>
<td>One (1) sign per street that the lot abuts, each with a maximum area of 50 sq.ft.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ZONING DISTRICT OR TYPE OF USE</th>
<th>MAXIMUM HEIGHT OF FREE-STANDING SIGNS</th>
<th>MAXIMUM AREA OF WALL SIGNS</th>
<th>MAXIMUM AREA OF WINDOW SIGNS</th>
<th>MAXIMUM AREA AND NUMBER OF FREE-STANDING SIGNS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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<table>
<thead>
<tr>
<th>Area Type</th>
<th>Height</th>
<th>Sign Area per Tenant or Building</th>
<th>Size of Sign</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>In the NC District - shopping centers</strong> or other multi-tenant buildings</td>
<td>25 feet</td>
<td>32 sq. ft. for each tenant, except any tenant occupying more than 40,000 sq. ft. of contiguous floor area shall be permitted a sign of 75 sq.ft.</td>
<td>20 sq. ft. for each tenant but not more than 25% of the total area of all windows</td>
<td>One (1) sign per street that the lot abuts with a maximum area of 50 sq.ft. or one (1) sign of 100 sq.ft. listing all tenants</td>
</tr>
<tr>
<td><strong>In the HC District other than shopping centers or other multi-tenant buildings</strong></td>
<td>25 feet</td>
<td>32 sq.ft for each tenant, except any tenant occupying more than 40,000 sq.ft. of contiguous floor area shall be permitted a sign of 75 sq.ft.</td>
<td>30 sq.ft. but not more than 25% of the total area of all windows</td>
<td>One (1) sign per street that the lot abuts, each with a maximum area of 75 sq.ft.</td>
</tr>
<tr>
<td><strong>In the HC District for Shopping Centers’ and other multi-tenant building</strong></td>
<td>25 feet</td>
<td>32 sq.ft for each tenant, except any tenant occupying more than 40,000 sq.ft. of contiguous floor area shall be permitted a sign of 75 sq.ft.</td>
<td>20 sq.ft for each tenant but not more than 25% of the total area of all windows</td>
<td>One (1) sign per street that the lot abuts each with a maximum area of 150 sq.ft or one (1) sign of 200 sq.ft. listing all tenants</td>
</tr>
<tr>
<td><strong>In the RT District for all Industrial, Research and Office uses (all other uses shall follow the Residential &amp; Rural District regulations)</strong></td>
<td>12 feet</td>
<td>A total area of 100 sq.ft per principal building</td>
<td>May be used in place of any permitted wall sign</td>
<td>One (1) sign for each street access with a maximum size of 100 sq.ft. and located at least 100 feet from any side or rear lot line</td>
</tr>
<tr>
<td><strong>In a LI, LI(L) or GI District</strong></td>
<td>25 feet</td>
<td>32 sq.ft for each tenant, except any tenant occupying more than 50,000 sq.ft of contiguous floor area shall be permitted a sign of 75 sq.ft.</td>
<td>20% of the area of the building face or 150 sq.ft. whichever is smaller</td>
<td>One (1) sign for each street lot abuts, each with a maximum sign area of 200 sq.ft.</td>
</tr>
<tr>
<td><strong>In a LI District, for multi-tenant or flexible buildings</strong></td>
<td>25 feet</td>
<td>32 sq.ft for each tenant, except any tenant occupying more than 50,000 sq.ft of contiguous floor area shall be permitted a sign of 75 sq.ft.</td>
<td>May be used in place of any permitted wall sign</td>
<td>One (1) sign for each street lot abuts, each with a maximum sign area of 200 sq.ft.</td>
</tr>
</tbody>
</table>

1. Permitted on each side of a building that faces directly onto a street.
2. If such freestanding sign area is not used, such sign area may be added to the permitted wall sign area.
3. Freestanding buildings within a Shopping Center, commonly known as "Pad Sites," that include an individual permitted principal business use shall be permitted to have the same type and size of wall signs, directional signs and menu boards as would be permitted as if the use would be on a separate lot in that particular Zoning District. Such buildings shall not be permitted to have freestanding signs in addition to the...
signs permitted for the shopping center but may have a portion of the sign(s) permitted for the center.

B. **Maximum Height of Wall Signs.** The maximum height of wall signs shall be equal to the total height of the wall to which they are attached.

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

1. **Purpose.** These standards recognize portable signs as a particular type of sign that has the characteristics of a temporary sign but that has been inappropriately used as a permanent sign. This Section is based on the policy that if a use desires to regularly display a sign for regularly changing messages, that it erect a permanent sign within all of the requirements of this Ordinance.

2. **Definition of a "Portable Sign"** - A freestanding sign that is attached to a chassis or legs that allows it to be towed or carried from one location to another and that is not permanently attached to the ground.

3. The following signs shall only be permitted if they meet the following requirements: 1) Portable Sign (including any such sign that may have been displayed prior to the adoption of this Ordinance and which does not have a lawful permit as a permanent sign) or b) another type of Temporary Sign that advertises a special event or sale. See Section 703 for other types of permitted Temporary Signs, such as Charitable Event Signs.

   a. Shall be permitted only on a lot containing a lawful principal commercial use that is not within a residential district.

   b. Shall have a maximum sign area of 32 square feet on each of a maximum of two sides.

   c. Shall only include 1 such sign per lot, except:

      1) On a lot occupied by multiple tenants, other than an approved shopping center, a maximum of 2 such signs are permitted, each of which shall meet the time period limits of this Section;

      2) In the case of an approved shopping center, a maximum of 2 such signs are permitted for each public street that the lot fronts upon, with each such sign meeting the time period limits of this Section.

   d. Shall need a sign permit, which shall state the dates during which the sign may be displayed. For a portable sign, the applicant shall submit to the Township a check for a $100 deposit (in addition to any permit fee) which shall be returned only if the sign is removed within the stated time period. Otherwise, such funds shall be the property of the Township.

   e. Each permitted sign shall only be displayed on a lot for 3 periods per year, which shall not exceed 14 days per period. All days within such period shall be consecutive. Failure to remove the sign after the time limit shall constitute a zoning violation.
f. Shall not obstruct safe sight distance to vehicles on a street, entering or exiting the lot within or off the lot. Shall not be placed within the existing street right-of-way.

g. Shall not include flashing or blinking lights.

D. Drive-Thru Menu Boards. A maximum of 2 signs, commonly referred to as a menu board, listing goods available at drive-thru windows may placed at a location along access to such windows, in addition to all other permitted signs. Such signs shall each have a maximum sign of 48 square feet, shall have only 1 side and shall not include lettering readable from beyond the boundaries of the lot or lease area.

705. ABANDONED OR OUTDATED SIGNS. Signs advertising a use no longer in existence (other than a sign relating to a building that is clearly temporarily vacant and being offered to new tenants or for purchase) shall be removed within 180 days of the cessation of such use.

706. LOCATION OF SIGNS. The following shall regulate the location of signs:

A. Setback From Streets. No sign except Official Signs, Nameplate Signs, Public Service Signs and Directional Signs shall be erected within 5 feet of or project over any existing or future street right-of-way and be no closer than 15 feet to any side or rear lot line.

B. Sight Distance. No sign shall be so located or arranged that it interferes with the sight distance requirements of Section 803 or safe sight distances for vehicles within a lot.

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. Setbacks from Lot Lines. A sign for a commercial or industrial business shall not be located within 25 feet of any "residential lot line" (as defined in Article II).

E. Permission of Owner. No sign shall be posted on any property or sign pole or public utility pole, unless permission has been received by the owner.

F. Utility Poles. No sign shall be attached to a utility pole, except by an authorized utility. See also Section 709.J.

707. ILLUMINATION OF SIGNS.

A. See Section 511, "Light, Glare and Heat Control."

B. Times of Illumination. Signs within 100 feet of a dwelling or a residential district should not be illuminated between the hours of 12:00 p.m. and 6:00 a.m.

708. VEHICLES FUNCTIONING AS SIGNS. Any vehicle or structure to which a sign is affixed in such a manner that the carrying of such sign or signs no longer is incidental to the primary purpose of the vehicle or structure but becomes a primary purpose in itself shall be considered a freestanding sign and as such shall be subject to requirements for freestanding signs in the district in which such vehicle or structure is located.

709. PROHIBITED SIGNS. The following signs are prohibited in all zoning districts:

A. Any moving object used to attract attention to a commercial use. Flags and banners except as is permitted by Section 703.
B. Flashing, blinking, twinkling, animated or moving signs of any type, except time and temperature signs may flash. This restriction specifically includes window signs, but does not prohibit Christmas lighting or displays, within Section 703.
C. Signs which emit smoke, visible vapors or particles, sound or odor.
D. Signs which contain information that states or implies that a lot may be used for any purpose not permitted under the applicable provisions of this Ordinance.
E. Signs that are of such character, form, shape or color that they imitate or resemble any official traffic sign, signal or device or that have any characteristics which are likely to confuse or distract the operator of a motor vehicle on a public street (such as prominent use of the words "Danger" or "Stop").
F. Signs that use reflective materials to give the appearance of flashing, blinking, twinkling or electronically changing messages.
G. Signs or displays that include words or images that are obscene, pornographic or that an average reasonable person would find highly offensive to public decency.
H. Balloons of greater than 25 cubic feet that are tethered to the ground or a structure and are primarily intended for advertising purposes.
I. Floodlights and outdoor lasers for advertising purposes.
J. Signs attached by tacks, staples or other metal fasteners to utility poles.

710. CONSTRUCTION OF SIGNS. Every permanent sign permitted in this section shall be constructed of durable materials and shall be kept in good condition and repair. The Zoning Officer shall by written notice require a property owner or lessee to repair or remove a dilapidated or unsafe sign within a specified period of time. If such order is not complied with, the Township may repair or remove such sign at the expense of such owner or lessee.

711. MEASUREMENT AND MAJOR TYPES OF SIGNS.
A. Sign Definitions. The following definitions shall be used in determining whether signs meet the measurement and type requirements of this Article:
   1. Building Face. The vertical area of a particular side of a building, but not including the area of any slanted roof.
   2. Freestanding Sign. A sign which is self-supporting upon the ground or which is primarily supported by poles attached to the ground and not primarily supported by a building.
   3. Height of Sign. The vertical distance measured from the average ground level surrounding a sign to the highest point of the sign and its supporting structure. Religious symbols, when not accompanied by lettering, shall not be restricted by the sign heights of this Article when attached to a tower or spire of a place of worship.
   4. Illuminated Sign, Externally. A sign illuminated by light outside of the sign instead of within the sign.
   5. Illuminated Sign, Internally. A sign illuminated by light from within the sign rather than a source adjacent to or outside of the sign. A sign within a
display case with lights only shining onto the front of the sign shall be considered to be "externally" illuminated.

6. **Off-Premise Sign.** See Article II.

7. **Sign.** See Article II.

8. **Wall Sign.** A sign primarily supported by or painted on a wall of a building and which does not project more than 2 feet from such wall.

9. **Window Sign.** A sign which is readily visible and can be at least partially read from an exterior lot line and which is attached to a window or transparent door or that can be read through a window or transparent door.

**B. Measurement of Sign area.**

1. Sign area shall include all lettering, wording and accompanying designs and symbols, together with related background areas on which they are displayed. One "freestanding sign" may include several signs that are all attached to one structure, with the total "sign area" being the area of a common geometric form that could encompass all signs.

2. The sign area shall not include any structurally supporting framework, bracing, or clearly defined wooden framing if such area does not include any display, lettering or sign and if such area is clearly incidental to the sign area itself.

3. Where the sign consists of individual letters or symbols attached to or painted directly on a building or window, other than an illuminated background that is a part of the sign, the sign area shall be the smallest rectangle that includes all of the letters and symbols.

4. In computing the permitted sign area of a sign with 2 sides, the permitted total sign area shall be based upon the sign area of only one side (the larger of any two if they differ). If the interior angle formed at the inside of the two sides of a two-sided sign is greater than 60 degrees, then the total area of both sides shall not be greater than the permitted total sign area. No sign shall have more than 2 sides or faces.

5. Unless otherwise specified, all square footages in regards to signs are maximum sizes.

**712. 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, especially light industrial and office parks; 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; protect the open space and natural character of areas of the Township planned to remain agricultural or as conservation areas; avoid the creation of additional visual distractions to motorists, especially along the high-speed expressways and along busy arterial streets that involve complex turning movements, congestion 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; recognize that this Ordinance allows every landowner a reasonable use for their land; avoid off-premise signs that would have an unfair advantage over on-premise signs in the competition for attention, because off-premise signs typically are higher and larger than on-premise signs; carry out the purposes listed in Section 701.

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. **Commercial and Noncommercial.** This section applies to both commercial and noncommercial off-premise signs except as may be specifically provided for elsewhere in this Ordinance.

D. **PennDOT Sign.** Signs erected and maintained by the PennDOT are permitted by right in all Districts.

E. **Permitted Off-Premise Signs.** Based directly on the intent statements within this Ordinance, off-premise signs are only permitted if they meet the following requirements:

1. **District.** An off-premise sign is only permitted in the GI and LI Districts.
2. **Location.** An off-premise sign is only permitted if a portion of the sign is within 40 feet of the existing right-of-way of an expressway and if all portions of the sign are a minimum of 10 feet from any lot line.
3. **Maximum Sign Area.** 672 square feet.
4. **Spacing.** Any off-premise sign shall be separated by a minimum of 3,000 feet from any other off-premise sign, including signs on either side of a street and including existing signs in other municipalities. No lot shall include more than 1 off-premise sign.
5. **Maximum Height.** 35 feet above the elevation of the adjacent street, measured at the street centerline.
6. **Attached.** No off-premise sign or sign face shall be attached in any way to any other off-premise sign. Off-premise signs shall have a maximum of 2 sign faces.
7. **Lighting and Glare.** See standards in Section 511.
8. **Residences.** No off-premise sign shall be located within 600 feet of an existing dwelling or 300 feet of undeveloped residentially zoned land, unless separated by an expressway.
9. **Bus Shelter Signs.** Advertising signs may be displayed on the sides of bus shelters permitted to be placed along Township Roads by the Board of Supervisors. These signs shall not be larger than the wall on which they are located. Any illumination shall not cause glare or interference with traffic on the public road.

F. **Electronic Dynamic/Changeable Message Sign** – A sign that is capable of being programmed for timed alteration of the message being displayed. The message or display may not be changed more rapidly than once every seven (7) seconds unless being controlled by a governmental entity for emergency purposes. The display must change as quickly as possible (within 100 milliseconds) without the use of fading in/out, scrolling or any form of animation to eliminate any
distracting appearance to passing traffic. The sign shall have all of the characteristics listed below:

1. The sign must bear the CE mark indicating that it has been tested and found in compliance with EN55033; 1998 – Limits and Methods of Measurement of Radio Disturbance Characteristics of Information Technology Equipment and EN55024, 1998 – Information Technology Equipment – Immunity Characteristics – Limits and Methods of Measurement.

2. The sign shall not employ a display color of amber/yellow that could be mistaken for a traffic control device.

3. The sign shall incorporate an automatic brightness control system that automatically adjusts the display brightness/intensity to an appropriate level for existing ambient lighting conditions. The maximum display intensity shall not exceed 12,000 candle watts per square meter. The sign shall be designated such that a failure of the ambient light sensing circuitry shall result in the sign setting intensity to the minimum level.

4. Off-premise signs (billboards) shall be required to display messages when notified by the Pennsylvania Emergency Alert System for National Code Events and those events specific to Pennsylvania Emergency Alert System Operational Area 1.

5. The sign shall incorporate a sign display failsafe feature that would monitor the display panel to insure the correct display and functioning. Should a failure be detected the controller shall attempt to correct the failure and should it fail to do so shall completely power down the display.

6. The sign shall utilize a non-glare face combined with flat colored borders and backgrounds to prevent any reflection of low level sunlight or approaching vehicle headlamps.

713. SIGNS IDENTIFYING MAJOR RESIDENTIAL OR BUSINESS DEVELOPMENTS.

The following signs are permitted by right in all districts, provided that they meet the following requirements.

A. When Allowed. Signs and any supporting structure (as described in this section) are allowed for developments that have been approved to involve either: 1) a total of 10 or more dwelling units or 2) a total of 5 or more office, commercial, industrial or institutional principal establishments on a minimum total of 3 acres of land.

B. Size and Number. Signs described in this section may have a maximum sign area of 32 square feet and a maximum height of 8 feet. For a business development, these signs and/or structures may be located one each at maximum of 3 of the major entrances to the development from exterior streets. This sign area may be an addition to other sign area limits of this Ordinance. The signs may be attached to a brick or wooden structure with a maximum height of 8 feet and maximum length of 20 feet.

C. Durability. Such signs shall be designed to be of a durable construction requiring little maintenance.
D. **Message.** Such signs may only include the name of the development, and any logo. A phone number may be included during sale or rental of the development. Such signs shall not include any advertising.

E. **Landscaping.** Such signs shall be attractively landscaped, with plants and shrubs requiring minimal maintenance.

F. **Location.** Such signs and structures shall be located outside of the existing and future street rights-of-way lines and shall satisfy the sight distance requirements of Section 803.

G. **Maintenance.** If such signs are intended to remain beyond the completion of a developer's involvement in a project, the developer shall provide an appropriate method to ensure proper maintenance of the sign.

H. **Illumination.** Such signs may not be illuminated.

I. **Directional Signs Within a Major Business Development.**

   1. **When Allowed.** A directional business sign is allowed at each intersection of 2 or more streets within an office, commercial or industrial development that involves a total of 20 or more acres.

   2. **Size.** Each sign may have a total square footage of 80 square feet. The sign shall be an orderly single structure and may include on it the names and logos of all the businesses located in the development, along with directional arrows and a map.

   3. **Purpose.** The signs allowed by this subsection are to direct visitors to businesses. These signs are not intended for routine advertising purposes.

   4. **Illumination.** Such signs may be externally but not internally.

J. **Off-Premises Signs to Major Business Developments.** As a special exception, the Zoning Hearing Board may allow a single sign permitted by this Section 713 to be placed off-premises. Such sign shall be limited to direct vehicles to business developments and shall meet all requirements of this Section 713, except the maximum sign area shall be 15 square feet on each of 2 sides.
ARTICLE VIII
GENERAL REGULATIONS

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

A. Frontage Required onto Improved Street.
   1. Every principal building shall be built upon a lot with permanent access upon a public street or a private street that is:
      a. Improved to meet Township standards including a street right-of-way.
      b. Improvements have been insured by the posting of a performance guarantee pursuant to the Township Subdivision and Land Development Ordinance. In the case of townhouses or garden apartments, this requirement may be met by access onto a parking court which has access onto such street.
   2. See the Township Subdivision and Land Development Ordinance regarding required improvements to streets. (As of 1993, this included Section 702 of such ordinance).
   3. If a pre-existing lawful lot only has access onto an existing private street that does not meet Township standards and the improvement of that street is reasonably beyond the control of the applicant, the lot may be used for a single permitted by right use, but no new lots shall be created that will not be able to meet this requirement.

B. Multiple Uses in a Building. A commercial or industrial building may include more than 1 establishment of the same type of use (such as two retail sales uses), provided all other requirements of this Ordinance are met. However, a building may only include a single type of use, except as is specifically permitted by this Ordinance (such as a permitted Flexible Building or a permitted Shopping Center).

C. Multiple Buildings on a Lot. An approved commercial, institutional, industrial or garden apartment lot may include more than one principal building. In such case, the minimum front, side and rear yard requirements shall be provided only at lot lines of the property. Individual buildings or portions of such buildings may be held in approved condominium ownership, but the lot shall be owned by a single legal entity.

D. Minimum Size of Dwellings. Each dwelling unit shall include a minimum of 600 square feet of habitable, indoor, heated floor area.

802. HEIGHT EXCEPTIONS; AIRPORT APPROACHES.

A. Height Exceptions. The maximum structure height specified for each district shall not apply to: farm silos and associated agricultural structures, communications towers, amateur radio antenna, water towers, clock or bell towers, steeples of places of worship, electrical transmission lines, elevator shafts, windmills, chimneys or other appurtenances usually required to be
and customarily placed above the roof level and not intended for human occupancy. For these exempted structures, the maximum height shall be 250 feet above the average surrounding ground level.

B. Height and Airport Approaches. At a minimum, any structure proposed to have a height of 75 feet or more above average surrounding ground level shall present sufficient information to the Zoning Officer to prove that the structure would comply with all applicable Federal, State and Township requirements regarding airport approaches and warning lights.

803. 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.

3. Setbacks Not Applicable. See exemptions for certain structures in Section 403.

4. Accuracy. The applicant is responsible to make sure that all measurements submitted to the Township are accurate.

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

1. Nonconforming Lots. See Section 806.

2. Through Lots. Any lot having frontage on 2 approximately parallel streets (not including an alley) shall provide a required front yard setback abutting each of these streets.

3. Corner Lots. A setback area equal to the minimum front yard setback shall be provide along all portions of a corner lot abutting any public street, except where the applicant proves to the satisfaction of the Zoning Officer that the provision of a smaller setback of a different yard for a residential building will conform with the clearly prevailing yard pattern on numerous existing developed adjoining lots fronting on the same street.

4. Projections into Required Yards.

a. Cornices, eaves, sills or other similar architectural features, exterior stairways, fire escapes or other required means of egress, rain leads or chimneys or other similar structures that do not include space usable by persons may extend or project into a required yard not more than 3 feet, except as may be required within a drainage or utility easement.

b. Steps, stoops and landings necessary to provide entrance to a building may be located within a required setback area.

c. Notwithstanding the above exceptions there shall be no encroachment into any drainage or utility easement.

5. Septic Systems. Nothing in this Ordinance shall prevent the Municipal Sewage Enforcement Officer from requiring a minimum lot area larger than what is
stated in this Ordinance to carry out State and Township sewage regulations.

6. **Previously Approved Setbacks.** Where a subdivision or land development was granted final approval prior to the adoption of this Ordinance, and the lawful setbacks in effect at such time are shown on the approved plans, at the option of the developer, those approved setbacks may apply in place of any revised setbacks in this Ordinance.

7. **Front Yard Setback Exception.** In any Residential District where more than 75 percent of the residential block frontage has been improved prior to the effective date of this Ordinance with buildings having front yards of less depth than that required for the particular Zoning District, then the required front yard setback may be decreased for such block to not less than the minimum of the majority of such buildings. Once established, this minimum building setback shall be regarded as the front setback for that block and maintained as such.

8. **Power Line Setbacks.** For a principal residential building, primary or secondary school or day care center, one of the required building setbacks (front, side or rear) shall be measured from the right-of-way or easement of any electric overhead transmission lines intended to have a capacity of 35 kilovolts or higher capacity.

9. **Off-Road Vehicles.** Motorized vehicles that are not licensed and fit for immediate use on public streets, other than vehicles clearly used primarily for agricultural purposes, shall not be operated within 50 feet of any lot line.

C. **Sight Distance at Intersections.**

1. **Intent.** Approach sight triangle shall be applied to each leg of an intersection to ensure that traffic passing through the intersection or turning onto a street can safely see approaching emergency vehicles. These regulations are contained in the Geometric Design for Highways and Streets – latest edition. These sight triangles vary with the speed limit established for the roadway. Sight triangles shall be a minimum of 115 feet for 25 mph, 140 feet for 35 mph, 165 feet for 40 mph, 220 feet for 45 mph, 245 feet for 50 mph and 285 feet for 55 mph and above. The distance shall be measured from the centers of the approach and conflict lanes. This approach distance does not apply to driveways. Safe sight distances for stop and other controlled conditions for roadways and driveways are regulated by the Subdivision and Land Development Ordinance which requirements are in addition to the requirements of this section.

2. A triangular area as described in this Section shall be graded and shall be kept free of sight obstructions between a height of 2 and 8 feet, including structures, nontransparent fences, vegetation and signs (but not including sign posts of less than 1 foot in width or the trunks of deciduous trees).

3. This sight distance triangle shall be shown on development plans submitted to the Township and be shown on any plan required to be recorded. Such triangle shall serve as a permanent setback line for
all such visual obstructions and shall be binding upon present and future owners of the land.

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

1. **Buffer Yard Width, When Required.** Buffer yards with evergreen screening shall be required in the following situations, with whichever is most restrictive applying.

<table>
<thead>
<tr>
<th>Buffer Yard to be Provided by the Following:</th>
<th>When the Use Providing the Screening &amp; Buffer:</th>
<th>Width of Required Buffer Yard (feet):</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Any newly developed or expanded non-residential use, other than a manufacturing use and other than within a NC district</td>
<td>Visible from and abutting a residential lot line or within 300 feet of an existing dwelling or an existing principal building of a primary or secondary school.</td>
<td>50 - if uses/districts are also separated by a street. 75 - if uses/districts are not separated by a street.</td>
</tr>
<tr>
<td>2. Any newly developed or expanded non-residential use, other than a manufacturing use within a NC district.</td>
<td>Visible from and abutting a residential lot line or within 300 feet of an existing dwelling or an existing principal building of a primary or secondary school.</td>
<td>15 - if uses/districts are also separated by a street. 20 - if uses/districts are not separated by a street.</td>
</tr>
<tr>
<td>3. Any newly developed or expanded non-residential use, other than a manufacturing use within a NC district.</td>
<td>Visible from and abutting the existing right-of-way of an expressway, arterial or collector street.</td>
<td>15 - unless such area would be completely screened from view of the streets by buildings.</td>
</tr>
<tr>
<td>4. Any newly developed or expanded non-residential use, other than a manufacturing use within a NC district.</td>
<td>Visible from and abutting a residential lot line or within 300 feet of an existing dwelling or an existing principal building of a primary or secondary school.</td>
<td>50 - if uses/districts are also separated by a street. 75 - if uses/districts are not separated by a street. Plus - an earth berm shall be provided meeting the requirements of Section 803.D.7 and a secure fence with a minimum height of 5 feet shall be provided by such use that abuts an existing primary or secondary school.</td>
</tr>
<tr>
<td>5. A parking lot of more than 25 spaces.</td>
<td>Visible from and within 100 feet of an existing dwelling or the principal building of a primary or secondary school.</td>
<td>15 - except 50 feet if abutting a primary or secondary school property.</td>
</tr>
<tr>
<td>6. Any use other than above.</td>
<td>Required to provide a buffer yard under another section of this Ordinance.</td>
<td>15 - unless stated otherwise.</td>
</tr>
</tbody>
</table>
2. **Location of Buffer Yards.**
   
   a. The buffer yard shall be measured from the district boundary line, future street right-of-way line or lot line, whichever is applicable.
   
   b. Plants needed for the visual screen shall not be placed within a future street right-of-way. The required buffer yard width shall be in addition to the required future street right-of-way.
   
   c. The buffer yard may include areas within a required front, side or rear yard, or a paved area setback area provided the larger yard requirement shall apply in case of overlap.
   
   d. A business use shall not be required to provide a buffer yard for an adjacent residential use or district if the uses/districts are separated by an expressway. However, outdoor storage or tractor-trailer parking adjacent to an expressway shall still provide any required buffer yard and screening.

3. **Characteristics of Buffer Yards.**
   
   a. The buffer yard shall be a landscaped area free of structures, dumpsters, commercial or industrial storage or display, manufacturing or processing activity, materials, loading and unloading areas or vehicle parking or display. No new driveways or streets shall be permitted in the buffer yards except at points of approved crossings for ingress or egress.
   
   b. Maintenance. In buffer yards, all areas not covered by trees and shrubs shall be well-maintained in an all-season vegetative ground cover (such as grass) and shall be kept free of debris and rubbish and shall not include grass areas higher than 8 inches.
   
   c. Preservation of existing vegetation or slopes. If an applicant proves to the satisfaction of the Zoning Officer that an existing healthy tree line, attractive thick vegetation, natural earth berm and/or steep slopes will be preserved and serve the same buffer purposes as plant screening that would otherwise be required, then such preserved existing buffer shall be permitted to be used in place of planting new plants. In such case, the width of the buffer yard required by Section 803.D.1 shall still apply. If this existing buffer requirement is removed, the applicant shall be required to plant a buffer yard that will meet the planting requirements of this section.
   
   d. Fence. Any fence in a buffer yard shall be placed on the inside of any required evergreen screening.

4. **Plant Screen.**
   
   a. Each buffer yard shall include a planting screen of trees or shrubs extending the full length of the lot line.
   
   b. Each planting screen shall meet the following requirements:
1) Plant materials needed to form the visual screen shall have a minimum height when planted of 4 feet.

2) Plants needed to form the visual screen shall be of such species, spacing and size as can reasonably be expected to produce within 3 years a solid year-round visual screen at least six (6) feet in height.

3) The plant screen shall be permanently maintained by present and future landowners. Any plants needed to form the visual screen that die or are removed shall be replaced within 120 days.

4) The plant screen shall be placed so that at maturity the plants will be at least 5 feet from any cart way and will not grow over an exterior lot line.

5) The plant visual screen shall be interrupted only at:
   a) approved points of vehicle or pedestrian ingress and egress to the lot,
   b) locations necessary to comply with the sight distance requirements of Section 804.C.
   c) Locations needed to meet other specific State and Township requirements.

6) Evergreen trees likely to grow substantially in diameter should be planted in two or more rows or off-sets if needed to allow space for future growth.

5. Buffer Yard Plans.
   a. Prior to the issuance of a permit under this Ordinance where a buffer yard would be required, and on any required subdivision or land development plan, the applicant shall submit plans showing:
      1) the location and arrangement of each buffer yard,
      2) the placement, general selection of species and initial size of all plant materials, and
      3) The placement, size, materials and type of all fences to be placed in such buffer yard.

b. The Zoning Officer shall review such plans to determine that the plans are in conformance with the terms of this Ordinance.

6. Species of Plants in Visual Screens. Trees and shrubs needed to form a required visual screen shall be of the following or closely related species, unless the applicant proves to satisfaction of the Planning Commission or Zoning Officer that a substitution would be appropriate. A required visual screen shall primarily include evergreen plants. Leafy deciduous plants may be selectively used provided that their use does not result in significant visual openings during the winter. If more than 25 plants are needed to form a visual screen, then a maximum of 75% of such plants shall be of one species.

- Buxus - all varieties of Boxwood
7. **Earth Berms.** If an earth berm is required under this Section, it shall meet the following requirements:

a. The berm shall have a minimum average height of 5 feet above the average finished ground level (disregarding drainage channels) on the school or residential side of the berm.

b. Evergreen screening required in a buffer yard by Section 803 shall be placed on the top or on the school/residential side of the berm.

c. The berm shall be continuous along such boundary, except:

1) At approved driveway entrances and exits.
2) Along segments where it is impossible to provide such berm while still providing adequate sight distance for traffic.

d. Any chain link fencing shall be provided on the business side of the berm.

e. The berm shall have a maximum side slope of 3 horizontal to 1 vertical.

f. The entire berm shall be covered by a well-maintained and attractive all-season vegetative ground cover.

g. The berm may be located within a required buffer yard.

804. **LANDSCAPING.**

A. **Groundcover.** Any part of a commercial, industrial, institutional or garden apartment lot which is not used for structures, loading areas, parking spaces and aisles, sidewalks and designated storage areas shall be provided with an all-season, well-maintained vegetative groundcover, and shall be landscaped with trees and shrubs.

B. See Part 10 of the Township Subdivision and Land Development Ordinance regarding Paved Area Landscaping and Street Trees.

805. **ESTABLISHMENT OF FUTURE/ULTIMATE RIGHT-OF-WAY WIDTHS FOR STREETS.**

A. **Purpose.** Minimum future ultimate right-of-way widths are established for streets where the existing right-of-way is less than that indicated in this section for the particular classification of street. These future rights-of-way are designed to reserve adequate rights-of-way for future circulation improvements, including street widenings, intersection realignments and widenings, shoulders, bikeways and sidewalks, and to provide rights-of-way for needed public sewer and water lines and other utilities and drainage improvements.

B. **Dedication of Future/Ultimate Right-of-Way.**

1. Any lot proposed for a subdivision or land development shall include the reservation of the future right-of-way provided for under this Section. Such reservation shall be noted on the plan.

2. Except as provided for in Section 805.F., an applicant shall offer to dedicate such future right-of-way along a State road if PennDOT will accept it.

3. If such right-of-way would be along a State road and PennDOT will not accept it, or if such right-of-way would be along a Township road, then the applicant shall offer to dedicate the right-of-way to the Township. The Township may then donate such right-of-way to PennDOT in the future.

4. If the Township does not wish to accept right-of-way at the present time, the applicant is requested to provide a legal mechanism for the right-of-way to be dedicated by the present or future owner at such time as the Township or PennDOT may request dedication in writing.

C. **Measurement.**

1. The future right-of-way shall be measured with one-half on either side of the centerline of the existing right-of-way. If the existing right-of-way is
clearly significantly off-center of the cartway, the centerline of the cartway shall be used.

2. The specific classification of each sheet is shown on the Township Official Street Classification Map at the end of this document. Official Street Classification Map, as amended as per Exhibit #2.

D. **Minimum Widths.** The following future rights-of-way shall be reserved along each of the following existing streets:

<table>
<thead>
<tr>
<th>Street Classification</th>
<th>Minimum Future Right-of-Way</th>
</tr>
</thead>
<tbody>
<tr>
<td>Expressway</td>
<td>None additional.</td>
</tr>
<tr>
<td>Arterial Street - Major</td>
<td>80 ft.</td>
</tr>
<tr>
<td>Arterial Street - Minor</td>
<td>70 ft.</td>
</tr>
<tr>
<td>Collector Street</td>
<td>60 ft.</td>
</tr>
<tr>
<td>Local/Marginal Access/Private Streets</td>
<td>50 ft.</td>
</tr>
<tr>
<td>Intersection of 2 Arterial Streets</td>
<td>Land within a triangle formed by connecting lines stretching 80 feet along the centerlines of the rights-of-way of the arterial sheets in all directions from the intersection of the centerlines of such rights-of-way, or as otherwise approved by the Board of Supervisors.</td>
</tr>
</tbody>
</table>

E. **Maintenance.** The owner of the adjacent property shall be responsible for maintenance of portions of the right-of-way not used for vehicles.

F. **Right-of-Way Exceptions.**

1. As a conditional use, the Board of Supervisors may approve a reduction in the minimum future right-of-way where the applicant clearly proves to the satisfaction of the Board of Supervisors either of the following:
   a. That the proposed use and/or subdivision is of such low intensity that it will not create measurable adverse impacts on the adjacent street system, or
   b. That it would be for practical purposes infeasible for the street to be substantially widened at any time in the future because of the existence of substantial existing buildings on the applicable side of such street within close proximity to such street and that the additional right-of-way is not needed for the extension of water and sewer lines.

2. Right-of-way shall not be required to be dedicated in specific locations that are presently occupied by buildings that are proposed to remain.

**806. NONCONFORMITIES.**

A. **Proof and Registration of Nonconformities.** It shall be the responsibility, with the burden of proof upon, a party asserting a nonconformity to provide the evidence that it is lawful. A property owner may request a written statement of nonconformity from the Zoning Officer after providing sufficient evidence.
B. **Continuation.** A lawful nonconforming use, structure or lot as defined by this Ordinance may be continued and may be sold and continued by new owners. Any expansion of, construction upon or change in use of a nonconformity shall only occur in conformance with this section.

C. **Expansion of, Construction upon or Change in Use of Nonconformities.**

1. **Nonconforming Structure.**
   a. The Zoning Officer shall permit a nonconforming structure to be reconstructed or expanded provided:
      1) That such action will not increase the severity or amount of the nonconformity (such as the area of the building extending into the required setback) or create any new nonconformity, and
      2) That any expanded area will comply with the applicable setbacks in that District and other requirements of this Ordinance.
   b. In the case of a nonconforming structure which is used by a nonconforming use, any expansion shall also meet the requirements of this Section regarding nonconforming uses.
   c. A second floor may be added directly above an existing first floor of a non-conforming structure, provided other requirements of this Ordinance are met.

2. **Nonconforming Lots.**
   a. New permitted structures for a single permitted by right principal use and its customary accessory uses may be constructed, reconstructed or expanded on a nonconforming lot of record as a permitted by right use if all of the following requirements are met (Note - smaller lots shall require a variance):
      1) The lot area is at least 30 percent of the minimum lot area.
      2) The lot width at the minimum building setback line is at least 30 percent of the minimum lot width.
      3) The lot is a lot of record that lawfully existed and was in single and separate ownership (as defined in Article II) prior to the adoption of this Ordinance or an applicable subsequent amendment.
      4) Minimum setbacks and other requirements of this Ordinance are complied with for any new construction or expanded area.
      5) If a new principal building will be served by an on-lot septic system, the lot shall comply with all State septic regulations, and shall provide an approved alternative drain field location.
      6) The lot shall comply with subsection "c." below.
   b. The Zoning Hearing Board may grant a special exception to reduce the required setbacks by up to 50 percent concerning construction on a nonconforming lot if the Board determines that such reduction would result in a building that would be more compatible with neighboring residences than would be built if the setback requirement was not reduced.
c. Common Ownership; Merger. A nonconforming lot which contains no buildings and which was in single and separate ownership at the effective date of this Ordinance and which:

1) Has less than 75 percent of the required minimum lot area, or
2) Is needed to meet the minimum principal building setback requirements of an abutting lot may only be used for the construction of a new principal building(s) or separately sold, and provided that such owner does not own or control other abutting lot(s) that if merged would be sufficient to enable such owner to comply with or reduce the nonconformance with the lot area requirements of this Ordinance.

d. If a proposed development on a nonconforming lot does not meet the requirements of the above Section 806.C.2.a. and b., then development of the lot shall not occur unless a variance is granted by the Zoning Hearing Board. In addition to the standards stated for a variance in the PA. Municipalities Planning Code, the Zoning Hearing Board shall also review whether any alternative permitted uses could reasonably be made of the property that would less significantly adverse impacts upon the established character of an existing residential neighborhood than the proposed use.

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

a. An expansion of more than 5 percent in total building floor area shall require special exception approval from the Zoning Hearing Board under Section 119.

b. Such reconstruction or expansion shall be only upon the same lot that the nonconforming use was located upon at the time the use became nonconforming.

c. The 1) total building floor area used by a nonconforming use or the 2) total area covered by impervious surfaces of a nonconforming use shall not be increased by greater than 50 percent beyond each such measurement that existed in such use at the time such use became nonconforming. This maximum increase shall be measured in aggregate over the entire life of the nonconformity.

d. Any expansion of a nonconforming use shall meet the required setbacks and other requirements of this Ordinance, unless the Zoning Hearing Board grants a variance.

e. Wellhead Protection. A non-residential principal use which is nonconforming pursuant to the Wellhead Protection provisions of Section 506 may only be expanded if the applicant proves to the satisfaction of the Zoning Hearing Board that the expansion would create no new hazards or no net increase in hazards to groundwater quality.
4. **Expansion of a NonConforming Residential Use.** An existing non-conforming residential use may be expanded in floor area as a permitted by right use provided that:

a. The number of dwelling units is not increased.
b. The expansion meets all applicable setbacks.
c. New types of nonconformities are not created.
d. The nonconformity is not made more severe (including the building area within the required setback area).

D. **Damaged or Destroyed Nonconformities.**

1. A nonconforming structure that has been destroyed or damaged equal to 50 percent or more of its total value by fire, windstorm, lightning or a similar cause deemed to be not the fault of the owner may rebuild in a nonconforming fashion only if:

   a. The application for a building permit is submitted within 18 months after the date of damage or destruction.
   b. Work begins in earnest within 12 months afterwards.
   c. No nonconformity may be created or increased by any reconstruction. Property shall be properly secured during such time in such a way to keep out trespassers and to avoid harm to neighboring properties.

2. Rebuilding of a damaged or destroyed nonconformity shall not begin until plans for rebuilding have been presented and approved by the Zoning Officer. Any change of one nonconforming use to another nonconforming use shall comply with the provisions of this section.

3. **Nonconforming Use of Open Land.** All nonconforming off-premise signs, junkyards, outside storage areas and similar nonconforming uses of open land (other than agricultural and livestock uses), when damaged to an extent of 50 percent or more of replacement cost, shall not be continued, repaired or reconstructed.

E. **Abandonment of a Nonconformity.**

1. If a nonconforming use of a building or land is discontinued, razed, removed or abandoned for 365 or more days, subsequent use of such building or land shall conform with the regulations of the district in which it is located, except:

   a. As provided for in the "Damaged or Destroyed Non-Conformities" provisions of this section and
   b. If a nonconforming off-premise junkyard, outside storage area or similar nonconforming use of open land (other than agricultural or livestock uses) is discontinued for at least 30 days, the use shall not be continued, repaired or reconstructed.

2. The applicant shall be responsible to provide evidence that the nonconformity was not abandoned.
F. **Floodplain.** See the Floodplain regulations in Article X of this Ordinance.

G. **Changes from One Nonconforming Use to Another.**

1. Once changed to a conforming use, a structure or land shall not revert to a nonconforming use.

2. A nonconforming use may be changed to another nonconforming use only if permitted as a Special Exception by the Zoning Hearing Board. The Board shall determine whether the applicant has provided sufficient proof to show that the proposed new use will be equally or less objectionable in external effects than the pre-existing nonconforming use with regard to:
   a. Traffic generation (especially truck traffic),
   b. Noise, dust, fumes, vapors, gases, odor, glare, vibration, fire and explosive hazards,
   c. Amount and character of outdoor storage,
   d. Hours of operation, if the use would be close to dwellings,
   e. Compatibility with the character of the surrounding area.

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

807. **TEMPORARY STRUCTURE OR USE.** See Section 107.G. in Article I.

808. **RECREATION LAND, OPEN SPACE AND FEES REQUIREMENTS.** See the requirements of the Township Subdivision and Land Development Ordinance.

809. **INDUSTRIAL AND COMMERCIAL DRIVEWAYS.** A driveway or access way serving a commercial or industrial use shall be deemed to be integral with such use and shall not be a permitted use in a residential district. This restriction shall not apply to a driveway or access way that will be clearly limited to use by only emergency vehicles.

810. **ACCESS ONTO ARTERIAL STREETS: HIGHWAY FRONTAGE DEVELOPMENT.**

A. Each lot with less than 250 feet of frontage on an arterial street shall have not more than one access point involving left-hand turns onto each such street, and no lot with 250 feet or more feet of total frontage on an arterial street shall have more than 2 access points involving left-hand, turns onto any such arterial street.

1. This provision shall not apply to the following:
   a. Construction of new streets onto an existing arterial street, or
   b. Access points that are clearly limited to use by only emergency vehicles.

2. A separate ingress point and a separate egress point shall be considered one access point, if well-marked.

B. Where practical, access to 2 or more non-residential lots should be combined and/or shared and/or coordinated to minimize the number of
access points onto an arterial street. Shared parking lots and driveways connecting adjacent non-residential lots are strongly encouraged. See possible reduction of parking requirements in Section 601.B.

C. See the access control provisions of the Township Subdivision and Land Development Ordinance.

811. **POSTING OF STREET ADDRESS.** See Chapter 21, Section 802 of the Codified Ordinances of the Township. (That regulation generally requires every principal building to post its street number in such a prominent place that it can be clearly viewed from a street.)

812. **TRAFFIC IMPACT STUDY.**

A. **Intent.** To allow the Township to determine the safety and congestion impacts, and related costs, of proposed major traffic generating uses. To require that applicants respond with reasonable proposals to resolve the negative traffic impacts that their proposed uses will cause on the public. To recognize that sufficient Federal, State and Municipal funds are not available to resolve traffic problems caused by private development.

B. **Uses Requiring a Traffic Study.** Any application for any of the following new uses or expansion of existing uses shall be required to complete a traffic study and include the findings in a written report:

1. Residential: 75 or more new dwelling units.
2. Commercial: 20,000 square feet or more of new or additional total floor area.
3. Office: 30,000 square feet or more of new or additional total floor area.
4. Industrial: 60,000 square feet or more of new or additional total floor area or any truck terminal.
5. Institutional: 30,000 square feet or more of new or additional total floor area.
6. Any use or combination of uses that would generally result in greater than 1,000 trips per day.

C. **Timing.** Any required traffic study shall be submitted at the same time as whichever of the following submittal occurs first: preliminary plan, special exception, conditional use or construction permit application, as applicable.

D. **Costs.** The full costs of completing the study and of a review by the Township Engineer or other Township representative shall be borne by the applicant.

E. **Study Area.** Prior to initiation of the traffic study, the traffic engineer or planner shall meet with the Township Engineer to establish the area to be studied. This area shall be limited to streets and intersections within a maximum of 2 miles of the proposed project boundaries, except for a use projected to generate more than 3,000 trips per day which shall have a maximum study area of 3 miles from the project boundaries.

F. **Joint Studies.** Joint traffic studies between different applicants are strongly encouraged.

G. **Fees.** In place of individual traffic studies, the Township Supervisors may require that an applicant provide a fee in lieu of a study. This fee shall only be used towards
the costs of traffic studies sponsored by the Township. Any such fee shall be established by resolution or ordinance of the Board of Supervisors.

H. **Protect Description.** Any study shall include a description of the proposed development, its proposed access and the surrounding street system. If a development is proposed to occur in stages, each stage shall be described and taken into account in the study. If the applicant owns other lands within the study area, reasonable assumptions shall be made about how that land can be expected to be developed, and shall be taken into account.

I. **Existing Traffic Conditions.** The traffic volumes and service levels during the A.M. and P.M. peak hours shall be presented for all streets and intersections in the study area that can reasonably be expected to be significantly impacted. Traffic volumes shall be based upon actual counts that occurred within the prior two years, and not upon State estimates. The locations of all accidents reportable to the State Police within the study area during a recent two-year period shall be noted.

J. **Expected Traffic Generation.** The study shall include an estimate of the number of trips expected to be generated by the use and any future stages during the A.M. and P.M. peak hours. Such estimates shall be based upon the latest published estimates of the Institute of Transportation Engineers, or its successor entity, unless the applicant provides the Township with estimates and supporting documentation based upon actual traffic counts of closely similar developments in Pennsylvania.

K. **Projected Effects.** The study shall take into account not only the use proposed by the applicant but also other uses and developments that have received building permits or preliminary subdivision or land development approval from a municipality. The study shall project A.M. and P.M. peak hour traffic volumes and levels of service on impacted intersections and streets. If the traffic generation by the development would be more than 50 percent greater during any hour other than the A.M. or P.M. peak hour on adjacent streets, the study shall analyze both the peak hours for the development and for adjacent streets. The study shall project what directions the traffic generated will head towards.

L. **Levels of Service.** The study shall estimate the levels of service (A, B, C, D, E and F), for key traffic movements, including turning movements, following the standards of the U.S. Department of Transportation.

M. **Signal Warrants.** Heavily traveled intersections at entrances to the development and other major unsignalized intersections in the study area shall be studied to determine whether a traffic signal is warranted by PennDOT criteria. Existing traffic signals that are significantly impacted shall be studied to determine whether they are in need of upgrading.

N. **Needed Improvements.** The study may take into account traffic improvements which are clearly funded and will occur within the next 2 years. The study shall include suggestions for how each congested or hazardous intersection in the study area should be improved to reduce the hazard or congestion, and a rough estimate of the cost of that improvement.

O. **Applicant’s Response.** The applicant shall respond to the traffic study with proposals on why traffic improvements, right-of-way dedications or commitments of financing for specific project the applicant proposes to commit to resolve the negative traffic impacts of the proposed development. Such improvements or financing may
be staged in relation to the stages of the development. The applicant may also agree to commit towards the long-term support of a program to reduce peak-hour traffic by private vehicles, through programs such as vanpooling, support of mass transit or staggered work hours, in place of certain structural improvements.

P. **Completion of Improvements.** Any traffic improvements that are required as a condition of any approval under this Ordinance or the Subdivision and Land Development Ordinance shall be in place or sufficient funds committed in escrow acceptable to the Township prior to the issuance of any needed occupancy permit, or within a staged process agreed to at the time of approval.

813. **COMMUNITY IMPACT STUDY.** A subdivision or land development proposed to include 250 or more dwelling units shall submit a community impact study describing the following expected impacts of the development:

A. The number of public school students to be generated.
B. The effect of the expected number of public school students on school capacities,
C. The effect of the additional public students on School District expenses, compared to expected additional revenues,
D. The effects on the costs and revenues of the Township Government,
E. The effects on Township services,
F. The adequacy of fire protection services and water supplies to serve the proposed development.

814. **CONDOMINIUM OWNERSHIP.**

A. **Purpose.** To allow certain land uses to be developed with ownership of buildings or portions of buildings by individuals, while all or most of the land area is owned commonly and maintained by a Homeowner's Association.

B. **Lot Area Requirements.** All lot area, setback and other requirements of this Ordinance shall be able to be met by any use or lot. However, with the approval of the Board of Supervisors, the actual division of land into separate lots with separate ownership is not required. Instead, a condominium form of ownership may be permitted.

C. **Maintenance of Commonly Owned Land.** Any process of maintenance of commonly owned land shall meet the requirements of Section 705.d. of the Municipalities Planning Code. Any condominium or homeowners' association agreement shall be reviewed by the Township Solicitor and require approval of the Board of Supervisors prior to recording of the deeds. Any such agreement shall be filed as part of the subdivision or land development plan.

D. **Subdivision Ordinance.** Any development of or conversion to condominiums shall be required to meet the requirements and processes of the Township Subdivision and Land Development Ordinance.
ARTICLE IX
CONSERVATION DESIGN DEVELOPMENT

901. PURPOSES. To allow flexible development of areas with environmentally sensitive natural features in such as to:
   A. Avoid severe soil erosion and sedimentation
   B. Encourage development in areas that are more physically suited to this type of development,
   C. Avoid construction on steep slopes,
   D. Preserve forested areas and farmland
   E. Preserve significant land areas as a Conservation Area.

902. APPLICABILITY. An applicant may process an application for a Conservation Design Development subdivision if the subject tract contains significant natural features such as woodlands, floodplains, karst features, streams, natural ponds and springs. The benefits of the conservation design approach will prevent the loss of natural features and preserve significant Conservation Areas. A sketch plan shall be submitted identifying Conservation Area(s) and significant natural features. The design of each plan shall conform to all requirements of the Zoning Ordinance relating to dimensional requirements and design standards except as they may be altered by this Article.

A. Definitions.
   1. The term “Conservation Design Development” shall refer to a residential development which satisfies all of the requirements of this Article. A Conservation Design Development in the RU3, RU1.5 and R1 districts shall only provide for the construction of single family detached dwellings. A Conservation Design development in the R2, R3, R4 and R5 districts may provide for the construction of either single family attached dwellings, single family detached dwellings or a combination of the two dwelling types.
   2. The use of environmentally sensitive areas within this Article shall refer to lands characterized by either steep slopes, floodplains, wetlands, current or former landfill areas or sinkhole activity.
   3. In the context of computing density for Conservation Design Development, the term total tract area shall not include areas within the existing or ultimate rights-of-way for existing streets, areas within an easement for existing overhead electric transmission lines or underground gas transmission lines or existing areas within the 100 year floodplain or areas determined to be wetlands. The total tract area shall be computed as shown in the example below:
Sample:

<table>
<thead>
<tr>
<th>Description</th>
<th>Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gross Deed Area</td>
<td>70 acres</td>
</tr>
<tr>
<td>Street rights-of-way</td>
<td>-7 acres</td>
</tr>
<tr>
<td>Transmission Line Easements</td>
<td>-4 acres</td>
</tr>
<tr>
<td>Wetlands &amp; Floodplains</td>
<td>-9 acres</td>
</tr>
<tr>
<td>Total Tract Area</td>
<td>50 acres</td>
</tr>
</tbody>
</table>

B. A tract of land may be eligible for a Conservation Design Development if it includes a minimum land area of twenty (20) acres in common ownership. This tract shall be contiguous, however, portions of the tract may be separated by proposed streets or existing streams. Tracts separated by an existing public street may be developed as a single development provided that the minimum land area is achieved on each side of the street.

C. The Conservation Design Development shall be designed as a unified, coordinated residential development and shall be approved by a development plan involving a single development entity. The developer may sell individual lots or phases to different builders provided that the developer or his/her successors remain responsible for ensuring compliance with the approved development plan.

1. Conservation Design Developments shall satisfy all of the conditions for a subdivision that are set forth in the Upper Macungie Township Subdivision and Land Development Ordinance as well as all requirements of the Zoning Ordinance, except for minimum lot area, lot width and setbacks. These dimensional requirements are contained in Table 9.1 below:

903. REDUCTION OF LOT WIDTH AND LOT AREA. If approved as a Conservation Design Development (CD), then the minimum lot area, lot width and setbacks of the following districts may be reduced as shown in table 9.1 below. Unless followed by an asterisk (*), a Conservation Design Development in only permitted in a Zoning District if served by both public water and sewer.
## TABLE 9.1

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>RU3(^1)</td>
<td>130,680</td>
<td>250</td>
<td>43,560</td>
<td>150</td>
<td>87,000</td>
<td>No Reduction</td>
</tr>
<tr>
<td>RU 1.5(^1)</td>
<td>65,000</td>
<td>175</td>
<td>43,560</td>
<td>150</td>
<td>55,000</td>
<td>No Reduction</td>
</tr>
<tr>
<td>RU 1.5 (public water &amp; sewer required)</td>
<td>43,560</td>
<td>150</td>
<td>35,000</td>
<td>130</td>
<td>38,000</td>
<td>No Reduction</td>
</tr>
<tr>
<td>R1</td>
<td>20,000</td>
<td>120</td>
<td>15,000</td>
<td>100</td>
<td>17,000</td>
<td>No Reduction</td>
</tr>
<tr>
<td>R2</td>
<td>43,560(^2)</td>
<td>120(^2)</td>
<td>20,000(^2)</td>
<td>120(^2)</td>
<td>40,000(^2)</td>
<td>Side -10ft Front-25ft Rear-20ft</td>
</tr>
<tr>
<td>R3 a) Single</td>
<td>16,000</td>
<td>100</td>
<td>a)10000</td>
<td>a) 80</td>
<td>b) 6,000</td>
<td>Side -10ft Front-25ft Rear-20ft</td>
</tr>
<tr>
<td>b) Twin</td>
<td></td>
<td></td>
<td>b) 6,000</td>
<td>a) 80</td>
<td>b) 40</td>
<td></td>
</tr>
<tr>
<td>R4 a) Single</td>
<td>12,000</td>
<td>100</td>
<td>a)10000</td>
<td>a) 80</td>
<td>b) 6,000</td>
<td>Side -10ft Front-25ft Rear-20ft</td>
</tr>
<tr>
<td>b) Twin</td>
<td></td>
<td></td>
<td>b) 6,000</td>
<td>a) 80</td>
<td>b) 40</td>
<td></td>
</tr>
<tr>
<td>R5 a) Single</td>
<td>8,000</td>
<td>100</td>
<td>a)10000</td>
<td>a) 80</td>
<td>b) 6,000</td>
<td>Side -10ft Front-25ft Rear-20ft</td>
</tr>
<tr>
<td>b) Twin</td>
<td></td>
<td></td>
<td>b) 6,000</td>
<td>a) 80</td>
<td>b) 40</td>
<td></td>
</tr>
</tbody>
</table>

1 Shall be serviced by public water and sewer.
2 Areas Zoned R-1 which are outside of the 537 Public Sewer Service Area having a portion of the property located within 1,000 linear feet of an existing public sewer.

### 904. CONSERVATION AREA

A Conservation Design Development must provide a minimum of thirty (30) percent of the total tract area as Conservation Area which shall be preserved on private property by a recorded covenant running with the land or deed of dedication of the land to the Township. The manner in which this Conservation Area will be preserved shall be determined by the Board of Supervisors at its sole discretion.

**A. Minimum Conservation Area Requirements.** The following conditions shall be satisfied in order for a tract of land to qualify as Conservation Area.

1. The Conservation Area shall not be less than one-half (1/2) acre in size nor have any dimension of less than thirty (30) feet. At least one Conservation Area parcel for each twenty (20) acres of total tract area shall have no dimension less than one hundred (100)
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feet in length or depth and not be less than four (4) acres in area. The Township shall have the discretion to consider fewer, larger parcels to satisfy this requirement.

2. Areas within a 100 year floodplain or areas identified as wetlands shall be credited for fifty (50) percent of their actual area when computing the Conservation Area.

3. A Conservation Area which is part of a building lot or lots shall be encumbered by a recorded covenant running with the land precluding further subdivision or the location of any structure within this area. The area within the Conservation Area may be included in the calculation to satisfy the requirements for percentage of lot coverage. Additionally, this covenant shall preclude the erection or placement of structures or fences within the easement area. The owner of the building lot where on Conservation Area is situated shall be solely responsible for the perpetual maintenance of the Conservation Area. Should the property owner fail to properly maintain the area, the Township shall have the right, but not the responsibility, to enter upon the area for the purpose of performing the necessary maintenance and be reimbursed for costs incurred in performing this maintenance. Should the Township not be reimbursed, it shall have the right to file a municipal lien against such property and thereafter to exercise its remedies in accordance with the provisions of the Second Class Township Code.

4. A Conservation Area shall be established in order to protect environmentally sensitive areas, provide privacy by the creation of buffer areas and/or to preserve farmland. The Township encourages the location of larger Conservation Area tracts to be contiguous with lands located in an Agricultural Security Area. The ultimate location of any Conservation Area shall be determined by the Township.

5. Land areas situate within a required fence for a detention pond shall not be included in the calculation of the minimum Conservation Area requirement. The Township may, at its discretion, allow a detention pond to be constructed within a designated Conservation Area which will thereafter be owned and maintained by the Township.

6. All Conservation Area areas shall have a minimum of thirty (30) feet of frontage on a public road.

7. Conservation Area parcels offered in dedication to the Township shall either be suitable for agricultural uses or cultivation to provide for a natural area with minimal maintenance.

905. DENSITY - The permitted maximum number of dwelling units shall be computed by taking the "total tract area" as defined in Section 902. B., deducting the 30% Conservation Area requirement, and further reducing the area by deducting 15% for required rights-of-ways and easements for the proposed development. That number shall then be divided by the minimum average lot area as shown in Table 9.1, for the Zoning District where the proposed Conservation Design Development is situated. The sample below shows how to determine maximum density and the minimum Conservation Area requirement. The inability to achieve the permitted density shall not be cause for filing an appeal to the Zoning Hearing Board of Upper Macungie Township.
Sample: R2 District

<table>
<thead>
<tr>
<th></th>
<th>Total Tract Area</th>
<th>Conservation Area Requirement</th>
<th>(As computed in Section 902.A.3)</th>
<th>Subtotal</th>
<th>(50 x 0.30)</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Minus)</td>
<td>50 acres</td>
<td>15 acres</td>
<td></td>
<td>35 acres</td>
<td>(50 - 15)</td>
</tr>
<tr>
<td>Conservation Area</td>
<td>15 acres</td>
<td>15 acres</td>
<td></td>
<td>35 acres</td>
<td>(50 x 0.15)</td>
</tr>
<tr>
<td>Requirement</td>
<td></td>
<td></td>
<td></td>
<td>7.5 acres</td>
<td>(50 x 0.15)</td>
</tr>
<tr>
<td>Subtotal</td>
<td></td>
<td></td>
<td></td>
<td>27.5 acres</td>
<td>(50 - 15)</td>
</tr>
<tr>
<td>Right-of-Way &amp;</td>
<td></td>
<td></td>
<td></td>
<td>7.5 acres</td>
<td>(50 x 0.15)</td>
</tr>
<tr>
<td>Easements</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>(50 - 7.5)</td>
</tr>
<tr>
<td>Minimum Average Lot</td>
<td>0.2525 acre</td>
<td></td>
<td></td>
<td></td>
<td>0.91 acre</td>
</tr>
<tr>
<td>Area</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>(40,000 sq.ft. / 43,560 sq.ft.)</td>
</tr>
<tr>
<td>Density Calculation</td>
<td>27.5 / 0.2525</td>
<td></td>
<td></td>
<td>108.9</td>
<td>Total Dwelling Units</td>
</tr>
<tr>
<td>Total Density</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Total Dwelling Units</td>
</tr>
</tbody>
</table>

Sample: R1 District Areas Outside of 537 Public Sewer Service Area and which are within 1,000 linear ft. of Public Sewer System

<table>
<thead>
<tr>
<th></th>
<th>Total Tract Area</th>
<th>Conservation Area Requirement</th>
<th>(As computed in Section 902.A.3)</th>
<th>Subtotal</th>
<th>(50 x 0.30)</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Minus)</td>
<td>50 acres</td>
<td>15 acres</td>
<td></td>
<td>35 acres</td>
<td>(50 - 15)</td>
</tr>
<tr>
<td>Conservation Area</td>
<td>15 acres</td>
<td>15 acres</td>
<td></td>
<td>35 acres</td>
<td>(50 x 0.15)</td>
</tr>
<tr>
<td>Requirement</td>
<td></td>
<td></td>
<td></td>
<td>7.5 acres</td>
<td>(50 x 0.15)</td>
</tr>
<tr>
<td>Subtotal</td>
<td></td>
<td></td>
<td></td>
<td>27.5 acres</td>
<td>(50 - 7.5)</td>
</tr>
<tr>
<td>Right-of-Way &amp;</td>
<td></td>
<td></td>
<td></td>
<td>7.5 acres</td>
<td>(50 x 0.15)</td>
</tr>
<tr>
<td>Easements</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>(50 - 7.5)</td>
</tr>
<tr>
<td>Minimum Average Lot</td>
<td>0.2525 acre</td>
<td></td>
<td></td>
<td></td>
<td>0.91 acre</td>
</tr>
<tr>
<td>Area</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>(40,000 sq.ft. / 43,560 sq.ft.)</td>
</tr>
<tr>
<td>Density Calculation</td>
<td>27.5 / 0.2525</td>
<td></td>
<td></td>
<td>108.9</td>
<td>Total Dwelling Units</td>
</tr>
<tr>
<td>Total Density</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Total Dwelling Units</td>
</tr>
</tbody>
</table>

906. **DESIGN REQUIREMENTS** - In addition to other requirements of the Zoning Ordinance or Subdivision and Land Development Ordinance which may be applicable for standard design requirements, the following design standards shall apply to all Conservation Design Developments.

A. No residential lot shall have direct access onto a collector or arterial street.

B. The minimum lot size and width requirements shall not permit creation of a lot that cannot meet the requirements for driveway off-set from an intersection.
C. A buffer yard meeting the requirements of Sections 803.D.3 and 803.D.4 of the Zoning Ordinance and fifteen (15) feet in width shall be required in order to separate a Conservation Area from a residential lot. A buffer yard shall not be required in order to separate contiguous land currently situated in an Agricultural Security Area or Conservation Preservation Area.

D. A Conservation Design Development shall be separated from existing residential development by a Conservation Area Easement of at least thirty (30) feet in width containing buffer plantings as required in the section above.

E. A Conservation Design Development shall have an interior public street system which provides for at least two points of access to the development. The public street system must include a collector road meeting all of the requirements of the Upper Macungie Township Subdivision and Land Development Ordinance.

F. A lot required to have a larger minimum lot area under Section 505 of the Zoning Ordinance due to steep slopes shall not be permitted to be reduced in lot area under this Article. The lot configuration may be revised to relocate proposed building sites whereby the requirements of Section 505 will not be applicable.

G. The Conservation Design Development design shall not provide for the location of wetlands or karst features on any residential lot unless they are within a Conservation Area Easement.

H. Woodland Preservation Areas protected by a covenant running with the land may be included in the calculation for the Conservation Area with fifty (50) percent of the Woodland Preservation Areas receiving credit as Conservation Area. Tree Conservation areas shall not be calculated as Conservation Area unless other requirements of the within section have been satisfied.

907. PHASING - Any phasing of a Conservation Design Development shall be submitted to the Board of Supervisors for approval with the Preliminary Plan submission. Such phasing shall ensure that each such phase shall meet the density and minimum Conservation Area requirements of this Article. All such phases shall be designed to ensure that after each phase is constructed and accepted by the Township, that phase shall properly and safely function without the construction of additional phases. Any proposed collector roads shall be constructed in their entirety as part of the first phase of any Conservation Design Development.
ARTICLE X
FLOODPLAIN REGULATIONS

1001. INTENT.

   A. Promote the general health, welfare, and safety of the community.
   B. Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.
   C. Minimize danger to public health by protecting water supply and natural drainage.
   D. Reduce financial burdens imposed on the community, its governmental units, and its residents, by preventing excessive development in areas subject to flooding.
   E. Comply with federal and state flood plain management requirements.

1002. APPLICABILITY.

   A. It shall be unlawful for any person, partnership, business or corporation to undertake, or cause to be undertaken, any construction or development anywhere within the Township unless a permit has been obtained.
   B. The conditions under which permits are required are contained in the Zoning Ordinance & Uniform Construction Code.

1003. ABROGATION AND GREATER RESTRICTIONS.

   A. This Ordinance supersedes any other conflicting provisions which may be in effect in identified flood plain areas. However, any other ordinance provisions shall remain in full force and effect to the extent that those provisions are more restrictive. If there is any conflict between any of the provisions of this Ordinance, the more restrictive shall apply.

1004. SEVERABILITY.

   A. If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such a decision shall not affect the remaining portions of this Ordinance, which shall remain in full force and effect, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

1005. WARNING AND DISCLAIMER OF LIABILITY.

   A. The degree of flood protection sought by the provisions of this Ordinance is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur, and flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by degree. This Ordinance does not imply that areas outside any identifying flood plain areas or that land uses permitted within such areas will be free from flooding or flood damages.
   B. This Ordinance shall not create liability on the part of the Township or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made there under.
1006. BUILDING PERMITS REQUIRED.

A. Building Permits shall be required before any construction or development is undertaken within any area of the Township.

B. Issuance of Building Permit:

1. The Zoning Officer shall issue a building permit only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this and all other applicable codes and ordinances.

2. Prior to the issuance of any building permit, the Zoning Officer shall review the application for the permit to determine if all other necessary government permits required by state and federal laws have been obtained, such as things required by the Pennsylvania Sewage Facilities Act (Act 1966 — 537, as amended); the Pennsylvania Dam Safety and Encroachments Act (Act 1978 — 325, as amended); the Pennsylvania Clean Streams Act (Act 1937 — 394, as amended), and the U.S. Clean Water Act, Section 404, 33, U.S.C. 1344. No permit shall be issued until this determination has been made.

3. No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the Township and until all required permits or approvals have been first obtained from the Department of Environmental Protection, Bureau of Dams, Waterways and Wetlands. In addition, the Federal Insurance Administrator and Pennsylvania Department of Community and Economic Development shall be notified by the Township prior to any alteration or revocation of any watercourse.

1007. APPLICATION PROCEDURES AND REQUIREMENTS.

A. Application for such a building permit shall be made, in writing on forms supplied by the Township. Such application shall contain the following:

1. An exact address of the property.
2. Name and address of the owner of land on which proposed construction is to occur.
3. Name and address of the contractor.
4. Tax map page, block and lot number.
5. Listing of other permits required and contractors performing work.
6. Brief description of proposed work and estimated cost.
7. The plan of the site showing the exact size and location of the proposed construction as well as any existing buildings or structures.

B. If any proposed construction or development is located entirely or partially within any identified floodplain area, applicants for building permits shall provide all the necessary information in sufficient detail and clarity to enable the Zoning Officer to determine that:
1. All such proposals are consistent with the need to minimize flood damage and conform with the requirements of this in all other applicable codes and ordinances;
2. All utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage; and
3. Adequate drainage is provided so as to reduce exposure to flood hazards.

C. Applicants shall file the following minimum information plus any other pertinent information as may be required by the Zoning Officer to make the above determination:

1. A completed Building Permit Application Form.
2. Two copies of a plan of the entire site, clearly and legibly drawn to a scale of one (1") inch being equal to one hundred (100') feet or less, showing the following:
   a. North arrow, scale, and date;
   b. Topographic contour lines, if available;
   c. All property and lot lines including dimensions, and the size of the site expressed in acres or square feet;
   d. The location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision and land development;
   e. The location of all existing streets, drives and other access ways; and
   f. The location of any existing bodies of water or watercourse, identified flood plain areas, and if available, information pertains to the floodway and the flow of water including direction and velocities.
3. Plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:
   a. The proposed lowest floor elevation of any proposed building based upon National Geodetic Vertical Datum of 1929;
   b. The elevation of the one hundred (100) year flood;
   c. If available, information concerning flood deaths, pressures, velocities, impact and uplift forces and other factors associative with a one hundred (100) year flood; and
   d. Detailed information concerning any proposed flood proofing measures.
4. The following data and documentation:
   a. Documentation, certified by the registered professional engineer or architect, to show that the cumulative effect of any proposed development within a FL (Special Flood Plain Area), when combined with all other existing and anticipated development, will not increase the elevation of the one hundred (100) year flood more than one (1') foot at any point.
   b. A document, certified by a registered professional engineer or architect, which states that the proposed construction or
development has been adequately designed to withstand the pressures, velocities, impact and uplift forces associative with the one hundred (100) year flood.

Such statement shall include a description of the type and extent of flood proofing measures which have been incorporated into the design of the structure and/or the development.

c. Detailed information needed to determine compliance with Section 4.03 F., Storage, and Section 4.04, Development Which May Endanger Human Life, including:

1) The amount, location and purpose of any materials or substances referred to in Sections 4.03 F. and 4.04 which are intended to be used, produced, stored or otherwise maintained on site.
2) A description of all the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed in Section 4.04 during a one hundred (100) year flood.

d. The appropriate component of the PaDEP "Planning Module for Land Development."

e. Where any excavation of grading is proposed, a plan meeting the requirements of PaDEP shall be implemented and maintained to control erosion and sedimentation.

A. Review by County Conservation District.

1. A copy of all applications and plans for any proposed construction or development in any identified flood plain area to be considered for approval shall be submitted by the Zoning Officer to the County Conservation District for review and comment prior to the issuance of a building permit. The recommendations of the conservation district shall be considered by the Zoning Officer for possible incorporation into the proposed plan.

E. Review of Application by Others.

1. A copy of all plans and applications for any proposed construction or development in any identified flood plain area to be considered for approval shall be submitted by the Zoning Officer to the Planning Commission and Township Engineer and any other appropriate agencies and/or individuals for review and comment.

F. Changes.

1. After the issuance of the building permit by the Zoning Officer, no changes of any kind shall be made to the application, permit or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Zoning Officer. Request for any such change shall be in writing, and shall be submitted by the applicant to the Zoning Officer for consideration.
G. Placards.

1. In addition to the building permit, the Zoning Officer shall issue a placard which shall be displayed on the premises during the time construction is in progress. This placard shall show the number of the building permit, the date of its issuance and be signed by the Zoning Officer.

H. Start of Construction.

1. Work on the proposed construction and/or development shall begin within six (6) months and shall be completed within twelve (12) months after the date of issuance of the building permit or the permit shall expire unless a time extension is granted, in writing, by the Zoning Officer. Construction and/or development shall be considered to have started with the preparation of land, land clearing, grading, filling, excavation of basement, footings, piers, or foundations, erection of temporary forms, the installation of piling under proposed subsurface footings, or the installation of sewer, gas and water pipes, or electrical or other service lines from the street.

2. Time extensions shall be granted only if any written request is submitted by the applicant, which sets forth sufficient and reasonable cause for the Zoning Officer to approve such a request.

I. Inspection and Revocation.

1. During the construction period, the Zoning Officer or other authorized official shall inspect the premises to determine that the work is progressing and compliance with the information provided on the permit application and with all applicable municipal laws and ordinances. He/she shall make as many inspections during and upon completion of the work as are necessary.

2. In the discharge of his duties, the Zoning Officer shall have the authority to enter any building, structure, premises or development in the identified flood plain area, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this Ordinance.

3. In the event the Zoning Officer discovers that the work does not comply with the permit application or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, the Zoning Officer shall revoke the building permit and report such fact to be Board of Supervisors for whatever action it considers necessary.

4. A record of all such inspections and violations of this Ordinance shall be maintained.

J. Fees.

1. Applications for a building permit shall be accompanied by a fee, payable to the township determined by the Building Permit Officer as set forth in a Resolution duly adopted by the Board of Supervisors.

K. Enforcement.
1. Notices - Whenever the Building Permit Officer or other authorized municipal Representative determines that there are reasonable grounds to believe that there has been a violation of any provisions of this Ordinance, or of any regulations adopted pursuant thereto, the Building Permit Officer shall give notice of such alleged violation as hereinafter provided. Such notice shall (a) be in writing; (b) include a statement of the reasons for its issuance; (c) allow a reasonable time not to exceed a period of thirty (30) days for the performance of any act it requires; (d) be served upon the property owner or his agent as the case may require; provided, however, that such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been served with such notice by any other method authorized or required by the laws of this State; (e) contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Ordinance.

2. Penalties - Any person who fails to comply with any or all of the requirements or provisions of this Ordinance or who fails or refuses to comply with any notice, order of direction of the Building Permit Officer or any other authorized employee of the Township shall be guilty of an offense and, upon conviction thereof, shall pay a fine to the Township of not less than one-hundred ($100.00) dollars nor more than Six hundred ($600.00) dollars plus costs of prosecution. In default of such payment, such person shall be imprisoned in Lehigh County prison for a period not to exceed ten (10) days. Each day during which any violation of this Ordinance continues shall constitute a separate offense. In addition to the above penalties all other actions are hereby reserved including an action in equity for the proper enforcement of this Ordinance. The imposition of a fine or penalty for any violation of, or noncompliance with, this Ordinance shall not excuse the violation or noncompliance or permit it to continue and all such persons shall be required to correct or remedy such violations and noncompliance within a reasonable time. Any development initiated or any structure or building constructed, reconstructed, enlarged, altered, relocated which is not in noncompliance with this Ordinance may be declared by the Board of Supervisors to be a public nuisance and abatable as such.

L. Appeals.

1. Any person aggrieved by any action or decision of the Building Permit Officer concerning the administration of the provisions of this Ordinance, may appeal to the Board of Supervisors. Such appeal must be filed, in writing, within 30 days after the decision, determination or action of the Building Permit Officer.

2. Under receipt of such appeal, the Board of Supervisors shall set a time and place, within not less than ten (10) nor more than thirty (30) days, for the purpose of considering the appeal herein. Notice of the time and place at which the appeal will be considered shall be given to all parties.
3. Any person aggrieved by any decision of the Board of Supervisors may seek relief there from by appeal to the Court of Common Pleas, as provided by the laws of this Commonwealth including the Pennsylvania Flood Plain Management Act.

1008. IDENTIFICATION.

The identified flood plain area shall be those areas of Upper Macungie Township, which are subject to the one hundred (100) year flood, identified in the Flood Insurance Study dated July 16, 2004 and the accompanying maps prepared for the Township by the Federal Emergency Management Agency (FEMA), or the most recent revision thereof.

1009. DESCRIPTION OF FLOOD PLAIN AREAS - The identified flood plain area shall consist of the following specific areas:

A. FW (Floodway Area) — the areas identified as "Floodway" in the AE Zone in the Flood Insurance Study prepared by the FEMA. The term shall also include floodway areas which have been identified in other available studies or sources of information for those flood plain areas where no floodway has been identified in the Flood Insurance Study (FIS).

B. FF (Flood—Fringe Area) — the remaining portions of the one hundred (100) year flood plain in those areas identified as an AE Zone in the Flood Insurance Study, where a floodway has been delineated. The basis for the outermost boundary of this area shall be the one hundred (100) year flood elevations as shown in the flood profiles contained in the Flood Insurance Study.

C. FE (Special Flood plain Area) - the areas identified as Zone AE in the Flood Insurance Study, where one hundred (100) year flood elevations have been provided, but no floodway has been delineated.

D. FA (General Flood Plain Area) - the areas identified as Zone A in the FIS for which no one hundred (100) year flood elevations have been provided. When available, information from other Federal, State and other acceptable sources shall be used to determine the one hundred (100) year elevation, as well as a floodway area, if possible. When no other information is available, the one hundred (100) year elevation shall be determined by using a point on the boundary of the identified flood plain area which is nearest the construction site in operation.

E. In lieu of the above, the Township may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect current accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Township.
1010. **CHANGES IN IDENTIFICATION OF AREA.**

A. The identified flood plain area may be revised or modified by the Board of Supervisors where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any such change, approval must be obtained from the Federal Insurance Administration (FIA).

1011. **BOUNDARY DISPUTES.**

A. Should a dispute concerning any identified flood plain boundary arise, an initial determination shall be made by the Township Zoning Officer and any party aggrieved by this decision or determination may appeal to the Board of Supervisors. The burden of proof shall be on the appellant.

1012. **TECHNICAL PROVISIONS - GENERAL.**

A. No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the Township, and until all required permits or approvals have been first obtained from the Department of Environmental Protection, Bureau of Dams, Waterways and Wetlands. In addition, the Federal Emergency Management Agency and Pennsylvania Department of Community and Economic Development shall be notified prior to any alteration or relocation of any watercourse.

B. Any new construction, development, uses or activities allowed with any identified flood plain area, shall be undertaken in strict compliance with the provisions contained in this Ordinance and any other applicable codes, ordinances and regulations.

1013. **SPECIAL REQUIREMENTS FOR FW, FE, AND FA AREAS.**

A. With any FW (Floodway Area), the following provisions apply:

1. Any new construction, development, use, activity, or encroachment that would cause any increase in flood heights shall be prohibited.

2. No new construction or development shall be allowed, unless a permit is obtained from the PaDEP, Bureau of Dams, Waterways and Wetlands.

B. Within any FE (Special Flood plain Area), or no new construction or development shall be allowed unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the elevation of the one hundred (100) year flood more than one (1) foot at any point.

C. Within any FE (Special Flood plain Area) or FA (General Flood plain Area), the following provisions apply:

1. No new construction or development shall be located within the area measured fifty (50) feet landward from the top of bank of any watercourse.
2. Any new construction or development, which would cause any increase in flood height, shall be prohibited within any floodway area.

1014. ELEVATION AND FLOOD PROOFING REQUIREMENTS.

A. Residential Structures - in addition to the requirements of the Township Building Code, within any identified flood plain area, any new construction or substantial improvement of the residential structure shall have the lowest floor (including basement) elevated up to the "Regulatory Flood Elevations."

B. Non-Residential Structures - within any identified floodplain area, any new construction or substantial improvement of a non-residential structure shall have the lowest floor (including basement) elevated up to, or above, the "Regulatory Flood Elevations," or be designed and constructed so that the space enclosed by such structure shall remain either completely or essentially dry during any flood up to that height.

C. Any nonresidential structure, or part thereof, having a lowest floor which is not elevated to at least one and one-half (1.5') feet above the one hundred (100) year flood elevation, shall be flood proofed in a completely or essentially dry manner in accordance with the W1 or W2 space classification standards contained in the publication entitled "Flood Proofing Regulations" published by the U. S. Army Corps of Engineers (June 1972, as amended) or with some other equivalent standard. All plans and specifications for such flood proofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above referenced standards.

D. Space below the Lowest Floor.

1. Fully enclosed space below the lowest floor (including basement) is prohibited.

2. Partially enclosed space below the lowest floor (including basement) which will be used solely for the parking of a vehicle, building access, or incidental storage in an area other than a basement, shall be designed and constructed to allow for the automatic entry and exit of flood waters for the purpose of equalizing hydrostatic forces on exterior walls. The term "partially enclosed space" also includes crawl spaces.

   a. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:

   b. A minimum of two openings having a total net area of not less than one (1) square inch for every square foot of enclosed space.

   c. The bottom of all openings shall be no higher than one (1) ft. above grade.

   d. Openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of flood waters.
E. Accessory structures - Structures accessory to a principal building need not be elevated or flood proofed to remain dry, but shall comply, had a minimum, with the following requirements:

1. The structure shall not be designed or used for human habitation, but shall be limited to the parking of vehicles, or to the storage of tools, material, and equipment related to the principal use or activity.
2. Floor area shall not exceed 600 square feet.
3. The structure will have a low damage potential.
4. The structure will be located on the site so as to cause the least obstruction to the flow of flood waters.
5. Power lines, wiring, and outlets will be at least one and one-half (1 ½) feet above the one hundred (100) year flood elevation.
6. Permanently affixed utility equipment and appliances such as furnaces, heaters, washers, dryers, etc. are prohibited.
7. Sanitary facilities are prohibited.
8. The structure shall be adequately anchored to prevent flotation or movement and shall be designed to automatically provide for the entry and exit of flood water for the purpose of equalizing hydrostatic forces on the walls. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:
   a. A minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.
   b. The bottom of all openings shall be no higher than one (1') foot above grade.
   c. Openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of flood waters.

1015. DESIGN AND CONSTRUCTION STANDARDS - The following minimum standards shall apply for all construction and development proposed within any identified floodplain area:

A. Fill - If fill it is used, it shall:

   1. Extend laterally at least fifteen (15') feet beyond the building line from all points;
   2. Consist of soil or small rock materials only — Sanitary Landfills shall not be permitted;
   3. Be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling;
   4. Be no steeper than one (1) vertical to two (2) horizontal feet unless substantiated data, justifying steeper slopes are submitted to, and approved by the Building Permit Officer; be used to the extent to which it does not adversely affect adjacent properties.

B. Drainage Facilities.
1. Storm drainage facilities shall be designed to convey the flow of storm water runoff in a safe and efficient manner. The system shall insure proper drainage along streets and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.

C. Water and Sanitary Sewer Facilities and Systems.

1. All new or replacement water and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of flood waters.
2. Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.
3. No part of any on-site sewer system shall be located within any identified floodplain area except in strict compliance with all State and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.

D. Other Utilities.

1. All other utilities such as gas lines, electrical and telephone systems shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.

E. Streets.

1. The finished elevation of all new streets shall be no more than one (1’) foot below the Regulatory Flood Elevation.

F. Storage.

1. All materials that are buoyant, flammable, explosive or, in times of flooding, can be injurious to human, animal, or plant life, and not listed in Section 4.04, Development Which May Endanger Human Life, shall be stored at or above the regulatory Flood elevation and/or flood proofed to the maximum possible extent.

G. Placement of Buildings and Structures.

1. All buildings and structures shall be designed, located, and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of flood water.

H. Anchoring.

1. All buildings and structures shall be firmly anchored in accordance with accepted engineer practices to prevent flotation, collapsed, or lateral movement.
2. All air ducts, large pipes, storage tanks, and other similar objects or components located below the Regulatory Flood Elevation shall be securely anchored or affixed to prevent flotation.

I. Floors, Walls and Ceilings.
   1. Wood flooring used at or below the Regulatory Flood Elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain without causing structural damage to the building.
   2. Plywood used at or below the Regulatory Flood Elevation shall be of a "marine" or "water resistant" variety.
   3. Walls and ceilings at or below the Regulatory Flood Elevation shall be designed and constructed of materials that are "water resistant" and will withstand inundation.
   4. Windows, doors, and other components at or below the Regulatory Flood Elevation shall be made of metal and other "water resistant" material.

J. Paints and Adhesives.
   1. Paints and other finishes used at or below the Regulatory Flood Elevation shall be of "marine" or "water resistant" quality.
   2. Adhesives used at or below The Regulatory Flood Elevation shall be of a "marine" or "water resistant" variety.
   3. All wooden components (doors, trim, cabinets, etc.) shall be finished with a "marine" or water resistant paint or other finishing material.

K. Electrical Components.
   1. Electrical distribution panels shall be at least three (3') feet above the one hundred (100) year flood elevation.
   2. Separate electrical circuits shall serve lower levels and shall be dropped from above.

L. Equipment.
   1. Water heaters, furnaces, air-conditioning and ventilation units, and other electrical, mechanical or utility equipment or apparatus shall not be located below the Regulatory Flood Elevation.

M. Fuel Supply Systems.
   1. All gas and oil supply systems shall be designed to prevent the infiltration of flood waters into the system and discharges from the system into flood waters. Additional provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.

1016. DEVELOPMENT WHICH MAY ENDANGER HUMAN LIFE.
   A. In accordance with the Pennsylvania Floodplain Management Act, and the regulations adopted by the Department of Community and Economic Development as required by the Act, any new or substantially improved structure which:
1. Will be used for the production or storage of any of the following dangerous materials or substances; or,
2. Will be used for any activity requiring the maintenance of a supply of more than 550 gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises; or,
3. Will involve the production, storage, or use of any amount of radioactive substances;
4. Shall be subject to the provisions of this section, in addition to all other applicable provisions. The following list of materials and substances are considered dangerous to human life.

   1) Acetone
   2) Ammonia
   3) Benzene
   4) Calcium carbide
   5) Carbon disulfide
   6) Celluloid
   7) Chlorine
   8) Hydrochloric acid
   9) Hydrocyanic acid
  10) Magnesium
  11) Nitric acid and oxygen of nitrogen
  12) Petroleum products (gasoline, fuel oil, etc.)
  13) Phosphorus
  14) Potassium
  15) Sodium
  16) Sulfur and sulfur products
  17) Pesticides (including insecticides, fungicides & rodenticides)
  18) Radioactive substances which are not otherwise regulated.

B. Within any FW (Floodway Area), any structure of the kind describe in Subsection A above, shall be prohibited.
C. Where permitted within any floodplain area, any new or substantially improved structure of the kind described in Subsection A, above, shall be:

   1. Elevated or designed and constructed to remain completely dry up to at least one and one-half (1.5’) feet above the one hundred (100) year flood.
   2. Designed to prevent pollution from the structure or activity during the course of any one hundred (100) year flood.
   3. Any such structure, or part thereof, that will be built below the Regulatory Flood Elevation shall be designed and constructed in accordance with the standards for completely dry flood proofing contained in the publication "Flood-Proofing Regulations" (U. S. Army Corps of Engineers, June 1972 as amended), or with some other equivalent watertight standard.

D. Special Requirements for Manufactured Homes.

   1. Within any FW (Floodway Area), manufactured homes shall be prohibited.
1017. ACTIVITIES REQUIRING SPECIAL PERMITS.
   A. General. - In accordance with the administrative regulations promulgated by
      the Department of Community and Economic Development to implement the
      Pennsylvania Flood Plain Management Act, the following activities shall be
      prohibited within any floodplain area:

      1. The commencement of any of the following activities; or the construction
         enlargement, or expansion of any structure used, or intended to be used,
         for any of the following activities:

         a. Hospitals
         b. Nursing Homes
         c. Jails or Prisons

      2. The commencement of, or any construction of, a new manufactured home
         park or manufactured home subdivision, or substantial improvement to
         an existing manufactured home park or manufactured home subdivision.

1018. EXISTING STRUCTURES IN IDENTIFIED FLOODPLAIN AREAS.
   A. Existing Structures - The provisions of the Ordinance do not require any
      change or improvements to be made to lawfully existing structures.
      However, when an improvement is made to any existing structure, the
      provisions of Section 5.01 shall apply.
   B. Improvements - The following provisions shall apply whenever any
      improvement is made to an existing structure located within any identified
      floodplain area:

      1. No expansion or enlargement of an existing structure shall be allowed
         within any floodway area that would cause any increase in the elevation of
         the one hundred (100) year flood.

      2. No expansion or enlargement of an existing structure shall be allowed
         within any FE area that would, together with all other existing and
         anticipated development, increase in the one hundred (100) year flood
         elevation more than one (1') foot at any point.

      3. Any modification, alteration, reconstruction, or improvement, of any
         kind to an existing structure, to an extent more amount of fifty (50%)
         percent or more of its market value, shall constitute a substantial
         improvement and shall be undertaken only in full compliance with the
         provisions of this Ordinance.

      4. Any modification, alteration, reconstruction, or improvement of any time to
         an existing structure, to an extent or amount of less than fifty (50%)
         percent of its market value, shall be elevated and/or flood proofed to the
         greatest extent possible area.

1019. WAIVERS.
   A. General - If compliance with any of the requirements of this Ordinance
      would result in an exceptional hardship to a prospective builder, developer
or landowner, the Township may, upon written request, grant relief from the strict application of the requirements.

B. Waiver Procedures and Conditions - Requests for waivers shall be considered by the Township in accordance with procedures contained in Section 2.11 in the following:

1. No waiver shall be granted for any construction, development, use, or activity within any floodway area that would cause any increase in the one hundred (100) year flood elevation.
2. No waiver shall be granted for any construction, development, use, or activity within any FE area that would, together with all other existing and anticipated development, increase the one hundred (100) year flood elevation more than one (1') foot at any point.
3. Except for a possible modification of the one and one-half (1.5') foot freeboard requirements involved, no waivers shall be granted for any of the other requirements pertaining specifically to Development Which May Endanger Human Life (Section 4.04)
4. If granted, a waiver shall involve only the least modification necessary to provide relief.
5. In granting any waiver, the Township shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety, and welfare, and to achieve the objectives of this Ordinance.
6. Whenever a waiver is granted, the Township shall notify the applicant and in writing that:
   a. The granting of the waiver may result in increased premium rates for flood insurance.
   b. Such waivers may increase the risks to life and property.

C. In reviewing any request for a waiver, the Township shall consider, at a minimum, the following:

1. That there is good and sufficient cause.
2. That failure to grant the waiver would result in exceptional hardship to the Applicant.
3. That the granting of the waiver will neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense, nor create nuisances, cause fraud on, or victimize the public, or conflict with any applicable state or local ordinances and regulations.

D. A complete record of all waiver requests and related actions shall be maintained by the Township. In addition, a report of all waivers that are granted during the year shall be included in the annual report to the Federal Insurance Administration. Notwithstanding any of the above, all structures shall be designed and constructed so as to have the capability of resisting the one hundred (100) year flood.
1020. **DEFINITIONS.**

A. General - Unless specifically defined below, words and phrases used in this ordinance shall be interpreted so as to give this ordinance its most reasonable application.

B. **Specific Definitions**

1. **Accessory Use or Structure** - a use or structure on the same lot with, and is customarily incidental and subordinate to, the principal use or structure.

2. **Basement** - means any area of the building having its four walls below ground level on all sides.

3. **Building** - a combination of materials to form a permanent structure having walls and a roof, shall include all manufactured homes and trailers to be used for human habitation.

4. **Building Permit Officer** - the building permit officer or that person designated by the Township to issue building permits, review applications and submissions and to ensure that all persons comply with the provisions of this Ordinance.

5. **Completely Dry Space** - a space which will remain totally dry during flooding; the structure is designed and constructed to prevent the passage of water and water vapor.

6. **Development** - any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures; the placement of manufactured homes; streets, and other paving; utilities; filling, grading and excavation; mining; dredging; drilling operations; storage and equipment or materials; and the subdivision of land.

7. **Essentially Dry Space** - a space which will remain dry during flooding, except for the passage of some water vapor or minor seepage; the structure is substantially impermeable to the passage of water.

8. **Flood** - a temporary inundation of normally dry land areas.

9. **Floodplain Area** - a relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.

10. **Flood Proofing** - means any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

11. **Floodway** - the designated area of a floodplain required to carry and discharge flood waters of a given magnitude. For purposes of this Ordinance, the floodway shall be capable of accommodating a flood of the one hundred (100) year magnitude.

12. **Historic Structure** - any structure that is:
a. Listed individually on the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
   1) By an approved state program as determined by the Secretary of Interior or
   2) Directly by the Secretary of Interior in states without approved programs.

13. Identified Floodplain Area - the floodplain area specifically identified in this Ordinance as being inundated by the one hundred (100) year flood.

14. Land Development - any of the following activities:
   a. The improvement of one lot or two or more contiguous lots, tracks, or parcels of land for any purpose involving:
      1) A group of two or more residential or nonresidential buildings whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
      2) The division of allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.

b. A Subdivision of Land.

15. Lowest Floor - the lowest floor of the lowest fully enclosed area (including basement). An unfinished, flood resistant partially enclosed area, used solely for parking of vehicles, building access, and incidental storage, in an area other than a basement area is not considered the lowest floor of a building, provided that such space is not designed and built so that the structure is in violation of the applicable non-elevation design requirements of this Ordinance.

16. Manufactured Home - a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term includes park trailers, travel trailers, recreational and similar vehicles which are placed on a site for more than 180 consecutive days.
17. **Manufactured Home Park** - the parcel of land under single ownership, which has been planned and improved for the placement of two or more manufactured homes for non-transient use.

18. **Minor Repair** - the replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting a way of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of the structure affecting the exit way requirements; nor shall minor repairs include addition to, alteration of, replacement or revocation of any standpipe, water supply, sewer, drainage, drain leader, gas, oil, waste, vent, or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

19. **New Construction** - structures for which the start of construction commenced on or after March 28, 1979, and includes any subsequent improvements thereto.

20. **One Hundred Year Flood** - a flood that, on the average, is likely to occur once every one hundred (100) years (i.e. that has one (1) percent chance of occurring each year, although the flood may occur in any year).

21. **Person** - an individual, partnership, public or private association, corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties.

22. **Recreational Vehicle** - a vehicle which is:
   a. Built on a single chassis.
   b. Not more than 400 square feet, measured at the largest horizontal projections.
   c. Designed to be self-propelled or to be towed by any light duty truck.
   d. Not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

23. **Regulatory Flood Elevation** - the one hundred (100) year flood elevation plus a freeboard safety factor of one and one-half (1.5’) feet.

24. **Structure** - anything constructed or erected on the ground or attached to the ground including, but not limited to buildings, sheds, manufactured homes, and other similar items. This term includes any man-made object having an ascertainable stationary location on or in land or water whether or not affixed to land.

25. **Subdivision** - the division or re-division of a lot, tracks or parcel(s) of land by any means into two or more lots, tracks, 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. Provided that the subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any the street or easement of access or any residential dwelling, shall be exempted.
26. **Substantial Damage** - damage from any cause sustained by a structure whereby the cost of restoring the structure to its pre-damaged condition will equal or exceed fifty (50%) percent or more of the market value of the structure before the damage occurred.

27. **Substantial Improvement** - any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50%) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. This term does not include either:

   a. Any project for improvement of the structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the code enforcement official and which are the minimum necessary to ensure safe living conditions, or;

   b. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."